

2009 Non-Mandated Expenditures Department Response

DEPARTMENT: DOMESTIC RELATIONS
DEPARTMENT HEAD / SUSAN LAKER TOLBERT, ADMINISTRATIVE JUDGE
OCA TITLE: 440024-JUDGES OFFICE, MAGISTRATES AND COURT REPORTERS

Hamilton County departments and agencies have the opportunity to respond and provide insight to the Office of Budget and Strategic Initiatives (BSI) initial assessment as to non-mandated services. This response form should be used for each specific BSI assessment; not a general response for entire department. Take as much space as necessary for each question.

1. Are there elements of the BSI non-mandated services that you believe are mandated? If so, provide the specific Ohio Revised Code (ORC) citation, Code of Federal Regulation (CFR) and/or relevant case law information. Please be especially diligent if there is a specific service or staffing level prescribed by law.

IV-D Magistrate Position and Support Secretary Position

ORC –3125.60 Appointing magistrates-administrative and support personnel

- (A) In any Title IV-D case, the judge, when necessary to satisfy the federal requirement of expedited process for obtaining court support orders and enforcing support orders, may appoint magistrates to make findings of fact and recommendations for the judge's approval in the case.... A court that appoints a magistrate pursuant to this section may appoint any additional administrative and support personnel for the magistrate.

Ohio Civil Rules-Rule 53 Magistrates

- (A) Appointment. A court of record may appoint one or more magistrates who shall be attorneys at law admitted to practice in Ohio.
- (B) Authority. (2) Regulation of proceedings.....magistrates are authorizedto regulate all proceedings as if by the court and to do everything necessary for the efficient performance of those responsibilities....

Court Reporter Supervisor Position

ORC-2301.18 Appointment of official shorthand reporter; term; oath

The court of common pleas shall appoint a stenographic reporter as official shorthand reporter of such court.....

ORC-2301.22 Shorthand reporters, compensation

Each shorthand reporter shall receive such compensation as the court of common pleas making the appointment fixes.....

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The county auditor shall issue warrants on the county treasurer for the payment of such compensation

Rules of Appellate Procedure-Rule 9. The record on appeal

(A) Composition of the record on appeal

Proceedings recorded by means other than videotape must be transcribed into written form. When the written form is certified by the reporter in accordance with App. R. 9 (B), such written form shall then constitute the transcript of proceedings.....

Ohio Rules of Superintendence – Rule 11.

(B) **Appeal.** Transcripts of proceedings in electric media shall be prepared in accordance with Rule 9 (A) of the Rules of Appellate Procedure.

Ohio Rules for the Government of the Judiciary

Rule IV Mandatory Continuing Legal Education for the Judiciary

Section 1. Purpose.

(A) To serve the public interest that mandates the competent performance of the duties of judicial office in Ohio, each Ohio Judge shall participate in continuing legal education programs in compliance with this rule and Rule X of the Supreme Court Rules for the Government of the Bar of Ohio.

Section 2. Judicial Continuing Legal Education Requirements; Full-time Judges.

- (A) Full-time judges shall complete and report a minimum of forty credit hours of classroom instruction every two years on subjects devoted to the law of judicial administration.....
- (1) Complete at least ten credit hours of continuing legal education that are offered by the Supreme Court of Ohio.....
 - (2) Complete at least ten credit hours of classroom instruction related to both judicial ethics and professionalism.....

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2. Who are the recipients of the service or activity for the non-mandated service? How many recipients? Please note any internal customers, other county departments, jurisdictions, businesses, etc. If the service is geographic specific (i.e., a satellite probation office), please identify the neighborhood, township or municipality.

N/A-Services are mandated. However, the Court of Domestic Relations held 23,381 hearings in 2007 to afford a forum for adequate and proper relief for litigants of Hamilton County.

3. Are there county revenues associated with the non-mandated services? If so, please provide the methodology for any lost revenues. Please consider state or federal reimbursements, grants, fees, etc. Please note if the service or activity is included in the county's indirect cost plan.

Yes, the salaries of both the IV-D Magistrate and the Support Secretary are 100% reimbursed through the IV-D Contract.

4. If the county did not provide the non-mandated service, is there the potential for increased expenditures in another jurisdiction within Hamilton County? If so, please list the specific municipality and/or township. N/A
5. Does the non-mandated service include Board of County Commissioner policy via resolution or motion? N/A
6. Are there contracts or agreements that preclude the elimination of a non-mandated service? If so, please provide the specific language as to termination and/or amendment terms. N/A
7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment). N/A

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8. Any of the non-mandated services include employees represented by a bargaining unit? If so, Do please note the union and provide information as to reduction-in-force and job abolishment considerations. N/A

9. For positions within non-mandated services, are there are special circumstances that preclude a traditional job abolishment process? Separation costs will be addressed centrally including leave balance payouts, unemployment compensation and severance (based on current Commission policy).
N/A

10. In addition to positions associated with non-mandated services, the Budget Office included a review of management layers, support staff, and currently vacant positions. Please comment on the impact of eliminating these positions. N/A

11. What is the performance impact of not providing the non-mandated service? For example, wait times, waiting lists, case loads, operating hours and other consequences of not providing the service. N/A

12. Are there any alternatives that result in savings to the general fund?

In 2007, Domestic Relations employed four court reporters. Presently, our Court is in the process of installing a digital recording system in the judicial courtrooms. When this install is completed, the Court is requesting that the number of court reporters be reduced to one F.T.E. This reduction in staff will reduce personnel expenditures by approximately \$ 173,376 (salaries and benefits for three positions) per year.

The one remaining court reporter will be responsible for internal transcripts and transcripts for in camera interviews pursuant to O. R.C. 3109.04 (B) et seq. and *Donovan v. Donovan* (1996) 110 Ohio App. 3d 615.

13. Are there more efficient ways to deliver a mandated service that may allow for the savings to offset the cost of a non-mandated service? N/A

14. Is there an opportunity to transfer any non-mandated expenditures to another funding source (i.e., restricted fund or grant)? No.

15. Does your department have any fees that could be raised to offset the cost of a mandated service?
No.

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Other Considerations and Comments:

In the past, the Court purchased supplements and subscriptions of legal publications for three judges. During 2006, a decision was made to only upgrade a single library with all legal publications. This decision was made to share information and reduce costs. Thus, Domestic Relations is requesting that the County Commissions maintain \$5,000.00 of funding for one library for legal subscriptions for the Court.