

**Summary: Executive Budget Recommendation  
for Fiscal Year 2022-23  
JUDICIARY**



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	FY 2021-22	FY 2022-23 Executive	Difference: FY 2022-23 vs. FY 2021-22	
	Year-to-Date as of 2/9/22		Amount	%
<b>IDG/IDT</b>	\$1,652,300	\$1,902,300	\$250,000	15.1
<b>Federal</b>	6,374,800	6,381,500	6,700	0.1
<b>Local</b>	7,619,800	7,782,600	162,800	2.1
<b>Private</b>	1,222,600	1,524,200	301,600	24.7
<b>Restricted</b>	94,312,700	94,435,300	122,600	0.1
<b>GF/GP</b>	209,280,900	394,346,000	185,065,100	88.4
<b>Gross</b>	<b>\$320,463,100</b>	<b>\$506,371,900</b>	<b>\$185,908,800</b>	<b>58.0</b>
<b>FTEs</b>	524.0	534.0	10.0	1.9

Notes: (1) FY 2021-22 year-to-date figures include mid-year budget adjustments through February 9, 2022. (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.

<b>Major Budget Changes from FY 2021-22 Year-to-Date (YTD) Appropriations</b>	<b>FY 2021-22 YTD (as of 2/9/22)</b>	<b>Executive Change from YTD</b>
<b>1. Statewide Judicial Case Management System</b>	<b>Gross</b>	<b>NA</b>
Includes \$175.0 million GF/GP for costs of developing a single, statewide judicial case management system. In the final report of the Trial Court Funding Commission, recommendation 2 was for the state to provide all court technology needs for trial courts, including case and document management services, in order to create a uniform system throughout the state. Currently, there are 242 trial courts using and funding more than 16 case management systems and 150 computer systems. Recommendation 18 from the Michigan Joint Task Force on Jail and Pretrial Incarceration was to standardize criminal justice data collection and reporting. The Supreme Court has recently ordered that local trial courts submit all case data in a uniform manner. The budget proposal is built on the premise that a single, statewide case management system will support data management efforts, reduce staff time and effort in preparing and reporting case data, eliminate duplicative efforts at the local level, improve the validity and accuracy of data, and support consistent implementation of newer technologies among the trial courts.	<b>GF/GP</b>	<b>\$175,000,000</b>

<b>Major Budget Changes from FY 2021-22 Year-to-Date (YTD) Appropriations</b>	<b>FY 2021-22 YTD (as of 2/9/22)</b>		<b>Executive Change from YTD</b>
<b>2. Justice for All Initiative and Self-Help Center Expansion</b>	FTE	NA	2.0
Includes \$300,000 GF/GP and authorization for 2.0 FTE positions for continuing the Justice for All initiative implemented in FY 2021-22. The Justice for All initiative aims to simplify the court system, including court rules, processes, and forms, in order to increase court and community engagement and access to justice. Also includes \$750,000 GF/GP for expanding access to legal self-help centers. Funding would be used to open small, rural virtual self-help centers, support navigator services, and expand access to technology and staff for existing self-help centers. Self-help centers provide free legal information and assistance to individuals who represent themselves in simple civil legal matters.	<b>Gross</b>	<b>NA</b>	<b>\$1,050,000</b>
	GF/GP	NA	\$1,050,000
<b>3. Restoration of Funding Reduced in FY 2020-21</b>	<b>Gross</b>	<b>NA</b>	<b>\$1,005,900</b>
Restores \$1.0 million GF/GP that was reduced from the FY 2020-21 budget. A total of \$2.0 million GF/GP was reduced from that budget, to be achieved primarily from extension of the hiring freeze, a reduction in non-essential travel, and cancellation of leases for office space. Restoring \$1.0 million would support data collection and analysis, technology modernization, and other judicial system process improvements.	GF/GP	NA	\$1,005,900
<b>4. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers</b>	FTE	NA	7.0
Includes \$962,900 in ongoing GF/GP and authorization for 7.0 FTE positions for the State Appellate Defender Office (SADO) to ensure continued compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case, and to support other casework and projects of the Juvenile Lifer Unit. SADO provides post-conviction representation of juvenile lifers. As of September 2021, there were 51 clients awaiting resentencing hearings. There are a number of potential resentencing appeals and the unit works to develop comprehensive reentry plans to assist juvenile lifer clients with their return to the community.	<b>Gross</b>	<b>NA</b>	<b>\$962,900</b>
	GF/GP	NA	\$962,900
<b>5. SADO Administration</b>	FTE	56.0	4.0
Includes \$445,100 GF/GP and authorization for 4.0 FTE positions. Funding would support human resource and finance administrations, a program officer for the Criminal Defense Resource Center, and backfilling a position to accommodate increased need for information technology support.	<b>Gross</b>	<b>\$8,982,800</b>	<b>\$445,100</b>
	Federal	570,200	0
	Private	88,400	0
	Restricted	172,400	0
	GF/GP	\$8,151,800	\$445,100
<b>6. SADO Wrongful Prosecution and Administration</b>	FTE	56.0	2.0
Includes \$287,900 GF/GP and authorization for 2.0 FTE positions to continue operations of the Wrongful Prosecution Unit within SADO. Federal grant funding from the U.S. Department of Justice will expire and appropriation of GF/GP would ensure continuation of the unit and its work. The unit reviews and appeals cases that have indicators of actual innocence.	<b>Gross</b>	<b>\$8,982,800</b>	<b>\$287,900</b>
	Federal	570,200	0
	Private	88,400	0
	Restricted	172,400	0
	GF/GP	\$8,151,800	\$287,900
<b>7. Mandatory Continuing Judicial Education</b>	FTE	NA	3.0
Includes \$467,300 GF/GP and authorization for 3.0 FTE positions to implement the Supreme Court's new judicial continuing education requirements required under Administrative Order 2021-7. Requirements go into effect on January 1, 2024, but staffing and information technology architecture need to be in place before the requirements take effect.	<b>Gross</b>	<b>NA</b>	<b>\$467,300</b>
	GF/GP	NA	\$467,300

<b>Major Budget Changes from FY 2021-22 Year-to-Date (YTD) Appropriations</b>		<b>FY 2021-22 YTD (as of 2/9/22)</b>	<b>Executive Change from YTD</b>
<b>8. Judicial Tenure Commission</b>	FTE	8.0	1.0
Includes \$392,800 GF/GP (\$223,000 one-time; \$169,800 ongoing) to support 1.7 contract attorney positions that assist with reducing the grievance/investigation backlog, to support an increased number of hearings, and to support 1.0 additional paralegal position that would assist with non-attorney legal work, which would allow staff attorneys to focus their efforts on investigative duties.	<b>Gross</b>	<b>\$1,583,800</b>	<b>\$392,800</b>
	GF/GP	\$1,583,800	\$392,800
<b>9. Judicial Workload Assessment</b>	<b>Gross</b>	<b>NA</b>	<b>\$225,000</b>
Includes \$225,000 in one-time GF/GP funding to support a contracted judicial workload assessment study which would provide the underlying data for the Supreme Court's Judicial Resources Recommendation that will be issued in 2025.	GF/GP	NA	\$225,000
<b>10. Private Grant Authorization</b>	<b>Gross</b>	<b>\$201,100</b>	<b>\$300,000</b>
Authorizes the State Court Administrative Office (SCAO) to receive an additional \$300,000 in private grant awards. This will align appropriation authority with the amount of grant funding expected to be received in FY 2022-23.	Private	201,100	300,000
	GF/GP	\$0	\$0
<b>11. IDG Funding Authorization</b>	<b>Gross</b>	<b>NA</b>	<b>\$250,000</b>
Authorizes SADO to receive \$250,000 in federal Byrne formula grant funding from the Department of State Police should it become available. (In FY 2021-22, receipt of this funding is authorized in boilerplate section 322.)	IDG	NA	250,000
	GF/GP	NA	\$0
<b>12. Judgeship Changes</b>	<b>Gross</b>	<b>NA</b>	<b>(\$212,100)</b>
Reflects a net savings of \$212,100 GF/GP from the addition of 1.0 circuit court judgeship in Marquette County pursuant to 2021 PA 74, and elimination of 2.0 district court judgeships in Pontiac and Wayne County pursuant to 2012 PA 37.	GF/GP	NA	(\$212,100)
<b>13. Foster Care Review Board</b>	<b>Gross</b>	<b>\$1,360,400</b>	<b>\$0</b>
Includes \$55,000 GF/GP to replace federal Title IV-E funding provided through the Department of Health and Human Services for administrative support of the Foster Care Review Board. DHHS over claimed the amount of its' administrative costs that could be reimbursed with federal Title IV-E funding. The same adjustment is included in Supplemental Request 2022-2 for the FY 2021-22 budget.	Federal	408,800	(55,000)
	GF/GP	\$951,600	\$55,000
<b>14. Eliminate Current Year One-Time Funding</b>	FTE	9.0	(9.0)
Reduces the budget by \$1.9 million GF/GP and 9.0 FTE positions to reflect elimination of one-time funding included in the FY 2021-22 budget. Eliminated funding includes: \$939,100 (7.0 FTE positions) for SADO, \$204,000 for the Judicial Tenure Commission, and \$798,000 (2.0 FTE positions) for the Justice for All Initiative.	<b>Gross</b>	<b>\$1,941,100</b>	<b>(\$1,941,100)</b>
	GF/GP	\$1,941,100	(\$1,941,100)
<b>15. Economic Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$7,675,100</b>
Reflects increased costs of \$7.7 million Gross (\$7.3 million GF/GP) for negotiated salary and wage increases (5.0% on October 1, 2022 and 0.5% to annualize the FY 2021-22 1.0% increase that began on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, rent, and other economic adjustments.	Federal	NA	61,700
	Local	NA	162,800
	Private	NA	1,600
	Restricted	NA	122,600
	GF/GP	NA	\$7,326,400

**Major Boilerplate Changes from FY 2021-22**

**GENERAL SECTIONS**

**Sec. 215. Prohibition of Taking 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. (*Governor deemed this section unenforceable in FY 2021-22.*)

**Sec. 218. Linking Swift and Sure Sanctions Program to DHHS, DLEO, 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, DLEO, and MDOC programming.

**Sec. 218. Standard List of Report Recipients – NEW**

Requires all reports required in boilerplate to be submitted to the Senate and House Appropriations Subcommittees on Judiciary, the Senate and House Fiscal Agencies, and the State Budget Office, unless otherwise noted.

**Sec. 219. Receipt and Retention of Required Reports and Records – 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.

**JUDICIAL BRANCH**

**Sec. 312. Minors Seeking Court-Issued Waivers of Consent – 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.

**ONE-TIME APPROPRIATIONS**

**Sec. 400. Statewide Judicial Case Management System – NEW**

Designates the unexpended appropriation for the Statewide Judicial Case Management System as a work project appropriation; authorizes unencumbered or unallotted funds to be carried forward into the succeeding fiscal year; lists the purpose of the project, the estimated cost of the project, and the estimated completion date of the project.

**Supplemental Recommendations for FY 2021-22 Appropriations**

**FY 2021-22  
Recommendation**

**1. Foster Care Review Board**

Includes \$55,000 GF/GP to replace federal Title IV-E funding provided through the Department of Health and Human Services for administrative support of the Foster Care Review Board. DHHS over claimed the amount of its' administrative costs that could be reimbursed with federal Title IV-E funding. The same adjustment is proposed in the FY 2022-23 budget.

<b>Gross</b>	<b>\$0</b>
Federal	(55,000)
GF/GP	\$55,000