

ANALYSIS OF THE NEW JERSEY FISCAL YEAR 2001 - 2002 BUDGET



THE JUDICIARY

PREPARED BY

OFFICE OF LEGISLATIVE SERVICES

NEW JERSEY LEGISLATURE

APRIL 2001

NEW JERSEY STATE LEGISLATURE

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

Robert E. Littell (R), 24th District (Sussex and parts of Hunterdon and Morris), *Chairman*
Peter A. Inverso (R), 14th District (Parts of Mercer and Middlesex), *Vice Chairman*
Martha W. Bark (R), 8th District (Parts of Atlantic, Burlington and Camden)
Wayne R. Bryant (D), 5th District (Parts of Camden and Gloucester)
Anthony R. Bucco (R), 25th District (Part of Morris)
Sharpe James (D), 29th District (Parts of Essex and Union)
Walter J. Kavanaugh (R), 16th District (Parts of Morris and Somerset)
Bernard F. Kenny, Jr. (D), 33rd District (Part of Hudson)
Joseph M. Kyrillos, Jr. (R), 13th District (Parts of Middlesex and Monmouth)

GENERAL ASSEMBLY BUDGET COMMITTEE

Leonard Lance (R), 23rd District (Warren and parts of Hunterdon and Mercer), *Chairman*
Joseph R. Malone, III (R), 30th District (Parts of Burlington, Monmouth and Ocean), *Vice Chairman*
Peter J. Biondi (R), 16th District (Parts of Morris and Somerset)
Francis J. Blee (R), 2nd District (Part of Atlantic)
Barbara Buono (D), 18th District (Part of Middlesex)
Steve Corodemus (R), 11th District (Part of Monmouth)
Marion Crecco (R), 34th District (Parts of Essex and Passaic)
Louis D. Greenwald (D), 6th District (Part of Camden)
Nellie Pou (D), 35th District (Part of Passaic)
Albio Sires (D), 33rd District (Part of Hudson)
Joel M. Weingarten (R), 21st District (Parts of Essex and Union)

OFFICE OF LEGISLATIVE SERVICES

Alan R. Kooney, *Legislative Budget and Finance Officer*
Allan Parry, *Assistant Legislative Budget and Finance Officer*

Glenn E. Moore, III, *Director, Central Staff*
John J. Tumulty, *Section Chief, Judiciary Section*

This report was prepared by the Judiciary Section of the Office of Legislative Services under the direction of the Legislative Budget and Finance Officer. The primary author was Anne C. Raughley

Questions or comments may be directed to the OLS Judiciary Section (Tel. 609 292-5526) or the Legislative Budget and Finance Office (Tel. 609 292-8030).

THE JUDICIARY

Budget Pages..... C-13, C-20, C-26, D-525 to D-533

Fiscal Summary (\$000)

	Expended FY 2000	Adjusted. Appropriation FY 2001	Recommended FY 2002	Percent Change 2001-02
State Budgeted	\$416,265	\$452,912	\$452,912	0.0%
Federal Funds	57,029	59,419	58,536	(1.5)%
<u>Other</u>	<u>21,021</u>	<u>21,764</u>	<u>21,799</u>	<u>0.2%</u>
Grand Total	\$494,315	\$534,095	\$533,247	(0.2)%

Personnel Summary - Positions By Funding Source

	Actual FY 2000	Revised FY 2001	Funded FY 2002	Percent Change 2001-02
State	7,559	7,579	7,855	3.6%
Federal	1,318	1,318	1,363	3.4%
<u>Other</u>	<u>177</u>	<u>184</u>	<u>196</u>	<u>6.5%</u>
Total Positions	9,054	9,081	9,414	3.7%

FY 2000 (as of December) and revised FY 2001 (as of September) personnel data reflect actual payroll counts. FY 2002 data reflect the number of positions funded.

Introduction

The Judiciary is responsible for the operation of the State's court system and the regulation of attorneys. The Judiciary also provides technical and administrative support to the courts. In addition, it designs, supervises and operates many court-related programs at the State, county and municipal levels of government.

The Chief Justice of the New Jersey Supreme Court serves as the administrative head of the court system. The Chief Justice directs court policy and appoints special committees to investigate problems and issues concerning the administration of the judicial system. The Administrative Office of the Courts (AOC) serves as the administrative arm of the Chief Justice.

Key Points

- ! Recommended FY 2002 State funding for the Judiciary is \$453 million, the same level as the Judiciary's FY 2001 adjusted appropriation.
- ! A new appropriation of \$4.256 million is recommended for the expansion of the Drug Court program to two additional vicinages. According to the AOC, however, the appropriation would provide sufficient funding to replace federal funding in two vicinages which expired in FY 2001. Recommended language provides for the transfer of up to \$2.68 million of this amount to the Department of Corrections for treatment costs. Drug Courts provide for intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration.
- ! Offsetting the recommendation of \$4.256 for two drug courts is reduced funding of \$4.256 million for other programs within the Judiciary that includes the elimination of one-time costs in the Division of Information Services (\$3.3 million) and the discontinuation of the Youth Violence Initiative (\$1.0 million).
- ! Recommended FY 2002 budget language would permit the Judiciary to transfer unexpended salary balances totaling up to \$15 million to the Additions, Improvements and Equipment account within the Division of Information Services to provide funding for a proposed information technology upgrade. The Judiciary estimates the cost of the program to be about \$32 million.
- ! The Family Courts and Probation Services program classes are recommended to receive a total of \$58.4 million in federal funds in FY 2002, \$316,000 less than the amount received in FY 2001. The major portion of federal funds are for the Title IV-D Child Support and Paternity Program. Funding for the Title IV-D program is distributed among the 15 vicinages according to the number of child support cases each vicinage handles.
- ! The FY 2002 recommendation of \$295,000 in Other Funds for the Family Courts represents a \$213,000 increase in collections for the Parents Education Fund and reflects a full-year of program operation. The program is designed to assist and advise divorced or separating parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties are likely to face during the divorce process. The program is funded through a \$25 fee imposed upon program participants.
- ! The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2002 recommended budget language would permit the reappropriation of up to \$2 million in unexpended balances from FY 2001 subject to the approval of the Director of the Division of Budget and Accounting.

Background Paper

- ! Drug Courts

p. 17

Program Description and Overview

The Judiciary is responsible for the operation of the State's court system and the regulation of attorneys. The Judiciary is organized into 15 vicinages encompassing the 21 counties in New Jersey, and the Administrative Office of Courts which provides administrative services to the courts. Court operations include the Supreme Court, Superior Court - Appellate Division, Civil, Criminal and Family Courts, and Court Reporting Services. Probation Services is responsible for the statewide supervision of all probationers and the provision of probation services in the 15 vicinages. The Judiciary also provides oversight, supervision and technical support to the 537 locally funded municipal courts throughout the State.

The Chief Justice of the New Jersey Supreme Court serves as the administrative head of the court system. The Chief Justice directs court policy and appoints special committees to investigate problems and issues concerning the administration of the judicial system. The Administrative Office of the Courts (AOC) serves as the administrative arm of the Chief Justice.

Overview

The FY 2002 recommended Direct State Services budget for the Judiciary is \$453 million, the same level as the FY 2001 adjusted appropriation. A funding increase totaling \$4.256 million is recommended for the expansion of the Judiciary's Drug Court program in FY 2002. Offsetting this recommendation is reduced funding of \$4.256 million for other programs within the Judiciary that includes the elimination of one-time costs in the Division of Information Services (\$3.3 million) and the discontinuation of the Youth Violence Initiative (\$1.0 million).

The Judiciary's FY 2002 budget recommendation includes a Direct State Services appropriation of \$304 million for the operation of the 15 trial court vicinages. The vicinages are also recipients of approximately \$48 million in federal funding, primarily in the form of reimbursements for child support collection activities (Title IV-D). The Judiciary estimates that it will collect about \$896 million in child support payments in FY 2002, distributing 3.8 million checks to custodial parents, an increase of \$57 million over the FY 2001 estimated collection level of \$839 million.

The FY 2002 budget recommendation for the combined State and federal funding of the Title IV-D Child Support and Paternity program totals \$85.2 million. Of this amount, the State share totals \$26.7 million and the federal share is \$58.5 million, of which the State will receive \$52.65 million. The remaining \$5.85 million in federal funding will be passed on to the counties as reimbursements for the use of county facilities for Title IV-D activities. Under Title IV-D, the federal government reimburses the State for 66 percent of the cost of conducting its child support enforcement activities.

Personnel

The Judiciary is budgeted for 447 judicial positions. Of these 7 are Supreme Court justices, 12 are Tax Court judges, and 428 are Superior Court judges. As of March 1, 2001, 36 of these positions were vacant. It is expected that 5 of these vacancies will be eliminated by the 5 candidates who had been nominated for judicial appointment and are expected to be confirmed by the Senate prior to the end of FY 2001. The FY 2002 budget recommendation incorporates an assumed 15 judicial vacancies at any one time during the year to adjust for the lead time required for judicial appointments and confirmations.

Program Description and Overview (Cont'd)

Judicial salaries were increased by law over a three-year period beginning on January 1, 2000. Under the statute, the Chief Justice, Supreme Court Associate Justices, Superior Court Appellate Justices, Assignment Judges, Superior Court Judges and Tax Court Judges all become eligible for increases on January 1, 2000, January 1, 2001, and January 1, 2002, respectively, as follows:

Judicial Salary Increases

<i>P.L. 1999 c.380</i>	Effective Prior to December 31, 1999	Effective January 1, 2000	Effective January 1, 2001	Effective January 1, 2002
Supreme Court Chief Justice	\$138,000	\$149,018	\$156,634	\$164,250
Supreme Court Associate Justice	\$132,250	\$145,881	\$152,191	\$158,500
Superior Court Appellate Judge	\$124,200	\$141,176	\$145,588	\$150,000
Superior Court Assignment Judge	\$120,750	\$138,036	\$142,393	\$146,750
Superior Court Judge	\$115,000	\$133,330	\$137,165	\$141,000
Tax Court Judge	\$115,000	\$133,330	\$137,165	\$141,000

The FY 2002 budget provides funding for 9,414 State, federal and other positions. Of these positions, 7,855 are State supported, 1,363 are federally funded, and 196 are funded from other sources such as dedicated or revolving funds.

The majority of the federally funded positions are dedicated to the Title IV-D Child Support and Paternity programs and are supported by Title IV-D federal reimbursement. Under Title IV-D, the federal government reimburses the State 66.67 percent of the cost of operating this function, and the State is responsible for the remaining 33.3 percent. Child support collections activities receive federal support because of the assumption that payments made by many non-custodial parents could reduce poverty level and financial insecurity among children and their custodial parents. In addition these payments could prevent recipient families from entering the welfare system or aid those families on welfare to leave more quickly by substituting private income for public assistance.

Program Description and Overview (Cont'd)

Alternatives to Incarceration

Drug Court

The Judiciary continues to operate the Drug Court program in cooperation with the Departments of Corrections, and Health and Senior Services. To date, there are five Drug Courts in operation, and one in the planning and development stages. The program, which is funded through appropriations to both the Judiciary and to the Department of Corrections, involves these agencies in a cooperative effort to oversee intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration.

Funding allotted to the Judiciary provides for non-treatment related costs of the drug courts such as drug assessment, testing, transportation and probation costs. Funding allotted to the Department of Corrections provides for participant treatment.

Costs of the FY 2002 program are funded under three separate line items, and two language provisions. The Judiciary is recommended to receive \$4.256 million for Additional Drug Courts. Budget language provides that up to \$2.68 million of the \$4.256 million be transferred to the Department of Corrections for drug court treatment.(Budget Page D-533)

The Department of Corrections is recommended to receive \$4.125 million for drug court treatment in FY 2002, and another \$800,000 for the operation of drug courts. Budget language provides for the \$800,000 appropriation to be transferred to the appropriate agency.(Budget Page D-93). According to the Department of Corrections, to date, all drug court funding transferred pursuant to this language has been transferred to the Judiciary.

According to the Judiciary, two drug courts in the State, Camden and Passaic vicinages, are scheduled to exhaust their federal funding in FY 2002 and it will be necessary to use State funds to continue the operation of these programs.

Intensive Supervision Program

The Intensive Supervision Program (ISP) is recommended to receive \$9.5 million in FY 2002, the same amount as the FY 2001 adjusted appropriation. The ISP program places State-sentenced non-violent adult offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, thus reserving prison bed spaces for violent offenders. During FY 2001, the program diverted an estimated 1,217 non-violent adult offenders from the State's prisons. Of these offenders, an estimated 384, or 32 percent, were returned to prison for various infractions of the ISP regulations. The FY 2002 recommended appropriation would again support about 1,217 program participants.

Juvenile Intensive Supervision Program

The Juvenile Intensive Supervision Program (JISP), a program for juvenile offenders, is recommended to receive continued funding in the amount of \$1.9 million in FY 2002. The program is structured to provide Juvenile court judges with an alternative to incarceration for

Program Description and Overview (Cont'd)

selected juvenile offenders. According to budget evaluation data, the FY 2002 recommended appropriation would support an estimated 360 program participants. Of these offenders, an estimated 80, or 22 percent of the program participants, are expected to be returned to the juvenile justice system for various infractions of the JISP regulations.

Youth Violence Initiative

The Youth Violence Initiative, which received initial funding in FY 2000 and FY 2001 for Family Crisis Intervention Units (FCIU) in the counties to expand their services in family was never implemented. It is anticipated that the FY 2001 funding will either lapse to the General Fund or become a part of the Judiciary's \$2 million carry forward balance into FY 2002. No funding is recommended in FY 2002.

Information Technology

Information Technology Upgrade

Recommended FY 2002 budget language would permit the Judiciary to transfer unexpended salary balances totaling up to \$15 million to the Additions, Improvements and Equipment account within the Division of Information Services account to help fund its proposed information technology upgrade. The Judiciary estimates the cost of this program to be about \$107 million over a five-year period beginning in FY 2002. The FY 2002 portion of the program cost is estimated at \$32 million.

The Judiciary notes that it relies on its information systems for its basic operations. Nearly three million online transactions are made each day. Users include the courts, local and state police, local and State correctional institutions, prosecutors and public defenders, DYFS, domestic violence service providers, the Division of Motor Vehicles and others.

In a statement before the Commission on Capital Budgeting and Planning on November 17, 2000, Richard Williams, the Administrative Director of the Courts stated "technology is constantly evolving. . . . Similar to many other large organizations, the Judiciary is facing obsolescence of the technology supporting many of its vital operations." The FY 2002 funding request of \$32 million would permit the Judiciary begin to address the following:

- Convert IDMS databases to relational databases
- Expand Wide Area Network
- Convert Group Ware/Electronic Mail
- Update desktop and office automation software
- Replace desktop operating system
- Replace Network Operating System
- Expand Data Center
- Expand Internet Service
- Expand Electronic Filing

Program Description and Overview (Cont'd)

FACTS - Family Automated Case Tracking System/GUI - Graphical User Interface

The FY 2002 budget recommends continuation funding totaling \$415,000 to rewrite and modernize the Family Automated Case Tracking System (FACTS) and to update the Graphical User Interface (GUI). FACTS provides an automated docket in all Family Division cases in the trial courts. It also provides the mechanisms to manage those cases from filing through to disposition. Currently, FACTS includes over 700 programs, with over 450,000 transactions daily by more than 500 authorized users, both in the Judiciary and in other law enforcement agencies.

FACTS is often operated on an emergent basis, particularly when the courts or law enforcement agencies require immediate, up-to-date information on domestic violence cases. The proposed upgrade would make it easier for court employees to enter and manipulate data, compile reports, and deliver usable information for court managers and other agencies.

Electronic Filing-Law and Dissolution

The FY 2002 budget recommends the sum of \$244,000 for the continuation of the Electronic Filing - Law and Dissolution program. The Judiciary received \$1.7 million for the implementation of this program in FY 2001. According to Budget evaluation data, in FY 2001 there were about 61,000 divorce cases and 108,000 other civil cases filed with the court. It is anticipated that the number of divorces cases filed in 2002 will total 63,000, while the number of civil cases will average 105,000. Under electronic filing, attorneys would be able to file pleadings electronically over the Internet, saving time and money. Ultimately, the system is intended to transform court operations into a paper-less operation.

Other Programs

The Judiciary operates a variety of programs which are funded through fees and assessments on program participants. The following changes are noted:

The **Bar Admissions Financial Committee** is funded through a fee charged to all applicants to the New Jersey Bar Association. The account is estimated to decrease from \$2.11 million to \$1.97 million in FY 2002, a \$140,000 decrease. This decrease reflects a reduction in the number of applicants to the New Jersey Bar.

The **Board on Attorney Certification** is funded by fees charged to attorneys seeking certification in Civil Trial, Criminal Trial, Matrimonial Law and Workers Compensation Law in New Jersey. The FY 2002 recommendation for this program is expected to decrease by \$51,000, from \$322,000 to \$271,000.

The Supreme Court operates two programs funded through assessments charged to all practicing attorneys, the **Ethics Financial Committee** and the **New Jersey Lawyers Fund for Client Protection**. Assessments attributable to the Ethics Financial Committee are anticipated to increase by \$16,000 to \$6.793 million while the New Jersey Lawyers Fund for Client Protection is estimated to increase by \$27,000 to \$1.255 million in FY 2002.

Program Description and Overview (Cont'd)

The FY 2002 budget recommends \$295,000 for the **Parents Education Program**, a \$213,000 increase over the FY 2001 adjusted appropriation of \$82,000. This increase reflects the first full-year of program operation. The program, which was authorized under P.L. 1999, c.11, requires all parties filing an action for divorce, wherein the custody, visitation or support of a minor child is an issue, to participate in a Parent Education program. The program is designed to assist and advise divorced or separating parents on issues concerning divorce, separation and custody. Its goal is to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties are likely to face during the divorce process. The program is funded through a \$25 fee imposed upon program participants.

Carry Forward

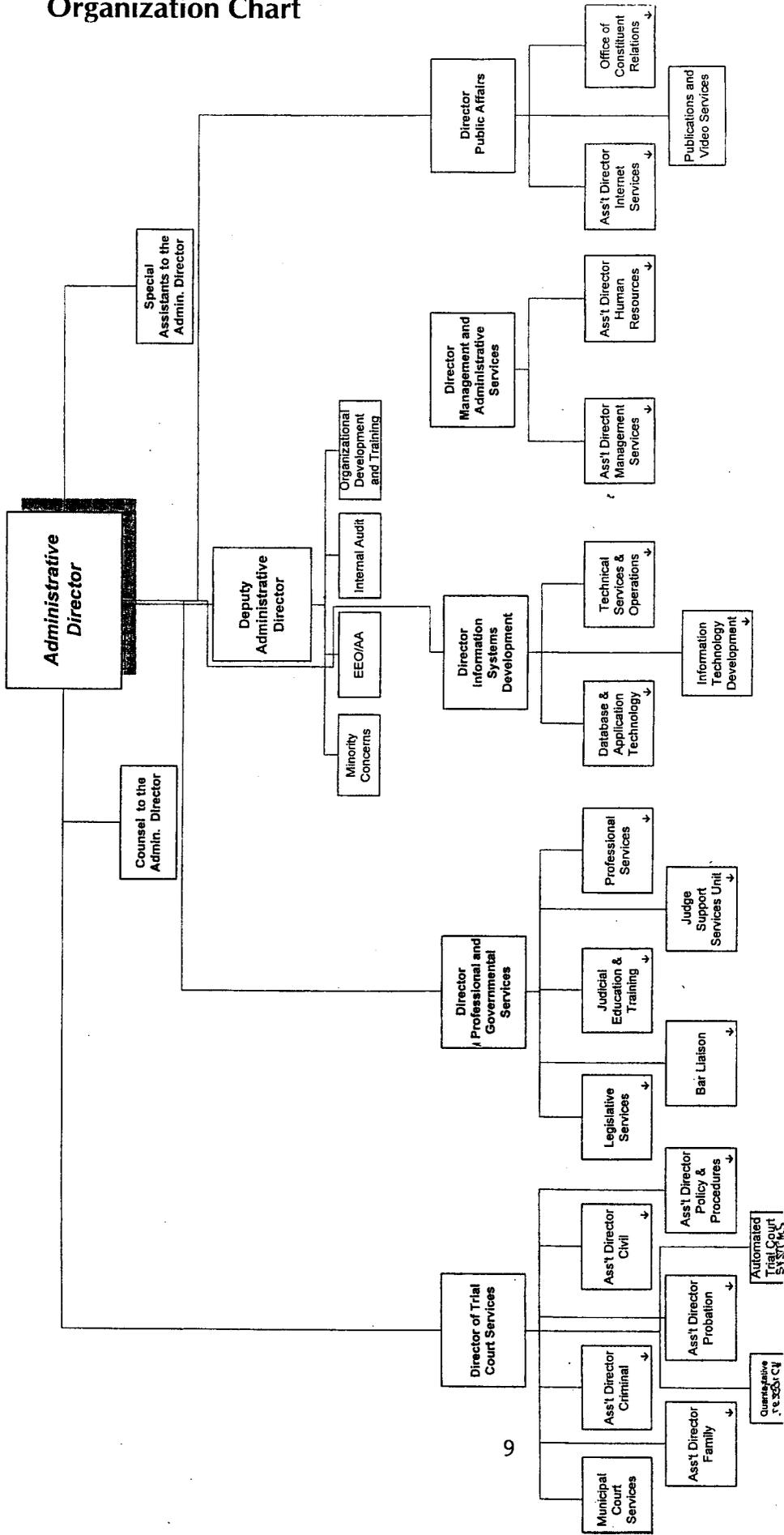
The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2002 recommended budget language would permit the Judiciary to carry forward up to \$2 million in unexpended balances at the end of FY 2001 subject to the approval of the Director of the Division of Budget and Accounting. This is the same language that is in effect in FY 2001.

Additional language would permit up to \$15 million from the salary accounts to be transferred to the Additions Improvements and Equipment account and used for information technology upgrades.(Budget Page D-533)

Organization Chart

Judiciary Table of Organization: Administrative Office of the Courts

March 7, 2001



Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2000	Adj. Approp. FY 2001	Recom. FY 2002	Percent Change	
				2000-02	2001-02
General Fund					
Direct State Services	\$416,265	\$452,912	\$452,912	8.8%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Capital Construction	0	0	0	0.0%	0.0%
Debt Service	0	0	0	0.0%	0.0%
Sub-Total	\$416,265	\$452,912	\$452,912	8.8%	0.0%
Property Tax Relief Fund					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Sub-Total	\$0	\$0	\$0	0.0%	0.0%
Casino Revenue Fund	\$0	\$0	\$0	0.0%	0.0%
Casino Control Fund	\$0	\$0	\$0	0.0%	0.0%
State Total	\$416,265	\$452,912	\$452,912	8.8%	0.0%
Federal Funds	\$57,029	\$59,419	\$58,536	2.6%	(1.5)%
Other Funds	\$21,021	\$21,764	\$21,799	3.7%	0.2%
Grand Total	\$494,315	\$534,095	\$533,247	7.9%	(0.2)%

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2000	Revised FY 2001	Funded FY 2002	Percent Change	
				2000-02	2001-02
State	7,559	7,579	7,855	3.9%	3.6%
Federal	1,318	1,318	1,363	3.4%	3.4%
All Other	177	184	196	10.7%	6.5%
Total Positions	9,054	9,081	9,414	4.0%	3.7%

FY 2000 (as of December) and revised FY 2001 (as of September) personnel data reflect actual payroll counts. FY 2002 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

Total Minority Percent	31.2%	31.1%	30.1%	---	---
------------------------	-------	-------	-------	-----	-----

Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp. FY 2001</u>	<u>Recomm. FY 2002</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Additional Drug Courts	\$0	\$4,256	\$4,256	—	D-531

The FY 2002 recommendation provides funding to support additional drug courts. Of this amount, recommended language provides for the transfer of up to \$2.68 million of the appropriation to the Department of Corrections for treatment costs. (Budget page D-533). The remaining portion of the recommended appropriation, along with the \$800,000 to be transferred from the Department of Corrections to the Judiciary for drug court operations, results in a total appropriation of \$2.376 million in State funding to the Judiciary for the drug court program. The recommended funding increase would support 14 additional positions.

Youth Violence Initiative	\$1,000	\$0	(\$1,000)	(100.0)%	D-532
----------------------------------	---------	-----	-----------	----------	-------

The Youth Violence Initiative was never implemented nor has the FY 2000 or FY 2001 funding been spent. No funding is recommended for the program in FY 2002.

Child Support and Paternity Program Title IV-D (Family Court)	\$6,198	\$7,228	\$1,030	16.6%	D-532
--	---------	---------	---------	-------	-------

Child Support and Paternity Program Title IV-D (Probation)	\$20,499	\$19,469	(\$1,030)	(5.0)%	D-532
---	----------	----------	-----------	--------	-------

Funding for these programs provide the required State share for the Title IV-D Child Support and Paternity programs within the Family Court and the Division of Probation Services. Under Title IV-D, the federal government reimburses the State 66.67 percent of the cost of operating this function, and the State is responsible for the remaining 33.3 percent. The FY 2002 recommendation for these accounts represents a realignment in accounts to properly represent the organizations within which the IV-D activities takes place.

Information Systems Division-FACTS Graphical User Interface (GUI)	\$2,214	\$415	(\$1,799)	(81.3)%	D-532
--	---------	-------	-----------	---------	-------

The FY 2002 recommendation constitutes continuation funding for the program to rewrite and modernize the Family Automated Case Tracking System (FACTS) and to update the Graphical User Interface (GUI). The recommended reduction under the FY 2001 level represents one-time equipment and non-salary expenditures associated with the implementation of the program.

Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2001</u>	<u>Recomm.</u> <u>FY 2002</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
Information Systems Division-Electronic Filing-Law and Dissolution	\$1,701	\$244	(\$1,457)	(85.7)%	D-532

The FY 2002 recommendation constitutes continuation funding for the program. The recommended reduction below the FY 2001 level of funding represents one-time equipment and non-salary expenditures associated with the implementation of the program. The Electronic Filing - Law and Dissolution Program permits attorneys to file pleadings electronically over the Internet, saving attorney and their clients time and money. Ultimately, the system is intended to transform court operations into a paper-less operation.

FEDERAL FUNDS

Criminal Courts	\$667	\$100	(\$567)	(85.0)%	D-532
-----------------	-------	-------	---------	---------	-------

The FY 2002 reduction in Federal funding represents the cessation of drug court funding in Essex Vicinage. Federal funding for drug court pilot programs lasts for 48 months, and this was exhausted in FY 2001. State funding is required in order for the program to continue.

Family Courts	\$15,743	\$16,356	\$613	3.9%	D-532
Probation Services	\$43,009	\$42,080	(\$929)	(2.2)%	D-532

The major portion of federal funding received by the Family Courts and all of the federal funding received by Probation Services is for the Title IV-D Child Support and Paternity program. Funding for the program is distributed among the 15 vicinages according to the number of child support cases each vicinage handles. Under Title IV-D, the federal government reimburses the State 66.67 percent of the cost of operating this function, and the State is responsible for the remaining 33.3 percent. A portion of the FY 2002 recommendation for these accounts represents a realignment in accounts to properly represent the organizations within which the IV-D activities takes place.

ALL OTHER FUNDS

Supreme Court	\$10,437	\$10,289	(\$148)	(1.4)%	D-532
---------------	----------	----------	---------	--------	-------

The recommended decrease in this account reflects the decrease in the collections of two programs, The Bar Admissions Financial Committee and the Board on Attorney Certification, and offset by nominal collection increases in the Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection.

The Bar Admissions Financial Committee is funded by a fee charged to all applicants to the New Jersey Bar Association. The collections are estimated to decrease from \$2.11 million in FY 2001 to \$1.97 million in FY 2002, a \$140,000 decrease. This decrease reflects a reduction in the number of applicants to the New Jersey Bar.

Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp. FY 2001</u>	<u>Recomm. FY 2002</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
--------------------	---------------------------------	----------------------------	--------------------------	---------------------------	------------------------

The Board on Attorney Certification is funded by fees charged to attorneys seeking certification in Civil Trial, Criminal Trial, Matrimonial Law and Workers Compensation Law. The FY 2002 recommendation for this program is expected to decrease by \$51,000, from the FY 2001 level of \$322,000 to \$271,000 in FY 2002.

The Supreme Court operates two programs funded through assessments charged to all practicing attorneys in New Jersey, the Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection. Assessments attributable to the Ethics Financial Committee are anticipated to increase by \$16,000 to \$6.793 million and the New Jersey Lawyers Fund for Client Protection is estimated to increase by \$27,000 to \$1.255 million in FY 2002.

Family Courts	\$82	\$295	\$213	259.8%	D-533
----------------------	-------------	--------------	--------------	---------------	--------------

The FY 2002 recommendation represents an increase in the collections for the Parents Education Program and reflects the first full-year of program operation. This program, which was authorized under P.L. 1999, c.11, requires all parties filing an action for divorce, wherein the custody, visitation or support of a minor child is an issue, to participate in a Parent Education program. The program is designed to assist and advise divorced or separating parents on issues concerning divorce, separation and custody. Its goal is to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties are likely to face during the divorce process. The program is funded through a \$25 fee imposed upon program participants.

Language Provisions

2001 Appropriations Handbook

No comparable language.

2002 Budget Recommendations

p. D-533

Of the amount appropriated hereinabove for Salaries and Wages accounts in the fiscal year 2002, an amount not to exceed \$15,000,000 may be transferred to the Information Services Division, Additions, Improvements and Equipment account for information technology enhancements, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The recommended language would permit the Judiciary to transfer unexpended salary balances totaling up to \$15 million to the additions, Improvements and Equipment account within the Division of Information Services account to help fund a proposed information technology upgrade. The Judiciary estimates the cost of this program to be about \$107 million over a five-year period beginning in FY 2002. The FY 2002 portion of the program cost is estimated at \$32 million.

2001 Appropriations Handbook

No comparable language.

2002 Budget Recommendations

p. D-533

Of the amount appropriated hereinabove for Additional Drug Courts, such sums up to \$2,680,000 shall be transferred to the Department of Corrections, Drug Court Treatment Programs account for the residential drug treatment services of eligible participants, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The recommended language provides for the transfer of \$2.680 million in drug court funding to the Department of Corrections for residential drug treatment services of eligible participants. The Judiciary operates drug courts in an effort to divert offenders away from the prison system and into various forms of treatment, the cost of treatment is borne by the Department of Corrections.

Discussion Points

1. The Judiciary received funding in FY 2000 and FY 2001 for the Youth Violence Initiative. Funding was to have been provided for Family Crisis Intervention Units (FCIU) to expand their services in family crises situations involving repeated violent conduct or threats of serious bodily injury. The program funding has not yet been spent.

! Question: Please discuss the status of the program. What services does the Judiciary currently provide to juveniles in crisis and their families?

2. Funding of \$4.256 million is recommended for two Drug Courts. According to the AOC, the appropriation would provide sufficient funding to replace federal funding in two vicinages which expired in FY 2001. Currently there are five drug courts in operation. Drug Courts provide for intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration. Recommended language provides for the transfer of up to \$2.68 million of this amount to the Department of Corrections for treatment costs.

! Question: What is the Judiciary's experience thus far with the drug court program? What are the Judiciary's plans to expand drug courts? How much funding is required to expand the drug court program Statewide?

3. The Judiciary requested the sum of \$32 million for data processing improvements. While the funding was not recommended in the FY 2002 budget, recommended language would permit the Judiciary to transfer up to \$15 million in unexpended salary balances to the data processing accounts.

! Question: How much funding does the Judiciary anticipate that it will be able to obtain from salary balances in FY 2002 for this program? Has the Judiciary prepared a strategic plan for the implementation of its technology requirements?

4. The Judiciary received \$1.7 million in FY 2001 and is recommended to receive \$244,000 in FY 2002 to fund the electronic filing in the Civil-Law Division cases and dissolution (divorce) cases. According to Budget evaluation data, in FY 2001 there were about 61,000 divorce cases and 108,000 other civil cases filed with the court.

! Question: What is the status of the Electronic Filing program? What is the potential for expansion? Does the Judiciary have any plans to provide for the collection of fines and payments electronically?

5. Pending legislation (A-2427) would appropriate \$1.2 million for the development of a pilot video teleconferencing network in family part and municipal courtrooms. This technology is currently used in certain criminal matters.

! Question: What cost savings, if any would be anticipated from the implementation of this program? What types of proceedings will use video teleconferencing technology? What are the potential uses for this technology? What other States use this technology in court operations? What is their experience?

Discussion Points (Cont'd)

6. The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2002 recommended budget language would permit the reappropriation of up to \$2 million in unexpended balances from FY 2001 subject to the approval of the Director of the Division of Budget and Accounting.

! *Question:* What does the Judiciary estimate that its carry forward balances will be from FY 2001?

7. In a hearing before the Senate Judiciary Committee on January 29, 2001, the Administrative Director stated that the Judiciary was seeking an additional \$3.4 million (half-year costs) to fund 150 new probation officers and to fund Probation/Police Community Partnerships within each county. Funding is not recommended in the FY 2002 budget.

! *Question:* How would the additional 150 officers affect the caseload of the total number of probation officers? Please describe how the proposed Probation/Police Community partnership program would operate?

Background Paper: Drug Courts

Budget Pages.... C-13, C-20, C-26, D-525 to D-533

Introduction

The New Jersey Judiciary has been actively pursuing various alternatives to incarceration strategies over the past several years in an attempt to: reduce the number of repeat offenders appearing before the courts; to reduce the number of individuals remanded to the state's correctional system; and to reduce the demand for correctional bed spaces.

The total State sentenced prison population has grown at a dramatic rate during the past several years and the number of offenders incarcerated for the commission of drug offenses has grown even faster. According to the Department of Corrections, as of December 31, 1986, a total of 11 percent of the State prison population consisted of drug offenders incarcerated for possession, sale or distribution of drugs. By January 11, 1999 the number of drug offenders in the State prisons consisted of 34 percent of the institutional population. Over 90 percent of all drug law violations are for sale or distribution.

In response, the Judiciary has implemented a drug court program in various counties. The program is aimed toward diverting certain drug offenders from the State prison system into treatment programs, thus reducing the demand for state prison bed spaces.

Drug Courts

The Drug Court program involves the Judiciary and the Departments of Corrections, Health and Public Defender in a cooperative effort to oversee intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration. This program was a part of the Governor's FY 1998 "Stop the Revolving Door" initiative which attempted to address alcohol and drug addictions in an effort to break the cycle of criminal behavior.

Eligible candidates for the Drug Court program are nonviolent substance abusing defendants. Participants include those who would otherwise be prison bound as well as those who are facing probation. Generally, prison bound participants are required to participate in the program for a minimum of five years. Probation level participants spend an average of three years in the program. To be eligible for the program, participants must:

- Have no history of possessing a firearm during the commission of an offense;
- Have no previous convictions or pending charges for a serious violent offense;
- Have no convictions on two or more separate occasions; (Applies to School Zone cases only)
- Present no danger to the community if placed on probation;
- Possesses a drug or alcohol dependence as determined by a diagnostic assessment, and
- Would be likely to benefit from substance abuse treatment and monitoring.

Background Paper: Drug Courts (Cont'd)

A statement prepared by the Administrative Office of the Courts in its report "Drug Courts--A Plan for Statewide Implementation", notes the following:

Drug courts are a highly specialized team process that functions within the existing Superior Court structure to address nonviolent drug-related cases. They are unique to the criminal justice environment because they build a close collaborative relationship between criminal justice and drug treatment professionals. Within a cooperative courtroom atmosphere, the judge heads a team of court staff, attorneys, probation officers, substance abuse evaluators, and treatment counselors all working in concert to support and monitor a participant's recovery. Drug court programs are rigorous, requiring intensive supervision based on frequent drug testing and court appearances.

Drug courts require several components for successful operation. Immediately upon arrest, the arresting agency, in coordination with addiction specialists and probation officers, identify addicted individuals who are eligible for drug court. After identification, the offender immediately enters intensive treatment in order to limit the opportunity for relapse into drug use behavior. Included in this treatment are biological, psychological and social assessments and reports to ensure that the offender receives the correct treatment procedure.

The program itself provides for the integration of treatment with the judicial process. There is an active involvement of the judge with each offender's case to ensure proper placement, monitoring and follow through.

Strict program monitoring and evaluation is also required for program success. While the program takes a non-adversarial approach to rehabilitation, the offender must be made aware of immediate penalties for noncompliance with program rules. Sanctions ranging from increased treatment services, more frequent urinalysis, community service, and ultimately, incarceration are all options for the judge to select depending upon each offender's transgressions from the program.

History

According to the Judiciary, the cost of processing an offender through the first year of the drug court program costs an average of \$17,266, including six months of inpatient treatment. By contrast, Department of Corrections data indicate that the average cost of housing a State sentenced inmate in one of the State's correctional facilities costs \$26,000 per year in FY 2001.

FFY 1995	Federal funding provided to Camden and Essex Counties as Drug Court planning grants. (Note: FFY refers to Federal Fiscal Year which runs from October 1 through September 30 each year.)
FFY 1997	Federal implementation grants awarded to Camden and Essex Counties.
FY 1998	State funding appropriated to the Department of Corrections for Drug Courts in Camden , Essex , Mercer and Passaic Counties. (\$500,000)
FFY 1999	Federal planning grants awarded to Union and Ocean Counties.

Background Paper: Drug Courts (Cont'd)

FY 1999	State appropriation of \$500,000 for drug courts.
FY 2000	State appropriation of \$800,000 for drug courts and \$689,000 for drug court treatment.
FY 2001	State appropriation of \$800,000 for drug courts and \$4.125 million for drug court treatment. An additional \$386 was appropriated for the State assumption of federal drug court costs in Camden and Essex counties.
FY 2002	The budget recommends \$4.256 million for Additional Drug Courts in the Judiciary. Budget language provides that \$2.68 million of this amount be transferred to the Department of Corrections for drug court treatment. The budget also recommends \$4.125 million for the Department of Corrections for drug court treatment in FY 2002, and another \$800,000 for the operation of drug courts. Budget language provides for the \$800,000 appropriation to be transferred to the appropriate agency.(Budget Page D-93). To date, all drug court funding transferred pursuant to this language has been transferred to the Judiciary.

Future Plans

As of March, 2001, there are five drug courts operating in the following New Jersey vicinages: Camden, Essex, Mercer, Passaic and Union. Ocean Vicinage, which is the recipient of a federal planning grant, is currently in the planning and development stages of its drug court.

In FY 2002, the Judiciary originally requested \$3.7 million in State funding for the first of a two year program to establish the Drug Court program statewide. The Judiciary estimated an additional \$10 million would be required by the Department of Health to provide treatment for drug court participants. While the FY 2002 budget recommendation includes no funding for this initiative, Senate Bill No. 2227, which is currently pending before the Senate Judiciary Committee, would appropriate the necessary funding to initiate the program.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services provides nonpartisan assistance to the State Legislature in the areas of legal, fiscal, research, bill drafting, committee staffing and administrative services. It operates under the jurisdiction of the Legislative Services Commission, a bipartisan body consisting of eight members of each House. The Executive Director supervises and directs the Office of Legislative Services.

The Legislative Budget and Finance Officer is the chief fiscal officer for the Legislature. The Legislative Budget and Finance Officer collects and presents fiscal information for the Legislature; serves as Secretary to the Joint Budget Oversight Committee; attends upon the Appropriations Committees during review of the Governor's Budget recommendations; reports on such matters as the committees or Legislature may direct; administers the fiscal note process and has statutory responsibilities for the review of appropriations transfers and other State fiscal transactions.

The Office of Legislative Services Central Staff provides a variety of legal, fiscal, research and administrative services to individual legislators, legislative officers, legislative committees and commissions, and partisan staff. The central staff is organized under the Central Staff Management Unit into ten subject area sections. Each section, under a section chief, includes legal, fiscal, and research staff for the standing reference committees of the Legislature and, upon request, to special commissions created by the Legislature. The central staff assists the Legislative Budget and Finance Officer in providing services to the Appropriations Committees during the budget review process.

Individuals wishing information and committee schedules on the FY 2002 budget are encouraged to contact:

Legislative Budget and Finance Office
State House Annex
Room 140 PO Box 068
Trenton, NJ 08625

(609) 292-8030

Fax (609) 777-2442