

ANALYSIS OF THE NEW JERSEY
FISCAL YEAR 2002 - 2003 BUDGET



THE JUDICIARY

PREPARED BY

OFFICE OF LEGISLATIVE SERVICES

NEW JERSEY LEGISLATURE

NEW JERSEY STATE LEGISLATURE

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THE JUDICIARY

Budget Pages..... C-20, C-27, C-35, D-527 to D-535,
F-3

Fiscal Summary (\$000)

	Expended FY 2001	Adjusted. Appropriation FY 2002	Recommended FY 2003	Percent Change 2002-03
State Budgeted	\$436,591	\$479,125	\$487,672	1.8%
Federal Funds	57,871	59,089	59,089	0.0%
<u>Other</u>	<u>23,722</u>	<u>23,049</u>	<u>23,049</u>	<u>0.0%</u>
Grand Total	\$518,184	\$561,263	\$569,810	1.5%

Personnel Summary - Positions By Funding Source

	Actual FY 2001	Revised FY 2002	Funded FY 2003	Percent Change 2002-03
State	7,627	7,776	8,129	4.5%
Federal	1,312	1,335	1,358	1.7%
<u>Other</u>	<u>181</u>	<u>183</u>	<u>196</u>	<u>7.1%</u>
Total Positions	9,120	9,294	9,683	4.2%

FY 2001 (as of December) and revised FY 2002 (as of September) personnel data reflect actual payroll counts. FY 2003 data reflect the number of positions funded.

Introduction

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

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

Key Points

- Recommended FY 2003 State funding for the Judiciary is \$487.6 million, \$8.6 million or 1.8 percent more than the Judiciary's FY 2002 adjusted appropriation of \$479 million.
- An appropriation of \$2 million is recommended in FY 2003 for increased compensation for jurors. P.L. 2001, c.38 increased the amount of compensation paid to jurors. Under the statute, for each consecutive day of attendance in excess of three days, jurors would be eligible for an additional \$35 per day (i.e., for a total per diem reimbursement on those days of \$40). Public employees, who are entitled to their usual compensation while on jury duty, would not be eligible for juror fees.
- An appropriation of \$3.1 million is included in the FY 2003 recommendation for the Kinship Legal Guardianship program, an increase of \$309,000 over the FY 2002 adjusted appropriation. P.L.2001, c.250 established the program and created seven additional Superior Court Judgeships to administer it. The program provides for the needs of children who cannot reside with parents due to their parents' incapacity or inability to care for them, but does not entirely sever parental contact or responsibilities. A kinship legal guardian is a care giver who is responsible for the care and protection of the child and for providing for the child's health, education and maintenance. The child's parents are obligated to pay child support and they retain the right to visitation and the right to consent to adoption.
- A total of \$18.359 million is recommended for drug courts in FY 2003, \$5.178 million more than the FY 2002 appropriation. This appropriation is divided into three distinct categories: Drug court operations which is allotted \$4.444 million; Judicial positions, which would receive \$1.497 million; and treatment and aftercare services which would receive \$12.418 million. While the Judiciary would retain the \$5.9 million appropriated for operations and judicial positions, the remaining \$12.4 million would be transferred to the Department of Health and Senior Services for treatment and aftercare services. Drug Courts provide for intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration.
- An increase of \$1.2 million is recommended in the Judiciary's Additions Improvements and Equipments account as the first of three Master Lease payments for specialty equipment to allow the Judiciary to meet ADA (Americans with Disabilities Act) requirements in various court rooms, as well as for equipment and furnishings for new and renovated court facilities throughout the State.
- Recommended FY 2003 language would provide that receipts collected for the Special Civil Part service of process via certified mailers be appropriated for services provided. This would allow reimbursement to the trial courts for postage and printing costs incurred in sending out Special Civil Part service of process via certified mailers. Currently, the approximately \$1.34 million in fees is deposited in the General Fund.
- Recommended FY 2003 budget language would permit the Judiciary to transfer funds among accounts without the approval of the Office of Management and Budget or the Legislature. Currently, the approval of both of these entities is required for certain transfers within its organization.

Key Points

- The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2003 recommended budget language would permit the reappropriation of up to \$3 million in unexpended balances from FY 2002 subject to the approval of the Director of the Division of Budget and Accounting.

Program Description and Overview

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

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

Overview

The FY 2003 recommended Direct State Services budget for the Judiciary is \$487.6 million, 1.8 percent or \$8.6 million more than the FY 2002 adjusted appropriation of \$479 million. Included in this increase is \$5.178 million for the expansion of the statewide Drug Court program (P.L.2001 c.243) as follows: \$1.543 million for Drug Court operations; \$525,000 for six additional judgeships to hear the drug court cases; and \$3.11 million to be transferred to the Department of Health and Senior Services for treatment and aftercare services. An additional \$2 million is included in the budget for increased juror fees (P.L.2001, c.38) and \$309,000 is added to fund the Kinship Legal Guardianship program (P.L.2001, c.250). An additional \$1.2 million is also included in the FY 2003 recommendation to fund the Master Lease payments for specialty equipment to allow the Judiciary to meet ADA (Americans with Disabilities Act) requirements in various court rooms, and for equipment and furnishings for new and renovated court facilities throughout the State.

The Judiciary's FY 2003 budget recommendation includes a Direct State Services appropriation of \$313 million for the operation of the 15 trial court vicinages. The vicinages are also recipients of approximately \$48.3 million in federal funding, \$48 million of which is in the form of reimbursements for child support collection activities (Title IV-D). The Judiciary estimates that it will collect about \$946 million in child support payments in FY 2003, distributing 4.3 million checks to custodial parents, an increase of \$58 million over the FY 2002 estimated collection level of \$888 million. Under Title IV-D, the federal government reimburses the State and counties for 66.7 percent of the cost of conducting child support enforcement activities.

Recommended FY 2003 general language provisions (budget page F-3) would provide the Judiciary with the authority to transfer funding among accounts as necessary without the approval of the Director of the Division of Budget and Accounting or the Legislative Budget and Finance Officer.

Program Description and Overview

Personnel

The Judiciary has a total of 460 judicial positions. Of these 7 are Supreme Court justices, 12 are Tax Court judges, and 441 are Superior Court judges. As of April 15, 2002, 20 of these positions were vacant. It is expected that one more judicial vacancy will become available on May 1, 2002 as a result of a pending judicial retirement.

Judicial salaries were increased in stages over a three-year period beginning on January 1, 2000 pursuant to P.L. 1999, c. 380. Under the statute, the Chief Justice, Superior Court Associate Justices, Superior Court Appellate Justices, Assignment Judges and Tax Court Judges all became eligible for increases on January 1, 2000, January 1, 2001, and January 1, 2002, respectively, as follows:

Judicial Salary Increases

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

The FY 2003 budget provides funding for 9,683 State, federal and other positions. Of these positions, 8,129 are State supported, 1,358 are federally funded, and 196 are funded from other sources such as dedicated or revolving funds.

The majority of the federally funded positions are dedicated to the Title IV-D Child Support and Paternity programs and are supported by the Title IV-D federal reimbursement. Under Title IV-D, the federal government reimburses the State 66.7 percent of the cost of operating this function, while the State is responsible for the remaining 33.3 percent. Child support collections receive this federal support because of the assumption that payments made by many non-custodial parents to poverty level custodial parents would offset the cost of welfare payments made to these parents under the Aid to Families with Dependent Children program.

Program Description and Overview (Cont'd)

Recent Enactments

Increased Juror Compensation

P.L. 2001, c.38 increased the amount of compensation paid to jurors. Prior to the enactment of P.L. 2001, c.38, all individuals called to perform jury duty service were compensated at a rate of \$5 per day. Under the statute, for each consecutive day of attendance in excess of three days, jurors would be eligible for an additional \$35 per day (i.e., for a total per diem reimbursement on those days of \$40). The term "consecutive" day excludes Saturdays, Sundays, State holidays or days when a trial is in recess. Public employees, who are entitled to their usual compensation while on jury duty, would not be eligible for the increase in compensation. The FY 2003 recommendation includes \$2 million in the Services Other Than Personal Account to fund this increase.

Kinship Legal Guardianship Program

P.L.2001, c.250 established the Kinship Legal Guardianship program which provides for the needs of children who cannot reside with parents due to their parents' incapacity or inability to care for them, but does not entirely sever parental contact or responsibilities. The program designates as kinship legal guardians care givers who have a biological, legal, extended or committed emotional or psychological relationship with a child and who are willing to assume care of the child with the intent to raise the child to adulthood. A kinship legal guardian is responsible for the care and protection of the child and for providing for the child's health, education and maintenance, while the child's parents retain the right to visitation and the right to consent to adoption. Parents are also obligated to pay child support.

The statute provided for seven additional Superior Court judgeships to manage the increased caseload generated by its enactment and appropriated \$2,737,716 in FY 2002, of which \$1,865,000 was allotted to the Judiciary for the additional judges and staff and \$872,716 was appropriated to the Office of the Public Defender for staff and administrative costs. Prior to, and in anticipation of, the enactment of this statute, the Appropriations Act allotted \$970,000 to the Judiciary, resulting in a total FY 2002 Judiciary adjusted appropriation to \$2.835 million. The Judiciary is recommended to receive \$3.144 million in FY 2003 for continuation of this program, an increase of 10.9 percent.

Drug Offender Restraining Order

P.L. 2001, c.365 revised the "Drug Offender Restraining Order Act of 1999" to permit rather than require courts to issue restraining orders prohibiting certain offenders from entering premises, locations or areas where the offense occurred. The statute appropriated \$50,000 to the Judiciary to enable the Administrative Office of the Courts to reprogram its automated systems to accommodate this change. Funding is not recommended for this purpose in FY 2003.

Program Description and Overview (Cont'd)

Drug Court

P.L. 2001, c.243, provided for the expansion of the drug court pilot program into a Statewide program, created six additional judgeships, and appropriated \$4 million to the Judiciary for this purpose. The pilot, which had been supported in five vicinages by federal funding, provides for court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration(see below).

Alternatives to Incarceration

Drug Court

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

Toward this end, the Judiciary began operating the Drug Court program on a pilot project basis in several vicinages in cooperation with the Departments of Corrections and Health and Senior Services, and the Public Defender. The program, which was funded through federal grants and appropriations to both the Judiciary and to the Department of Corrections, involves these agencies in a cooperative effort to oversee intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration.

Several of the vicinages which received planning and startup funding from the federal government for the initial years of drug court operation have exhausted this source of funding and are currently in need of State appropriations to permit program continuation. Addressing this issue, the Legislature enacted P.L. 2001, c.243, which provided for the expansion of the drug court program statewide and appropriated \$4 million. Of that appropriation, \$2.43 million was appropriated to the Judiciary as follows: \$1.458 million for the staff associated with the operation of the drug courts and \$972,000 for six additional judgeships to hear the increased number of cases. The balance of \$1.57 million was appropriated to the Department of Health and Senior Services for in-patient and out-patient substance abuse treatment of adult and juvenile criminal offenders referred to the program.

Camden, Essex, Mercer, Passaic and Union vicinages served as pilot programs, and received funding during the first phase of the drug court program as their federal funding expired. The remaining vicinages which will be fully State funded are scheduled to begin operating on a phased in basis. Bergen, Cumberland/Gloucester/Salem, Monmouth, Ocean and Morris/Sussex vicinages began operation of their drug courts on April 1, 2002. It is anticipated that the remaining five vicinages will begin drug court operations in FY 2004.

Intensive Supervision Program

The Intensive Supervision Program (ISP) is recommended to receive \$10.1 million in FY 2003, the same amount as the FY 2002 adjusted appropriation. The ISP program places State-

Program Description and Overview (Cont'd)

sentenced non-violent adult offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, thus reserving prison bed spaces for violent offenders. During FY 2002, the program diverted 1,217 non-violent adult offenders from the State's prisons. Of these offenders, 400 or 33 percent, were returned to prison for various infractions of the ISP regulations. The FY 2003 recommended appropriation would again support 1,217 program participants.

Juvenile Intensive Supervision Program

The Juvenile Intensive Supervision Program (JISP), a program for juvenile offenders, is recommended to receive continued funding in the amount of \$1.98 million in FY 2003. The program is structured to provide Family Court judges with an alternative to incarceration for selected juvenile offenders. According to budget evaluation data, the FY 2003 recommended appropriation would support 335 program participants. Of these offenders, 70, or 21 percent of the program participants, are expected to be returned to the juvenile justice system for various infractions of the JISP regulations.

Information Technology

Information Technology Upgrade

During the FY 2002 budget process, the Judiciary requested \$32 million in capital funding to aid it in its proposed information technology upgrade. However, the requested amount was not included in the Governor's Budget recommendation. In FY 2002, the Judiciary transferred the sum of \$8 million in surplus funding from various accounts to the Information Services accounts to begin this process. The Judiciary has again requested funding totaling \$54.4 million in its FY 2003 budget request documents for this purpose. Funding for this upgrade is not included in the FY 2003 budget recommendation.

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

Other Programs

The sum of \$1.2 million is recommended in the Judiciary's Additions Improvements and Equipments account as the first of three Master Lease payments for specialty equipment to allow the Judiciary to meet ADA (Americans with Disabilities Act) requirements in various court rooms, as well as for equipment and furnishings for new and renovated court facilities throughout the State.

Program Description and Overview (Cont'd)

Recommended budget language would provide that receipts collected for the Special Civil Part service of process via certified mailers be appropriated for services provided. This would allow for reimbursement to be made to the trial courts for postage and printing costs incurred in sending out Special Civil Part service of process via certified mailers. Currently, the approximately \$1.34 million fees is deposited in the General Fund.

The Bar Admissions Financial Committee is funded through a fee charged to all applicants to the New Jersey bar and revenues reflect the number of applicants to the New Jersey bar. The Judiciary anticipates FY 2003 collections of \$2.3 million for this program, the same amount as collected in the current fiscal year.

The Board on Attorney Certification is self-funded by fees charged to attorneys seeking certification in Civil Trial, Criminal Trial, Matrimonial Law and Workers Compensation Law in New Jersey. The FY 2003 income for this program is expected to remain the same at \$290,000.

The Supreme Court operates two programs funded through assessments charged to all practicing attorneys, the Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection. Both programs are expected to collect the same amount in FY 2003 as in FY 2002. Assessments attributable to the Ethics Financial Committee are anticipated to total \$6.9 million and the New Jersey Lawyers Fund for Client Protection is projected to collect \$1.3 million

The FY 2003 budget recommends \$330,000 for the Parents Education Program, the same amount appropriated in FY 2002. The program, which was authorized under P.L. 1999, c.11, requires all parties filing an action for divorce, wherein the custody, visitation or support of a minor child is an issue, to participate in a Parent Education program. The program is designed to assist and advise divorced or separating parents on issues concerning divorce, separation and custody. Its goal is to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties are likely to face during the divorce process and is funded through a \$25 fee imposed upon program participants.

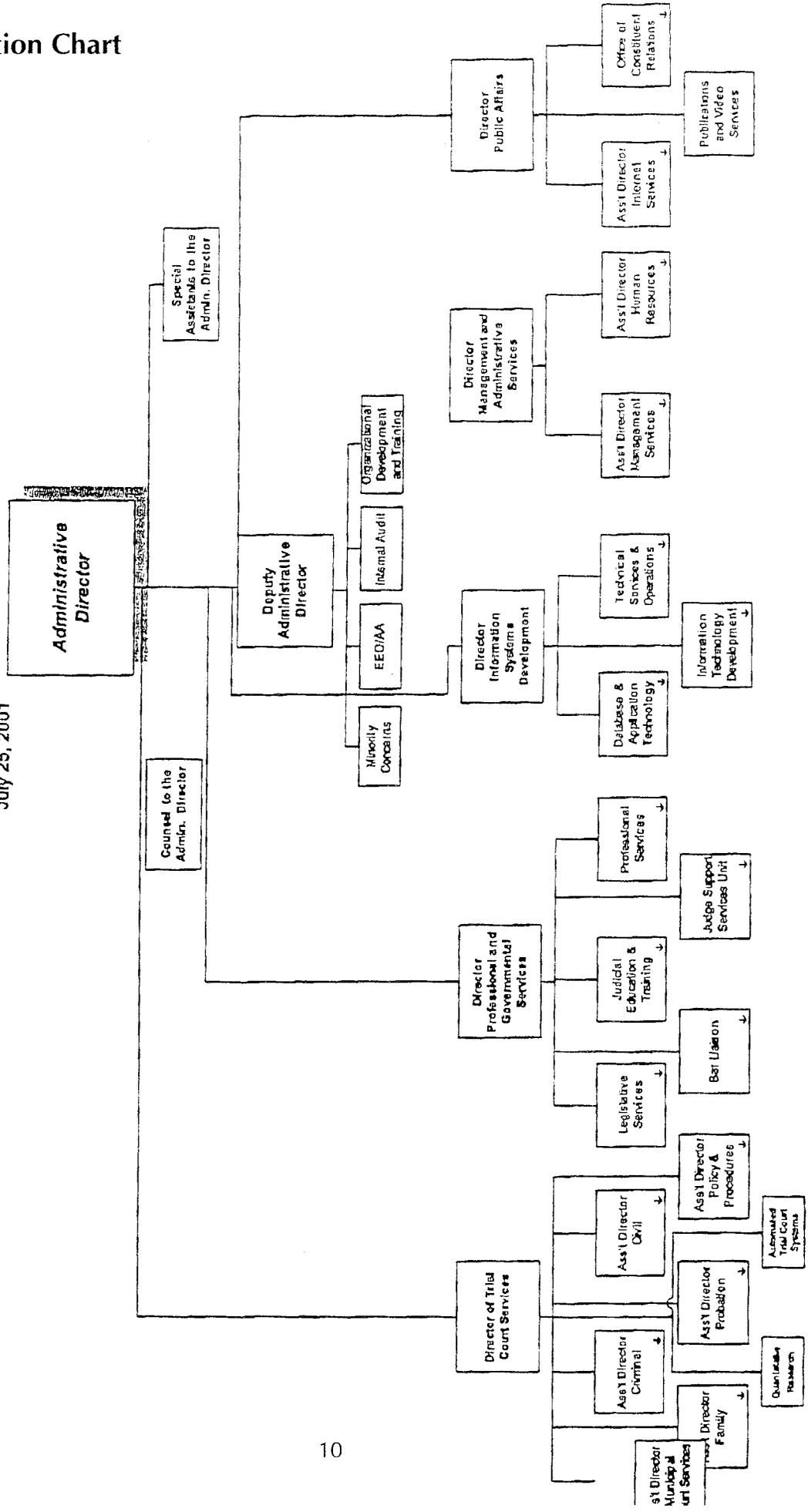
Carry Forward

The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2003 recommended budget language would permit the Judiciary to carry forward up to \$3 million in unexpended balances at the end of FY 2002 subject to the approval of the Director of the Division of Budget and Accounting. The Judiciary carried forward more than \$20 million in Direct State Services funding into FY 2002.

Organization Chart

Judiciary Table of Organization: Administrative Office of the Courts

July 25, 2001



Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2001	Adj. Approp. FY 2002	Recom. FY 2003	Percent Change	
				2001-03	2002-03
General Fund					
Direct State Services	\$436,591	\$479,035	\$487,672	11.7%	1.8%
Grants-In-Aid	0	90	0	0.0%	(100.0)%
State Aid	0	0	0	0.0%	0.0%
Capital Construction	0	0	0	0.0%	0.0%
Debt Service	0	0	0	0.0%	0.0%
Sub-Total	\$436,591	\$479,125	\$487,672	11.7%	1.8%
Property Tax Relief Fund					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Sub-Total	\$0	\$0	\$0	0.0%	0.0%
Casino Revenue Fund	\$0	\$0	\$0	0.0%	0.0%
Casino Control Fund	\$0	\$0	\$0	0.0%	0.0%
State Total	\$436,591	\$479,125	\$487,672	11.7%	1.8%
Federal Funds	\$57,871	\$59,089	\$59,089	2.1%	0.0%
Other Funds	\$23,722	\$23,049	\$23,049	(2.8)%	0.0%
Grand Total	\$518,184	\$561,263	\$569,810	10.0%	1.5%

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2001	Revised FY 2002	Funded FY 2003	Percent Change	
				2001-03	2002-03
State	7,627	7,776	8,129	6.6%	4.5%
Federal	1,312	1,335	1,358	3.5%	1.7%
All Other	181	183	196	8.3%	7.1%
Total Positions	9,120	9,294	9,683	6.2%	4.2%

FY 2001 (as of December) and revised FY 2002 (as of September) personnel data reflect actual payroll counts. FY 2003 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

Total Minority Percent	33.1%	32.5%	31.1%	----	----
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Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2002</u>	<u>Recomm.</u> <u>FY 2003</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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DIRECT STATE
SERVICESServices Other Than
Personal

	\$29,201	\$31,201	\$2,000	6.8%	D-534
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The recommended increase provides funding for increased compensation for jurors. P.L. 2001, c.38 increased the amount of compensation paid to jurors. Under the statute, for each consecutive day of attendance in excess of three days, jurors would be eligible for an additional \$35 per day (i.e., for a total per diem reimbursement on those days of \$40). Public employees, who are entitled to their usual compensation while on jury duty, are not eligible for juror fees.

Special Purpose:

Drug Court

Treatment/Aftercare	\$9,308	\$12,418	\$3,110	33.4%	D-534
Drug Court Operations	\$2,901	\$4,444	\$1,543	53.2%	D-534
Drug Court Judgeships	\$972	\$1,497	\$525	54.0%	D-534
Total Drug Court	\$13,181	\$18,359	\$5,178	39.3%	

P.L. 2001, c.243 provided for the expansion of the drug court program in New Jersey, created six new judgeships and appropriated \$4 million. Of that appropriation, \$1.458 million was appropriated for the staff associated with the operation of the drug courts and \$972,000 was appropriated for the additional judgeships. The balance of \$1.57 million was appropriated for in-patient and out-patient substance abuse treatment of adult and juvenile criminal offenders referred to the program. The FY 2003 recommendation provides continuation funding for the program. Of the \$18.4 million recommended, the Judiciary would retain the \$5.9 million appropriated for operations and judicial positions. The remaining \$12.4 million would be transferred to the Department of Health and Senior Services for treatment and aftercare services.

Kinship Legal

Guardianship

	\$2,835	\$3,144	\$309	10.9%	D-534
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P.L.2001, c.250 established the Kinship Legal Guardianship program and created seven additional Superior Court Judgeships to administer the program. The program provides for the needs of children who cannot reside with parents due to their parents' incapacity or inability to care for them, but does not entirely sever parental contact or responsibilities. It designates as kinship legal guardians care givers who have a biological, legal, extended or committed emotional or psychological relationship with a child and who are willing to assume care of the child with the intent to raise the child to adulthood. A kinship legal guardian is responsible for the care and protection of the child and for providing for the child's health, education and maintenance, while the child's parents retain the right to visitation and the right to consent to adoption. Parents are also

Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2002</u>	<u>Recomm.</u> <u>FY 2003</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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obligated to pay child support. The Judiciary is recommended to receive \$3.144 million in FY 2003 for continuation of this program

**Drug Offender
Restraining Order
Systems Update**

	\$50	\$0	(\$50)	(100.0)%	D-534
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P.L. 2001, c.365 revised the "Drug Offender Restraining Order Act of 1999" to allow courts to issue restraining orders prohibiting certain offenders from entering premises, locations or areas where the offense occurred rather than require the courts to do so. The statute appropriated \$50,000 to the Judiciary to enable the Administrative Office of the Courts to reprogram its automated systems to accommodate this change. Funding is not recommended in FY 2003.

**Additions,
Improvements and
Equipment**

	\$2,803	\$4,003	\$1,200	42.8%	D-534
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The recommended increase represents the first of three Master Lease payments for specialty equipment to allow the Judiciary to meet ADA (Americans with Disabilities Act) requirements in various court rooms, as well as for equipment and furnishings for new and renovated court facilities throughout the State.

**Grants in Aid:
Family Courts
Court Appointed
Special Advocates of
NJ, Inc.**

	\$90	\$0	(\$90)	(100.0)%	D-534
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This grant was a FY 2002 Legislative initiative and has not been recommended for continuation in FY 2003.

2002 Appropriations Handbook2003 Budget Recommendations**p. B-243**

Of the amount appropriated hereinabove for Additional Drug Courts, such sums up to \$2,680,000 shall be transferred to the Department of Corrections, Drug Court Treatment Programs account for the residential drug treatment services of eligible participants, subject to the approval of the Director of the Division of Budget and Accounting. No comparable language.

p. D-535

The amounts appropriated hereinabove in the Drug Courts Treatment and Aftercare account shall be transferred to the Department of Health and Senior Services to fund treatment, aftercare and administrative services associated with the drug court program, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The FY 2002 appropriation for drug courts in the Judiciary's budget included funding for both drug courts and treatment services. Additional funding for drug courts was appropriated in the Department of Corrections' FY 2002 budget. The FY 2002 language provided for the transfer of treatment funding to the Department of Corrections, which then transferred the funding (via language in the Appropriations Handbook page B-36) to the Department of Health and Senior Services. The FY 2003 recommendation places all of the drug court funding in the Judiciary's budget. This funding is separated into three accounts: treatment/aftercare services, drug court operations, and additional judge positions. The recommended language provides for the transfer of treatment funding to the Department of Health and Senior Services which is responsible for the treatment of drug court participants.

2002 Appropriations Handbook2003 Budget Recommendations**p. B-243**

The unexpended balance as of June 20, 2001 in the Increased Juror Fees account established pursuant to section 3 of P.L.2001, c.38, not to exceed \$4,600,000 is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

No comparable language.

Explanation

While funding for P.L. 2001, c.38 was sufficient for a full year of operation, the law was enacted well into the fiscal year (March 23, 2001). The FY 2002 language permitted the Judiciary to carry forward the balance of funding to allow for program continuation in FY 2002. The FY 2003 budget

Language Provisions (Cont'd)

recommendation includes the sum of \$2 million in the Judiciary's Services Other Than Personal Account for the program. Carry forward language is no longer required.



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The unexpended balances as of June 30, 2001 in the Drug Court Pilot Initiative accounts are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting. No comparable language.

Explanation

P.L. 2001, c.243 provided for the expansion of the drug court program in New Jersey and made the program permanent. This is no longer a pilot program and the language is no longer required.



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The unexpended balances as of June 30, 2001 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

p. D-525

The unexpended balances as of June 30, 2002 **not to exceed \$3,000,000** in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

While FY 2002 budget language permitted the Judiciary to carry forward all unexpended funding balances, FY 2003 recommended language would permit only the reappropriation of up to \$3 million in unexpended balances subject to the approval of the Director of the Division of Budget and Accounting.



Language Provisions (Cont'd)

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An amount not to exceed \$7,500,000 may be transferred to the Management and Administration program classification account for Salaries and Wages from the appropriations hereinabove in any of the program classifications accounts in the Judiciary, subject to the approval of the Director of the Division of Budget and Accounting.

No comparable language.

Explanation

The amount of \$7.5 million was deducted from the Judiciary's Salaries and Wages account during the FY 2002 appropriations process. The FY 2002 language permitted the Judiciary to transfer surplus funding from other accounts within the Judiciary back to the salaries account to make up for this reduction. This language is not required in FY 2003.

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No comparable language.

p. D-535

Notwithstanding any law to the contrary, receipts representing fees for the Special Civil Part service of process via certified mailers are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The recommended language provides for reimbursement to the trial courts for postage and printing costs incurred in sending out Special Civil Part service of process via certified mailers. Currently, the approximately \$1.34 million in service of process fees is deposited in the General Fund.

Language Provisions (Cont'd)

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p. E-2

The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

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p. F-3

The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative **or Judicial** branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

Explanation

Recognizing the Judiciary as a separate branch of government, this language permits the Judiciary to transfer funds among accounts without the approval of the Office of Management and Budget or the Legislature.



Discussion Points

1. The Governor's Budget identifies approximately \$75 million in additional revenues from new or increased fees throughout State government.

- **Question:** Please identify the authority (i.e., legislation, executive order, or agency regulation) for any fee changes or other new State revenue sources reflected in the FY 2003 budget for your department. If legislation is required to implement these changes, what is the status of those bills?

2. Federal enactments and federal budget proposals often impact significantly on State programs and fiscal resources.

- **Question:** What impact will the expectation of (a) increased or decreased federal funding, or (b) new or revised federal mandates or matching requirements, have on your department's resources and activities in FY 2003? Be specific with regard to the expected federal action and the corresponding State or local impact.

3. During the past two fiscal years the Judiciary has requested a substantial amount of funding to provide for the upgrade of its information technology infrastructure. During the FY 2002 budget process, a Judiciary request of \$32 million in capital funding was not included in the budget recommendation. In FY 2002, the Judiciary transferred the sum of \$8 million in surplus funding from various accounts to the Information Services accounts to begin this process. The Judiciary has again requested funding totaling \$54.4 million in FY 2003. No funding is included in the FY 2003 budget recommendation for this purpose.

- **Question:** How is the Judiciary funding its information processing needs? What affect will the lack of funding have on the Judiciary's operations?

4. Recent news articles have reported that Judiciary is reducing the number of recall judges. Recall judges are judges who have been called back from retirement to hear cases on a per diem basis. Historically, they have been used to help reduce the backlog of pending court cases.

- **Question:** How does the reduction in the number of recall judges affect the Judiciary's backlog of court cases? What areas are experiencing the greatest backlogs? How are the courts addressing any existing backlogs?

5. P.L. 2001, c.243, provided for the expansion of the drug court pilot program into a Statewide program and appropriated \$4 million to the Judiciary for this purpose. The pilot, which had been supported in five vicinages by federal funding, provides for court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration.

- **Question:** What is the status of Drug Court program implementation? When is it anticipated that the last five vicinages will begin implementation? Is there a plan for juvenile drug courts? What are the details and the status of such a plan?

Discussion Points (Cont'd)

6. During the past year the Judiciary implemented a program for electronic payment of parking and traffic tickets in municipal courts.

- **Question:** What is the status of the e-payment program? What has been the public reaction to the availability of e-payment? Does the Judiciary have plans to expand e-payment to other court related collection activities?

7. P.L. 2001, c.362 establishes the Probation Office Community Safety Unit within every county and authorizes probation officers within each unit to "arrest, detain and transport probationers and enforce the criminal laws" as well as to "enforce warrants for the apprehension and arrest of probationers who violate the conditions of their probation sentence." The statute also authorizes probation officers to carry a firearm, provided that carrying is in accordance with the authority of N.J.S.2C:39-6 and the Supreme Court Rules.

- **Question:** What is the Judiciary's philosophy concerning the trend toward probation personnel carrying out law enforcement activities? How has the establishment of these units impacted upon the Judiciary's ability to carry out its probation and supervision responsibilities? What is the status of this program? How many probation officers have undergone training and are currently assigned to these units?

8. During the FY 2002 Appropriations process, the Judiciary referred to "best practices" as a method to ensure that all of the State's citizens will receive similar treatment and experiences when interacting with the court regardless of the county within which they reside. Implementation of "best practices" for civil cases had occurred in the Fall of 2000.

- **Question:** What is the status of the effort to institute "best practices" throughout the judicial system? What impact has "best practices" had on the costs of the judicial system? How are "best practices" selected or developed for implementation?

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Individuals wishing information and committee schedules on the FY 2003 budget are encouraged to contact:

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