Budget Amendment Form

Davis COUNTY

Date: November 2, 2021

Reason for Amendment: The number of Parental Rights case filed in Davis County has increased in the past 3 years. Two judges in Davis County handle nearly as many of those cases as are handled by 4 judges in Weber. To balance resources, the AOC is adding another weekly court session in Davis County. To meet constitutional and statutory requirements, Davis County will need at least two more legal defenders because each parent for such cases is entitled to their own, appointed attorney. Conflicts would arise if we attempted to cover the new calendar with existing resources.

TYPE OF BUDGET AMENDMENT REQUESTED (Please check all that apply.)

- ☐ Transferring from one operating expenditure to another. (Dept. Authorized Signature)
- ☐ Transferring funding from one budget category to another. (Dept. Authorized & Budget Officer Signature)
- ☐ Transferring funding from an approved capital item to an unbudgeted capital item. (Dept. Authorized & Budget Officer Signature)
- ☐ Transferring funds from one department to another department in the same fund. (Resolution by Davis County Commissioner)
- ☑ Increase in budgeted expenditures with no offsetting decrease. (Public hearing followed by Resolution by Davis County Commission)

LINE ITEM CHANGES (Dollar amounts for increases and decreases should balance.)

Increase	Decrease	Account Name	Account Number	Dollar Amount
☑	☐	Legal Defender 21	1010126	2021: 7,500/2022: 90,000
☑	☐	Legal Defender 22	1010126	2021: 7,500/2022: 90,000
☐	☐			
☐	☐			
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REQUESTED CAPITAL EXPENDITURE CHANGES

Account Number: _____

App. Budget Item(s) _____ _____

_____ _____

_____ _____

New Item(s) Request _____ _____

_____ _____

_____ _____

APPROVALS:

Department Head (Authorized signature) _____

Budget Officer (When Required) _____

RESOLUTION OF DAVIS COUNTY COMMISSION

RESOLUTION Utah Code Ann. § 17-36-24 (1975) and 17-36-23 (1975), as amended. Passed and approved this _____ day of _____, 20___, with Commissioners Randy Elliott _____, Lorene Kamalu _____, and Bob Stevenson _____ all voting as documented herein above.

ATTEST **BOARD OF COMMISSIONERS**

County Clerk/Auditor _____ Chairperson _____

Budget Amendment Request for Two Additional Legal Defenders

November 8, 2021 -- Requested by Todd Utzinger

Reason For Request: At a meeting on November 1, 2021, the Administrative Office of the Courts and the juvenile court judges of the Second Judicial District announced that effective January 1, 2022 an additional weekly court session for Parental Defense/Child Welfare cases will be added in in Davis County. To comply with statutory and constitutional requirements, a minimum of two legal defenders will be required to provide representation to parents facing possible termination of parental rights on this new, weekly calendar as well as for related shelter hearings and mediations.

Justifications: The AOC is adding a weekly calendar in Davis County to better balance judicial resources between Davis and Weber counties in light of increasing caseloads in Davis County as well as an increase in the complexity of cases litigated in Davis County.

Parental Rights Cases by County

Weber County	56%
Davis County	44%

Current Judges Assigned to Parental Rights Cases by County

Weber County	4 of 6 judges – 67% of judicial resources
Davis County	2 of 6 judges – 33% of judicial resources

Average Number of Multi-Day Trials Per Judge (District Wide)

2016-2018: 1.78 per judge per year
2019-2020: 4.67 per judge per year
YTD 2021: 5 per judge/projection of 6 per judge per year

That's a 237% increase in 2021 over the 2016-2018 time period for multiple-day trials district wide.

Number of Multi-Day Trials Litigated in Davis County only

2016-2018:	a total of only 5 multi-day trials for all judges were litigated
2019:	12 multi-day trials were litigated
2020:	12 multi-day trials were litigated
YTD 2021:	17 multi-day trials have been litigated to date and more are scheduled to be tried in the next two months

While the average number of multi-day trials per judge district wide increased from 1.78 in 2018 to 6 in 2021; the increase in multi-day trials per judge in Davis County has been much greater – 1.78 in 2018 to a projected 10 in 2021. This increase in caseloads and in multi-day trials is now a 3-year trend and is not considered an anomaly.

Why Two More Legal Defenders?

Under Utah law, every parent in Parental Rights cases is automatically entitled to appointed counsel. Further, each parent is entitled to their own attorney in order to assure there is no conflict of interest as may arise were one attorney to represent both parents. Additional defenders are required if step-parents are also named in the petition. Because a minimum of two parents are named in the vast majority of petitions, a minimum of two defenders is needed.

Further, just as the above numbers indicate that the judges for Davis County have reached or exceeded optimal capacity, the same is true of our current legal defenders. Simply put, the new calendar cannot be properly staffed without additional defenders.

Funds Requested

2021	$7,500 per attorney for the balance of 2021
2022	$90,000 per attorney for 2022 with 3 year contracts consistent with that of the present legal defenders