

**Summary: Executive Budget Recommendation
for Fiscal Year 2021-22
JUDICIARY**



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	FY 2020-21	FY 2021-22	Difference: FY 2021-22	
	Year-to-Date as of 2/11/21	Executive	Amount	%
IDG/IDT	\$1,552,800	\$1,652,300	\$99,500	6.4
Federal	6,393,500	6,374,800	(18,700)	(0.3)
Local	7,654,500	7,619,800	(34,700)	(0.5)
Private	1,228,500	1,222,600	(5,900)	(0.5)
Restricted	94,877,600	94,312,700	(564,900)	(0.6)
GF/GP	201,934,300	208,322,900	6,388,600	3.2
Gross	\$313,641,200	\$319,505,100	\$5,863,900	1.9
FTEs	513.0	521.0	8.0	1.6

Notes: (1) FY 2020-21 year-to-date figures include mid-year budget adjustments through February 11, 2021. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government. The Judiciary budget provides operational funding for the Michigan Supreme Court, the Court of Appeals, and related judicial agencies. The budget funds the salaries of justices of the Supreme Court and judges of the appeals, circuit, probate, and district courts according to constitutional and statutory requirements. Funding assistance for local trial court operations is provided through a variety of grant programs. The largest of these, the Court Equity Fund Reimbursement program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the number of judgeships.

Major Budget Changes from FY 2020-21 Year-to-Date (YTD) Appropriations	FY 2020-21 YTD (as of 2/11/21)	Executive Change from YTD
1. Judicial Compensation – Court Fee Fund Adjustment	Gross NA	\$0
Includes \$1.4 million GF/GP to cover a shortfall in the amount of Court Fee Fund revenue available to support payment of salaries for circuit and probate court judges.	Restricted NA	(1,358,600)
	GF/GP NA	\$1,358,600
2. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers	FTE NA	7.0
Includes \$939,100 GF/GP for the State Appellate Defender Office (SADO) to ensure compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case. SADO provides post-conviction representation of juvenile lifers. There are 57 clients awaiting contested hearings.	Gross NA	\$939,100
	GF/GP NA	\$939,100
3. Statewide e-File Implementation	FTE 12.0	8.0
Includes an additional \$821,800 in Electronic Filing Fee Fund revenue and authorization for an additional 8.0 FTE positions to support continued implementation, operation, and maintenance of the statewide electronic filing system pursuant to 2015 PA 230 - 234. The system will be rolled out to all trial courts starting in 2021.	Gross \$10,220,600	\$821,800
	Restricted 10,220,600	821,800
	GF/GP \$0	\$0
4. Clean Slate – Criminal Record Expungement	Gross NA	\$605,000
Includes \$605,000 GF/GP to support ongoing costs related to implementation of the Michigan Clean Slate Initiative, which will make criminal record expungement automatic for all people who are eligible. For those with no more than 1 felony or 2 misdemeanors, people would see their records expunged after 7 years of no criminal violations under 2020 PA 187 - 193.	GF/GP NA	\$605,000

Major Budget Changes from FY 2020-21 Year-to-Date (YTD) Appropriations	FY 2020-21 YTD (as of 2/11/21)	Executive Change from YTD
5. Problem Solving Courts Includes \$600,000 GF/GP for support of problem solving courts. The additional funding would be allocated as follows: \$400,000 for Drug Treatment Courts, \$100,000 for Mental Health Courts, and \$100,000 for Veterans Treatment Courts.	Gross \$19,091,900 GF/GP \$19,091,900	\$600,000 \$600,000
6. Court of Appeals Operations Restores \$547,900 of GF/GP that was reduced from the FY 2020-21 budget as part of statewide budget reductions. Funding would allow the Court of Appeals to backfill leadership and support positions at the Court of Appeals office in Detroit, as well as to support information systems for the court.	Gross \$25,252,500 GF/GP \$25,252,500	\$547,900 \$547,900
7. State Appellate Defender Office Attorneys Restores \$360,700 of GF/GP that was reduced from the FY 2020-21 budget as part of statewide budget reductions. Funding would be used to backfill 3.0 public defender positions to help maintain the statutory minimum 25% appellate caseload.	Gross NA GF/GP NA	\$360,700 \$360,700
8. Pretrial Risk Assessment Includes \$325,700 GF/GP for continued improvement of the pretrial risk assessment tool which provides relevant information to judges so they can make evidence-based bond decisions and reduce incarceration rates of low-risk offenders. Funding would support ongoing data analysis and performance benchmarking, education and training, technical assistance on assessing pretrial risk and supervising defendants, and other ongoing efforts.	FTE NA Gross NA GF/GP NA	1.0 \$325,700 \$325,700
9. Michigan Legal Self-Help Program Includes \$200,000 GF/GP to support the Michigan Legal Help program website and centers. The program provides free legal information and assistance to individuals who represent themselves in simple civil legal matters.	Gross NA GF/GP NA	\$200,000 \$200,000
10. Michigan Justice Training Fund Grant Authorizes the Michigan Judicial Institute to receive and expend \$100,000 of Michigan Justice Training grant funding made available by the Michigan Commission on Law Enforcement Standards for training court support personnel.	Gross NA IDG NA GF/GP NA	\$100,000 100,000 \$0
11. Judgeship Changes Reflects a savings of \$164,400 GF/GP from elimination of 1.0 district court judgeship in Shiawassee County pursuant to 2012 PA 17. The amount of savings is for the full year, as the effective date of the elimination was January 1, 2021.	Gross NA GF/GP NA	(\$164,400) (\$164,400)
12. Economic Adjustments Reflects a net increase in costs of \$3.3 million Gross (\$3.4 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2021 and 1.0% on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, and other economic adjustments.	Gross NA IDG NA Federal NA Local NA Private NA Restricted NA GF/GP NA	\$3,334,900 (500) (18,700) (34,700) (5,900) (28,100) \$3,422,800
13. Removal of Current Year One-Time Funding Reduces the budget by \$1.8 million GF/GP to reflect removal of one-time funding included in the FY 2020-21 budget. Funding removed includes: \$881,100 for the State Appellate Defender Office to ensure compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case, \$600,000 for expansion of problem solving courts, and \$325,700 for pretrial risk assessment.	FTE 8.0 Gross \$1,806,800 GF/GP \$1,806,800	(8.0) (\$1,806,800) (\$1,806,800)

Major Boilerplate Changes from FY 2020-21

Sec. 215. Disciplinary Action Against State Employees – DELETED

Prohibits the judicial branch from taking disciplinary action against employees for communicating with legislators or their staff unless the communication is prohibited by law and the judicial branch is exercising its authority.

Sec. 216. Input on Foster Care Cases – DELETED

Expresses legislative intent that judges presiding over hearings on foster care cases publicly acknowledge and request input from foster parent(s) during hearings.

Sec. 217. Changes to Foster Care Family Service Plans – DELETED

Expresses legislative intent that judges presiding over foster care cases provide explanations in court records for any changes made to foster care family service plans.

Sec. 218. Linking Swift and Sure Sanctions Program to DHHS, LEO, and MDOC Programming – DELETED

Requires SCAO to identify programs within the Departments of Health and Human Services, Labor and Economic Opportunity, and Corrections that have programmatic connections with Swift and Sure Sanctions program participants for the purpose of leveraging collaborations and determining avenues of success for offenders who are eligible for state-provided programs; requires SCAO to provide guidance to courts participating in the Swift and Sure Sanctions program of available DHHS, LEO, and MDOC programming.

Sec. 219. Receipt and Retention of Required Reports – DELETED

Requires the judicial branch to receive and retain copies of all required reports; requires federal and state guidelines to be followed for short- and long-term retention of records; authorizes the judicial branch to electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 312. Parental Rights Restoration Act – DELETED

Requires SCAO to report on the total number of petitions filed by minors seeking court-issued waivers of parental consent under the Parental Rights Restoration Act, and the total number of petitions granted.

Sec. 316. Pretrial Risk Assessment – DELETED

Requires SCAO to continue to pilot a pretrial risk assessment tool in an effort to provide relevant information to judges so they can make evidence-based bond decisions; requires SCAO to report on the status of the program, including an assessment of the effectiveness of the tool, plans to expand use of the tool, and details on expenditures and allocations.

Sec. 403. Oral Fluid Testing Pilot Program – DELETED

Requires SCAO to allocate \$100,000 of funding appropriated for expansion of problem-solving courts to create a pilot program in a veterans treatment court, mental health treatment court, or both, that investigates the effectiveness of oral fluid testing to determine compliance with required mental health medications or requirements.

Supplemental Recommendations for FY 2020-21 Appropriations

**FY 2020-21
Recommendation**

1. Statewide e-File Implementation

Includes an additional \$821,800 in Electronic Filing Fee Fund revenue and authorization for an additional 8.0 FTE positions to support continued implementation, operation, and maintenance of the statewide electronic filing system pursuant to 2015 PA 230 - 234. The system will be rolled out to all trial courts starting in 2021. (Supplemental Request 2021-5)

FTE	8.0
Gross	\$821,800
Restricted	821,800
GF/GP	\$0

2. Michigan Justice Training Fund Grant

Authorizes the Michigan Judicial Institute to receive and expend \$45,000 of Michigan Justice Training grant funding made available by the Michigan Commission on Law Enforcement Standards for training court support personnel. (Supplemental Request 2021-5)

Gross	\$45,000
IDG	45,000
GF/GP	\$0

3. Court Improvement Program Grant Funds

Authorizes SCAO to receive and expend \$260,000 of Court Improvement Program grant funds under the federal Supporting Foster Youth and Families through the Pandemic Act, Division X of P.L. 116-260. Funding would be used to address needs concerning child welfare cases stemming from the COVID-19 public health emergency, including technology investments and training support to facilitate the use of remote hearings, family support programs to address aspects of the family case plan to avoid case delays, and other related activities. (Supplemental Request 2021-7)

Gross	\$260,000
Federal	260,000
GF/GP	\$0