Good afternoon Senator Osten, Representative Walker, Senator Formica, Representative Lavielle and members of the Appropriations Committee. I am Patrick L. Carroll III, and I am the Chief Court Administrator. This is my sixth appearance before the Committee in this capacity and I am always grateful for the opportunity to discuss the Judicial Branch’s budget with you. Your consistent support of the Judicial Branch and its mission is truly appreciated.

I come before you today to offer testimony on Governor Lamont’s proposed funding for the Judicial Branch for the FY 2020-2021 biennium. Unfortunately I must begin by expressing my disappointment that this recommended budget does not comply with the very specific requirements of C.G.S. 4-73(g), that was adopted to recognize the Judicial Branch as an independent, co-equal, branch of government, and not a budgeted agency or department of the Executive Branch.

The statute states that...“The appropriations recommended for the Judicial Department shall be the estimates of expenditure requirements transmitted to the Secretary of the Office of Policy and Management by the Chief Court Administrator pursuant to section 4-77.” Including the Judicial Branch’s funding request in an appendix in the back of the budget, as is the case with the present recommended budget, does not constitute compliance with the statute.

The effect of non-compliance with this statute is that the Recommended General Fund budget for the Judicial Branch that the Committee is working from is $25 million less in FY 2020 and $33 million less in FY 2021 than what the Judicial Branch recommended. I do not wish to make the Committee’s work any more difficult than it already is, and I am confident that, by all three branches working together, we can resolve this issue.
The budget as proposed by the Governor undercuts the Judicial Branch by not including new funding I am requesting in two key areas, courthouse security and juvenile justice. The new funding needed includes:

- $6.5 million for much needed enhancements to courthouse security staffing, and
- $11.7 million for juvenile justice funding, without which we cannot successfully implement last year’s transfer to the Judicial Branch of all responsibilities for delinquent youth.

I will address these and other critical issues in greater detail.

Staffing

Despite the significant budget reductions we have faced throughout the past several years, neither our constitutional nor statutory responsibilities have lessened, but in fact have increased significantly as evidenced by the juvenile justice transfer. We are meeting our wide ranging responsibilities with a smaller workforce. Our number of filled full-time staff is now 3,514. That is 356 fewer filled positions than was the case four years ago. The difference would have been even greater had the Legislature not provided additional funding last session to bolster court staff, for which Chief Justice Robinson and I are exceptionally grateful. The staffing strain is evident throughout the Judicial Branch. We need adequate personnel funding to be successful and to deliver the services expected of our court system.

We are always examining ways to make ourselves more efficient and better serve the public. This is especially important as we deal with staff shortages. Two recent initiatives include:

- An online dispositions for infractions and payable violations program that allows the public to be heard on infractions and payable violations without coming to court. Approximately 70 percent of all eligible defendants choose to participate in this system and agreements are reached in over 80 percent of the cases. The system better serves the public, results in speedier resolution of matters, eliminates paper and reduces manually intensive tasks for staff.
- A new inmate support modification process that allows a child support order of an incarcerated individual to be modified without a judicial hearing if certain criteria are met. More than 1,500 modification hearings have been avoided since the inception of the program.

Courthouse Security

The security of those who come to, and work in, our courthouses is of paramount concern and is an ongoing challenge. The Judicial Branch utilizes a triad approach to security, including building design, trained security staff and sophisticated technology.
The Judicial Branch continually assesses courthouse security needs, and undertakes building improvements, replaces and upgrades building electronics, and recruits Judicial Marshal candidates on an ongoing basis.

Special Act 18-11 required the Chief Court Administrator to undertake an internal review of security procedures at courthouses and to submit any recommendations requiring legislation that arise from the review to be submitted to the Judiciary Committee for consideration. Although no new legislative proposals arose from the assessment, areas of concern were highlighted.

Chief among these are the chronic shortage of Judicial Marshals. While funding for training classes has been a consistent problem throughout the years, attrition within the marshal ranks minimizes any gains in staffing even when classes are held. During the current fiscal year, an unprecedented five training classes will be held, yet our net gain in filled staff is fewer than 50. Creative ways need to be found to help bridge the gap between the 850 marshals we need and the 660 we have on hand.

The $6.5 million that I requested, but which is not reflected in the recommended budget, will go a long way toward closing the staffing gap and enhancing courthouse security.

- We will use the funding to hire part-time security staff (recently retired Judicial Marshals and local EMS personnel) to supplement our full-time marshals at the busiest court times.
- It will permit us to expand a security initiative that we have used successfully in the past. That is, to station a police officer outside every courthouse to provide a deterrent presence.

I ask the Committee to include this essential funding in its budget.

**Juvenile Justice Transfer**

The Judicial Branch has been on the front lines of juvenile justice reform since the initial efforts to “Raise the Age” began and we remain the pivotal player as the effort shifted last year to placing all responsibility for delinquent youth with the Judicial Branch and away from the Department of Children and Families (DCF).

The effort to provide appropriate services and placements for this population has been an enormous undertaking and is well documented in the efforts of the Juvenile Justice Policy and Oversight Committee (JJPOC). I thank all those who are working collaboratively with us to make this as effective as possible under the circumstances encompassing this transition.

I will not use this forum to detail the specifics of the challenges we face. I must, however, emphasize that the Governor’s Recommended Budget reduces the funding we indicated we
needed to deliver the necessary services and supervision that is required for the children and youth who need it most by an unacceptable amount – $11.7 million – leaving us with $17 million rather than the $28.5 million I submitted in accordance with C.G.S. 4-73(g).

The additional money needed is still far less than the approximately $50 million that DCF was appropriated to provide juvenile justice services to the same population we are discussing here. The funding we need to be successful has been known since the transfer of responsibility was first discussed.

To be clear, we cannot provide the intensive community-based secure programming this population requires with the amount of funding the Governor has recommended. Funding at the level included in the Governor’s Recommended Budget will result in shortcomings in services and public safety which neither you as the Legislature nor the many other advocates for juvenile justice reform will find acceptable. The funding must, therefore, be restored to the level I submitted.

**Juvenile and Adult Alternatives to Incarceration**

The Governor’s Recommended Budget reduces funding for these programs by almost $3.3 million in FY 2020 and $4.5 million in FY 2021, including a $125 thousand reduction in funding in juvenile planning money that supports the work of the JJPOC. Again, this reduction, inconsistent with C.G.S. 4-73(g), is also out of step with our collective efforts to treat adult and juvenile offenders in cost effective ways in the community.

- On the adult side, Recovery Coaches are the most critical item affected by the reduction. Recovery Coaches are among the most promising practices for sustaining substance abuse treatment gains made in treatment programs, and the opioid crisis makes sustainable treatment gains a matter of life or death.
- With respect to the juvenile funding reduction, Functional Family Therapy (FFT), one of the most widely researched and effective services to stem further juvenile justice involvement, will either not be funded, or will be offered at the expense of other effective programs that need to be cut to afford it.

**Foreclosure Mediation**

The foreclosure mediation program was established at the height of the foreclosure crisis in 2008. With funding through an allocation to the Judicial Branch from the Banking Fund, up to 51 new staff were brought on board to mediate foreclosure actions between homeowners and lenders with a goal of keeping people in their homes. The program has handled more than 29,000 cases since its inception and has been a successful forum for homeowners and lenders to work out troubled loans to the satisfaction of both parties.

As the foreclosure crisis began to ease in 2014, the Judicial Branch began to transition staff to other court activity that desperately needed additional staff resources. At the time our
Current Service budget was developed, there were 18 staff supported by the Fund. Today, there are 14 mediators supported by the Fund and by June only 10 will remain. With the program scheduled to sunset on July 1 of this year, I requested funding to move 18 staff to the General Fund. The Governor’s Recommended Budget does not include the $1.5 million I requested for FY 2020 or the $1.6 million needed in FY 2021 to support the 18 staff. With the continued transition of staff to other court functions, the funding needed in FY 2020 and FY 2021 is reduced from these amounts to $947 thousand and $1 million, respectively. I note for the Committee that there are presently two raised bills that would repeal the impending sunset provision and continue to provide funding through the Banking Fund.

Probate Court

The Judicial Branch’s budget includes a pass-through Other Current Expense account for the Probate Court system. These funds, when combined with probate fees, provide the funding necessary to operate 54 local probate courts and the Office of the Probate Court Administrator. The biennial budget request I submitted to OPM included pass-through funding for probate in the amount of $7.2 million in FY 2020 and $12.5 million in FY 2021. Although the Governor’s Recommended Budget should have included these amounts, consistent with C.G.S. 4-73(g), it did not, reducing the pass-through amounts by $2.8 million and $8.15 million respectively. Probate Court Administrator Paul Knierim will provide the Committee with the significant operational issues that will result from this reduction if it stands.

Summary

The Judicial Branch will always be a cooperative partner in trying to address the challenges we face. We stand ready to work with the Legislative and Executive Branches to find solutions as we move forward. Thank you, and I would be pleased to answer any questions you may have.