

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Staff Presentation Worksheet

Presentation Date: Apr 13, 2010 Time: 10:00 a.m. Length: 30 mins.

Presentation Title: Family Court Services' Domestic Relations Court Filing Fee Increases  
2010-2014

Department: Family Court Services

Presenters: Lauren MacNeill, Director

### POLICY QUESTION

Should the BCC raise the local domestic relations filing fees to support Family Court Services?

### ISSUE & BACKGROUND

ORS 21.112 authorizes an additional fee to be charged on certain domestic relations filing fees to pay the expenses of providing mediation, conciliation, and related services. These fees are to be charged in addition to any other funds used to provide the services. The authority to determine the appropriate fee is vested in the governing body of the County.

Historically, Family Court Services (FCS) has increased these fees every few years. We last increased filing fees in 2007. Over the past several years, the very modest fee increase has not kept pace with the cost of providing the services. Moreover, the Oregon Chief Justice instituted a new rule regarding filing fee waivers in 2008 which has significantly impacted our revenue. The other sources of revenue for FCS include a portion of marriage licenses, fees collected directly from clients, grants, and modest general fund support. The revenue from these other sources has remained static or decreased over the past two years.

The specific increases that Family Court Services is requesting mirrors the fee increases requested and approved by Multnomah County last year. When considering fee increases, we wish to be thoughtful about how our fees compare to our neighboring counties and the rest of the state. Therefore, the requests we put forward this year will have Clackamas County consistent with the tri-counties. Beginning July 1, 2010, and continuing for that fiscal year, we request the following increases:

1. The Petition filing fee surcharge for Dissolutions, Annulments, Legal Separations, Custody, Parenting Time and Support Actions, and Filiations \$24.00, from \$200.00 to \$224.00.
2. The Petition filing fee surcharge for Modifications greater than one year post-judgment of these actions \$124.00, from \$100.00 to \$224.00 and for Modifications less than one year post-judgment \$174.00, from \$50.00 to \$224.00.
3. The Response filing fee surcharge for Modifications greater than one year post-judgment \$37.00, from \$75.00 to \$112.00 and for Modifications less than one year post-judgment \$112.00, from no current fee to \$112.00.

4. The Petition filing fee surcharge for Parenting Time Enforcements \$1.00, from \$45.00 to \$46.00.
5. The Response filing fee surcharge for Parenting Time Enforcements \$21.00, from \$35.00 to \$56.00.

We estimate that these increases will yield approximately \$50,000 in additional revenue for 2010-11. More than in other years, an accurate estimate is difficult to predict. At present, there is a committee working to revise the court's waiver rule. FCS is hopeful that such a revision, in addition to a slowly improving economy, combined with the filing fee increases requested here, will result in this additional needed revenue.

Family Court Services further requests that the BCC approve filing fee increases for each of the next successive four years, as further detailed below. This request is to allow this revenue source to keep pace with increasing expenses. Some jurisdictions, like Multnomah, have made the move to proactively approve fee increases for several years. Others, like Deschutes, have approved indexed fee increases. Clackamas FCS believes that the plan set forward in this request is sufficient to support our services for the next four years, at which time we will re-evaluate and make a determination about how to go forward from that point.

**TOTAL SURCHARGE INCREASES REQUESTED FOR SUCCESSIVE YEARS:**

Action	2010-11	2011-12	2012-13	2013-14
Dissolution, Annulment, Separation, Custody, Parenting Time or Support, and Filiation Petitions	\$224	\$237	\$252	\$267
Modification Petitions	\$224	\$237	\$252	\$267
Modification Responses	\$112	\$119	\$126	\$133
Parenting Time Enforcement Petitions	\$46	\$49	\$52	\$55
Parenting Time Enforcement Responses	\$56	\$59	\$63	\$67

**QUESTION(S) PRESENTED FOR CONSIDERATION**

1. What might be the effect on citizens of these fee increases?
2. What other options are available?
3. What would be the result if the fee increase request is not approved?

**OPTIONS AVAILABLE**

Basic options available would be to not increase any fees, which would result in a need to increase other revenue sources, most notably general fund support. If we were not able to increase filing fees or any other revenue source, this would result in a dramatic, if not

untenable, reduction in services. Another option would be to increase only certain of these fees, or to increase some in greater proportion. We believe that the proposal we are putting forth is the best formula to achieve the goal of supporting service delivery.

**RECOMMENDATIONS**

Family Court Services respectfully requests that the Board of County Commissioners approve the increases in domestic relations filing fees as described above.

**SUBMITTED BY:**

Division Director/Head Approval

Department Director/Head Approval

County Administrator Approval

*n/a*  
*[Signature]*

For information on this issue or copies of attachments, please contact Suse Altengarten @ 503-650-5655.

**\*06/2009 Version**