



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only

Meeting Date: 12/02/2010

Agenda Item #: R-1

Est. Start Time: 9:30 AM

Date Submitted: 11/17/2010

Agenda Title: RESOLUTION Establishing Fees and Charges for Chapter 17, Community Justice, of the Multnomah County Code and Repealing Resolution No. 2010-156

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>December 2, 2010</u>	Amount of Time Needed:	<u>10 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Juvenile Services</u>
Contact(s):	<u>Joyce Resare</u>		
Phone:	<u>503-988-3701</u>	Ext.	<u>24913</u>
Presenter Name(s) & Title(s):	<u>Janice Garceau, Manager of Family Court Services & Judge Nan Waller, Multnomah County Circuit Court</u>		
I/O Address:	<u>503 / 250</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) recommends approval of the attached resolution which increases the Child Custody Evaluation fee from \$168 to \$1,200.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Family Court Services (FCS) helps keep children safe, parents healthy, families stable and promotes public safety by providing services to at risk families as they go through separation and divorce. Through parent education, mediation, evaluation, information and referral services, and support to the dependency court, FCS stabilizes families involved with the Family Court and plays a critical role in preventing family dysfunction and juvenile delinquency.

A Child Custody Evaluation fee is assessed in domestic relations suits involving minor children in the circuit court of Multnomah County, at the time court ordered custody investigations are instituted. Both parties in the suit are responsible for payment of the fee and waivers and reduced fees are available to indigent clients. The current fee is \$168.

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Since January 2008 FCS has had an increase of over 300 mediation cases, a 30% increase in workload. Additionally, levels of expectations and understanding of best practice in the area of child custody evaluations has expanded, requiring significantly more staff time and resources. With increased costs and decreased revenue FCS has not kept abreast of cost even with recently approved fee increases due to a decrease in domestic relations filing. Child custody studies have been provided by FCS at virtually no costs for many years while private sector custody evaluation fees range from \$3,000 to \$10,000 per evaluation, sometimes more. Washington County assesses a fee of \$500 for studies, with no option to reduce or waive the fee for indigent clients. And Clackamas County developed a custody study program and proposed charging \$1,600 for this service.

FCS currently provides approximately 120 child custody evaluations annually and proposes increasing the fee to \$1,200 per evaluation. This fee increase would bring Multnomah County into parity with neighboring counties while maintaining services to indigent clients. The following is an annualized estimate on the projected revenue if the proposed fee is approved.

- 28% of fees on average are waived or not collected = \$0
- 38% of assessed fees are collected from half of the parties = \$27,600
- 34% of assessed fees are collected from both parties = \$49,200

This totals \$76,800 in revenue collected annually compared to just under \$12,000 that was received in FY 2010 for a difference of \$64,800.

The Child Custody Evaluation fees are budgeted in FY 2011 DCJ Program Offer 50009-DCJ Family Court Services

3. Explain the fiscal impact (current year and ongoing).

The proposed revision will increase revenue by approximately \$38,400 in FY 2011. On-going this proposed revision will increase revenue by approximately \$64,800 annually. This increase will support maintaining a full-time position which is currently slated to be cut or reduced to half-time.

4. Explain any legal and/or policy issues involved.

ORS 21.112 provides authority to counties for the collection of domestic relations filing fees and specifies that filing fees are intended to fund mediation, conciliation and parenting time enforcement activities. Other services such as custody evaluation can be provided only if they do not impact the ability to provide primary services. Filing fees currently subsidize the provision of custody and parenting time studies in our county. This service is not legislatively mandated and may interfere with FCS' ability to respond adequately to mediation requests.

5. Explain any citizen and/or other government participation that has or will take place.

The Chief Judge of the Multnomah County Family Court and the other Family Law Judges unanimously support this request.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 10/27/2010

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