

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

741



SUBMITTAL DATE:
June 7, 2005

FROM: Executive Office

SUBJECT: Surcharge to Superior Court Filing Fees for Court Child Care Waiting Rooms

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Impose a \$5.00 surcharge to each applicable civil filing fee to sustain court child care waiting rooms pursuant to Government Code §26826.3; and
- 2) Direct the Auditor-Controller to establish the Court Child Care Waiting Room Fund.

BACKGROUND: The Court currently operates six Children's Rooms in Riverside, Indio, Hemet and Murrieta. An additional Children's Room is scheduled to open in Indio Juvenile Court later this year. Children of jurors, family law litigants, and those in juvenile dependency cases utilize this free service on a daily basis. This service to citizens accessing court services has been provided continuously since 1997. The Court contracts with the Riverside County Office of Education to staff these rooms. There is no revenue for this service and the Court currently absorbs the annual cost of \$430,000. Once the Indio Juvenile facility is open, the estimated annual budget is projected to be approximately \$525,000. The Court has attempted to absorb these costs in an effort to avoid additional filing fees. However, costs to maintain this service to the public continue to escalate. The Court is unable to wholly absorb these costs on a continuing basis and is proposing to utilize this statutorily allowed source of revenue to partially offset expenditures for court child care rooms.

Sally A. Beavan
Sally Beavan, Principal Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	0
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	0
	Annual Net County Cost:	\$ 0	For Fiscal Year:	0
SOURCE OF FUNDS: N/A				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature *Gary M. Christensen*

Dept's Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: | District: All | Agenda Number:

3.7

Departmental Concurrence

Pursuant to §26826.3 of the Government Code:

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, in any county having established a children's waiting room or that elects to establish such a service, the board of supervisors may, after giving notice and holding a public hearing on the proposal, impose a surcharge of not less than two dollars (\$2) and not more than five dollars (\$5) for the filing in superior court of (1) a complaint, petition, or other first paper in a civil or probate action or special proceeding, (2) a first paper on behalf of any defendant, respondent, intervenor, or adverse party, (3) a motion for change of venue from another court, or (4) a first paper on behalf of any party in a proceeding under Section 98.2 of the Labor Code. This surcharge shall be in addition to the total filing fee, as defined in §26820.6, and as applicable to §26820.4, §26826, §26827, or any other fee authorized by this code. No party shall be required to pay the five dollar (\$5) surcharge more than once in any action.

(b) The surcharge shall be remitted monthly by the clerk to the county treasurer, to be retained by the treasurer in a special fund designated as the Children's Waiting Room Fund. The board of supervisors shall make expenditures from the fund in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

As per the statutory authority listed above, 100% of revenue generated by this surcharge will be held in trust for the Court to offset expenditures, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

Fee will be effective immediately upon Board approval.