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Memorandum Date: January 7, 2008

Order Date: January \_\_\_\_, 2008

TO: Board of County Commissioners

DEPARTMENT: District Attorney's Office

PRESENTED BY: F. Douglass Harclerod, District Attorney

AGENDA ITEM TITLE: ORDER/In the Matter of Approving an Intergovernmental Agreement for Juvenile Dependency Process and Establishing 1.0 FTE Deputy District Attorney III Position

I. MOTION

1. MOVE APPROVAL OF THE ORDER APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR JUVENILE DEPENDENCY PROCESS AND ESTABLISHING 1.0 FTE DEPUTY DISTRICT ATTORNEY III POSITION.

II. AGENDA ITEM SUMMARY

The legislative assembly appropriated funds for the 2007-2009 biennium to encourage district attorneys to increase their involvement in juvenile dependency proceedings. The Board is being asked to delegate authority to the County Administrator to sign the intergovernmental agreement to accept these funds in an amount not to exceed \$178,307 for the 2007-2009 biennium. The funds will be used by the District Attorney to enlarge or otherwise improve the quality of the juvenile dependency litigation program currently being done by approximately a half-time deputy district attorney. An additional deputy district attorney will be hired.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In the past, there have been no funds from the State of Oregon for district attorney offices to do dependency work in the juvenile court. The legislature recognized the need for enlarging or otherwise improving the quality of the juvenile dependency litigation program in each of the 36 counties. They allocated money for these programs and directed the Attorney General's office to enter into intergovernmental agreements with the district attorney offices to do this work. In a collaborative fashion, the district attorneys and the Attorney General negotiated an intergovernmental agreement so that the funds would flow to the counties and the district attorneys could increase and improve the juvenile dependency litigation programs.

B. Policy Issues

The legislative policy is to enlarge or otherwise improve the quality of the juvenile dependency litigation program.

C. Board Goals

Helping children has been the super-goal of Lane County for many years. Increasing our work in the juvenile dependency area will further the goal of protecting children in our community.

**D. Financial and/or Resource Considerations**

The financial implications of taking this action means that we will accept state money to do this additional juvenile dependency work. I anticipate the legislature will continue to fund this increased work or we will return to our current level of dependency work.

**E. Analysis**

There are approximately 1000 children in foster care in Lane County at any given time. There are 300-400 new dependency cases every year at the juvenile department. The District Attorney is responsible to handle this litigation and we currently do it with .5 FTE deputy district attorney. This is not enough lawyer resource for the large caseload. We anticipate hiring 1.0 FTE deputy district attorney with the money from the intergovernmental agreement. This should significantly improve and enlarge our ability to do juvenile dependency litigation.

**F. Alternatives/Options**

The alternative is not accept the money, and not enlarge and improve the juvenile dependency work.

**IV. TIMING/IMPLEMENTATION**

Assuming the Board delegates the authority for the county Administrator to execute the intergovernmental agreement, then we will transfer an experienced lawyer to the juvenile department within approximately two weeks and replace that experienced attorney with a new hire in the criminal division.

**V. RECOMMENDATION**

I recommend that the Board of County Commissioners order that the County Administrator is delegated authority to execute an intergovernmental agreement with the State of Oregon in an amount not to exceed \$178,307 for a period beginning immediately and ending June 30, 2009 for the District Attorney to do additional juvenile dependency work, subject to legal counsel review.

I also recommend that the Board of County Commissioners establish an additional Deputy District Attorney III position.

**VI. FOLLOW-UP**

If the motion is passed, we will transfer an experienced attorney to the juvenile division as soon as the intergovernmental agreement is executed by all parties and we will hire a beginning attorney in the criminal division.

**VII. ATTACHMENTS**

None.

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER NO. ) IN THE MATTER OF APPROVING AN  
) INTERGOVERNMENTAL AGREEMENT FOR  
) JUVENILE DEPENDENCY PROCESS AND  
) ESTABLISHING 1.0 FTE DEPUTY DISTRICT  
ATTORNEY III POSITION

WHEREAS, District Attorney, Lane County and State of Oregon Department of Justice wish to cooperate to ensure more consistent statewide practice and participation by District Attorney in court appearances and related activities in juvenile dependency proceedings that occur at any time between the filing of a dependency petition pursuant to ORS 419B.809 and the entry by a court of a disposition order on the merits on all allegations in that petition; and

WHEREAS, District Attorneys and their Deputies have been appearing in dependency proceedings for many years in support of the safety and welfare of children without state dedicated funding for those efforts; and

WHEREAS, the Legislative Assembly appropriated funds for the 2007-2009 biennium to encourage District Attorneys to increase their involvement in juvenile dependency proceedings occurring at any time between the filing of a dependency petition pursuant to ORS 419B.809 and the entry by a court of a disposition order on the merits on all allegations in that petition; and

WHEREAS, the Legislative Assembly intend that its appropriation of funds would yield enlargements or other improvements in the quality of the juvenile dependency litigation programs in every county in Oregon; and,

WHEREAS, the Board of Commissioners may appropriate dedicated grant funds as per ORS 294.326.(3);

NOW, THEREFORE, IT IS HEREBY ORDERED that Lane County approve the intergovernmental agreement with the State of Oregon for juvenile dependency process in an amount not to exceed \$178,307; and

IT IS FURTHER ORDERED that the County Administrator is authorized to sign the intergovernmental agreement as described above subject to legal counsel review; and

IT IS FURTHER ORDERED that a 1.0 FTE Deputy District Attorney III position is established in the District Attorney's Office;

IT IS FURTHER ORDERED that appropriations are increased by \$59,436 in revenue and expenses in the District Attorney's Office (fund 124).

APPROVED this \_\_\_\_\_ day of January, 2008.

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Chair, Lane Board of County Commissioners

In the Matter of Approving an Intergovernmental Agreement for Juvenile Dependency Process and establishing 1.0 FTE Deputy III position.

APPROVED AS TO FORM  
Date 1/13/08 lane county  
S. Saidlaw  
OFFICE OF LEGAL COUNSEL