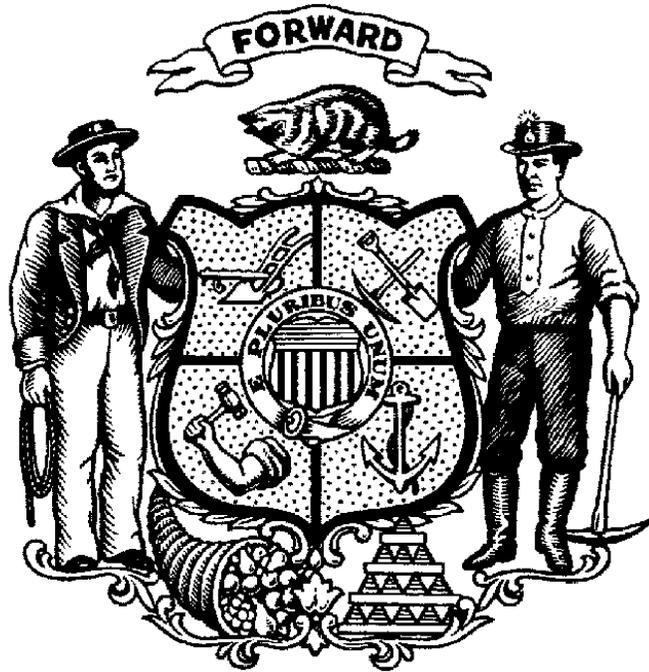


# State of Wisconsin

## Circuit Courts



Agency Budget Request  
2015 – 2017 Biennium  
September 15, 2014

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## **AGENCY DESCRIPTION**

The Circuit Courts are Wisconsin's courts of general jurisdiction and consist of 249 judicial positions in 69 judicial circuits. Each county in the state is a circuit, with the exception of Pepin and Buffalo, Menominee and Shawano, and Forest and Florence, which are paired to form three circuits. Where the volume of litigation warrants, a circuit consists of more than one branch (judge). Of the 69 circuits, 41 contain multiple branches.

The Circuit Courts have original jurisdiction in all criminal, civil, juvenile, family and probate cases unless exclusive jurisdiction has been given to another court. The courts have appellate jurisdiction over orders and judgments of the municipal courts and the responsibility to review decisions and orders of state administrative agencies.

For purposes of management, the Circuit Courts are divided into ten administrative districts. Each district has a chief judge appointed by the Supreme Court and a district court administrator who administer the business of the judicial branch in that district in cooperation with the director of state courts at the direction of the chief justice. The first judicial district (Milwaukee County) also has an assistant district court administrator.

# Agency Total by Fund Source

Circuit Courts

1517 Biennial Budget

| Source of Funds    |   | ANNUAL SUMMARY   |               |                |                |              |              | BIENNIAL SUMMARY        |                  |                   |                   |
|--------------------|---|------------------|---------------|----------------|----------------|--------------|--------------|-------------------------|------------------|-------------------|-------------------|
|                    |   | Prior Year Total | Adjusted Base | 1st Year Total | 2nd Year Total | 1st Year FTE | 2nd Year FTE | Base Year Doubled (BYD) | Biennial Request | Change From (BYD) | Change From BYD % |
| GPR                | L | \$21,825,656     | \$24,676,800  | \$33,550,900   | \$33,550,900   | 0.00         | 0.00         | \$49,353,600            | \$67,101,800     | \$17,748,200      | 36.0%             |
| GPR                | S | \$67,866,663     | \$70,926,700  | \$72,793,500   | \$72,793,500   | 527.00       | 527.00       | \$141,853,400           | \$145,587,000    | \$3,733,600       | 2.6%              |
| <b>Total</b>       |   | \$89,692,319     | \$95,603,500  | \$106,344,400  | \$106,344,400  | 527.00       | 527.00       | \$191,207,000           | \$212,688,800    | \$21,481,800      | 11.2%             |
| PR                 | L | \$232,700        | \$232,700     | \$232,700      | \$232,700      | 0.00         | 0.00         | \$465,400               | \$465,400        | \$0               | 0.0%              |
| <b>Total</b>       |   | \$232,700        | \$232,700     | \$232,700      | \$232,700      | 0.00         | 0.00         | \$465,400               | \$465,400        | \$0               | 0.0%              |
| <b>Grand Total</b> |   | \$89,925,019     | \$95,836,200  | \$106,577,100  | \$106,577,100  | 527.00       | 527.00       | \$191,672,400           | \$213,154,200    | \$21,481,800      | 11.2%             |

# Agency Total by Program

625 Circuit Courts

1517 Biennial Budget

| Source of Funds            | ANNUAL SUMMARY      |                     |                      |                      |               |               | BIENNIAL SUMMARY        |                      |                     |                   |
|----------------------------|---------------------|---------------------|----------------------|----------------------|---------------|---------------|-------------------------|----------------------|---------------------|-------------------|
|                            | Prior Year Actual   | Adjusted Base       | 1st Year Total       | 2nd Year Total       | 1st Year FTE  | 2nd Year FTE  | Base Year Doubled (BYD) | Biennial Request     | Change From (BYD)   | Change From BYD % |
| <b>01 COURT OPERATIONS</b> |                     |                     |                      |                      |               |               |                         |                      |                     |                   |
| <b>Non Federal</b>         |                     |                     |                      |                      |               |               |                         |                      |                     |                   |
| <b>GPR</b>                 | <b>\$89,692,319</b> | <b>\$95,603,500</b> | <b>\$106,344,400</b> | <b>\$106,344,400</b> | <b>527.00</b> | <b>527.00</b> | <b>\$191,207,000</b>    | <b>\$212,688,800</b> | <b>\$21,481,800</b> | <b>11.23%</b>     |
| L                          | \$21,825,656        | \$24,676,800        | \$33,550,900         | \$33,550,900         | 0.00          | 0.00          | \$49,353,600            | \$67,101,800         | \$17,748,200        | 35.96%            |
| S                          | \$67,866,663        | \$70,926,700        | \$72,793,500         | \$72,793,500         | 527.00        | 527.00        | \$141,853,400           | \$145,587,000        | \$3,733,600         | 2.63%             |
| <b>PR</b>                  | <b>\$232,700</b>    | <b>\$232,700</b>    | <b>\$232,700</b>     | <b>\$232,700</b>     | <b>0.00</b>   | <b>0.00</b>   | <b>\$465,400</b>        | <b>\$465,400</b>     | <b>\$0</b>          | <b>0.00%</b>      |
| L                          | \$232,700           | \$232,700           | \$232,700            | \$232,700            | 0.00          | 0.00          | \$465,400               | \$465,400            | \$0                 | 0.00%             |
| <b>Total - Non Federal</b> | <b>\$89,925,019</b> | <b>\$95,836,200</b> | <b>\$106,577,100</b> | <b>\$106,577,100</b> | <b>527.00</b> | <b>527.00</b> | <b>\$191,672,400</b>    | <b>\$213,154,200</b> | <b>\$21,481,800</b> | <b>11.21%</b>     |
| L                          | \$22,058,356        | \$24,909,500        | \$33,783,600         | \$33,783,600         | 0.00          | 0.00          | \$49,819,000            | \$67,567,200         | \$17,748,200        | 35.63%            |
| S                          | \$67,866,663        | \$70,926,700        | \$72,793,500         | \$72,793,500         | 527.00        | 527.00        | \$141,853,400           | \$145,587,000        | \$3,733,600         | 2.63%             |
| <b>PGM 01 Total</b>        | <b>\$89,925,019</b> | <b>\$95,836,200</b> | <b>\$106,577,100</b> | <b>\$106,577,100</b> | <b>527.00</b> | <b>527.00</b> | <b>\$191,672,400</b>    | <b>\$213,154,200</b> | <b>\$21,481,800</b> | <b>11.21%</b>     |
| <b>GPR</b>                 | <b>\$89,692,319</b> | <b>\$95,603,500</b> | <b>\$106,344,400</b> | <b>\$106,344,400</b> | <b>527.00</b> | <b>527.00</b> | <b>\$191,207,000</b>    | <b>\$212,688,800</b> | <b>\$21,481,800</b> | <b>11.23%</b>     |
| L                          | \$21,825,656        | \$24,676,800        | \$33,550,900         | \$33,550,900         | 0.00          | 0.00          | \$49,353,600            | \$67,101,800         | \$17,748,200        | 35.96%            |
| S                          | \$67,866,663        | \$70,926,700        | \$72,793,500         | \$72,793,500         | 527.00        | 527.00        | \$141,853,400           | \$145,587,000        | \$3,733,600         | 2.63%             |
| <b>PR</b>                  | <b>\$232,700</b>    | <b>\$232,700</b>    | <b>\$232,700</b>     | <b>\$232,700</b>     | <b>0.00</b>   | <b>0.00</b>   | <b>\$465,400</b>        | <b>\$465,400</b>     | <b>\$0</b>          | <b>0.00%</b>      |
| L                          | \$232,700           | \$232,700           | \$232,700            | \$232,700            | 0.00          | 0.00          | \$465,400               | \$465,400            | \$0                 | 0.00%             |
| <b>TOTAL 01</b>            | <b>\$89,925,019</b> | <b>\$95,836,200</b> | <b>\$106,577,100</b> | <b>\$106,577,100</b> | <b>527.00</b> | <b>527.00</b> | <b>\$191,672,400</b>    | <b>\$213,154,200</b> | <b>\$21,481,800</b> | <b>11.21%</b>     |

**Agency Total by Program**

| <b>625 Circuit Courts</b> |                     |                     |                      |                      |               |               |                      |                      |                     | <b>1517 Biennial Budget</b> |  |
|---------------------------|---------------------|---------------------|----------------------|----------------------|---------------|---------------|----------------------|----------------------|---------------------|-----------------------------|--|
| L                         | \$22,058,356        | \$24,909,500        | \$33,783,600         | \$33,783,600         | 0.00          | 0.00          | \$49,819,000         | \$67,567,200         | \$17,748,200        | 35.63%                      |  |
| S                         | \$67,866,663        | \$70,926,700        | \$72,793,500         | \$72,793,500         | 527.00        | 527.00        | \$141,853,400        | \$145,587,000        | \$3,733,600         | 2.63%                       |  |
| <b>Agency Total</b>       | <b>\$89,925,019</b> | <b>\$95,836,200</b> | <b>\$106,577,100</b> | <b>\$106,577,100</b> | <b>527.00</b> | <b>527.00</b> | <b>\$191,672,400</b> | <b>\$213,154,200</b> | <b>\$21,481,800</b> | <b>11.21%</b>               |  |

# Agency Total by Decision Item

Circuit Courts

1517 Biennial Budget

| Decision Item   | 1st Year Total       | 2nd Year Total       | 1st Year FTE  | 2nd Year FTE  |
|---|----------------------|----------------------|---------------|---------------|
| 2000 Adjusted Base Funding Level                                      | \$95,836,200         | \$95,836,200         | 527.00        | 527.00        |
| 3003 Full Funding of Continuing Position Salaries and Fringe Benefits | \$1,866,800          | \$1,866,800          | 0.00          | 0.00          |
| 4801 Per Diem for Court Interpreter Reimbursement                     | \$225,000            | \$225,000            | 0.00          | 0.00          |
| 4803 Increased Funding for County Payment Programs                    | \$8,649,100          | \$8,649,100          | 0.00          | 0.00          |
| <b>TOTAL</b>  | <b>\$106,577,100</b> | <b>\$106,577,100</b> | <b>527.00</b> | <b>527.00</b> |

# GPR Earned

1517 Biennial Budget

|                   |                    |                  |
|-------------------|--------------------|------------------|
|                   | <b>CODES</b>       | <b>TITLES</b>    |
| <b>DEPARTMENT</b> | 625                | Circuit Courts   |
| <b>PROGRAM</b>    | 01                 | Court operations |
| <b>DATE</b>       | September 23, 2014 |                  |

| Revenue         | Prior Year Actuals  | Base Year Estimate  | 1st Year Estimate   | 2nd Year Estimate   |
|-----------------|---------------------|---------------------|---------------------|---------------------|
| Opening Balance | \$0                 | \$0                 | \$0                 | \$0                 |
|                 | \$38,800,700        | \$37,000,000        | \$35,400,000        | \$34,000,000        |
| <b>Total</b>    | <b>\$38,800,700</b> | <b>\$37,000,000</b> | <b>\$35,400,000</b> | <b>\$34,000,000</b> |

**Decision Item (DIN) - 2000**

**Decision Item (DIN) Title - Adjusted Base Funding Level**

**NARRATIVE**

Adjusted Base Funding Level

# Decision Item by Line

1517 Biennial Budget

|                      |              |                             |
|----------------------|--------------|-----------------------------|
|                      | <b>CODES</b> | <b>TITLES</b>               |
| <b>DEPARTMENT</b>    | 625          | Circuit Courts              |
|                      | <b>CODES</b> | <b>TITLES</b>               |
| <b>DECISION ITEM</b> | 2000         | Adjusted Base Funding Level |

| Expenditure items |                                   | 1st Year Cost       | 2nd Year Cost       |
|-------------------|-----------------------------------|---------------------|---------------------|
| 01                | Permanent Position Salaries       | \$48,336,400        | \$48,336,400        |
| 02                | Turnover                          | \$0                 | \$0                 |
| 03                | Project Position Salaries         | \$0                 | \$0                 |
| 04                | LTE/Misc. Salaries                | \$1,151,500         | \$1,151,500         |
| 05                | Fringe Benefits                   | \$19,751,600        | \$19,751,600        |
| 06                | Supplies and Services             | \$1,679,600         | \$1,679,600         |
| 07                | Permanent Property                | \$7,600             | \$7,600             |
| 08                | Unalloted Reserve                 | \$0                 | \$0                 |
| 09                | Aids to Individuals Organizations | \$0                 | \$0                 |
| 10                | Local Assistance                  | \$24,909,500        | \$24,909,500        |
| 11                | One-time Financing                | \$0                 | \$0                 |
| 12                | Debt Service                      | \$0                 | \$0                 |
| 13                |                                   | \$0                 | \$0                 |
| 14                |                                   | \$0                 | \$0                 |
| 15                |                                   | \$0                 | \$0                 |
| 16                |                                   | \$0                 | \$0                 |
| <b>17</b>         | <b>Total Cost</b>                 | <b>\$95,836,200</b> | <b>\$95,836,200</b> |
| 18                | Project Positions Authorized      | 0.00                | 0.00                |
| 19                | Classified Positions Authorized   | 0.00                | 0.00                |
| 20                | Unclassified Positions Authorized | 527.00              | 527.00              |

# Decision Item by Numeric

## Circuit Courts

| Program   | Decision Item/Numeric                       | 1st Year Total                     | 2nd Year Total      | 1st Year FTE  | 2nd Year FTE  |
|-----------|---|------------------------------------|---------------------|---------------|---------------|
|           | <b>2000</b>                                 | <b>Adjusted Base Funding Level</b> |                     |               |               |
| <b>01</b> | <b>Court operations</b>                     |                                    |                     |               |               |
|           | 01 Circuit courts                           | \$70,926,700                       | \$70,926,700        | 527.00        | 527.00        |
|           | 06 Court interpreter fees                   | \$1,433,500                        | \$1,433,500         | 0.00          | 0.00          |
|           | 07 Circuit court support payments           | \$18,552,200                       | \$18,552,200        | 0.00          | 0.00          |
|           | 08 Guardian ad litem fees                   | \$4,691,100                        | \$4,691,100         | 0.00          | 0.00          |
|           | 09 Circuit court financial suppor           | \$0                                | \$0                 | 0.00          | 0.00          |
|           | 21 Court interpreters                       | \$232,700                          | \$232,700           | 0.00          | 0.00          |
|           | <b>Court operations SubTotal</b>            | <b>\$95,836,200</b>                | <b>\$95,836,200</b> | <b>527.00</b> | <b>527.00</b> |
|           | <b>Adjusted Base Funding Level SubTotal</b> | <b>\$95,836,200</b>                | <b>\$95,836,200</b> | <b>527.00</b> | <b>527.00</b> |
|           |   |                                    |                     |               |               |
|           | <b>Agency Total</b>                         | <b>\$95,836,200</b>                | <b>\$95,836,200</b> | <b>527.00</b> | <b>527.00</b> |

# Decision Item by Fund Source

## Circuit Courts

|                      | Source of Funds |                                    |                     | 1st Year Total      | 2nd Year Total | 1st Year FTE  | 2nd Year FTE  |  |
|----------------------|-----------------|------------------------------------|---------------------|---------------------|----------------|---------------|---------------|--|
| <b>Decision Item</b> | <b>2000</b>     | <b>Adjusted Base Funding Level</b> |                     |                     |                |               |               |  |
|                      | GPR             | L                                  | \$24,676,800        | \$24,676,800        |                | 0.00          | 0.00          |  |
|                      | GPR             | S                                  | \$70,926,700        | \$70,926,700        |                | 527.00        | 527.00        |  |
|                      | PR              | L                                  | \$232,700           | \$232,700           |                | 0.00          | 0.00          |  |
|                      | <b>Total</b>    |                                    | <b>\$95,836,200</b> | <b>\$95,836,200</b> |                | <b>527.00</b> | <b>527.00</b> |  |
| <b>Agency Total</b>  |                 |                                    | <b>\$95,836,200</b> | <b>\$95,836,200</b> |                | <b>527.00</b> | <b>527.00</b> |  |

**Decision Item (DIN) - 3003**

**Decision Item (DIN) Title - Full Funding of Continuing Position Salaries and Fringe Benefits**

**NARRATIVE**

Standard Budget Adjustment - Full Funding of Continuing Position Salaries and Fringe Benefits

# Decision Item by Line

1517 Biennial Budget

|                      |              |  |
|----------------------|--------------|--|
|                      | <b>CODES</b> | <b>TITLES</b>  |
| <b>DEPARTMENT</b>    | 625          | Circuit Courts   |
|                      | <b>CODES</b> | <b>TITLES</b>  |
| <b>DECISION ITEM</b> | 3003         | Full Funding of Continuing Position Salaries and Fringe Benefits |

|           | <b>Expenditure items</b>          | <b>1st Year Cost</b> | <b>2nd Year Cost</b> |
|-----------|-----------------------------------|----------------------|----------------------|
| 01        | Permanent Position Salaries       | \$804,000            | \$804,000            |
| 02        | Turnover                          | \$0                  | \$0                  |
| 03        | Project Position Salaries         | \$0                  | \$0                  |
| 04        | LTE/Misc. Salaries                | \$0                  | \$0                  |
| 05        | Fringe Benefits                   | \$1,062,800          | \$1,062,800          |
| 06        | Supplies and Services             | \$0                  | \$0                  |
| 07        | Permanent Property                | \$0                  | \$0                  |
| 08        | Unalloted Reserve                 | \$0                  | \$0                  |
| 09        | Aids to Individuals Organizations | \$0                  | \$0                  |
| 10        | Local Assistance                  | \$0                  | \$0                  |
| 11        | One-time Financing                | \$0                  | \$0                  |
| 12        | Debt Service                      | \$0                  | \$0                  |
| 13        |                                   | \$0                  | \$0                  |
| 14        |                                   | \$0                  | \$0                  |
| 15        |                                   | \$0                  | \$0                  |
| 16        |                                   | \$0                  | \$0                  |
| <b>17</b> | <b>Total Cost</b>                 | <b>\$1,866,800</b>   | <b>\$1,866,800</b>   |
| 18        | Project Positions Authorized      | 0.00                 | 0.00                 |
| 19        | Classified Positions Authorized   | 0.00                 | 0.00                 |
| 20        | Unclassified Positions Authorized | 0.00                 | 0.00                 |

# Decision Item by Numeric

## Circuit Courts

| Program   | Decision Item/Numeric  | 1st Year Total  | 2nd Year Total     | 1st Year FTE | 2nd Year FTE |
|-----------|--|---|--------------------|--------------|--------------|
|           | <b>3003</b>  | <b>Full Funding of Continuing Position Salaries and Fringe Benefits</b> |                    |              |              |
| <b>01</b> | <b>Court operations</b>  |   |                    |              |              |
|           | 01 Circuit courts  | \$1,866,800   | \$1,866,800        | 0.00         | 0.00         |
|           | <b>Court operations SubTotal</b>   | <b>\$1,866,800</b>  | <b>\$1,866,800</b> | <b>0.00</b>  | <b>0.00</b>  |
|           | <b>Full Funding of Continuing Position Salaries and Fringe Benefits SubTotal</b> | <b>\$1,866,800</b>  | <b>\$1,866,800</b> | <b>0.00</b>  | <b>0.00</b>  |
|           |  |   |                    |              |              |
|           | <b>Agency Total</b>  | <b>\$1,866,800</b>  | <b>\$1,866,800</b> | <b>0.00</b>  | <b>0.00</b>  |

# Decision Item by Fund Source

## Circuit Courts

|                      |                 |   |                    | 1st Year FTE       | 2nd Year FTE |
|----------------------|-----------------|---|--------------------|--------------------|--------------|
|                      | Source of Funds |   | 1st Year Total     | 2nd Year Total     |              |
| <b>Decision Item</b> | <b>3003</b>     | <b>Full Funding of Continuing Position Salaries and Fringe Benefits</b> |                    |                    |              |
|                      | GPR             | S   | \$1,866,800        | \$1,866,800        | 0.00         |
|                      | <b>Total</b>    |   | <b>\$1,866,800</b> | <b>\$1,866,800</b> | <b>0.00</b>  |
| <b>Agency Total</b>  |                 |   | <b>\$1,866,800</b> | <b>\$1,866,800</b> | <b>0.00</b>  |

## **Decision Item (DIN) - 4801**

### **Decision Item (DIN) Title - Per Diem for Court Interpreter Reimbursement**

#### **NARRATIVE**

The Circuit Courts request \$225,000 GPR annually and statutory modifications to change reimbursement to counties in support of their court interpreter costs from an hourly reimbursement rate to a per diem rate in order to better reflect how court interpreters are billing counties for court interpreting services. This will strengthen the State's partnership with counties for supporting circuit court operations and provide additional financial support to counties for their circuit court operations. The appointment and payment of court interpreters is a joint state-county responsibility and expense. Court interpreters are hired and paid by the circuit court from county funds. Counties are reimbursed by the State up to \$40 per hour for court interpreters certified by the Director of State Courts Office, and up to \$30 per hour for qualified court interpreters (plus travel at the state mileage rate). This proposal will increase the amount that the State will be able to reimburse a county for court interpreting services when a county's actual costs are in excess of current statutory reimbursement limits. The State does not provide reimbursement for all expenses incurred such as wait time and travel time. The industry standard is for interpreters to charge travel time with a one-hour minimum in metropolitan areas and a two-hour minimum in rural areas. Therefore, in some rural areas, where certified interpreters are not available, interpreters are being paid mostly for travel time rather than for in-court interpretation. Reimbursing counties on a half-day basis rather than a 30 minute basis for court interpreting services is more conducive to how court interpreters bill counties for setting aside consequent blocks of time during a work day to perform court interpreting services. Allowing counties to be reimbursed by the State on a half-day or daily basis for court interpreting services will be a better reflection on how court interpreters are billing counties for their services and will allow counties to be reimbursed a greater portion of their out-of-pocket costs. State reimbursement will not exceed a county's actual costs for providing court interpreting services.

## 2015-2017 ISSUE PAPER

**Department/Program:** Circuit Courts/Court Interpreters

**Issue:** Reimbursement of Court Interpreter Services

**APPN:** 625-106

**DIN:** 4801

|                                | <u><b>2015-2016</b></u> | <u><b>2016-2017</b></u> |
|--------------------------------|-------------------------|-------------------------|
| <b>Permanent Salary</b>        |                         |                         |
| <b>LTE Salary</b>              |                         |                         |
| <b>Fringe Benefits</b>         |                         |                         |
| <b>Supplies &amp; Services</b> |                         |                         |
| <b>Permanent Property</b>      |                         |                         |
| <b>Local Assistance</b>        | \$225,000               | \$225,000               |
| <b>TOTAL</b>                   | <b>\$225,000</b>        | <b>\$225,000</b>        |

### **NARRATIVE**

The Circuit Courts request \$225,000 GPR annually and statutory modifications to change reimbursement to counties in support of their court interpreter costs from an hourly reimbursement rate to a per diem rate in order to better reflect how court interpreters are billing counties for court interpreting services. This will strengthen the State's partnership with counties for supporting circuit court operations and provide additional financial support to counties for their circuit court operations.

#### Background

The appointment and payment of court interpreters is a joint state-county responsibility and expense. Court interpreters are hired and paid by the circuit court from county funds. The Director of State Courts Office reimburses counties, within statutory limits, for the use of court interpreters from two separate sum certain appropriations (one GPR and one PR) under the Circuit Courts. Counties are reimbursed up to \$40 per hour for court interpreters certified by the Director of State Courts Office, and up to \$30 per hour for qualified court interpreters (plus travel at the state mileage rate). This proposal will increase the amount that the State will be able to reimburse a county for court interpreting services when a county's actual costs are in excess of current statutory reimbursement limits.

As limited English speakers continue to appear before our courts in increasing numbers, accurate interpretation is crucial to the integrity of court proceedings. The State has invested time and resources into the court interpreter training and certification program to improve the accuracy and consistency of interpretation in our courtrooms in order to ensure access to justice for all who come before our courts. Increased demands for qualified interpreters have led to increased costs, both for the State under the interpreter reimbursement program and for counties who must cover interpreter costs not reimbursed by the State.

#### Changing County Reimbursement for Court Interpreters

The Interpreter Reimbursement Program has been in existence since 1987. When the program started, it was designed so the State reimbursed counties up to \$35 per one-half day for interpreter services provided to the circuit courts. Beginning on July 1, 2002, the interpreter reimbursement rates were changed to:

- (1) \$40 for the first hour and \$20 for each additional 0.5 hour for qualified interpreters certified under the requirements and procedures approved by the Supreme Court; or
- (2) \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters.

Because reimbursement after the first hour of court interpreting is based on 30 minute increments, the current statutory reimbursement structure requires counties to report court interpreter services by the minute in order to not exceed allowable reimbursement. This type of reporting requirement is burdensome for counties and does not adequately reflect how counties manage court interpreters or how court interpreters bill for their services.

The State does not provide reimbursement for all expenses incurred such as wait time and travel time. Counties are encouraged to coordinate the scheduling of court hearings that may need court interpreting services to efficiently and effectively use court interpreters as a way to minimize costs. This type of block scheduling for court interpreting services requires court interpreters to be on stand-by in the courthouse during specified times. As a result, the court interpreters agree to spend extended parts of their day to be ready on-demand to meet a county's court interpreting needs.

The industry standard is for interpreters to charge travel time with a one-hour minimum in metropolitan areas and a two-hour minimum in rural areas. Therefore, in some rural areas, where certified interpreters are not available, interpreters are being paid mostly for travel time rather than for in-court interpretation. While progress is being made in using certified interpreters, some counties continue to use uncertified interpreters because they will cover more of the county's out-of-pocket costs under the current reimbursement program.

A review of state reimbursements received by counties for court interpreting services during calendar year 2012 showed that counties were reimbursed 71% of their actual costs under the current reimbursement limits of \$40 for the first hour and \$20 for each additional 30 minute increment of interpreting services for certified interpreters and \$30 for the first hour and \$15 for each additional 30 minute increment for qualified interpreters. Using this same data, if counties were reimbursed up to \$160 per half-day for certified interpreters and up to \$120 per half-day for qualified interpreters, counties would have been reimbursed over 88% of their costs, for an annual increase of \$225,000 in reimbursement funding.

Reimbursing counties on a half-day basis rather than a 30 minute basis for court interpreting services is more conducive to how court interpreters bill counties for setting aside consequent blocks of time during a work day to perform court interpreting services. Allowing counties to be reimbursed by the State on a half-day or daily basis for court interpreting services will be a better reflection on how court interpreters are billing counties for their services and will allow counties to be reimbursed a greater portion of their out-of-pocket costs. State reimbursement will not exceed a county's actual costs for providing court interpreting services.

#### Statutory Modification

The Circuit Courts requests statutory change to s. 758.19(8)(a), Wis. Stats., which would allow a county's maximum reimbursement for services provided by a certified court interpreter to be \$160 per one-half day (4 hours x \$40/hour) and \$320 per day (8 hours x \$40/hour) and the maximum reimbursement for qualified court interpreters would be \$120 per one-half day (4 hours x \$30/hour) or \$240 per day (8 hours x \$30/hour) for qualified court interpreters.

## **DIN 4801: Per Diem Reimbursement for Court Reporter Services**

### Statutory Change Requested:

Modify s. 758.19(8)(a), Wis. Stats., to delete the maximum hourly reimbursement for certified and qualified court interpreters and substitute that a county's maximum reimbursement for services provided by a certified court interpreter shall be \$160 per one-half day or \$320 per day, and the maximum reimbursement for qualified court interpreters shall be \$120 per one-half day or \$240 per day.

# Decision Item by Line

1517 Biennial Budget

|                      |              |  |
|----------------------|--------------|--|
|                      | <b>CODES</b> | <b>TITLES</b>                                |
| <b>DEPARTMENT</b>    | 625          | Circuit Courts                               |
|                      | <b>CODES</b> | <b>TITLES</b>                                |
| <b>DECISION ITEM</b> | 4801         | Per Diem for Court Interpreter Reimbursement |

| Expenditure items |                                   | 1st Year Cost    | 2nd Year Cost    |
|-------------------|-----------------------------------|------------------|------------------|
| 01                | Permanent Position Salaries       | \$0              | \$0              |
| 02                | Turnover                          | \$0              | \$0              |
| 03                | Project Position Salaries         | \$0              | \$0              |
| 04                | LTE/Misc. Salaries                | \$0              | \$0              |
| 05                | Fringe Benefits                   | \$0              | \$0              |
| 06                | Supplies and Services             | \$0              | \$0              |
| 07                | Permanent Property                | \$0              | \$0              |
| 08                | Unalloted Reserve                 | \$0              | \$0              |
| 09                | Aids to Individuals Organizations | \$0              | \$0              |
| 10                | Local Assistance                  | \$225,000        | \$225,000        |
| 11                | One-time Financing                | \$0              | \$0              |
| 12                | Debt Service                      | \$0              | \$0              |
| 13                |                                   | \$0              | \$0              |
| 14                |                                   | \$0              | \$0              |
| 15                |                                   | \$0              | \$0              |
| 16                |                                   | \$0              | \$0              |
| <b>17</b>         | <b>Total Cost</b>                 | <b>\$225,000</b> | <b>\$225,000</b> |
| 18                | Project Positions Authorized      | 0.00             | 0.00             |
| 19                | Classified Positions Authorized   | 0.00             | 0.00             |
| 20                | Unclassified Positions Authorized | 0.00             | 0.00             |

# Decision Item by Numeric

## Circuit Courts

| Program   | Decision Item/Numeric  | 1st Year Total                                      | 2nd Year Total   | 1st Year FTE | 2nd Year FTE |
|-----------|--|---|------------------|--------------|--------------|
|           | <b>4801</b>  | <b>Per Diem for Court Interpreter Reimbursement</b> |                  |              |              |
| <b>01</b> | <b>Court operations</b>                                      |   |                  |              |              |
|           | 06 Court interpreter fees                                    | \$225,000   | \$225,000        | 0.00         | 0.00         |
|           | <b>Court operations SubTotal</b>                             | <b>\$225,000</b>                                    | <b>\$225,000</b> | <b>0.00</b>  | <b>0.00</b>  |
|           | <b>Per Diem for Court Interpreter Reimbursement SubTotal</b> | <b>\$225,000</b>                                    | <b>\$225,000</b> | <b>0.00</b>  | <b>0.00</b>  |
|           |  |   |                  |              |              |
|           | <b>Agency Total</b>  | <b>\$225,000</b>                                    | <b>\$225,000</b> | <b>0.00</b>  | <b>0.00</b>  |

# Decision Item by Fund Source

## Circuit Courts

|                      | Source of Funds |   | 1st Year Total   | 2nd Year Total   | 1st Year FTE | 2nd Year FTE |
|----------------------|-----------------|---|------------------|------------------|--------------|--------------|
| <b>Decision Item</b> | <b>4801</b>     | <b>Per Diem for Court Interpreter Reimbursement</b> |                  |                  |              |              |
|                      | GPR             | L   | \$225,000        | \$225,000        | 0.00         | 0.00         |
|                      | <b>Total</b>    |   | <b>\$225,000</b> | <b>\$225,000</b> | <b>0.00</b>  | <b>0.00</b>  |
| <b>Agency Total</b>  |                 |   | <b>\$225,000</b> | <b>\$225,000</b> | <b>0.00</b>  | <b>0.00</b>  |

## **Decision Item (DIN) - 4802**

### **Decision Item (DIN) Title - Two-Year Centralized Interpreter Pilot**

#### **NARRATIVE**

The Circuit Courts request non-statutory authority for a two-year court interpreter pilot project where the State would establish a centralized interpreter station that would offer pilot counties centralized scheduling, and video and telephone interpreting services using certified court interpreters. The Director of State Courts Office administers the court interpreter reimbursement program, which reimburses counties for actual expenses incurred, up to statutory limits, for interpreters used by the circuit court. This proposal is for a two-year pilot program where the state would take over all scheduling responsibilities and establish a centralized interpreter station that would offer three counties video interpreter services, as well as telephone and onsite interpreter services, using certified interpreters. The Director would hire a half-time certified Spanish interpreter and contract for a certified American Sign Language interpreter (ASL) to provide remote video interpreting services. For other languages, the Director would use a qualified telephone interpreting service for interpreters. When necessary, onsite interpreters for all languages and for ASL would be used. . During the pilot, counties would not receive state reimbursement, but also would not incur any costs for using interpreter services, other than their costs for maintaining the videoconferencing and telephonic equipment at the courthouse to ensure quality. County reimbursement funds would be used to pay on-site and remote interpreters, including the LTE Spanish interpreter and contract with a sign language interpreting agency as was done in the District 7 pilot. County reimbursement funding would also be used for: (1) an LTE scheduler/program coordinator's salary and fringe benefits; and (2) videoconferencing equipment for the scheduler/program coordinator (participating counties would be responsible for purchasing their own videoconferencing equipment). In 2013, the circuit courts needed interpreters in over 60 different languages, and in some instances, very rare languages. It is anticipated that state centralization of interpreter services combined with increased use of technology will provide efficiencies so as to reduce costs as well as expand access to quality interpreter services. Utilizing remote video and telephone interpreting will allow the court system to use interpreter time more efficiently and use fewer interpreters to cover the same amount of work over a larger geographic area.

## 2015–2017 ISSUE PAPER

**Department/Program:** Supreme Court/Director of State Courts

**Name:** Two-year Centralized Interpreter Pilot

**APPRN:** 625-106

**DIN:** 4802

### NARRATIVE

The Circuit Courts request non-statutory authority for a two-year court interpreter pilot project where the State would establish a centralized interpreter station that would offer pilot counties centralized scheduling, and video and telephone interpreting services using certified court interpreters.

#### Background

As authorized by s. 758.19 (8) (a), Wis. Stats., the Director of State Courts Office administers the court interpreter reimbursement program, which reimburses counties quarterly for actual expenses incurred, up to statutory limits, for interpreters required to be used by the circuit court. Counties are reimbursed \$40 per hour for court interpreters certified by the DSCO, and \$30 per hour for non-certified, but qualified court interpreters. In addition, counties are reimbursed at the state mileage rate (currently 51 cents per mile) for mileage incurred by interpreters traveling to and from an interpreter's in-state residence. Out-of-state interpreters are reimbursed at the same rate, up to 100 miles from their out-of-state residence to the state's border, and upon return up to 100 miles from the state's border to their residence, in addition to being reimbursed for miles traveled within the state borders. Typically, state reimbursement does not fully cover county interpreter expenses.

#### Centralized Court Interpreter Pilot

This proposal is for a two-year pilot program where the state would take over all scheduling responsibilities and establish a centralized interpreter station that would offer three counties video interpreter services, as well as telephone and onsite interpreter services, using certified interpreters. The Director would hire a half-time certified Spanish interpreter and contract for a certified American Sign Language interpreter (ASL) to provide remote video interpreting services. For other languages, the Director would use a qualified telephone interpreting service for interpreters. When necessary, onsite interpreters for all languages and for ASL would be used. Funding would be used for: (1) videoconferencing equipment; (2) an LTE scheduler/program coordinator; (3) a halftime LTE Spanish interpreter; and (4) a contract with a sign language interpreting agency. County reimbursement funds would be used to pay for onsite and telephonic interpreters, as was done in the 7th Judicial Administrative District Pilot (referenced below). CCAP would assist with technology set-up and support.

The selected counties would enter into an MOU with the Director that would require the county and the circuit court to turn over all interpreter scheduling to the interpreter scheduler and require them to agree to use video and telephone interpreting services as the scheduler deems appropriate. Onsite interpreters would be used when determined appropriate by the scheduler. Extensive data would be maintained on every interpreter event for analysis at the pilot's conclusion. During the pilot, counties would not receive state reimbursement, but also would not incur any costs for using interpreter services, other than their costs for maintaining the videoconferencing and telephonic equipment at the courthouse to ensure quality.

#### District 7 Pilot

As authorized in 2009 Act 28, a Judicial Administrative District 7 (western Wisconsin) Interpreter Pilot was conducted from September, 2009 through June, 2011. Under the District 7 pilot, all counties in the district agreed to have the District 7 office take over scheduling responsibilities, hiring interpreters, and paying for all interpreter services during the pilot. Pilot goals included: (1) improve the quality of court interpretation in District 7 by providing counties where no certified interpreters reside access to quality interpretation, and reduce the use of uncertified interpreters; (2) make better use of certified Spanish interpreters by scheduling remote interpreting assignments when appropriate; (3) reduce costs associated with interpreter travel time through increased use of remote interpretation; and (4) determine whether state administration of interpreter assignments is feasible, provides for better quality interpretation, and is cost effective.

The pilot demonstrated that remote interpreting and better scheduling practices increased the cost effectiveness and quality of interpreter services. Overall certified interpreter use in District 7 increased from 47% in 2007-08, to 95% during the pilot, including use of certified interpreters at 99% for Spanish and 100% for ASL. Additionally, the pilot showed that remote telephone interpreting proved to be a cost-effective way to access high-quality interpreters in any courtroom or at any clerk's counter. As one of the pilot goals was to provide certified interpreters in counties where none existed, the drastic increase in certified interpreter use and the success in accessing high quality interpreters telephonically, from any location, plainly showed that goal was met. The pilot also showed that interpreter costs could be reduced when block scheduling was used, grouping as many same-language interpreter needed cases together for hearings as possible. For both remote and onsite interpreting, block scheduling ensured that interpreter usage was maximized when the interpreter was at the courthouse, reducing the number of times an interpreter had to travel to and from the courthouse, thus reducing travel costs.

#### Details of the Proposed Centralized Court Interpreter Pilot

This new pilot would build off the lessons learned in the District 7 pilot. The court system could gain efficiencies and more effectively support using qualified interpreters by having the Director undertake additional duties related to court interpreters and by promoting more technology for interpreter services. The pilot would further investigate a system where the Director eliminates reimbursement to counties and takes over all responsibilities for providing and paying court interpreters directly. Under the proposed two-year pilot, centralized interpreting services would be provided to three pilot counties using videoconferencing and telephone technology, one scheduler/program coordinator, one half-time Spanish interpreter LTE, and a contract with a local agency to provide ASL. The District 7 pilot used telephone interpreting in 81% of all interpreter events. Under this new pilot, interpreter appearances would be offered using both videoconferencing and telephone technology, which would also allow for the provision of sign language interpreter services remotely. Onsite interpretation would continue to be used where appropriate.

There is growing national research and interest in providing interpreting services through videoconferencing and telephone use. Using these technologies to provide interpreter services reduces mileage and travel costs, particularly for rarer languages where interpreters often travel hundreds of miles to provide services. While there are certainly instances where an onsite interpreter is required (such as a trial), many hearings can be handled using videoconferencing and telephone technology.

Counties are open to expanding their use of these technologies. A January 2014 survey assessed the existing technology available in the circuit courts to provide remote interpreting services. Survey results showed that nine (9) counties use audio and video technology but were willing to expand usage; twenty-eight (28) counties use audio technology but were willing to expand to video; and sixteen (16) counties do not use any form of technology but were willing to explore either audio or video.

To implement centralized interpreting the Director would:

- Hire one (1) LTE interpreter scheduler/program coordinator to coordinate on-site and remote interpreting services to each of the three pilot counties for all spoken and sign languages. The scheduler/program coordinator would also be responsible for assuring proper, timely payments are

made to the interpreters. The District 7 pilot assigned the scheduling responsibility to the District 7 administrative assistant. Even though District 7 had the lowest level of interpreter activity among the ten judicial districts, the pilot showed that the scheduling work was too time consuming to be added to an existing position. One of the District 7 pilot's conclusions was that additional scheduling staff would be necessary should a similar state-operated approach be considered in the future.

- Hire one (1) half-time LTE Spanish interpreter to provide remote interpreting services via video and telephone, when appropriate. Counties would be selected so that enough remote Spanish interpretation would be needed to justify a half-time position.
- Contract with a sign language interpreting agency to provide remote video interpreting services, or on-site services as needed. Providing sign language interpretation through videoconferencing, when viable, could provide great savings.

County reimbursement funds would be used to pay on-site and remote interpreters, including the LTE Spanish interpreter and contract with a sign language interpreting agency as was done in the District 7 pilot. County reimbursement funding would also be used for: (1) videoconferencing equipment for the scheduler/program coordinator (participating counties would be responsible for purchasing their own videoconferencing equipment); and (2) the LTE scheduler/program coordinator's salary and fringe benefits. CCAP would assist with technology set-up and support of the videoconferencing equipment as needed. The interpreter program manager in the DSCO's Office of Court Operations would supervise the additional employees.

The pilot counties would be selected from counties that volunteered to participate based on their previous interpreter usage and interpreter costs, as well as the existing technology and network connectivity capable of supporting quality remote interpreter services. The Director would select three (3) counties, including one (1) rural, one (1) mid-sized, and one (1) urban location. The centralized LTE interpreter scheduler/program coordinator would handle all interpreter scheduling. The interpreter scheduler/program coordinator would have the option to schedule whatever type of interpreter he/she felt was appropriate, be it an onsite interpreter, a telephone interpreter, or an interpreter to appear by video.

The pilot counties would enter into an MOU that would require the circuit court/judges/county to turn over interpreter calendaring to the interpreter scheduler and require them to agree to use remote interpreting services for in-court events and for out-of-court matters for Spanish and ASL, when appropriate. The three pilot counties would not receive state reimbursement and would not incur any costs for interpreter services during the pilot, other than their local costs for maintaining the equipment needed for remote interpreting (phone, video) to ensure quality.

The table below represents a sample of the counties that might be suitable for the interpreter pilot with the projected weekly interpreter usage by Spanish, ASL, and Other.

| County   | Spanish Hours Reimbursed by State in 2013 | Projected Weekly Usage Under Pilot (Spanish) | ASL Hours Reimbursed by State in 2013 | Projected Weekly Usage Under Pilot (ASL) | Other Languages Reimbursed by State in 2013 | Projected Weekly Usage Under Pilot (Other Languages) |
|----------|---|--|---------------------------------------|--|---|--|
| Dodge    | 378.5 hours                               | 7.3 hours                                    | 4 hours                               | .08 hours                                | 0   | 0  |
| Walworth | 407.75 hours                              | 7.8 hours                                    | 3.5 hours                             | .07 hours                                | 16 hours                                    | .3   |
| Waukesha | 748.5 hours                               | 14.4 hours                                   | 9.25 hours                            | .18 hours                                | 57.25 hours                                 | 1.1 hours  |

|       |               |            |             |           |             |           |
|-------|---------------|------------|-------------|-----------|-------------|-----------|
| TOTAL | 1534.75 hours | 29.5 hours | 16.75 hours | .33 hours | 73.25 hours | 1.4 hours |
|-------|---------------|------------|-------------|-----------|-------------|-----------|

Some interpreter expenses currently incurred by counties are not reimbursable under the court interpreter reimbursement program, namely minimum paid times, paid travel time, cancellation fees, and hourly rates that are above the state \$40/\$30 per hour reimbursement rates. As with the District 7 pilot, these additional costs will be covered by the state under the proposed pilot. However, it is anticipated that state centralization of interpreter services combined with increased use of technology will provide efficiencies so as to reduce costs as well as expand access to quality interpreter services. Utilizing remote video and telephone interpreting will allow the court system to use interpreter time more efficiently and use fewer interpreters to cover the same amount of work over a larger geographic area.

Data from the District 7 interpreter pilot show that costs associated with travel can be reduced through the use of remote interpreting. Under the pilot, the total costs for interpreter services were \$105,389.78. Of those total costs, \$62,836.07 (60%) was for onsite interpreting and \$31,762.50 (30%) was for remote telephone interpreting. Another \$10,791.21 (10%) in costs was for cancellation fees. Considering just the onsite costs and the remote costs, onsite costs represent 66% of the services provided and the remote costs represent 34%. When these cost percentages were compared to held interpreter events, it was shown that 19% of the events were onsite and accounted for 66% of the costs. Conversely, 81% of the held events were by telephone and accounted for only 34% of the costs. Cancellation also followed suit with 81% of those costs for onsite cancellations and 19% for remote cancellations. In 2012, 67% of all interpretations involved some kind of travel, usually for less than one hour of actual interpreting time. Using interpreters remotely for shorter hearings will reduce the costs spent on travel and late cancellations.

In 2013, the circuit courts needed interpreters in over 60 different languages, and in some instances, very rare languages. Using interpreters via technology expands the pool of available interpreters since interpreters do not need to be physically present and can appear from other states or jurisdictions. The need to reschedule a hearing because a qualified interpreter could not be located for a particular language will be reduced and will result in better efficiencies for all stakeholders such as the District Attorney’s offices and the Department of Corrections.

Pilot Funding

As with the District 7 pilot, it is requested that the current GPR court interpreter reimbursement appropriation be used to pay for interpreter services in the selected pilot counties (including the ASL contract and the half-time LTE Spanish interpreter) and, in addition, be used to purchase the videoconferencing equipment and pay for the personnel costs of the LTE scheduler/program coordinator. It is anticipated that the increased pilot costs for currently non-reimbursable interpreter costs and administrative costs will be offset by the efficiencies gained through the pilot model so additional funds are not being requested.

Nonstatutory Language Requested for Pilot Implementation

Nonstatutory language is needed to authorize such a pilot. It is requested that the following nonstatutory language be created:

Notwithstanding ss. 758.19(8)(a) and 20.625 (1) (c), Wis. Stats., authorize the Director of State Courts Office to create a two-year pilot program under which the Director of State Courts Office would be authorized to schedule court interpreters to provide interpretative services for three pilot counties as identified by the Director of Stat Courts Office, and would further authorize the Director’s Office to pay interpreters for the services rendered in the pilot counties and for purchase of videoconferencing and related equipment and the personnel costs of an LTE scheduler/program coordinator throughout the pilot project from appropriation s. 20.625 (1) (c) [a sum certain, annual appropriation] providing that counties participating in the pilot project agree through a memorandum of understanding to forego reimbursement

for interpreter services allowed under ss. 758.19(8)(a) and 20.625 (1) (c), Wis. Stats., during the term of the pilot project.

The effective date of the pilot is September 1, 2015, or the effective date of the biennial budget act, whichever is later.

## **DIN 4802: Two-Year Centralized Court Interpreter Pilot**

### **Non-statutory Change Requested:**

Create non-statutory language to say that, notwithstanding ss. 758.19(8)(a) and 20.625 (1) (c), Wis. Stats., the Director of State Courts Office is authorized to create a two-year pilot program under which the Director of State Courts Office will schedule court interpreters to provide court interpreter services for three pilot counties as identified by the Director of State Courts Office, and would further authorize the Director's Office to pay interpreters for the services rendered in the pilot counties and for purchase of videoconferencing and related equipment and the personnel costs of an LTE scheduler/program coordinator throughout the pilot project from appropriation s. 20.625 (1) (c) [a sum certain, annual appropriation] providing that counties participating in the pilot project agree through a memorandum of understanding to forego reimbursement for interpreter services allowed under ss. 758.19(8)(a) and 20.625 (1) (c), Wis. Stats., during the term of the pilot project. Provide that the effective date of the pilot is September 1, 2015, or the effective date of the biennial budget, whichever is later.

## **Decision Item (DIN) - 4803**

### **Decision Item (DIN) Title - Increased Funding for County Payment Programs**

#### **NARRATIVE**

The Circuit Courts request \$8,649,100 GPR annually to preserve the balance of state versus county funding for circuit court operations by increasing state financial assistance to counties in support of their circuit courts as follows: (1) \$7,454,500 GPR annually for the Circuit Court Support Payment (CCSP) program; and (2) \$1,194,600 GPR annually for the Guardian ad Litem (GAL) payment program. Under these two statutory financial assistance programs administered by the Director of State Courts Office, monies are passed through Circuit Courts' appropriations and distributed to counties for support of circuit court operations. Counties have been shouldering an increasing share of the Wisconsin Court System's operations costs. These requested increases, together with the ending of the biennial lapse requirement, would restore the State's share of court system funding to historic levels that will strengthen the State's partnership with the counties for supporting circuit court operations. Wisconsin's circuit courts are funded from three primary sources – state tax dollars (GPR), county tax dollars, and revenue from court fees and surcharges. In recent years, the court system has faced increasing lapse requirements and budget cuts from the state; counties are facing strict levy limits, yet being asked to pick up a larger percentage of the expenditures necessary to operate the circuit courts; and the amount collected in fees and surcharges is declining. At the same time, the amount of money being returned to the counties from the state in the form of circuit court support payments is decreasing, and a greater proportion of the amount collected in surcharges on forfeitures and fines is going to the state's General Fund. When the CCSP and the GAL programs were introduced in 1993-94, counties had hoped these state financial assistance programs would shift an equitable portion of the funding of the circuit courts from property taxes to the State. While this was the original intent of these programs, over the years additional funding was not added to the programs' appropriations to offset increasing costs at the county level even as the number of circuit court branches increased. Instead, funding for both these programs has been reduced. The additional funding requested represents the amounts needed to provide the same (not increased) funding to circuit court branches as existed at the time of the last increase to the payment programs. Counties would continue to need to document their circuit court expenditures to receive payment and would never receive more funds than they expend on circuit courts.

## 2015-2017 ISSUE PAPER

**Department/Program:** Circuit Courts

**Issue Name:** Preserving the Balance of State Versus County Funding for Circuit Court Operations – Increased Funding for County Payment Programs

**APPN:** 625-107, 108

**DIN:** 4803

|   | <u><b>2015-2016</b></u> | <u><b>2016-2017</b></u> |
|---|-------------------------|-------------------------|
| <b>Local Assistance – Circuit Court Support Payment Program</b> | \$7,454,500             | \$7,454,500             |
| <b>Local Assistance – Guardian Ad Litem Payment Program</b>     | \$1,194,600             | \$1,194,600             |
| <b>TOTAL</b>  | <b>\$8,649,100</b>      | <b>\$8,649,100</b>      |

### **NARRATIVE**

The Circuit Courts request \$8,649,100 GPR annually to preserve the balance of state versus county funding for circuit court operations by increasing state financial assistance to counties in support of their circuit courts as follows: (1) \$7,454,500 GPR annually for the Circuit Court Support Payment (CCSP) program; and (2) \$1,194,600 GPR annually for the Guardian ad Litem (GAL) payment program.

Under these two statutory financial assistance programs administered by the Director of State Courts Office, monies are passed through Circuit Courts' appropriations and distributed to counties for support of circuit court operations. Counties have been shouldering an increasing share of the Wisconsin Court System's operations costs. These requested increases, together with the ending of the biennial lapse requirement, would restore the State's share of court system funding to historic levels that will strengthen the State's partnership with the counties for supporting circuit court operations.

#### History of the State Circuit Court Payment Programs

Under current law (see s. 753.19, Wis. Stats.), counties bear the costs of operating the circuit courts unless specified otherwise by statute. With the Court Reorganization Act, it was the State's intent to begin to fund more of the trial courts' costs. Beginning July 1, 1980, circuit court judges and official court reporters became state employees, with the state paying their salaries, fringe benefits and travel costs. District court administrators and their assistants were hired as state employees, with their offices state funded. In 1987, the State took on the cost of the circuit courts' automation program (CCAP) and, in 1988, began providing reimbursements to counties for a portion of court interpreter expenses.

With the goal of providing property tax relief, the State took additional steps to increase its share of circuit court funding in the 1993-1995 budget. 1993 Wisconsin Act 16 created the GPR-funded CCSP and GAL payment programs and also transferred transcript fee payments for indigent clients from counties to the Office of the State Public Defender. As part of the CCSP and GAL Payment programs, counties were required to

report annually to the Director of State Courts their actual costs for these court services. 1993 Wisconsin Act 16 also created a court support services surcharge on forfeiture judgments and most civil court filing fees that became effective October 1, 1993. This surcharge is collected by clerks of circuit court and paid to the State Treasurer for deposit into the State's General Fund. It was originally estimated that the surcharge would raise \$15.2 million annually to offset the costs of the newly-created programs; however, due to increases in the surcharge amount, in FY 2012-13, the court support services surcharge raised over \$43 million, with \$21.1 million in state payments going to the counties in support of their circuit courts.

Other legislative actions followed that continued to revise the CCSP and GAL payment programs:

- 1995 Wisconsin Act 27 (the 1995-1997 biennial budget act) provided additional CCSP funds to the counties, for an appropriation totaling \$11.7 million in 1995-96 and \$16.5 million in 1996-97, and the formula was revised to include the number of judgeships and population figures. The Act also widened the court costs allowable under the CCSP to include all court costs except for those costs related to "court room security, including security personnel, and costs related to rent, utilities, maintenance, rehabilitation and/or construction of court facilities."
- 1999 Wisconsin Act 9 (the 1999-2001 biennial budget act) increased the CCSP by \$2,250,000 annually (to \$18.7 million) and increased the base payment per branch (judge) from \$32,900 to \$42,275.
- 2009 Wisconsin Act 28 (2009-2011 biennial budget act) included a one percent across-the-board permanent reduction to both the CCSP and the GAL payment programs' appropriations, effectively reducing the amount of financial assistance provided to counties under both of these programs (the CCSP payment program was reduced by \$187,400 and the GAL payment program by \$47,400 annually).
- 2011 Wisconsin Act 32 (2011-2013 biennial budget act) further reduced the funding available for these two payment programs. The court system's biennial lapse requirement was calculated with a 10 percent annual lapse from each program during the 2011-2013 and the 2013-2015 biennia.

#### Need for Additional Circuit Court Funding

Wisconsin's circuit courts are funded from three primary sources – state tax dollars (GPR), county tax dollars, and revenue from court fees and surcharges. In recent years, the court system has faced increasing lapse requirements and budget cuts from the state; counties are facing strict levy limits, yet being asked to pick up a larger percentage of the expenditures necessary to operate the circuit courts; and the amount collected in fees and surcharges is declining. At the same time, the amount of money being returned to the counties from the state in the form of circuit court support payments is decreasing, and a greater proportion of the amount collected in surcharges on forfeitures and fines is going to the state's General Fund.

When the CCSP and the GAL programs were introduced in 1993-94, counties had hoped these state financial assistance programs would shift an equitable portion of the funding of the circuit courts from property taxes to the State. While this was the original intent of these programs, over the years additional funding was not added to the programs' appropriations to offset increasing costs at the county level even as the number of circuit court branches increased. Instead, funding for both these programs has been reduced, by one percent across-the-board cuts applied to all the State's appropriations in the 2009-2011 biennial budget and, in the 2011-2013 biennial budget, a 10 percent annual lapse requirement in effect through the end of the 2013-2015 biennium. Funding for the GAL payment program in 1993-94 was \$4.7 million, the same amount appropriated 15 years later in 2008-09 and reduced down to \$4.69 million in 2009-10 and to \$4.22 million since 2011-12. While the funding for the CCSP program increased only intermittently throughout the years (with the last increase in 1999), funding for this program totaled \$18.7 million in 2008-09, \$18.5 million in 2009-10 and only \$16.7 million since 2011-12.

In addition, funding for the CCSP and GAL programs has not been proportionally increased with the addition of 26 judgeships since the inception of these programs. When these two payment programs were created in 1993-94, there were 223 circuit court branches. In 1999-00, the last year there was an increase in CCSP program funding, there were 240 circuit court branches; now there are 249. Since the formulas for distribution of both

the CCSP and GAL payment programs in part include number of circuit court branches in a county, payments for many counties have been diminished as a result of increased number of judgeships. The additional funding requested represents the amounts needed to provide the same (not increased) funding to circuit court branches as existed at the time of the last increase to the payment programs. The funding passed through to counties would continue to be used to offset circuit court costs as specified under s. 758.19(5), Wis. Stats. (All county court expenditures except court costs related to courtroom security, including security personnel and costs related to rent, utilities, maintenance, rehabilitation and construction of court facilities are eligible to be offset by the state payment received under the current CCSP program.)

As shown in **Table 1**, the financial data that counties report annually to the Director of State Courts Office supports that property taxpayers have borne an increasing responsibility for supporting circuit court operations over the last decade, contrary to the original intent of the CCSP and GAL payment programs. While counties have increased their share of court funding over the years as state funding has not kept up with increasing court system costs, state-imposed levy limits are limiting counties' ability to continue maintaining the level of support they are currently providing for circuit court operations.

**Table 1  
State Versus County Funding**

| FY/CY              | Circuit Court Operations Only |               | Total Court System Operations |               |
|--------------------|-------------------------------|---------------|-------------------------------|---------------|
|                    | State Share                   | County Share* | State Share                   | County Share* |
| FY 2002-03/CY 2002 | 43%                           | 57%           | 48%                           | 52%           |
| FY 2007-08/CY 2007 | 46%                           | 54%           | 51%                           | 49%           |
| FY 2012-13/CY 2012 | 36.5%                         | 63.5%         | 42%                           | 58%           |

\*In accordance with s. 753.19, Wis. Stats., counties are responsible for all other circuit court operations not provided by the State. Some county revenue comes from fee revenue, but it primarily comes from county property taxes

Proposed Increased Funding for CCSP Program

Currently, the calculation of a county's CCSP program is based on the following factors:

- (1) \$42,275 for each circuit court branch in the county (counties which share branches receive a proportional share of this amount based on judicial weighted caseload);
- (2) And an additional \$10,000 for each county with one or less circuit court branch; and
- (3) The remaining available funds apportioned to counties with more than one circuit court branch based on population.

When the \$42,275 for each circuit court branch was set in 1999, it represented approximately 10% of the counties' reported circuit court costs; now it represents 5% of reported circuit court costs.

The Circuit Courts request statutes be changed and \$7,454,500 GPR annually be provided to increase the statutory \$42,275 for each circuit court branch in the county to \$71,500. This represents almost 9% of what the counties are reporting as currently paying for supporting circuit court operations.

Proposed Increased Funding for GAL Payment Program

The GAL payments are calculated based on each county's proportionate share of:

- (1) Number of court branches;
- (2) Revenue generated by the circuit court support fee; and

- (3) The number of cases that would likely involve GAL services (case filings under Chapter 48, 55, 767, 880, and 938).

In addition, s. 758.19(6), Wis. Stats., provides that a county's annual GAL payment may not exceed the total cost of GAL compensation that the county incurred and reported to the Director of State Courts for the previous calendar year. Any money not paid to a county as a result of this statutory limitation must be redistributed to other qualifying counties on a prorated basis.

As shown in **Table 2**, when the GAL payment program was first created, the \$4,738,500 appropriation covered 80% of the net GAL costs incurred by counties. In CY 2013, the financial assistance counties receive from the State for the GAL payment program covered only 55% of the net GAL costs.

**Table 2**  
**Historical Review of GAL Payment Program**

|  | <b>Original GAL<br/>Appropriation</b> | <b>FY 2010<br/>Appropriation</b> | <b>FY 2011<br/>Appropriation</b> | <b>FY 2012<br/>Appropriation</b> | <b>FY 2013<br/>Appropriation</b> | <b>FY 2014<br/>Appropriation</b> |
|--|---------------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|  | \$ 4,738,500                          | \$ 4,738,500                     | \$ 4,691,100                     | \$ 4,222,000                     | \$ 4,222,000                     | \$ 4,222,000                     |
| County Reported<br>Data:                   | <b><u>CY 1994</u></b>                 | <b><u>CY 2009</u></b>            | <b><u>CY 2010</u></b>            | <b><u>CY 2011</u></b>            | <b><u>CY 2012</u></b>            | <b><u>CY 2013</u></b>            |
| GAL Costs                                  | \$ 7,223,001                          | \$ 10,750,005                    | \$ 10,893,829                    | \$ 10,899,227                    | \$ 11,647,470                    | \$ 12,206,999                    |
| GAL Recoupments                            | \$ 1,207,045                          | \$ 3,711,454                     | \$ 3,562,508                     | \$ 3,720,914                     | \$ 4,087,249                     | \$ 4,529,971                     |
| Net GAL Costs                              | \$ 6,015,956                          | \$ 7,038,551                     | \$ 7,331,321                     | \$ 7,178,313                     | \$ 7,560,221                     | \$ 7,677,028                     |
| State Share of Net<br>GAL Costs            | 80%                                   | 67%                              | 64%                              | 59%                              | 56%                              | 55%                              |
| Average Net GAL Costs over last five years |                                       |                                  | \$ 7,357,000                     |                                  |                                  |                                  |
|  |                                       |                                  | 80%                              |                                  |                                  |                                  |
| Proposed State Share of GAL Costs          |                                       |                                  | \$ 5,885,700                     |                                  |                                  |                                  |
| Funding Requested:                         |                                       |                                  | \$ 1,194,600                     |                                  |                                  |                                  |

The Circuit Courts request \$1,194,600 GPR annually to provide total funding equivalent to 80% of counties' average net GAL costs over the last five years.

Summary

This request would restore State support to counties as part of the state/county partnership in funding circuit courts to provide fair, effective, efficient core court services at a time counties are struggling to keep under their levy limits and hold down property taxes. It would restore the funding previously provided to each circuit court branch prior to the creation of additional circuit court branches. Counties would continue to need to document their circuit court expenditures to receive payment and would never receive more funds than they expend on circuit courts.

**DIN 4803: Increased Funding for County Payment Programs**

Statutory Change Requested:

Modify the statutory distribution of funding for each circuit court branch in a county under s, 758.19(5)(b)1., Wis. Stats., from \$42,275 to \$71,500.

# Decision Item by Line

1517 Biennial Budget

|                      |              |   |
|----------------------|--------------|---|
|                      | <b>CODES</b> | <b>TITLES</b>                                 |
| <b>DEPARTMENT</b>    | 625          | Circuit Courts                                |
|                      | <b>CODES</b> | <b>TITLES</b>                                 |
| <b>DECISION ITEM</b> | 4803         | Increased Funding for County Payment Programs |

| Expenditure items |                                   | 1st Year Cost      | 2nd Year Cost      |
|-------------------|-----------------------------------|--------------------|--------------------|
| 01                | Permanent Position Salaries       | \$0                | \$0                |
| 02                | Turnover                          | \$0                | \$0                |
| 03                | Project Position Salaries         | \$0                | \$0                |
| 04                | LTE/Misc. Salaries                | \$0                | \$0                |
| 05                | Fringe Benefits                   | \$0                | \$0                |
| 06                | Supplies and Services             | \$0                | \$0                |
| 07                | Permanent Property                | \$0                | \$0                |
| 08                | Unalloted Reserve                 | \$0                | \$0                |
| 09                | Aids to Individuals Organizations | \$0                | \$0                |
| 10                | Local Assistance                  | \$8,649,100        | \$8,649,100        |
| 11                | One-time Financing                | \$0                | \$0                |
| 12                | Debt Service                      | \$0                | \$0                |
| 13                |                                   | \$0                | \$0                |
| 14                |                                   | \$0                | \$0                |
| 15                |                                   | \$0                | \$0                |
| 16                |                                   | \$0                | \$0                |
| <b>17</b>         | <b>Total Cost</b>                 | <b>\$8,649,100</b> | <b>\$8,649,100</b> |
| 18                | Project Positions Authorized      | 0.00               | 0.00               |
| 19                | Classified Positions Authorized   | 0.00               | 0.00               |
| 20                | Unclassified Positions Authorized | 0.00               | 0.00               |

# Decision Item by Numeric

## Circuit Courts

| Program   | Decision Item/Numeric   | 1st Year Total                                       | 2nd Year Total     | 1st Year FTE | 2nd Year FTE |
|-----------|---|--|--------------------|--------------|--------------|
|           | <b>4803</b>   | <b>Increased Funding for County Payment Programs</b> |                    |              |              |
| <b>01</b> | <b>Court operations</b>                                       |  |                    |              |              |
|           | 07 Circuit court support payments                             | \$7,454,500  | \$7,454,500        | 0.00         | 0.00         |
|           | 08 Guardian ad litem fees                                     | \$1,194,600  | \$1,194,600        | 0.00         | 0.00         |
|           | <b>Court operations SubTotal</b>                              | <b>\$8,649,100</b>                                   | <b>\$8,649,100</b> | <b>0.00</b>  | <b>0.00</b>  |
|           | <b>Increased Funding for County Payment Programs SubTotal</b> | <b>\$8,649,100</b>                                   | <b>\$8,649,100</b> | <b>0.00</b>  | <b>0.00</b>  |
|           |   |  |                    |              |              |
|           | <b>Agency Total</b>   | <b>\$8,649,100</b>                                   | <b>\$8,649,100</b> | <b>0.00</b>  | <b>0.00</b>  |

# Decision Item by Fund Source

## Circuit Courts

|                      | Source of Funds |  | 1st Year Total     | 2nd Year Total     | 1st Year FTE | 2nd Year FTE |
|----------------------|-----------------|--|--------------------|--------------------|--------------|--------------|
| <b>Decision Item</b> | <b>4803</b>     | <b>Increased Funding for County Payment Programs</b> |                    |                    |              |              |
|                      | GPR             | L  | \$8,649,100        | \$8,649,100        | 0.00         | 0.00         |
|                      | <b>Total</b>    |  | <b>\$8,649,100</b> | <b>\$8,649,100</b> | <b>0.00</b>  | <b>0.00</b>  |
| <b>Agency Total</b>  |                 |  | <b>\$8,649,100</b> | <b>\$8,649,100</b> | <b>0.00</b>  | <b>0.00</b>  |