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# FISCAL YEAR 2021

## BUDGET REQUEST

FEBRUARY 2020

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## **I. Overview of the State Justice Institute**

The State Justice Institute (SJI) was established by Congress (42 U.S.C. 10701 et seq.) in 1984 to award grants to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. SJI is a non-profit corporation governed by an 11-member Board of Directors appointed by the President and confirmed by the Senate. By law, the President must appoint six state court judges, one state court administrator, and four members of the public – no more than two of whom may be of the same political party.

SJI is unique in both its mission and how it seeks to fulfill it. Only SJI has the authority to assist all state courts – criminal, civil, juvenile, family, and appellate – and the mandate to share the success of one state’s innovations with every state court system.

SJI carries out its mission in a variety of ways that maximize the impact of its funding, including:

- Addressing national court issues as they occur, and developing solutions to those problems;
- Placing practical products in the hands of the judges and court staff who can most benefit from them;
- Making sure that effective approaches in one state court are quickly and economically shared with other courts nationwide;
- Supporting national, regional, and in-state educational programs to speed the transfer of solutions to issues shared by courts across the nation; and,
- Supporting national technical assistance targeted at specific issues in the courts.

SJI has supported numerous grants to state courts and court-support organizations that have improved the administration of justice in the United States. These include projects that have enabled the state courts to respond to the opioid crisis; address the impact of human trafficking; improve services for our military families; reengineer to improve efficiency and effectiveness; improve court security; promote fiscally-sound and data-driven policies and practices on sentencing; and provide assistance to improve access to justice. SJI has also supported many worthwhile projects that have enhanced state court performance and accountability.

SJI’s federal mission to support the state courts is critical to the successful implementation of federal policies and programs, most recently in the areas of social services programs and automated justice information systems development. State court proceedings and court-based programs are the lynchpin for implementation of timely child placement decisions, civil protection orders, and criminal prosecutions. SJI grants improve these systems at the local, state, and national levels.

SJI has experienced an increase in requests for assistance to help the state courts become more administratively effective, so that they can address these challenging issues. SJI support provides the state courts with significant opportunities to reorganize, innovate, and improve service delivery to the public.

Each fiscal year, SJI allocates significant financial resources to support its Priority Investment Areas. In FY 2020, the Priority Investment Areas are the following listed below in no specific order:

- **Opioids and the State Courts Response** – SJI is supporting a comprehensive strategy for responding to the challenges facing state courts in addressing the national opioid crisis. The Conference of Chief Justices/ Conference of State Courts Administrators (CCJ/COSCA) National Judicial Opioid Task Force is documenting current responses and developing effective solutions; identifying and addressing the impact on children, with specific emphasis on foster care/orphans, and child placement across state borders; establishing mechanisms for engaging justice system partners; providing immediate tools for use in the state courts, including treatment alternatives and assistance to establish local interdisciplinary treatment/care teams; and promoting information-sharing and collaboration at both the state and federal level, with a focus on strengthening Prescription Drug Monitoring Programs (PDMPs).
- **Human Trafficking Issues in the State Courts** – through the [Human Trafficking and the State Courts Collaborative](#), SJI is addressing the impact of federal and state human trafficking laws on the state courts, and the challenges faced by state courts in dealing with cases involving trafficking victims and their families. These efforts are intended to empower state courts to identify victims, link them with vital services, and hold traffickers accountable.
- **Juvenile Justice Reform** – SJI is supporting innovative projects that have no other existing or potential funding sources (federal, state, or private) that will advance best practices in handling dependency and delinquency cases, including cases involving special populations such as military families. These projects promote effective court oversight of juveniles in the justice system; address the impact of trauma on juvenile behavior; assist the courts in identification of appropriate provision of services for juveniles; and address juvenile re-entry.
- **Family and Civil Justice Reform** – Americans deserve a civil legal process that fairly and promptly resolves disputes for everyone. Runaway costs, delays, and complexity are denying people and businesses the justice they seek. SJI is promoting court-based solutions to address increases in self-represented litigants, including domestic relations cases which are overwhelming court dockets. Specific focus is on making courts more user-friendly to individuals and businesses, and implementing the recommendations of the [Family Justice Initiative](#) and the [Civil Justice Initiative](#).

- **Guardianship, Conservatorship, and Elder Issues** – An estimated \$50 billion in assets are currently under state courts’ watch in conservatorship cases across the country. This number is based on projections from a handful of states. Some 176,000 new conservatorship or guardianship cases were filed in state courts nationally in 2015, and there were an estimated 1.3 million open cases. These statistics provide valuable insight to a growing national problem and how state courts must recognize and address the financial exploitation of people under a conservatorship. SJI is assisting the courts in improving their oversight responsibilities of guardianships and conservatorships through visitor programs, electronic reporting, and training. SJI supported the development of an electronic conservatorship monitoring program, which is currently being adapted by other states. SJI recently provided support to develop a parallel guardianship monitoring program, with goal of adaption in other states. SJI is also focusing on other issues impacting aging Americans, such as accessibility to the courts and abuse and neglect
- **Reengineering to Improve Court Operations** – SJI continues to assist state courts with the process of reengineering, regionalization or centralization of services, and structural changes while providing access to justice. This includes the innovative use of remote technology to improve the business operations of the courts, and provide for the transaction of court hearings without an appearance in a physical courtroom.
- **Fines, Fees, and Bail Practices** – SJI is assisting state courts in taking a leadership role in reviewing fines, fees, and bail practices to ensure processes are fair and access to justice is assured; implementing alternative forms of sanction; developing processes for indigency review; and transparency, governance, and structural reforms that promote access to justice, accountability, and oversight. Projects that address this Priority Investment Area are informing the work of the Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) [National Task Force on Fines, Fees, and Bail Practices](#).
- **Self-Represented Litigation** – SJI is promoting court-based solutions to address increases in self-represented litigants; specifically making courts more user-friendly by simplifying court forms, providing one-on-one assistance, developing guides, handbooks, and instructions on how to proceed, developing court-based self-help centers, and using Internet technologies to increase access. These projects are improving outcomes for litigants and saving valuable court resources.
- **Language Access** – SJI is improving language access in the state courts through remote interpretation (outside the courtroom), interpreter training and certification, courtroom services (plain language forms, websites, etc.), and addressing the requirements of *Title VI of the Civil Rights Act of 1964* and the *Omnibus Crime Control and Safe Streets Act*.

- **Emergency Preparedness and Cybersecurity** – State courts must be prepared for both man-made and natural disasters, pandemics, and other threats. In addition, the increase in cyberattacks on court operations is impacting the ability to provide access to the courts. SJI is supporting projects that address these areas, including innovative approaches to ensuring courts are prepared to respond to disasters and attacks on electronic systems. Beyond physical security of courthouses, SJI is assisting the state courts in preparing for, and responding to, the increase in natural disasters (such as hurricanes, earthquakes, and wildfires), and man-made disasters including denial of service and ransomware attacks on court case management systems, websites, and other critical information technology infrastructure.

For FY 2021, SJI requests \$8,000,000 to enhance its efforts to improve the quality of justice in the state courts. The request is \$1,445,000 above the amount included for SJI in the *Consolidated Appropriations Act, 2020* (P.L. 116-93).

## II. Appropriations Language

For necessary expenses of the State Justice Institute, as authorized by the State Justice Authorization Act of 1984 (42 U.S.C. 10701 et seq.), [~~\$6,555,000~~] \$8,000,000, of which \$500,000 shall remain available until September 30, [2021] 2022: *Provided*, That not to exceed \$2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

### III. SJI Grant Programs

In order to carry out its mission of improving the administration of justice in the state courts, SJI currently awards six types of grants, detailed below:

- Strategic Initiatives Grants – provide SJI the flexibility to address national court issues as they occur, and develop solutions to those problems. These grants are awarded at the discretion of the SJI Board of Directors.
- Project Grants – are the centerpiece of SJI’s efforts to improve the administration of justice in state courts nationwide. Project Grants are intended to support innovative technical assistance, education and training, and demonstration projects that can improve the administration of justice in state courts.
- Technical Assistance (TA) Grants – are designed to provide state and local courts with funding to obtain expert assistance to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes.
- Curriculum Adaptation and Training (CAT) Grants – enable courts and regional or national court associations to modify and adapt model curricula or course modules to meet state or local jurisdiction educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness.
- Education Support Program – enhance the skills, knowledge, and abilities of judges and court managers by supporting attendance at programs sponsored by national and state providers that they could not otherwise attend because of limited state, local, and personal budgets.

There are several reasons why the demand for SJI grant funding continues to remain high, including: 1) the state courts are dealing with severe budget constraints, and need financial assistance in order to conduct critical projects, such as addressing the opioid epidemic, the mental health crisis, human trafficking, and the impact of juvenile abuse and neglect; and 2) SJI has increased its visibility with the state courts through outreach, which combined with limited federal funds for the state courts in general, has led to greater demand for these valuable resources.

While SJI is excited about the continued interest in grant opportunities, there is limited grant funding available. SJI reviews grant applications on a competitive basis, and does not allocate grant funding by quarter. Therefore, SJI has encouraged potential applicants to submit their grant applications as soon as possible, since SJI funding is on a first-come, first-served basis for grant applications that merit funding.

The state courts are unlikely to experience any budget relief in the near future. Therefore, SJI expects the demand for grant assistance to increase. These grants are critical to state and local courts, and this budget request will support these projects, while continuing to use the other larger grant programs to address national court issues, such as opioids and human trafficking.

## Strategic Initiatives Grants

The Strategic Initiatives Grants (SIG) program provides SJI the flexibility to address national court issues as they occur, and develop solutions to those problems. The program also enables SJI to work with its stakeholders to address emerging trends that will have an impact on the state courts. Through this program, SJI applies its own institutional knowledge and expertise, as well as that of its grantees to address the key issues facing the state courts.

### Opioids, Emerging Drug Abuse, and Mental Illness: State Court Behavioral Health Collaborative

The impact of the opioid crisis touches every aspect of the nation's public safety and judicial system. According Substance Abuse and Mental Health Services Administration (SAMHSA) data, the criminal justice system is the single largest source of referral for substance abuse treatment. Drug-related arrests involving opioids are skyrocketing. In many communities, court dockets and probation caseloads are filled with individuals with opioid use disorders. Access to treatment is limited, particularly in rural communities. The shift from prescription opioid abuse to heroin and fentanyl use is causing a dramatic spike in overdose deaths in some regions of the United States, particularly the Midwest and in the South.

Based on the interim report of the President's Commission on Combating Drug Addiction and the Opioid Crisis, on August 10, 2017, the President directed the Administration to use all appropriate authority to respond to the opioid epidemic. The State Justice Institute (SJI), in coordination with state court leaders, including the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), executed a plan of action, which included additional SJI resources to address the opioid crisis.

Beginning in FY 2017, SJI began supporting a comprehensive strategy for responding to the challenges facing state courts in addressing the national opioid crisis. In partnership with CCJ, COSCA, and other key stakeholders, this initiative is identifying and documenting current inter-branch activities to address the opioid crisis. Representatives from state and federal government and key national organizations are sharing existing strategies and identifying unmet needs. The initiative is creating partnerships with entities to address the impact of opioids on children, with specific emphasis on foster care, assisting state courts in developing opioid task forces, and working with existing state task forces to make recommendations for local response efforts, in addition to developing guiding principles that state courts can use for successful collaboration among treatment providers, criminal justice systems, and child welfare agencies.

FY 2017 SJI funding was provided to create the [National Judicial Opioid Task Force](#) (NJOTF). The NJOTF pursued short and long-term objectives that: 1) highlighted the landscape of current responses and effective practices; 2) established a mechanism to engage justice system partners in collaborative efforts; and 3) provided immediate tools for state courts in addressing the opioid crisis. NJOTF activities to date include:

- Launching the [Opioids and Courts](#) and [National Judicial Opioid Task Force](#) webpages.
- Finalizing [Five NJOTF Principles](#).
- Conducting a survey to members of CCJ and COSCA regarding their needs related to the opioid epidemic.
- Collecting, disseminating, and evaluating court-based interventions related to the opioid epidemic.
- Coordinating efforts with other key stakeholders, such as the U.S. Department of Health and Human Services; National Governors Association; National Association of Attorneys General; National Council of State Legislatures; National Association of Counties; National Sheriffs Association; National American Society of Addiction Medicine and American Academy of Addiction Psychiatry; and the National Association of Drug Court Professionals.

In addition to the impact of opioid abuse on criminal courts, the nation’s family and juvenile courts, and child welfare systems, are also deeply impacted. A recent report by DHS/Administration for Children and Families shows that, after years of decline, the number of children in foster care is rising. Nearly three-quarters of all states reported an increase in the number of children entering foster care from FY 2014 to 2015. From FY 2012 to 2018, the percentage of removals nationally due to parental substance abuse increased 13 percent to 36 percent.<sup>1</sup> Nationally, foster care costs increased from \$7.6 billion in 2012, to \$ 9.2 billion in 2015. This represents a 21.6 percent increase in cost.<sup>2</sup> The number of children served in foster care has increased in many states. For example, between FY 2012 and 2018: *Georgia* – 80 percent; *Indiana* – 60 percent; *Kentucky* – 34 percent; and *Ohio* – 6 percent.

Adverse childhood experiences (ACES) significantly impact the likelihood of future substance abuse, violence, and justice system involvement.<sup>3</sup> Prevention and intervention strategies, such as early identification of trauma and trauma-informed treatment can significantly reduce the impacts of ACES. With SJI support, the NCSC, the Institute for Intergovernmental Research (IIR), the National Council of Juvenile and Family Court Judges (NCJFCJ), and The National Judicial College (NJC) have developed a collaboration to assist state courts in addressing the impact of opioids on children.

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<sup>1</sup> U.S. Department of Health and Human Services, Administration for Children and Families (2018). <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf>

<sup>2</sup> U.S. Department of Health and Human Services. Administration for Children and Families, Children’s Bureau, Adoption and Foster Care Analysis and Reporting System (AFCARS) (2017).

<sup>3</sup> Levenson, Jill, and Grady, Melissa (2016). *Childhood Adversity, Substance Abuse, and Violence: Implications for Trauma-Informed Social Work Practice*. Journal of Social Work Practice in the Addictions. Vol. 16, Issue 1-2.

In FY 2019, SJI partnered with The U.S. Department of Justice/Bureau of Justice Assistance (BJA), the U.S. Department of Agriculture (USDA), and the Center for Disease Control (CDC) to provide funding to 8 rural demonstration sites to address the opioid crisis. SJI funding is encouraging the sites to include the state courts in their work, and enable courts to have the resources they need to contribute to the overall objectives of each demonstration sites. The Institute for Intergovernmental Research (IIR) – a non-profit that has a long history serving as a technical assistance provider for BJA grants – is providing the technical assistance for this initiative.

To address the impact of opioids on children in state courts, BJA and IIR are partnering with SJI to support intensive training and technical assistance effort designed to assist local courts and their stakeholders in strongly aligning existing opioid initiatives in their communities, and developing comprehensive and multidisciplinary approaches to more effectively respond to Opioid Use Disorders (OUD) and other emerging drug threats.

SJI and its partners have been working to address mental illness/mental health on a national impact level over the past year. This is in response to the increasing complexity of handling individuals in state courts who have mental illness, and oftentimes a co-occurring substance use issue. System-wide, mental illness has placed a strain on many communities and their resources, and jails are being used to detain those who need mental health treatment. Promising approaches are currently being explored to address this problem:

- The [\*Sequential Intercept Model\*](#) identifies where to intercept individuals with mental illness as they move through the criminal justice system, suggests which populations might be targeted at each point of interception and highlights the decision-makers who can authorize movement away from or through the criminal justice system.
- Mental health codes require modification to permit timely, appropriately-targeted, court-ordered treatment for persons with mental illness, before and after contact with the justice system.

It has also been acknowledged that individuals who are intercepted by the criminal justice system often have co-occurring mental health and substance abuse issues, including opioid addiction.

With SJI support, CCJ/COSCA, in coordination with the NCSC is:

- Developing resources, best practices and recommend standards to address mental illness and the state courts response.
- Expanding the NCSC mental health [website](#) to create a centralized repository for state courts interested in improving court and community responses.
- Providing resources to improve caseload management of civil commitment cases as well as felony and misdemeanor cases involving persons with mental illness.

- Providing education by developing national, regional, and statewide training and education opportunities for judges and court practitioners.
- Developing guides and resources on the Sequential Intercept Model, and adapt the SJI-funded Arizona Presiding Judge Guide titled, [\*Fair Justice for Persons with Mental Illness: Improving the Courts Response\*](#) for use nationally.
- [Building capacity](#) of state and national court leader to lead and implement reforms.

Despite these great resources, the state courts still need assistance in dealing with the opioid crisis, most notably individuals with mental health issues who also have co-occurring substance abuse disorders. Communities are now flooded with fentanyl, and stimulant (methamphetamine and cocaine) use is on the rise. State courts must be able to address these emerging issues. With additional resources in FY 2021, SJI will partner with key stakeholders to continue its efforts to address the intersection of substance abuse and mental illness.

In FY 2021, SJI will establish a **State Court Behavioral Health Collaborative** that will: 1) document and promote innovative court-based programs that are addressing substance abuse and mental illness; and 2) develop a sustainable community of practice to share these programs and practices on a national level. SJI and its collaborative partners will identify court-based programs that integrate substance use and behavioral health approaches such as screening, assessment, and programming, and share those innovative approaches with the broader court community. Using these innovative behavioral health approaches, the Collaborative will provide additional technical assistance and training to courts across the United States, conduct process and outcome evaluations of these new sites, and monitor implementation and overall impact. Additional activities include:

- Creating court peer-to-peer exchanges and mentor courts to help guide new programs and share information. Providing training and technical assistance to non-collaborative sites interested in implementing collaborative mentor court site approaches.
- Providing resources to promote court-based programs that treat families as a whole across case types, so that parents and children are linked with critical services.
- Addressing mental health and trauma of children who are involved the courts, both in dependency and delinquency cases.
- Pilot testing and expanding to new jurisdictions the SIM model for child welfare, with a behavioral health focus.
- Addressing polysubstance abuse, such as the increase in methamphetamine and other stimulants, and assist state courts in designing systems that are flexible to address the full continuum of care.
- Reducing recidivism by supporting court-based programs that link formally incarcerated individuals to obtain medical, psychiatric, housing, employment, educational, and other critical assistance.
- Launching a website to highlight the work of the Collaborative, and provide broad access to the resources and tools that are developed.

Addressing individuals with behavioral health needs in state courts is a critical component of the national response. Despite significant new investments of federal funding in the opioid crisis response, more resources are needed to assist state courts in delivering successful outcomes. State and local governments, including the courts, bear the greatest burden for the primary and secondary costs of untreated mental health and substance abuse issues. Furthermore, the state courts are the most likely point of intersection between a community and an individual with behavioral health needs, and the most frequent referral point for treatment. These issues are not confined to state criminal courts – family, juvenile, and civil dockets have been exponentially affected by the scope and magnitude of mental health and co-occurring substance abuse.

The FY 2021 request includes an increase of \$1,240,000 to address these critical issues.

### Human Trafficking and the State Courts

Since 1994, Congress has enacted a series of laws, most notably the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA). State courts are also beginning to see human trafficking cases under state laws, as 47 states have passed criminalization statutes for human trafficking. Judges are becoming aware that human trafficking can manifest itself in a variety of court settings, including prostitution and drug cases where the individual may be a trafficking victim, child thieves who are part of trafficker-controlled organizations, and abused and neglected children in a variety of settings. In addition, human trafficking goes beyond immigrants who are in the United States legally or illegally, but also to U.S. citizens who are victims. However, the state courts are finding themselves without the knowledge, expertise, processes, and basic infrastructure needed to address this issue.

With SIG funding, SJI is currently supporting a [Human Trafficking and the State Courts Collaborative](#) (HT Collaborative). The HT Collaborative members include the Center for Public Policy Studies (CPPS), Center for Court Innovation (CCI), The National Judicial College (NJC), the National Association of Women Judges (NAWJ), Legal Momentum, and the National Council of Family and Juvenile Court Judges (NCJFCJ). The Collaborative is focused on 4 strategic priorities: 1) increasing understanding and awareness about the challenges faced by state courts in dealing with cases involving trafficking victims and their families, and traffickers; 2) developing and testing state and local approaches for assessing and addressing the impact of human trafficking victims and defendants in the state courts; 3) enhancing state and local court capacity to improve court services affected by human trafficking-related case processing demands; and 4) building effective national, state, and local partnerships for addressing the impacts of human trafficking case processing in the state courts.

The HT Collaborative has resulted in a variety of products benefiting the state courts, including:

- A comprehensive resource inventory of background information about the demographics, scope, dynamics, and implications for the courts and justice system of various forms of human trafficking;

- Measurement framework that includes measures and tools for monitoring the impacts of human trafficking case processing in the state courts;
- Summary of changes in federal and state trafficking law, policy, and practice that might better serve the interests of the state courts;
- A human trafficking and the state courts web-based resource network and clearinghouse for judges and court personnel;
- A best practices toolkit for jurisdictions interested in establishing a specialized prostitution/trafficking court;
- A series of bench cards targeting human trafficking-related issues;
- Best practice guidelines;
- Model planning and technical assistance process and supporting materials;
- Training on human trafficking via 12 courses for judges;
- Intensive technical assistance in six jurisdictions, and proven nationally applicable technical assistance approaches; and
- Published articles in various court periodicals about the project and the issue in general.

The members of the HT Collaborative each bring specific expertise to these efforts, and will work together to accomplish these goals. CPPS has already developed expertise in delivering statewide technical assistance. NJC has previously developed training for judges on human trafficking. CCI has experience helping jurisdictions set up specialized prostitution/trafficking courts. In addition to eliminating the "stove-pipe" effect of separate organizations conducting projects with little to no coordination, the HT Collaborative will also establish what may become a permanent network of courts and court associations and organizations committed to this issue.

The HT Collaborative has a [website](http://htcourts.org) (htcourts.org) that serves as a portal for all the technical assistance work, education/training, and resources associated with this project. Each member of the HT Collaborative provides updates on their activities using the website, resulting in a centralized location for all the information available on this critical issue.

With SJI support, the HT Collaborative has recently been working with the state judiciaries in Missouri, Mississippi, Tennessee, North Carolina, South Carolina, and Georgia.

### Juvenile Justice Reform and the State Courts

Over the past several years, the MacArthur Foundation has provided significant funding to support the *Models for Change* initiative, which has identified and developed juvenile justice reform efforts and programs across the U.S. Beginning in 2013, MacArthur transitioned to a "legacy phase" which developed Resource Centers for juvenile justice focused on specific areas of reform. The state courts have been a major stakeholder group throughout these efforts. As part of the legacy phase, MacArthur funded five Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) regional juvenile justice reform summits, led by the CCJ/COSCA Courts, Children, and Families Committee and staffed by the National Center for State Courts (NCSC). For the summits, the Chief Justices were invited to send a 5-person state team to participate in each region. The purpose of the summits was to identify best practices and develop state level plans for addressing juvenile justice reform. States are now in the process of implementing these action plans.

Resource Center partners and other key organizations have been involved in the *Models for Change* initiative and the CCJ/COSCA summits, including the NCSC, the National Council of State Legislatures (NCSL), the National Council of Juvenile and Family Court Judges (NCJFCJ), the Center for Children’s Law & Policy (CCLP), the National Juvenile Defender Center (NJDC), and the RFK National Resource Center (RFK-NRC). Unfortunately, there were no resources to provide technical assistance to state teams as they implement their action plans, and work with key stakeholders on juvenile justice reform efforts.

SJI is currently funding the *Juvenile Justice Reform and State Courts Initiative*, which will enable the Resource Center partners to develop national resources and TA for the state courts on this critical area. In collaboration with CCJ and COSCA, the initiative will build on the CCJ/COSCA regional summit and state team work, and be informed by the *Models for Change Initiative*.

The NCSC, NCSL, NCJFCJ, CCLP, NJDC, and RFK-NRC is serving as the Expert Working Group for the project. The Expert Working Group is:

- identifying juvenile justice policy, procedures, and practices that should be reformed;
- proposing projects to be funded by the initiative;
- providing expertise to identify subject matter experts; and
- providing technical assistance, training, and other activities to the state teams as they continue to implement their action plans.

The Expert Working Group is also promoting court community sharing by disseminating information about the initiative and its resources through various websites, conference presentations, and social media. Initial topics identified by the Expert Working Group include: access to counsel; dual status youth; mental and behavioral health; probation; risk/needs assessments; status offenders; court administration (e.g. data collection, court rules, alternatives to fines and fees); and model protocols for special populations, such as military families.

#### *Military Families in Juvenile and Family Courts*

With SJI support, NCJFCJ hosted the first-ever National Summit on Courts and the Military in March 2015 (SJI-14-N-242). The goal of summit was to create a forum for collaborative relationships between the state courts and military bases to better assist military families. Post-summit, NCJFCJ worked to identify the following major needs: 1) education and training for courts and the military on their roles and responsibilities; 2) resources available for military families; 3) judicial and command collaboration; 4) judicial and command leadership; and 5) assessing the needs and risks for military families. These needs were further highlighted via surveys to family and juvenile court judges, who confirmed they wanted to know more about issues such as kinship care for children of deployed parent(s), the effects of military service on neurological and psychological status, and domestic violence issues.

With SJI support, the NCJFC launched a *Military Families in Juvenile and Family Courts Initiative*. The initiative is: formulating uniform standards for information and resource sharing, with a major emphasis on the development of templates for MOUs between state courts and military posts; identifying and recruiting juvenile and family courts in jurisdictions with significant military presence to serve as pilot sites; creating an online National Resource Center on Military Families in the Juvenile and Family Courts, which will include documents for state courts/military installations, such as template MOUs, bench cards, resource guidelines, and links to services; and developing a training curriculum for judges, military command, and key stakeholders on the unique issues of military families.

### Guardianship, Conservatorship, and Elder Issues

A recent survey by the National Center for State Courts (NCSC) shows an estimated \$50 billion in assets are currently under state courts' watch in conservatorship cases across the country. This number is based on projections from data from a handful of states. Some 176,000 new conservatorship or guardianship cases were filed in state courts nationally in 2015, and there were an estimated 1.3 million open cases. These statistics provide valuable insight to a growing national problem and how courts recognize and deal with the financial exploitation of people under a conservatorship.

With support from SJI, the Center for Elders and the Courts is addressing guardianship and conservatorship issues in the state courts through a multi-year response that targets four key goals: 1) Develop and maintain a partnership of key stakeholders; 2) Prioritize the protection and enhancement of individual rights; 3) Promote modernization and transparency in the guardianship process; and, 3) Enhance guardianship/conservatorship court processes and oversight. SJI has also provided direct support to the Minnesota Judiciary to develop an electronic conservatorship monitoring system, which is being replicated in other states. A parallel electronic guardianship monitoring system is also being developed to better enable state courts to monitor guardianship reports and provide online access to guardians, which will improve compliance and reduce the burden of reporting. The project focuses on how the state courts, in partnership with their justice system stakeholders, can fulfill the obligation of upholding the Constitution and protecting the individual rights of all citizens.

### State Court Reengineering to Improve Court Operations

In addition to struggling with immigration issues, the state courts continue to deal with the fallout of severe budget reductions as a direct result the economic downturn in 2008. Given that 90 percent of state court budgets are personnel costs, it is not surprising that many courts are still reducing staff.

The budget crisis in the state courts was an emerging and national issue addressed by the SIG program. The short-term cost reductions taken by the state courts such as hiring freezes, furloughs, and layoffs, had long-term effects, but were not enough to meet the current economic

demands for further reduction in costs. SJI awarded a SIG grant to the National Center for State Courts (NCSC) in FY 2009 to focus on reengineering in the state courts in response to severe budget cutbacks. NCSC began Phase I of these efforts by establishing the [Budget Resource Center \(BRC\)](#) – a website to track the latest budget issues and cost saving measures in the state courts, listed by state. NCSC also provided direct technical assistance to several sites, including: 1) Vermont Judiciary – a workload assessment for judges and court staff was completed. Using the information from the workload study, various recommendations with potential savings were developed. A final report was provided to a commission charged with overseeing the project. The project began with the state legislature directing the judiciary to examine the court system and find efficiencies. Major legislation was passed that unified the courts in Vermont, which was a direct result of the final report’s recommendations; 2) 6<sup>th</sup> Judicial District of Minnesota – NCSC assisted the Court in adjusting to reduced staff by instituting a change management process; 3) Salem, Oregon, Municipal Court – the goal of this project was to help the Court improve its collections processes. A final report was developed with recommendations which were implemented; and 4) Taylorsville, Utah, Municipal Justice Court – NCSC assisted in documenting and recommending operational efficiencies.

Additional phases of this program include new technical assistance sites in Alabama, Arkansas, New Hampshire, Nebraska, and other states. In addition, it included the continuation of the BRC and budget monitoring nationwide, and the development of a toolkit for reengineering that provides guidance in making policy decisions and implementing changes in areas such as centralized traffic tickets and payables; centralized jury operations; video conferencing; and utilizing technology.

### Fines, Fees, and Bail Practices

With support from SJI and DOJ/Bureau of Justice Assistance, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) formed a [National Task Force on Fines, Fees and Bail Practices](#) to address the ongoing impact that court fines and fees and bail practices have on communities. One of the aims of the nationally-led initiative is to understand and address how fines, fees, and bail disproportionately impact the economically disadvantaged across the United States.

The Task Force is comprised of national judicial and legal leaders, and policy makers from state, county, and municipal government. The Task Force co-chairs have formed three working groups: 1) Access to Justice and Fairness; 2) Transparency, Governance & Structural Reform; 3) Accountability, Judicial Performance and Qualifications, and Oversight.

Among other responsibilities, the Task Force is:

- Drafting model statutes, court rules, written policies, processes and procedures for setting, collecting and waiving court-imposed payments;
- Compiling and creating suggested best practices for setting, processing and codifying the collection of fines and fees and bail;

- Reviewing and revising suggested guidelines for qualifications and oversight of judges in courts created by local governments or traffic courts, including reviewing and updating state codes of judicial conduct and the jurisdiction of judicial conduct commissions to ensure their applicability to all judges;
- Facilitating a court “hackathon” designed to develop innovative technological solutions that ensure courts are providing 21<sup>st</sup> century customer service through mobile applications and software platforms; and
- Developing an online clearinghouse of information containing resources and best practices.

### State Court Technology Adaptation Initiative

SJI has a strong history of supporting innovative technology projects that have improved court processes and procedures. These include technology projects that have: streamlined case filing and management processes, thereby reducing time and costs to litigants and the courts; established electronic guardianship and conservatorship monitoring programs that have improved compliance and effectively monitored the safety of wards; and provided online access to courts to litigants so that disputes can be resolved more efficiently.

#### *Portals, Online Dispute Resolution, and Artificial Intelligence*

Rapid technology advances have already begun transforming how courts operate, both in the United States and internationally. Given the rapid advancement of technology solutions such as litigant portals, Artificial Intelligence (AI), and Online Dispute Resolution (ODR), SJI has committed to not only provide seed funding for these efforts, but also play a critical leadership role. SJI is promoting the development and implementation of these technologies, and working with key stakeholders both nationally and internationally to adapt proven technology platforms in the state courts. These developments will fundamentally change the way individuals interact with the courts, in addition to further streamlining court operations.

In 2016, the Alaska Court System was chosen as one of two pilot sites (Hawaii as the other), to work with Microsoft to develop a legal access portal. Microsoft provided the technical development and support for the infrastructure of the portal, including capabilities for natural language processing, machine learning, and real-time information exchange between the portal and other providers, including the courts. However, Microsoft exited the project, and while the technology is in place for the portal, the content has yet to be developed. With SJI support in FY 2020, the Alaska Court System is developing legal content<sup>4</sup> from which to draw to create personalized action plans for the user.

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<sup>4</sup> Legal information and user interview questions is being developed for the following six case types: Domestic Violence; Sexual Assault; Stalking; Ending the Marriage; Custody/Parenting Plans Between Unmarried Parents Child Support; Debt Collection; and Eviction.

The Alaska portal will also leverage AI to deliver highly individualized legal self-help. Curated experiences will interactively guide users through a set of questions and suggest pathways for addressing legal issues. As the user answers each question, the portal will determine the next question to ask with the ultimate goal of providing information that is relevant to the user's unique situation. Unlike earlier script-based self-help systems, the portal will learn from user searches, providing increasingly relevant and use information. The more the system is used, the better it will get at associating user descriptions of their issue to actual legal terminology necessary to point them in the right direction.

With additional support in FY 2021, SJI will assist other state courts in adapting the Alaska portal. SJI will also work with other stakeholders to determine if there are additional portal solutions that can be developed and adapted. Leveraging AI whenever possible will be key to these efforts. SJI will also continue support for the Court Component and Litigant Portal Exchange (LPX) Standards. New litigant portals will need to interface with other components such as ODR and e-filing. Standards are being developed to ensure that portals are developed to integrate with these other systems, so that courts have options to choose which functionality best meets their needs ("plug and play"). SJI will also continue promoting the use of standards by vendors.

With SJI grant funding, the Utah and New York judiciaries were able to develop ODR platforms to better assist litigants. Both states launched ODR platforms that are mandatory for small claims cases. The systems allow parties to access their case online, communicate and negotiate a resolution, receive individualized assistance from a facilitator, and if necessary, involve a judge. The systems guides users to their trial date, which is often held online. Court processes were adapted to work efficiently in an online environment without sacrificing the rights or interests of parties. ODR is proving to be easier, faster, and cheaper than traditional practice, while providing all parties the opportunity to be heard and treated fairly. With additional support in FY 2021, SJI will assist other states in developing or adapting ODR solutions.

#### *Code Assessments and Technology Documentation*

Before states can adopt innovative solutions such as portals and ODR, these solutions must be assessed by an outside reviewer to understand how the code base works, and the barriers for bringing a new jurisdiction on-board. The unknown for a new state is how the code is architected. With SJI support in FY 2021, these reviews will be performed by an expert(s) code reviewer who knows the courts, and also has a strong technology background. The expert(s) will assess how ready the code base is for adoption by other jurisdictions, and assist in the adaptation. Technical and business process documentation needs will be created, to ease the rollout of technologies to new jurisdictions.

The FY 2021 request includes an increase of \$175,000 to further promote technology advances in state courts.

## **Project Grants**

Project Grants are the centerpiece of SJI's efforts to improve the administration of justice in state courts nationwide, and are intended to: 1) formulate new court procedures and techniques, or creatively enhance existing procedures and techniques; 2) address aspects of state judicial systems that are in special need of attention; 3) develop products, services, and techniques of national significance that may be used in other states; and/or 4) create and disseminate products that transfer information and ideas developed for relevant audiences, or provide technical assistance to facilitate the adaptation of effective programs in other court jurisdictions.

There have been many successful Project Grants funded by SJI. These include support to: the Center for Court Innovation to develop an online human trafficking tool and technical assistance; the Missouri Judiciary to develop a comprehensive circuit court realignment plan, as required by recent state law; the Arkansas Supreme Court to implement statewide juvenile justice reforms; the Minnesota Judicial Branch to expand an electronic conservatorship system by adding guardianship filing to improve compliance and effectively monitor the safety of wards; the New Mexico Administrative Office of the Courts to improve access to justice for native peoples in state courts; the North Carolina Administrative Office of the Courts to support a statewide commission on judicial reform.

## **Technical Assistance Grants**

Technical Assistance (TA) Grants provide state and local courts with funding to obtain expert assistance to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes. While much smaller in size, scope, and awarded amount than Project or Partner Grants, TA Grants are still valuable to state courts because they help them address significant issues such as caseload, strategic planning, and court procedures.

SJI awards numerous TA Grants each year that have a positive impact on the state courts. This includes grants to: the 37<sup>th</sup> Judicial Circuit of Alabama for a caseload assessment to improve operations; the Kansas Judicial Branch to improve and expand services to self-represented litigants; the 6<sup>th</sup> District Court of Minnesota for an opioid reentry project; the 18<sup>th</sup> Judicial District of Kansas to transition from a centralized to individual court calendaring system; the Texas Municipal Courts Education Center for court customer service delivery enhancement across Texas; the Wyoming Supreme Court for a court security review, which ultimately leveraged significant resources for further security enhancements; and the 37<sup>th</sup> Judicial District of Alabama for a caseload assessment. In addition to supporting TA Grants in the 50 states and the District of Columbia, SJI has also supported the judiciaries in Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

## **Curriculum Adaptation & Training Grants**

Curriculum Adaptation & Training (CAT) Grants enable courts and national court associations to modify and adapt model curricula or course modules to meet state or local jurisdiction educational needs; train instructors; and pilot-test curricula. More specifically, CAT Grants are intended to enable courts, court associations, and court support organizations to create, modify, and adapt model curricula or course modules to meet national, state, or local educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness. In addition, CAT Grants help conduct judicial branch education and training programs led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. These grants are extremely important because state court budget reductions have significantly reduced, and in some cases eliminated, judicial training opportunities. CAT Grants support in-state training and certification programs, some of which are conducted online using proven distance learning models, thereby minimizing travel costs and taking advantage of training resources that are still available.

Recent CAT Grants include support to: the New York Unified Court System for a judicial faculty development program; the Kentucky Administrative Office of the Courts for an online Kentucky Pretrial Service Education Program; the Texas Office of Court Administration for a Guardianship Online Training Course; the Tennessee Administrative Office of the Courts for a business courts curriculum; the American Judges Association for domestic violence educational programming; the St. Louis County, Missouri, Circuit Court for a Minimum Standards for Municipal Courts training program; the National Association of Women Judges for judicial education on elder issues and the courts; and the National Judicial College for a state court faculty development training curriculum.

## **Education Support Program**

SJI's Education Support Program (ESP) enhances the skills, knowledge, and abilities of judges and court managers by supporting attendance at programs sponsored by national and state providers that they could not otherwise attend because of limited state, local, and personal budgets. The program also provides state courts, judicial educators, and court staff with evaluative information on a range of judicial and court-related education programs. ESP awards are provided to qualifying judges and court managers to attend out-of-state, court-related educational programs within the United States, or online court-related educational programs.

## Cash Match

The Conference Report (H.R. 109-272) accompanying the *FY 2006 Science, State, Justice, and Commerce, and Related Agencies Appropriations Act* (P.L. 109-108) directed that successful applicants for new SJI grants provide a cash match. The impact of the dollar-for-dollar match has been profound – since FY 2005 awarded grants have included over \$17 million in cash match.<sup>5</sup> This has had a significant impact on the state courts and court support organizations. After the cash match requirement was established a new dynamic emerged where the state courts and court support organizations combined their efforts to compete for SJI grants. The state courts had the funding available for the cash match requirement, whereas the court organizations had the expertise to apply for and execute grant projects. SJI now receives numerous grant applications where a state court has identified a critical issue to be addressed and a court-support organization to provide the technical assistance for the project. The result of the cash match requirement has been a far greater convergence of court needs and court-support organization capabilities; both of which have benefited judicial systems across the United States.

## IV. Conclusion

SJI remains the only source of federal or private funding dedicated exclusively to improving the quality of justice in the state courts. There is a strong national interest in continuing to support the state courts, as there is with federal funding for state and local law enforcement, corrections, prosecution, and public defense. The state courts handle over 97 percent of all the cases in the United States. This includes over 99 percent of all criminal and over 98 percent of all civil cases.<sup>6</sup>

Many state courts are struggling to provide efficient and effective services to the public during these difficult financial times. Civil actions – foreclosures, tort, contract, small claims, probate, mental health, and civil appeals cases – constitute a growing area for state courts as the population ages, discovery delays increase, appeals courts are inundated with dissatisfied litigants and substantive legal challenges, and rental markets are saturated with homeowners displaced by foreclosures. SJI has experienced an increase in grant applications seeking assistance to help the state courts become more administratively effective, so that they can address these issues. SJI support provides the state courts with significant opportunities to reorganize, innovate, and improve service delivery to the public.

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<sup>5</sup> In response to anticipated Congressional action on a cash match requirement, SJI began requiring some levels of cash match for several new grants in FY 2005. The total amount of cash match included in new grant awards for FY 2005 was \$193,764.

<sup>6</sup> National Center for State Courts. 2003. *Examining the Work of State Courts, 2002: A National Perspective from the Court Statistics Project*.

Many states are establishing human trafficking, domestic violence, and sexual assault laws for victims, modeled after federal laws and policies. These federal and state laws are focused primarily on law enforcement and prosecution, and the state courts need to be knowledgeable about the impact of these laws on victims and their families. For example, state court judges can play a significant role in identifying victims of human trafficking and linking them to appropriate services. In addition to supporting direct technical assistance to the state courts, SJI will also continue coordinating with its federal partners to promote collaboration between the state courts and federal agencies on this critical issue.

In addition to addressing the opioid crisis, SJI is currently addressing mental illness in state court cases. This is in response to the increasing complexity of handling individuals in state courts who have mental illness, and oftentimes a co-occurring substance use issue. System-wide, mental illness has placed a strain on many communities and their resources, and jails are being used to detain those who need mental health treatment. The problem is exacerbated by the lack of a coordinated national, state, and community effort involving all three branches of government. In addition, lack of resources, empirically-based data, and a clearinghouse for state court leaders to learn the practical steps they can take to address the problem in their court systems also contribute to the problem.

Working with CCJ/COSCA, SJI has identified four areas for further action in addressing mental health: 1) developing resources, best practices, and recommended standards in state court responses to mental health issues; 2) improving caseload management by examining civil commitment and criminal cases involving persons with mental illness to identify barriers to, and opportunities for, timely and effective case processing; 3) promoting education; and 4) building capacity to implement reforms.

The state courts will continue to experience significant budget cuts into the future. This will negatively impact their efforts to provide services to those most vulnerable and susceptible to denial of basic needs. In addition, there is significant concern that this could erode public trust and confidence in the state courts. Therefore, a strong SJI grant program is required to assist the state courts in better serving the public, and administering justice fairly and effectively.

SJI will continue leveraging funding whenever possible to help the state courts address the most critical issues in FY 2021, including the state courts response to the opioid crisis. The effectiveness of the state courts is critical to ensuring that the public experiences the justice guaranteed by the Constitution. The funding requested for FY 2021 will enable SJI to continue identifying issues that impact all courts, fostering innovative solutions, and sharing information on successful approaches nationwide.

## V. Exhibits

### A: Summary of Requirements

**Summary of Requirements**  
 State Justice Institute  
 Salaries and Expenses  
 (Dollars in Thousands)

	FY 2021 Request		
	Perm. Pos.	FTE	Amount
<b>FY 2020 Enacted</b>	<b>2</b>	<b>2</b>	<b>6,555</b>
Adjustments to Base			
Personnel Compensation			10
Rent, Communications & Utilities			4
Other Services			16
Total Adjustments to Base	0	0	30
<b>FY 2021 Current Services</b>	<b>2</b>	<b>2</b>	<b>6,585</b>
Program Changes			
Project Grants			0
Strategic Initiatives Grants			1,415
Technical Assistance Grants			0
Curriculum Adaptation & Training Grants			0
Total, Program Changes	0	0	1,415
<b>FY 2021 Total Request</b>	<b>2</b>	<b>2</b>	<b>\$8,000</b>

**Summary of Requirements**  
 State Justice Institute  
 Salaries and Expenses  
 (Dollars in Thousands)

Estimates by Budget Activity	FY 2020 Enacted			FY 2021 Adjustments to Base			FY 2021 Current Services			FY 2021 Increases			FY 2021 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
<b>General Administration</b>	2	2	796	0	0	30	2	2	826	0	0	0	2	2	826
<b>Grants</b>															
Project Grants			454						454			0			454
Strategic Initiatives Grants			4,090						4,090			1,415			5,505
Technical Assistance Grants			725						725			0			725
Curriculum Adaptation & Training Grants			315						315			0			315
Education Support Program			175						175			0			175
<b>Subtotal, Grants</b>			<b>5,759</b>			<b>0</b>			<b>5,759</b>			<b>1,415</b>			<b>7,174</b>
<b>Grand Total</b>	<b>2</b>	<b>2</b>	<b>\$6,555</b>	<b>0</b>	<b>0</b>	<b>\$30</b>	<b>2</b>	<b>2</b>	<b>\$6,585</b>	<b>0</b>	<b>0</b>	<b>\$1,415</b>	<b>2</b>	<b>2</b>	<b>\$8,000</b>

## **B. Justification for Base Adjustments**

### **Justification for Base Adjustments State Justice Institute**

#### Increases

Personnel Compensation: For FY 2021, this request includes an increase of \$10,200 in salaries and benefits.

Rent, Communications, & Utilities: The request includes an increase of \$4,018 for rent and other costs in FY 2021.

Other Services: For FY 2021, this request includes an increase of \$15,938 for U.S. Department of Agriculture (USDA) and General Services Administration (GSA) accounting/payroll support.

## C: Summary of Requirements by Object Class

**Summary of Requirements by Object Class**  
 State Justice Institute  
 Salaries and Expenses  
 (Dollars in Thousands)

Object Classes	FY 2020 Enacted		FY 2021 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Salaries	2	230	2	238	0	8
Total	2	230	2	238	0	8
Other Object Classes:						
12.0 Personnel benefits		81		83		2
21.0 Travel and transportation of persons		50		68		18
23.1 Rent		182		186		4
(Multiple) Comm., util., & other misc. charges		11		11		0
24.0 Printing and reproduction		11		11		0
25.0 Other services		226		224		(2)
26.0 Supplies, & Materials		2		2		0
28.1 Taxes & Fees		2		1		(1)
31.0 Equipment		1		2		1
Subtotal, General Administration	2	796	2	826	0	30
Subtotal, Grant Funding		5,759		7,174		1,415
<b>Total Obligations</b>	<b>2</b>	<b>\$6,555</b>	<b>2</b>	<b>\$8,000</b>	<b>0</b>	<b>\$1,445</b>