

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JUDGE RICHARD MCMECHAN
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: TITLE IV-D CHILD SUPPORT COMMISSIONER AND
FACILITATOR; RES. 97-247

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 24, 1997

ACTION AND VOTE:

- Mickie Romeike, Superior Court-Administrative Court Clerk, advised of new legislation which requires the courts to have Child Support Commissioners and Facilitators, and she advised that the Administrative Office of the Courts is requesting that the County approve and fund the positions for the period of June 1 - 30, 1997. (M)Reilly, (S)Balmain, Board waived rules requiring 72 hours agenda noticing to consider this matter, finding the matter was not known about at the time the agenda was prepared, and action is necessary prior to the next meeting due to the new fiscal year/Ayes: Unanimous. Discussion was held concerning the request. Mickie advised that the positions would be shared with Merced and Madera counties. (M)Parker, (S)Reilly, Res. 97-247 adopted approving grant for Title IV-D Child Support Commissioner (\$15,000) and Facilitator (\$14,850). Following further discussion, motion was amended, agreeable with maker and second, to include direction that this action is only for the month of June, 1997, and to meet the request of the State; and further direction was given that additional information be submitted to continue the program for next fiscal year/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

cc: File
Auditor
CAO
Personnel

COUNTY OF
MARIPOSA

BUDGET ACTION FORM

DEPT/DIV: Superior Court

CONTACT: R. L. McMechan

DATE: June 24, 1997

PHONE: 966-2005

ACTION REQUESTED: (Check All That Apply)

- Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the County budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;
- Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;
- Transfer by Administrator: Moving existing appropriations within a single budget category between line items (i.e. services and supplies, etc.)
- Transfer by Auditor: Moving salaries between line items to accommodate variances internal to salaries; OR transfers within the County budget under \$50.00 to accommodate minor variations from the budget.

<u>FUND/DEPT/ACCT NO.</u>	<u>LINE ITEM DESCRIPTION</u>	<u>AMOUNT (FROM)/TO</u>
	Family Law Commissioner	\$15,000
	Court Facilitator	14,850

Justification: State mandated programs

Department Head Signature: M. Kennerke For R.L. McMechan Date: 6-24-97

Approved By: Res. No. 97-247 Clerk: mm Date: 6-24-97
Administrator: _____ Date: _____
Auditor: _____ Date: _____

AUDITOR'S USE ONLY:

Description: _____ Transfer No.: _____
B.R. No.: _____

**Adopted Allocations for June, 1997 and Fiscal Year 1997-98 Child Support
Commissioner and Family Law Facilitator Funding**

County	FTE Alloc.*	Commissioner June 1997	Facilitator June 1997	Commissioner FY 1997-98	Facilitator FY 1997-98
Alameda	1.9	\$95,000	\$94,050	\$1,140,000	\$308,560
Alpine	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Amador	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Butte	0.5	\$25,000	\$24,750	\$300,000	\$81,200
Calaveras	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Colusa	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Contra Costa	1.5	\$75,000	\$74,250	\$900,000	\$243,600
Del Norte	0.3	\$15,000	\$14,850	\$180,000	\$48,720
El Dorado	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Fresno	2.3	\$115,000	\$113,850	\$1,380,000	\$373,520
Glenn	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Humboldt	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Imperial	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Inyo	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Kern	1.9	\$95,000	\$94,050	\$1,140,000	\$308,560
Kings	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Lake	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Lassen	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Los Angeles	8.8	\$440,000	\$435,600	\$5,280,000	\$1,429,120
Madera	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Marin	0.3/0.5	\$15,000	\$24,750	\$180,000	\$81,200
Mariposa	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Mendocino	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Merced	0.5	\$25,000	\$24,750	\$300,000	\$81,200
Modoc	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Mono	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Monterey	0.5	\$25,000	\$24,750	\$300,000	\$81,200
Napa	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Nevada	0.3	\$15,000	\$14,850	\$180,000	\$48,720
Orange	2.8	\$140,000	\$138,600	\$1,680,000	\$454,720

* If one number is listed this is the allocation for both commissioner and facilitator. If two numbers are listed the first is for the commissioner and the second is for the facilitator.

**Title IV-D Child Support Enforcement Commissioners and Family Law
Facilitators
(Assembly Bill No. 1058)**

Frequently Asked Questions

Requirements of the program

1. Must each county have a commissioner and facilitator?

Yes. Family Code section 4251 requires that a commissioner hear Title IV-D child support enforcement matters effective July 1, 1997, and Family Code section 4252 requires the appointment of one or more child support commissioners by the superior court. Family Code section 10002 requires each superior court to maintain an office of family law facilitator.

2. By when must the commissioner be used?

Family Code section 4251 requires the use of a commissioner effective July 1, 1997. Funding for the commissioner and facilitator (including startup costs) is available beginning June 1, 1997.

Use of funding

3. How much is allocated for each commissioner position?

For each full time equivalent commissioner position, a total of \$600,000 per year is provided for the commissioner (paid at 85% of a superior court judge's salary), support staff, file clerks, and equipment and facilities. A proportionate amount is provided for partial positions.

4. Can more of the allocation be used for support staff and less for the commissioner or must the commissioner be utilized for the amount of the allocation time?

The funding for the commissioner and support staff is considered to be a block grant, that is, as long as the entire allocation is used for Title IV-D child support enforcement matters, and none of the matters involved are heard by a judge, the allocation may be used without regard to the exact amount of commissioner time allocated upon advance notice to and approval of the council. Your court will be required to account for the time spent by each person and the differentiate between that person's time spent on Title IV-D and non-Title IV-D matters. See discussion in question 15 below.

5. How much funding is provided for the facilitator position?

The amount of funding for the facilitator is a lump sum that is related to the Title IV-D workload.

6. Can money be shifted from the facilitator portion of the program to the commissioner portion of the program?

Money cannot be shifted between the commissioner grant and the facilitator grant. These funds will come as two separate contracts.

7. What types of facilities costs are permitted to be claimed for either the commissioner or the facilitator positions?

Facilities costs for a county owned building are provided for based on a cost allocation formula. Facilities cost for leased space is based on the cost of the lease. Remodeling costs of under \$25,000 are covered; greater amounts require advance approval.

8. What types of equipment costs are permitted to be claimed for either the commissioner or the facilitator positions?

Equipment costs of under \$25,000 are covered; greater amounts require advance approval.

9. How is general overhead claimed under the grant?

Overhead is claimed in the same manner as generally applies to federal grants and is detailed in Office of Management and Budget Circular A-87.

10. Are security costs covered under the grant?

Yes. To the extent there is money available, the costs for bailiffs and other security for the IV-D courtroom are covered under the grant.

11. Are interpreters covered under the grant?

Yes. To the extent there is money available, the costs for interpreters either under the commissioner or the facilitator program are covered.

Matters Considered and Funding

12. May the commissioner hear non-Title IV-D matters?

Yes. The commissioner's authority is not restricted to only Title IV-D matters. Because the funding for the commissioner is provided pursuant to the Title IV-D funding program, only the amount of time a commissioner spends in hearing Title IV-D matters is eligible for payment under the grant. (See question 15 below.)

13. May the facilitator work on non-Title IV-D matters?

Yes. By statute the facilitator is given authority to work on many issues involving child support and family law. Due to funding restrictions, however, reimbursement for the cost of the facilitator can only be made for work on child-support, spousal-support, and medical-support matters although there is no restriction that these be Title IV-D matters.

Processing of claims

14. How will payment for the commissioners and facilitators be paid?

The payments will be paid upon receipt of a claim from the court (in arrears) and approval. The AOC will have the authority to directly pay your claim without first submitting it to the Department of Social Services.

15. How is the time a person spent on Title IV-D matters and non-Title IV-D matters differentiated?

A court may use one of several methods to "time study" that person's time so long as the method is used consistently and it approximates the amount of time spend on Title IV-D and non-Title IV-D matters. The methods include:

- A person keeps time records showing the actual time spent in Title IV-D and non-Title IV-D matters
- A person keeps time records for a sample period each quarter showing the actual time spent in Title IV-D and non-Title IV-D matters.

It should be noted that if a person spends his or her entire time on Title IV-D matters, no time study is required.

Hiring of commissioners and facilitators

16. How are the commissioners and facilitators hired?

The commissioner is hired, supervised, and may be fired by the local court through that court's own personnel processes.

17. What are the minimum qualifications for a commissioner and a facilitator?

A commissioner must have been admitted to practice for five years and have family law experience which may include Title IV-D child support enforcement. A facilitator must be an attorney who has mediation or litigation experience, or both, in the field of family law.

Other funding; increases

18. How will increases in workload be handled?

The amounts allocated to each court must be used only for Title IV-D child support enforcement. Throughout the fiscal year, if a court is not utilizing its full allocation, staff will contact the court to determine the reasons. The amounts not utilized by a court will then become available to allocation to other courts as those courts can demonstrate an increase in workload.

19. Is the money granted here part of trial court funding money?

No. The money is not part of trial court funding. However, the amount received needs to be reported as part of the trial court funding process.

20. How secure is the funding for the 1997-98 fiscal year?

The funding is included in the Department of Social Services budget for 1997-98 and is expected to be approved by the Legislature and signed by the Governor. However, as in true with any amount in the budget, there are no assurances until the amount is approved by the Legislature and signed by the Governor.

21. Can the District Attorney fund, by means of a cooperative agreement with the court, additional IV-D activity not covered by the grants given by the Judicial Council?

Under guidelines adopted by the Department of Social Services, the ability of the District Attorney to enter into a cooperative agreement with the court to fund activities not covered by the grants is severely limited.

22. Can the District Attorney provide personnel, on the District Attorney's payroll, to serve as deputy clerks if properly deputized by the court?

If the District Attorney wishes to provide personnel to serve as special deputy clerks, there is no policy prohibiting them from doing so with the court's consent. These special deputy clerks are not court personnel but remain employees of the District Attorney.

23. What about existing plans of agreement with the District Attorney?

Once the court has entered into an agreement with the Judicial Council for funding, any existing agreement with the District Attorney providing Title IV-D funding terminates. This does not necessarily apply to agreements whereby the District Attorney provides clerical assistance to the courts through personnel on the District Attorney's payroll.

Sharing of resources

24. How may smaller counties share resources?

The allocation for many counties is less than a full time commissioner and the amount of funding for a facilitator is less than would pay for a full time facilitator. The legislation envisioned these counties either hiring or contracting with individuals for part time work or sharing resources with adjoining counties to provide full time work for a commissioner or facilitator.

Counties that wish to share resources may do so in one of three ways:

- Each county may contract with the same person and that person will coordinate with the counties for his or her services;
- The counties may jointly contract with the person and coordinate the utilization of that person's services; or