

December 5, 2006

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT:** Establishment of an Enhanced Court Collections Program Within the Department of Child Support Services, Pursuant to SB 940

**RECOMMENDATION:**

1. Authorize the Memorandum of Understanding Between the Superior Court and the County that Creates the Court Collections Program
2. Authorize the Addition of 6.0 FTE Staff Positions to the Department of Child Support Services

Dear Supervisors:

Under the Trial Court Funding Act, collection of fees, fines, penalties and assessments imposed by the Court is a County-mandated function to be carried out in coordination with the local court. To date, the County of Marin and its Superior Court have not been aggressive in the area of delinquent collections, due to limited in-house collections resources and the absence of State funding for collections activities.

In 2003, California Senate Bill 940 established a framework to ensure that more fees, fines, penalties and assessments ordered by the courts are collected. In effect, SB 940 allowed each Superior Court and County to develop an enhanced cooperative collections plan, and set up a definition under which if a County meets certain requirements, the County can recoup the costs of the collection activities from the State.

The County Administrator's Office has been working with the Superior Court since the passage of SB 940 to determine and review various scenarios of how to meet the requirements of the enhanced collections program. This review found that the optimal scenario for the County is to establish a court collections unit within the Department of Child Support Services (DCSS). The review also found that while DCSS currently has collections officers and other personnel trained in this field, in order to accurately report and recoup costs from the State limited to the court collections activities, a new unit with staff separately assigned to the new collections activities should be created.

Adding a new collections function to DCSS helps the department mitigate the consequences of significant funding cuts by the State over the last three fiscal years. The department's budget is 100% comprised of State and Federal funds. By creating this new unit and therefore adding new positions that are fully reimbursable by the State under SB 940, additional employment opportunities are available to existing DCSS staff, rather than implementing a reduction in force for DCSS. The deficit can be addressed through the elimination of existing positions under the current DCSS structure and reimbursement for other costs that DCSS can charge to this new unit, including rent and administrative overhead.

DCSS has met with the Superior Court and the State's Administrative Office of the Courts (AOC) to determine the staffing needs of the new program by reviewing the Court's collections case load and by working with the AOC to review other jurisdictions with similar case loads and programs. As shown in Attachment A, the proposed structure of the unit would include 1.0 FTE Collections Manager, 3.0 FTE Collections Officers, 1.0 FTE Legal Process Assistant II, and 1.0 Accounting Assistant. DCSS has had discussions with Human Resources staff regarding the staffing needs of the unit and the recruitment effort, which will begin with an interdepartmental recruitment for most of the positions, to provide an opportunity for existing staff to transition into the new unit.

DCSS has also worked with the AOC, the Court and County Counsel to draft the legal agreement between the County and the Superior Court for the program. Attachment B to this report is the proposed MOU, which defines the County's and Court's roles and responsibilities in operating the collections program, which includes the right for the County to receive reimbursement funds for staffing and other costs related to operating the program.

If your Board chooses to authorize the MOU and additional staff positions for the new collections program, DCSS will work with Human Resources to begin the staff recruitment process and plans to implement the program in January 2007. The corresponding staff deletions from the DCSS budget will be incorporated into the proposed DCSS budget for 2007-2008.

**FISCAL IMPACT:** Staffing and other costs related to the proposed courts collections program, are fully reimbursable by the State under SB 940. The proposed budget for FY 2006-07 and the estimated annual budget for the program are included with this report as Attachment C.

Please contact me should you have any questions.

REVIEWED BY:	<input checked="" type="checkbox"/> Auditor-Controller	<input type="checkbox"/> N/A
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
	<input checked="" type="checkbox"/> Human Resources	<input type="checkbox"/> N/A

Sincerely,

KEITH PEPPER  
Director, Department of Child Support Services