

CHAPTER 17: COMMUNITY JUSTICE

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GENERAL PROVISIONS

§ 17.001 DEPARTMENT ESTABLISHED; FUNCTIONS.

The Department of Community Justice (department) is created. The department is assigned the following functions:

(A) Services relating to juvenile delinquency and neglect to promote public safety and reduce juvenile recidivism;

(B) Services relating to adult offenders in the community to promote public safety and offender change through integrated supervisory, sanction, and rehabilitative strategies;

(C) Development, administration and evaluation of supervision, sanctions and services along separate but related continuums of graduated interventions for juvenile and adult offenders;

(D) Services and duties relating to crime prevention and reduction initiatives, in collaboration with the community and other public safety agencies;

(E) In cooperation with the District Attorney and Sheriff, assist the Board in developing and implementing countywide criminal justice policies with effectively balanced crime prevention, early intervention and effective corrections efforts.

(F) Educational, conciliatory, mediation, investigative and other services to families, children, and the Family Court of the Circuit Court for Multnomah County.

(Ord. 987, Amended, 08/01/2002; Ord. 946, Amended, 05/18/2000; '90 Code, § 2.30.300, 07/01/1998; Ord. 872, passed, 01/16/1997; Ord. 754, passed, 03/11/1993; Ord. 739, passed, 12/03/1992; Ord. 707, passed, 11/12/1991; Ord. 650, passed, 05/22/1990; Ord. 620, passed, 07/13/1989; Ord. 535, passed, 10/16/1986; Ord. 523, passed, 07/31/1986; Ord. 446, passed, 12/20/1984; Ord. 371, passed, 03/07/1983; Ord. 363, passed, 01/13/1983; Ord. 332, passed, 08/09/1982; Ord. 309, passed, 05/13/1982; Ord. 102, passed, 06/19/1975; Ord. 73, passed, 07/12/1973; Ord. 64, passed, 12/21/1972)

§ 17.002 DEPARTMENT DIRECTOR.

The Director of the Department of Community Justice shall operate jointly with the Sheriff as the county supervisory authority. The Director is designated to operate community based corrections supervision for offenders on parole, post prison supervision, probation, or conditional release from jail, and to operate juvenile detention facilities and residential treatment facilities for the treatment of drug or alcohol addicted offenders.

(Ord. 987, Amended, 08/01/2002; Ord. 919, passed, 08/13/1998)

ADULT SERVICES**§ 17.003- ALTERNATIVE CORRECTIONS PROGRAM; FEE.**

The department shall charge a fee in an amount set by Board resolution to any offender sentenced to a community service sentence of 40 hours or more. In the case of documented indigency, the fee shall be waived. All fees collected under this section shall be used to fund services provided by the alternative community service program. An offender under obligation to repay may petition the sentencing court for waiver of the fee under conditions of manifest hardship. No offender may be held in contempt for failure to pay if the default is not attributable to intentional refusal to pay.

('90 Code, § 5.10.450, 07/01/1998; Ord. 418, passed, 05/17/1984)

§ 17.005 DRUG TESTING FEE.

The department may charge a fee in an amount set by Board resolution to cover the cost of laboratory drug testing.

(Ord. 1172, Add, 11/04/2010)

FAMILY COURT SERVICES DIVISION**§ 17.090- DIVISION ESTABLISHED; FUNCTIONS.**

The Family Court Services Division (division) is established within the department. The division provides services to the Family Court Department of the Multnomah County Court (court). The division provides the following services under authority of state law, supplementary local court rules and this code.

(A) Parent education about the impact of family change on children for parents involved in family litigation.

(B) Conciliation services as provided by ORS 107.510 to 107.615 for parties in domestic relation suits.

(C) Mediation services as provided by ORS 107.755 to 107.785 for all parties in litigation in which child custody, parenting time, child visitation or financial issues are in dispute, and mediation under ORS 107.179 when a party requests joint custody.

(D) Evaluation investigations of parties in domestic relations suits under ORS 107.425 into the character, family relations, past conduct, earning ability and financial worth of parties to protect the future interests of children.

(E) Other services to families and children relating to custody and parenting time that are useful for the court.

(Ord. 946, Added, 05/18/2000)

DOMESTIC RELATIONS**§ 17.100- CONCILIATION SERVICE FEE.**

A conciliation service fee in an amount set by Board resolution shall be charged above that prescribed in ORS 205.320 for issuing a marriage license or registering a Declaration of Domestic Partnership under the Oregon Family Fairness Act in ORS 106. Fees collected pursuant to this section shall be used to finance the cost of conciliation services provided under ORS §§ 107.510 to 107.610.

(Ord. 1113, Amended, 04/10/2008; '90 Code, § 5.10.430, 07/01/1998; Ord. 255, passed, 10/23/1980)

§ 17.101 DOMESTIC RELATIONS SUIT; FILING FEE.

(A) The county portion of the fee for filing a domestic relations suit in the circuit court of the county shall be as set by Board resolution. Total receipts from these filings shall be utilized to fund conciliation and mediation services provided by the family court services division.

(B) A child custody evaluation case opening fee in an amount set by Board resolution shall be assessed in domestic relations suits in the circuit court of the county involving minor children, at the time court ordered custody investigation is instituted. When one party has moved for modification of custody, the moving party shall pay the fee. In all other cases, both parties to the suit are responsible for payment of the fee. The fee may be assessed as costs at the time of the decree.

(1) Total receipts from the case opening fee shall be utilized to fund the family court services division. Persons eligible for legal aid counsel may have the custody evaluation case opening fee deferred, upon application to and approval of the director of family court services, or that person's designee.

(2) The director of family court services shall establish written criteria to be used in reviewing application for fee deferral, consistent with local court rules regarding deferral of filing fees.

(C) A fee in an amount set by Board resolution shall be paid at the time of filing a motion for modification of decree and shall be paid by the moving party.

(Ord. 920, passed, 08/20/1998; '90 Code, § 5.10.435, 07/01/1998; Ord. 883, passed, 09/04/1997; Ord. 766, passed, 06/03/1993; Ord. 651, passed, 05/24/1990; Ord. 574, passed, 04/07/1988; Ord. 411, passed, 02/23/1984)

§ 17.102 PARENTING EDUCATION PROGRAM; FEE FOR PARTICIPATION.

(A) A fee in an amount set by Board resolution shall be collected from each parent participating in the parenting education program of the department. Fees collected pursuant to this section shall be used to finance the cost of department programs.

(B) The department shall establish policy and procedures for persons who are in financial difficulty to apply for a deferral of the fee, a waiver of the fee, or both.

('90 Code, § 5.10.445, 07/01/1998; Ord. 871, passed, 01/09/1997)

JUVENILE DETENTION FACILITIES

§ 17.300- POLICY.

The juvenile detention facility provides detention for pre-adjudicated offenders, and secure detention and treatment for post-adjudicated offenders. The department may lease detention space to the state and other counties.

('90 Code, § 7.95.100, 07/01/1998; Ord. 516, passed, 06/12/1986)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-163

Establishing Fees and Charges for Chapter 17, Community Justice, of the Multnomah County Code and Repealing Resolution No. 2010-156

The Multnomah County Board of Commissioners Finds:

- a. Chapter 17, Community Justice, of the Multnomah County Code provides that the Board shall establish certain fees and charges by resolution.
- b. On November 4, 2010, the Board adopted Resolution 2010-156 updating the fees for MCC Chapter 17.
- c. It is necessary to increase child custody evaluation fee in order to maintain current staffing levels critical to accommodating the increased Family Court Services workload.
- d. All other fees established by Resolution 2010-156 remain the same.

The Multnomah County Board of Commissioners Resolves:

1. The fees and charges for Chapter 17, Community Justice, of the Multnomah County Code are set as follows:

Section 17.003. ALTERNATIVE COMMUNITY SERVICE; FEE.

Multnomah County community corrections shall charge a fee of \$35.00 to any offender sentenced to a community service sentence of 40 hours or more. In the case of documented indigence, the fee shall be waived. All fees collected under this section shall be used to fund services provided by the alternative community service program. An offender under obligation to repay may petition the sentencing court for waiver of the fee under conditions of manifest hardship. No offender may be held in contempt for failure to pay if the default is not attributable to intentional refusal to pay.

Section 17.005 LABORATORY DRUG TESTING FEE.

A urinalysis fee of \$9.50 will be charged to clients who tested positive on an instant test, request a laboratory test for verification, and the laboratory test result confirms the instant test.

Section 17.100. CONCILIATION SERVICE FEE.

A fee of \$10.00 shall be charged for the issuance of a marriage license or registering a Declaration of Domestic Partnership under the Oregon Family Fairness Act in addition to the fees prescribed in ORS 205.320. Fees collected pursuant to this section shall be used to finance the cost of conciliation services provided under ORS 107.510 to 107.610.

Section 17.101. DOMESTIC RELATIONS SUIT; FILING FEE.

(A) The Multnomah County portion of the fee for filing a domestic relations suit in the circuit court of Multnomah County shall be:

Annulment or Separation, Dissolution, Filiation, Custody or Support of a Child or Modification:	7/1/2009— 6/30/2010	7/1/2010— 6/30/2011	7/1/2011— 6/30/2012	7/1/2012— 6/30/2013
Filing	\$224	\$237	\$252	\$267
Response	\$112	\$119	\$126	\$133
Expedited parenting time enforcement petition:				
Filing	\$46	\$49	\$52	\$55
Response	\$56	\$59	\$63	\$67

Total receipts from these filings shall be utilized to fund conciliation and mediation services provided by the family court services division.

(B) A child custody evaluation case-opening fee shall be assessed in domestic relations suits in the circuit court of Multnomah County involving minor children, at the time court ordered custody investigation is instituted. Both parties to the suit are responsible for payment of the fee. The fee may be assessed as costs at the time of the decree and shall be:

Child Custody Evaluation Case-Opening Fee: \$1,200

(1) Total receipts from the case-opening fee shall be utilized to fund the Family Court Services Division. Persons eligible for legal aid counsel may have the custody evaluation case-opening fee deferred, upon application to and approval of the director of Family Court Services, or that person’s designee.

(2) The director of Family Court Services shall establish written criteria to be used in reviewing application for fee deferral, consistent with local court rules regarding deferral of filing fees.

Section 17.102. PARENTING EDUCATION PROGRAM; FEE FOR PARTICIPATION.

(A) A fee of \$70.00 shall be collected from each parent participating in the parenting education program of the Department of Community Justice, Family Court Services. However, if registration occurs within 60 days of the date of filing an action, or 60 days after service is received, the fee shall be reduced to \$55.00.

Program attendance may be rescheduled as follows:

- if notice is given at least 24 hours prior to the start of the registered program, no additional fee is assessed;
- if less than 24 hours notice is given, a \$25.00 rescheduling fee is assessed.
- if no notice is given, the rescheduling fee is \$70.00.

Fees collected pursuant to this section shall be used to finance the cost of the Parent Education Program.

(B) The Department of Community Justice, Family Court Services shall establish policy and procedures whereby persons who are in financial difficulty may apply for a deferral of the fee, a waiver of the fee, or both.

2. SUPERVISION FEE. The Supervision Fee set by the County, as the supervising community corrections program under OAR 255-065-0020, is \$35.00.
3. INTERSTATE COMPACT APPLICATION FEE. The Application Fee set by the County for each transfer application prepared under the Interstate Compact for Adult Offender Supervision (OAR 291-180-0465), is \$50.
4. Resolution 2010-156 is repealed and this resolution takes effect on January 1, 2011.

ADOPTED this 2nd day of December 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

HENRY H. LAZENBY, JR., COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:

Scott Taylor, Director of the Department of Community Justice