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Memorandum Date:

Order Date: October _____, 2009

TO: Board of County Commissioners

DEPARTMENT: District Attorney's Office

PRESENTED BY: Alex R. Gardner, District Attorney

AGENDA ITEM TITLE: ORDER/In the Matter of Approving an Intergovernmental Agreement for Juvenile Dependency Process

I. MOTION

1. MOVE APPROVAL OF THE ORDER APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR JUVENILE DEPENDENCY PROCESS.

II. AGENDA ITEM SUMMARY

The legislative assembly appropriated funds for the 2009-2011 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 \$173,485 for the 2009-2011 biennium. The funds will be used by the District Attorney to enlarge or otherwise improve the quality of the juvenile dependency litigation program.

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.

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, work will continue as is currently being performed under the prior agreement.

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 \$173,485 for a period beginning July 1, 2009 and ending June 30, 2011 for the District Attorney to do additional juvenile dependency work, subject to legal counsel review.

VI. FOLLOW-UP

None.

VII. ATTACHMENTS

None.

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

O R D E R) IN THE MATTER OF APPROVING AN
NO.) INTERGOVERNMENTAL AGREEMENT FOR
) JUVENILE DEPENDENCY PROCESS

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 \$173, 485; 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

APPROVED this _____ day of October, 2009.

Chair, Lane Board of County Commissioners

In the Matter of Approving an Intergovernmental Agreement for Juvenile Dependency Process.

APPROVED BY DISTRICT ATTORNEY
10/7/09
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