

CHAIRPERSON
DEBBIE DE LEON

VICE-CHAIRPERSON
DALE COPEDGE

VICE-CHAIRPERSON PRO-TEM
RANDY SCHAFFER

JUDICIARY COMMITTEE
REBECCA BAHAR-COOK, CHAIR
BRIAN McGRAIN
MARC THOMAS
CAROL KOENIG
DEB NOLAN
RANDY SCHAFFER

INGHAM COUNTY BOARD OF COMMISSIONERS

P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264

THE JUDICIARY COMMITTEE WILL MEET ON THURSDAY, APRIL 2, 2009 AT 7:30 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

Agenda

Call to Order

Approval of the [March 12, 2009](#) Minutes

Additions to the Agenda

Limited Public Comment

1. Controller's Office - Resolution to Amend the 2008 and 2009 Budgets by Transferring Funds from the Juvenile Justice Millage to the [State Wards](#) Account within the Child Care Fund (*A similar version was tabled at the March 12, 2009 meeting.*)
2. Circuit Court - Request for Reconsideration of Funding for [Legal Services](#) (*Referred from the March 10, 2009 Board of Commissioners' Meeting.*)

Announcements

Public Comment

Adjournment

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DEVICES OR SET TO MUTE OR VIBRATE TO AVOID
DISRUPTION DURING THE MEETING**

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at www.ingham.org

JUDICIARY COMMITTEE

March 12, 2009

Minutes

Members Present: Rebecca Bahar-Cook, Marc Thomas, Carol Koenig, Deb Nolan, Randy Schafer and Board Chairperson DeLeon

Members Absent: Brian McGrain

Others Present: John Neilsen, Maureen Winslow, David Easterday, Judge Garcia, Helen Keefe, Judge Collette, Sara Deprez, Judge Boyd, Matt Wojack and Lori Pourzan

The meeting was called to order by Chairperson Bahar-Cook at 7:31 p.m. in the Personnel Conference Room of the Human Services Building, 5303 S. Cedar, Lansing.

Approval of the February 26, 2009 Minutes

MOVED BY COMM. NOLAN, SUPPORTED BY COMM. SCHAFFER, TO APPROVE THE FEBRUARY 26 MINUTES AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Absent: Comm. McGrain

The Minutes were amended as follows:

Page 1, item .5, second paragraph, second sentence: "They open each envelope by hand." This was changed to: "Students opening envelopes because there may be an equipment request coming in the future to help modernize this position, such as an electronic letter opener."

Page 3, item 2, last sentence: "Comm. McGrain said he will speak with the Allen Neighborhood regarding their garden." This was changed to: "Comm. McGrain said *staff* will speak with the Allen Neighborhood *Center* regarding their garden."

Additions to the Agenda

4b. Jury Clerk Position - Update

Limited Public Comment

Judge Boyd said CourtView is supposed to assign cases randomly. CourtView assigned 40% more cases to courtroom 2 than courtroom 1 recently.

Chairperson Bahar-Cook asked Judge Boyd to explain how the problem would affect a person who has a scheduled date for the Court. Judge Boyd said the problem would result in longer delays. He also said policy makers should be concerned about this problem.

Judge Collette said when CourtView was first implemented in the County, many judges and court staff did not like the new system. His staff was satisfied with the new system once they completed a training session. CourtView works very well for the Circuit Court and its staff.

1. Presentation – Impact System of Care

Mr. Wojack introduced Helen Keefe to the Committee. Ms. Keefe is a parent who receives services from the Impact System of Care.

Ms. Keefe explained that her 14 year old son has received services from the System for the past eight months. She then reviewed the Early Impact Data is Promising, February 2008. This report was provided to the Committee for their review.

Comm. Nolan asked how many youth have gone through the program. Mr. Wojack said about 126 youth have been in the program. Currently, the program is at capacity.

Comm. Schafer asked about the zip codes and how they relate to the youth in the System. Mr. Wojack stated he has not looked at this matter. He does assume there is some relationship between the youths and where they live.

Chairperson Bahar-Cook asked if youth are tracked once they leave the System. Mr. Wojack said the youth are followed up for 24 months once they leave the System. This data will be presented to this Committee in the near future. Mr. Wojack further stated families are studied for 36 months.

Chairperson Bahar-Cook thanked Ms. Keefe for speaking before this Committee about her son.

2. 55th District Court – Date for Tour of the 55th District Court

Chairperson Bahar-Cook said the Court has two dates for our consideration. The dates are Thursday, March 26, 2009 and Thursday, April 23, 2009.

After some discussion, the Committee selected the April 23 date for the half-day session at the Court. The Committee will also hold a regular meeting at the Court on the same day.

Chairperson Bahar-Cook asked Mr. Neilsen to notify Judge Boyd of this date and to inform him that the Commissioners will be at the Court at 1:00 p.m. She also asked that Judge Boyd provide an outline for what the afternoon will be like for the Commissioners.

3. Circuit Court/Family Division – Resolution Authorizing a Contract with the Lansing School District for the Casework Assistant Position

Ms. Winslow spoke about the position's responsibility. She then explained the Lansing School District will pay 50% of the position's cost. The Child Care Fund will also reimburse the County for 50% of the position's cost. There are no General Fund dollars associated with this position.

MOVED BY COMM. NOLAN, SUPPORTED BY COMM. SCHAFFER, TO APPROVE THE RESOLUTION AUTHORIZING A CONTRACT WITH THE LANSING SCHOOL DISTRICT FOR THE CASEWORK ASSISTANT POSITION.

Comm. Nolan asked for the total annual cost for the position. Ms. Winslow stated the \$45,690.45 amount is for 18 months.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. McGrain

4. Controller's Office – Resolution to Amend the 2008 and 2009 Budgets by Transferring Funds from the Juvenile Justice Millage to the Statewards Account within the Child Care Fund

MOVED BY COMM. NOLAN, SUPPORTED BY COMM. SCHAFER, TO APPROVE THE RESOLUTION TO AMEND THE 2008 AND 2009 BUDGETS BY TRANSFERRING FUNDS FROM THE JUVENILE JUSTICE MILLAGE TO THE STATEWARDS ACCOUNT WITHIN THE CHILD CARE FUND.

Mr. Neilsen explained the Statewards Account within the Child Care Fund was over-budgeted by \$654,926 in 2008. The adopted 2008 General Fund budget was \$1,529,515 and the actual amount was \$2,184,441. The 2009 budget is \$1,550,000, and it is anticipated that the 2009 overage will be approximately \$700,000. The Resolution will authorize the transfer of \$654,926 in 2008 and up to \$700,000 in 2009 from the Juvenile Justice Millage fund to cover these budget shortfalls.

Mr. Neilsen also stated he requested a legal opinion regarding the use of the JJM funds for this matter. He was informed by the County Attorney that this was an appropriate use of JJM funds. The Circuit Court reviewed this matter internally and identified to staff that during 2008, they under-spent their total budget by about \$325,000. The Court wants to use these funds and then take the remainder from the JJM.

Mr. Neilsen said there was a fund balance of \$5 million in the JJM at the end of 2008. The JJM fund balance would be approximately \$3.55 million if the over-budgeted funds are covered by the JJM.

Judge Collette said the Court's staff skimmed and saved about \$325,000 last year. If the Court had known about the shortage before the end of the year, it could have transferred those funds for this matter. The Court was not notified of this matter until last Friday by the Controller's Office. Judge Collette stated the Budget Office has requested a legal opinion from the County Attorney.

Judge Collette said once funds are put in the Court's budget, those funds are the Court's funds. The Court voluntarily returns money to the General Fund at the end of the year.

Judge Garcia said the Court understands the chargeback costs are exceeded by \$654,000. He then spoke about Act 150 wards. These youth are committed to the State for treatment.

Judge Garcia encouraged the Committee to request a more thoughtful legal opinion from the County Attorney. He then stated the Act 150 wards should be separated from the Act 220 wards in the budget. Judge Garcia also said he believes the overage is due to the increase in residential

the Maxey Boys Training School. Judge Garcia then explained how the Resolution will affect the placements. The Court is willing to evaluate its Act 150 placements if the State continues to close facilities and to pass the costs on to this County.

Judge Collette explained his fear that the County may be charged with using JJM funds inappropriately. He then urged the Committee to not use the JJM fund for purposes that are not in the JJM language. This budget issue has come to the point where the Court has to make out of state placements due to the high cost of placements in this State.

Comm. Nolan stated she would like to have more information on this item before the Committee votes on the Resolution. She further stated she wants to know why staff did not catch this financial concern sooner. This Committee should not have to discuss this issue every year.

Chairperson Bahar-Cook said the timing issue is at the State level. Comm. Nolan stated the time issue needs to be resolved at the State level. Judge Collette indicated this is a political problem and will be difficult to resolve. Judge Garcia said the Court should have done a better job of tracking its Act 150 placements. He then explained the State can move the Act 150 kids to other placements. The Court reviews these cases on a six month basis.

Comm. Schafer agreed that the County should not send anymore youths to the State facilities due to the high costs. He then said he does not object to out of state placements when necessary.

Comm. Koenig asked for Act 220 costs. Chairperson Bahar-Cook asked the Court to provide the financial information to this Committee for its next meeting.

Ms. Winslow informed the Committee that Act 150 kids are very dangerous. They are not suitable for community placements. Currently, the County has six youths in the Maxey Boys Training School.

Judge Collette said the Court is mindful of wanting to use in-state placements. The court needs to be more proactive with the youths that are turned over to the State. This Committee should find out how the Prosecutor's Office determines youth cases.

Ms. Winslow stated she spoke with Mr. Evans from the State of Michigan today regarding the high costs for the Maxey Boys Training School and the closing of the Adrian facility. She said Mr. Evans informed her that the cost for the Maxey School should be reduced to about \$500 a day in January 2010.

Judge Garcia said the County should request a legal opinion on how the State can get away with increasing the placement costs.

Board Chairperson DeLeon said this Committee has been grappling with this matter for many years. The Committee always wanted to keep kids close to home. The costs for the out-of-state placements used to be much higher than in-state costs.

Ms. Winslow informed the Committee that she is working to develop a protocol with the local DHS for Title IV-E youths. This protocol should result in additional federal funding. Highfields is Title IV-E eligible. She further stated she hopes to see some cost savings due to these discussions.

Comm. Nolan said she would appreciate an overview for the following issues: number of Act 150 youths, the number of youths at the Maxey Training School, the cost to the county, etc. This information is needed so this Committee can ameliorate this issue. She then stated she appreciates what the Court has done to save \$325,000 in 2008.

Comm. Koenig asked how long it will take the Court to retract the Act 150 wards. Judge Garcia said the Court is currently reviewing those cases to determine if alternative placements are appropriate. It could take 30 to 60 days to move the youths to other facilities. Comm. Koenig stated it would be helpful for her to know what types cases the different facilities accept.

Judge Garcia thanked Ms. Winslow, Mr. Easterday and their staff for putting together information in a short time.

Mr. Neilsen said the Controller's Office supports the Court's efforts to place youths in facilities at a lower cost. Placing youth in out of state placements is counter-intuitive to this Committee's position to keep youths in this State. This Committee should understand that they are discussing a change in that philosophy.

Judge Garcia suggested the County Attorney consult the experts on this matter before rendering their legal opinion.

Chairperson Bahar-Cook stated this Committee will request a more in depth legal opinion from the County Attorney regarding this matter.

MOVED BY COMM. NOLAN, SUPPORTED BY COMM. SCHAFER, TO TABLE THE RESOLUTION UNTIL ADDITIONAL INFORMATION IS PROVIDED TO THE COMMITTEE. MOTION CARRIED UNANIMOUSLY. Absent: Comm. McGrain

b. Jury position

Mr. Neilsen informed the Committee there have been discussions between the MIS Department and the Controller's Office regarding the formal reorganization. A resolution to authorize the reorganization will be submitted to this Committee when complete.

Announcements: None

Public Comment

Ms. Pourzan, Legal Services of South Central Michigan, spoke to the Committee regarding an increase to their Community Agency appropriation for 2009. She encouraged the Committee to use Contingency Funds to increase their appropriation.

Comm. Schafer read a portion of the Legal Services' letter to the Committee. The letter regarded the County's Community Agency process.

Chairperson Bahar-Cook said the Committee received a letter from Judge Collette on this matter Tuesday. The Committee will act on this letter on a later date. She then stated this Committee has not approved previous requests for increased Community Agency funding. This Committee probably cannot make a recommendation for increased funding for community agencies.

Chairperson Bahar-Cook said this matter will be discussed further during a caucus meeting.

The meeting adjourned at 9:09 p.m.

Respectfully submitted,

Debra Neff

Agenda Item 1

RESOLUTION STAFF REVIEW

DATE March 24, 2009

Agenda Item Title: Resolution to Amend the 2008 Budget by Transferring Funds from the Juvenile Justice Millage to the State Wards Account within the Child Care Fund

Submitted by: Controller's Office

Committees: LE __, JD X, HS __, CS __, Finance X

Summary of Proposed Action: In 2008, the state wards account within the Child Care Fund was overbudget by \$654,926. The adopted General Fund budget was \$1,529,515 and the actual amount was \$2,184,441. This resolution will authorize the transfer of \$654,926 in 2008 from the Juvenile Justice Millage to cover this budget shortfall. This resolution will also establish separate accounts for neglect and delinquent state wards to ensure that Juvenile Justice Millage Funds are not used for neglect expenses.

Financial Implications: The Juvenile Justice Millage (JJM) is anticipated to have a fund balance of approximately \$4.9 million at the end of 2008. This resolution will decrease that fund balance by \$654,926, to approximately \$4.25 million. If this resolution is not approved, the shortfall will be covered from the undesignated fund balance within the General Fund. (See the attached caseload data on costs and Act 150 delinquent/Act 220 neglect cases, this amount differs from the Budget Office numbers in the resolution and is due to other factors, but it is illustrative of the caseload percentage).

Act 150 delinquent costs:	\$1,734,418	77.5 %
Act 220 neglect costs:	<u>\$503,740</u>	22.5 %
Total	\$2,238,158	100 %

This is compared to the amount of funds proposed to come from the amount of General Fund dollars budgeted in 2008 and the amount of funds proposed to come from JJM funds.

2008 State Wards Budgeted General Funds	\$1,529,515	70 %
Proposed use of JJM funds	<u>\$654,926</u>	30 %
Total	\$2,184,441	100 %

Other Implications: Ingham County is responsible for 50% of the cost of placements for delinquent and permanent neglect wards who have been committed to the State Department of Human Services, which is paid out of the state wards account within the Child Care Fund. The County monitors the placements monthly to assure that youth are being charged to the correct account, but the County does not have discretion in how these placements are made.

A similar resolution was presented at the last round of committees. The original resolution proposed an additional transfer of up to \$700,000 from the Juvenile Justice Millage in order to cover the anticipated 2009 budget shortfall. In this resolution, no budget adjustment is proposed for 2009 at this time, as the Circuit Court Family Division has a plan to reduce the number of state wards. The expenses will be evaluated toward the end of the 2009 fiscal year to determine what budget action will need to be taken. This resolution also adds a provision to create separate accounts for delinquent and neglect state wards. By tracking these expenses separately, it will be possible to verify that Juvenile Justice Millage Funds are not being spent on neglect expenses.

In order to close the County's 2008 books in a timely fashion, if funds are to be transferred from the Juvenile Justice Millage to the Child Care Fund, approval must be granted during this round of committee meetings. Otherwise, the shortfall will be covered by a draw down of fund balance from the General Fund.

Staff Recommendation: MJM___ JN X TL ___ TM___ JC ___

Staff recommends approval of this resolution.

MEMORANDUM

TO: John Neilsen

FROM: Maureen Winslow

DATE: March 26, 2009

RE: 2007-2008 Stateward Chargebacks

The Juvenile Division has completed an analysis of the stateward chargebacks for the fiscal year 2007/2008. This analysis consisted of identifying the number of youth that were committed to the state under Act 150, as well as Act 220. Additionally, the total costs associated with each Act have been calculated. All totals are noted below.

<u>Act 220 Youth</u>	<u>Act 220 Cost</u>
138	\$503,740.33
 <u>Act 150 Youth</u>	 <u>Act 150 Cost</u>
47	\$1,734,417.94

ACT 150 WARDS

Public Act 150 was enacted in 1974. The Act is contained at MCL 800.301 et seq.

An Act 150 ward is a permanent public ward rather than a temporary court ward. In order for a juvenile to become an Act 150 ward there must be commitment to the Department of Human Services by the court. Once the court commits a juvenile to the Department of Human Services, the agency determines the appropriate placement.

The purpose of committing a juvenile to the Department of Human Services under Act 150 is to provide the juvenile state sponsored services that are not available to the court. Juvenile state sponsored services are generally state training schools or state licensed facilities.

Act 150 is available for juveniles at least 12 years of age through age 17. If a juvenile is committed under Act 150, the commitment remains until the juvenile reaches the age of 19, unless the commitment is extended to age 21 due to special circumstances (certain types of criminal offenses, ex. CSC).

Juveniles committed under Act 150 usually involve long term care and most juveniles age out of the commitment. Usually, the basis for a commitment under Act 150 is the juvenile has exhausted court resources, has a serious or escalating juvenile history, or has committed a serious offense.

ACT 220 WARDS

Public Act 220 was enacted in 1935. The Act is contained at MCL 400.201 et seq. The act created the Michigan Children's Institute in order for the state to exercise the duty and obligation to children whose parents' rights have been terminated by the Court.

In order for a child to become an Act 220 ward there must be a commitment to the Department of Human Services by the court after a termination of parental rights. The termination of parental rights is achieved by permanent wardship trial under the child protection law.

The commitment continues until the child reaches the age of 19. The agency determines the appropriate placement of the child. The agency is responsible for the maintenance, health, instruction, and training of the child. The superintendent of the Michigan Children's Institute may consent to the adoption, marriage, or emancipation of the child. In essence, the Michigan Children's Institute acts as the guardian for the child. The wardship ceases once consent is given and the adoption, marriage, or emancipation is complete.

In Act 220 cases, the court does not dismiss the neglect action. The court maintains an open neglect file and conducts post termination review hearings every 91 days for the first year and every 182 days thereafter. Thus, the court retains the ability to direct placement if necessary.

Agenda Item 1

Introduced by the Judiciary and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AMEND THE 2008 BUDGET BY TRANSFERING FUNDS FROM
THE JUVENILE JUSTICE MILLAGE TO THE STATE WARDS ACCOUNT WITHIN
THE CHILD CARE FUND**

WHEREAS, Ingham County and the State of Michigan are each responsible for 50% of the cost of placements for delinquent and permanent neglect wards who have been committed to the State Department of Human Services; and

WHEREAS, the actual cost of these placements greatly exceeded the budget in 2008; and

WHEREAS, the portion of these costs spent on delinquent wards are eligible for reimbursement from the proceeds of the Juvenile Justice Millage; and

WHEREAS, in order to ensure that Juvenile Justice Millage Funds are not used for neglect expenses, the stateward expenses should be accounted for in separate accounts for delinquent and neglect; and

WHEREAS, the Juvenile Justice Millage Fund is anticipated to have a fund balance of approximately \$4.9 million at the end of 2008.

THEREFORE BE IT RESOLVED, that account 29266213 832500, "state ward," be renamed "state ward - delinquent", and account 29266213 832600, "state ward – neglect," be established.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes the 2008 transfer of \$654,926 from the Juvenile Justice Millage to the state wards - delinquent account within the Child Care Fund.

BE IT FURTHER RESOLVED, that the Controller/Administrator is authorized to make any necessary budget adjustments.

RECEIVED

FEB 24 2009

AGENDA ITEM # 3

Ingham County Circuit Court
30th Judicial Circuit

3rd FLOOR, COURTHOUSE
MASON, MICHIGAN 48854
TELEPHONE: (517) 483-6500

WILLIAM E. COLLETTE
Chief Circuit Judge

DAVID L. EASTERDAY
Circuit Court Administrator



SHAUNA DUNNINGS
Deputy Court Administrator /
Friend of the Court

RHONDA K. SWAYZE
Deputy Court Administrator /
General Trial Division

MAUREEN WINSLOW
Deputy Court Administrator /
Juvenile Division

February 19, 2009

Debbie De Leon, Chairperson
Ingham County Commissioners
Ingham County Courthouse
341 S. Jefferson St.
Mason, MI 48854

RE: Request for Reconsideration of Funding for Legal Services

Dear Chairman De Leon:

As Chief Judge of the 30th Circuit Court, I would like to express my support on behalf of Legal Services of South Central Michigan as they request additional funding from the Ingham County Board of Commissioners. For over 40 years, Legal Services has provided essential services for the poor people in our community through advice and direct representation in a variety of civil legal matters. For nine years, Legal Services has also operated the Access to Justice (ATJ) Center at the 30th Circuit Court, which provides legal forms and instructions to any member of the community with a legal problem.

Without the help of this organization, thousands of families in the greater Lansing area would be without any legal guidance or representation, with nowhere to turn for free legal advice or assistance. These legal aid attorneys appear in court and before administrative agencies on behalf of this marginalized population. Legal Services of South Central Michigan is fundamental to our low income community's legal needs. They serve a unique and invaluable service to this special group of citizens, particularly given the current economic hardships.

Debbie De Leon, Chairperson
Ingham County Commissioner
February 19, 2009
Page 2

The ATJ Center provides needed services to litigants who are unrepresented by counsel, and also provides assistance to the Family Court judges by ensuring that unrepresented litigants have all the documents they need to complete the divorce process. Court staff frequently refer clients to the ATJ Center, and without these services, it would be difficult to give the public a practical referral for quick assistance. Without the ATJ Center, the clients who cannot afford to pay for an attorney would be lost and unable to fully utilize or get good results from a judicial system which is very complicated.

Legal Services has sought funding from the Ingham County Board of Commissioners for more than 25 years. In recent years, its funding has been reduced from \$50,000 to \$36,000 in 2008, and \$20,226 for 2009. If these reductions continue, Legal Services will not be able to provide the current level of assistance, and may not be able to continue operating the Access to Justice Center at all. I have been approached by LSSCM-Lansing about the possibility of making up this latest funding gap with resources from the court. Unfortunately, for many reasons, including an already finalized budget and simply a lack of funds, we are not able to fulfill this request or meet this need. As a result, I respectfully request that the Board of Commissioners fund Legal Services to the fullest extent possible.

Sincerely,



William E. Collette
Chief Judge, 30th Circuit Court