

Note: These minutes are not official until approved by the Law and Justice Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DeKalb County Government
Sycamore, Illinois

**Law & Justice Committee Minutes
November 18, 2013**

The Law and Justice Committee of the DeKalb County Board met on Monday, November 18, 2013 at 6:30 p.m. in the DeKalb County Administration Building's Conference Room East.

Vice-Chairman Derek Tyson called the meeting to order. Members present were Anthony Cvek, Riley Oncken, Ruth Anne Tobias and Anita Turner. Chairman Julia Fullerton and John Frieders were absent. Others present were Thomas McCulloch, Margi Gilmour, Richard Schmack and Dave Miller.

APPROVAL OF MINUTES

Moved by Mr. Oncken, seconded by Mrs. Tobias and it was carried unanimously to approve the minutes from October 21, 2013.

APPROVAL OF THE AGENDA

Moved by Mr. Oncken, seconded by Mrs. Turner and it was carried unanimously to approve the agenda.

PUBLIC DEFENDER'S REPORT – MR. THOMAS McCULLOCH

Mr. McCulloch, DeKalb County Public Defender, indicated that his office has caught up with the number of caseloads assigned to them and have actually gotten a bit ahead. Mr. McCulloch continued, the jail is currently going through their seasonal pickup and the population in the jail has reached 160 occupants. He also shared with the committee a list of inmates that have been in the County Jail for more than a year which were eleven, one of which his office is responsible for and five inmates that have been in the jail for 9 months to a year, two of which his office is responsible for.

Mr. McCulloch also shared that he accepted an invitation to participate in a National Study of Public Defender Services. It is a two year study given by American University to see who is delivering quality legal services.

COURT SERVICES AUGUST REPORTS – MS. MARGI GILMOUR

Ms. Margi Gilmour, Director of the Adult and Juvenile Court Services Department, shared with the Committee her monthly Adult Court Services Report which indicated there were 94 new adults referred with about 9,600 hours ordered and about 5,000 hours completed during October.

Ms. Gilmour also stated that juvenile detention numbers are running on average with 12 new cases, 730 hours ordered and 132 hours completed.

Vice-Chairman Tyson asked what the process of probation is and Ms. Gilmour gave the committee a brief overview on the process of probation and what her office does for the individuals that are ordered to do probation.

The Juvenile Placement Report indicated that there were four detention admissions in the month of October and all four were released. Ms. Gilmour also shared they still have two individuals in residential placement and they are both doing okay. Mrs. Tobias asked if Ms. Gilmour had any information on individuals who went through residential placement and have been out for a few years. Ms. Gilmour indicated that they had not looked into that in quite a while but she said that she would.

FAMILY SERVICE AGENCY – PROPOSAL FOR NEUTRAL EXCHANGE FOR FAMILY LAW CASES

Dave Miller, Director of Family Service Agency met with the Law & Justice Committee to discuss whether there is a possible interest for them to pursue a new program that involves Neutral Exchange for families that are going through divorce cases in DeKalb County.

Mr. Miller explained that Neutral Exchange is when a situation like a divorce is so bad that neither parties can be in the same location so a designated spot is reserved for pick up and drop off of children with enough time allowance in between that the parents will not come in contact with each other during the exchange of visitations. This provides a safe and calm environment for the children that are involved. The Family Service Agency would also provide objective reporting to the courts regarding the exchanges.

Mr. Miller also shared that there about a 100 divorces a year in DeKalb County and he feels there is a need in this type of program. Similar programs have been implemented in DuPage and Winnebago Counties. Both Counties have been very helpful with supplying information that would help them get the program up and running.

The plan would be to utilize the Family Service Agencies' existing location and personnel and have set hours and days for the visitation exchanges. Mr. Miller continued that the reason he was speaking with the committee was because the force that drives this program is a state statute that allows a County to have a filing fee on civil cases that funds the Neutral Exchange Program, which would have to be done by passing a Resolution from the County Board.

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Mr. Oncken indicated that Mr. Miller presented this program proposal to the Bar Association and it was supported by them and it was indicated that there is a need for this in the DeKalb County Community. He wanted to make sure that there was support from the Committee to help Family Service Agency to know whether to proceed further with the program or not.

The consensus of the Law & Justice Committee was that they were in support of this program and invited Mr. Miller to return to the January Committee Meeting with a full program proposal, cost study, and tentative budget information regarding the Neutral Exchange Program.

DECEMBER MEETING CANCELLATION

It was moved by Mr. Oncken, seconded by Mrs. Tobias and it was carried unanimously to cancel the December Law & Justice Committee Meeting.

ADJOURNMENT

It was moved by Mr. Oncken, seconded by Mrs. Turner, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,

Chairman Julia Fullerton

Tasha Stogsdill, Recording Secretary

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**DEKALB COUNTY ADULT COURT SERVICES
MONTHLY REPORT
FISCAL YEAR 2013**

PROBATION

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	Total
PSI's Ordered	2	2	1	2	0	7	4	11	5	9			
PSI's Completed	2	0	2	0	0	1	5	9	4	10			
New Active Cases	32	21	35	25	26	33	23	15	30	26			
Felony	339	342	342	344	345	347	350	329	323	325			
Misdemeanor	138	137	138	139	145	148	146	142	139	141			
DUI	10	8	8	8	7	5	3	3	3	3			
Traffic	4	4	4	3	3	3	3	3	3	2			
Total Active Caseload	491	491	492	494	500	503	502	477	468	471			
Administrative Cases	912	918	927	932	950	960	977	863	869	873			
Transfer In Cases	10	12	13	10	6	10	4	9	8	14			
Transfer Out Cases	18	8	20	9	12	11	15	11	14	6			
Tech Viol. Reported	21	26	30	36	25	35	29	32	36	28			
Crim. Viol. Reported	15	15	14	16	14	29	18	15	22	22			
Tech. - No Violation	1	0	2	3	0	0	0	0	1	0			
Tech. - Finding Viol.	7	2	4	3	1	3	3	9	1	5			
Crim. - No Violation	0	1	0	0	0	0	0	1	0	1			
Crim. - Finding Viol.	7	6	5	1	3	2	4	4	4	3			
Successful Terminations	7	10	14	17	10	14	11	11	21	14			

COMMUNITY RESTITUTION SERVICE

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
# Adults Referred	85	69	91	84	84	91	97	91	79	94			
# Hours Ordered	8,911	6,594	9,247	9,663	9,237	9,398	9,339	9,783	9,221	9,630			
# Hours Completed	6,114	5,999	6,273	5,980	6,419	8,005	6,637	7,513	4,824	5,058			

# Juveniles Referred	3	3	14	11	10	16	8	14	10	12			
# Hours Ordered	300	90	707	380	400	650	275	620	495	730			
# Hours Completed	260	208	221	164	385	370	247	508	114	134			

JUVENILE PLACEMENT/DETENTION REPORT**PLACEMENT**

	<u>Jan. 13</u>	<u>Feb. 13</u>	<u>Mar. 13</u>	<u>Apr. 13</u>	<u>May 13</u>	<u>June 13</u>	<u>July 13</u>	<u>Aug. 13</u>	<u>Sept. 13</u>	<u>Oct. 13</u>	<u>Nov. 13</u>	<u>Dec. 13</u>
Residential placements at beginning of mo.	0	0	0	0	0	0	1	1	1	2		
Minors placed during the month	0	0	0	0	0	1	0	0	1	0		
Minors released during the month	0	0	0	0	0	0	0	0	0	0		
Minors in residential placement at end of mo.	0	0	0	0	0	1	1	1	2	2		

DETENTION

	<u>Jan. 13</u>	<u>Feb.13</u>	<u>Mar. 13</u>	<u>Apr 13</u>	<u>May 13</u>	<u>June13</u>	<u>July 13</u>	<u>Aug. 13</u>	<u>Sept. 13</u>	<u>Oct. 13</u>	<u>Nov.13</u>	<u>Dec. 13</u>
Minors in detention at beginning of month	1	1	1	1	2	0	0	1	2	0		
Minors detained during the month	2	5	8	5	7	4	4	5	6	5		
Minors released during the month	2	5	8	4	9	4	3	4	8	4		
Minors in detention at end of month	1	1	1	2	0	0	1	2	0	1		
Average daily population for mo.admissions	1	1	1.5	2	1	0.5	1	1	2	2		
Average length of stay for mo. admissions	14.5 days	5.5 days	5.5 days	10 days	6.5 days	3.5 days	10 days	7 days	9 days	12 days		

O R D I N A N C E

OJP-001-01

Neutral Site Custody Exchange Fund

WHEREAS, the Illinois State Legislature has found, and this Board concurs, that problems surrounding child custody disputes often result in emotional damage to the children involved and create an extra burden for the courts and that compelling reasons exist for providing neutral sites in DuPage County for parents to exchange the physical custody of children for purposes of visitation; and

WHEREAS, the Illinois State legislature has enacted Public Act 91-0811 which allows the County Board, by ordinance, to establish a Neutral Site Custody Exchange Fund which shall be used to fund the establishment of sites where children may be exchanged between parents in a protective, non-threatening and safe environment; and

WHEREAS, Public Act 91-00811 further allows the County Board to set a fee of up to \$8.00 on all civil case filings, which fee is to be paid by the plaintiff at the time of the filing of the case and by the defendant at the time of filing an appearance, and which fee shall be used to fund the Neutral Site Custody Exchange Fund; and

WHEREAS, the County Board, with the approval of the Chief Judge, will disburse such funds by way of a grant to one or more qualified not-for-profit organization for the purpose of implementing a neutral site custody exchange program; and

WHEREAS, the initial start up cost to establish any such custody exchange sites requires that a fee in the amount of \$8.00 per civil case filing be set.

NOW, THEREFORE BE IT ORDAINED, that a Neutral Site Custody Exchange Fund is hereby established and the Clerk of the 18th Judicial Circuit Court shall charge and collect a fee of \$8.00 from the plaintiff at the time of the filing of the case and from the defendant at the time of filing an appearance on all civil cases for these purposes; and

BE IT FURTHER ORDAINED, that the Clerk of the Court shall remit all fees collected hereunder to the County Treasurer each month; and

BE IT FURTHER ORDAINED, that the Human Resources Department of DuPage County, on behalf of the County Board and in consultation with representatives of the 18th Judicial Circuit Court, and in accordance with Public Act 91-0811, shall make such rules pertaining to the operation and standards to be adhered to by any not-for-profit organization that may qualify for a grant from this fund; and

BE IT FURTHER ORDAINED, that this ordinance shall be effective January 1, 2001; and

BE IT FURTHER ORDAINED, that a copy of this Ordinance be sent to the Circuit Court Clerk of the 18th Judicial Circuit Court, the County Treasurer, the Chief Judge of the 18th Judicial Circuit Court, the Auditor, the Finance Director, the County Administrator, the Deputy County Administrator, the Director of Human Services and the State's Attorney.

Enacted and approved this _____ day of _____, 2000 at Wheaton, Illinois.

ROBERT J. SCHILLERSTROM, CHAIRMAN
DuPage County Board

Attest:

GARY A. KING,
County Clerk

State of Illinois
91st General Assembly
Public Acts

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Public Act 91-0811

HB4300 Enrolled

LRB9112100DJtm

AN ACT in relation to child custody.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Neutral Site Custody Exchange Funding Act.

Section 5. Legislative findings. The General Assembly finds that the domestic relations area of law, and particularly child custody matters, frequently involves seemingly minor disputes between individuals that escalate into major social and legal problems without the intervention of neutral parties; these problems often result in emotional damage to the children involved and create an extra burden for the courts; there are compelling reasons for providing neutral sites for parents to exchange the physical custody of a child for purposes of visitation; and not-for-profit charitable organizations can make a substantial contribution to the expeditious implementation of child custody and visitation orders in this State.

Section 10. Definition. In this Act:

"Custody exchange" means an exchange of the physical custody of a child at the commencement or conclusion of visitation with the child or at other times pursuant to an order for child custody or visitation.

"Neutral site" means a place not under the ownership or control of any party to an order for child custody or visitation, where a custody exchange takes place.

Section 15. Fund; fee; administration.

(a) In a county with a population of over 100,000 and less than 1,000,000 inhabitants, a neutral site custody exchange fund may be established by the passage of an ordinance by the county board.

(b) In each county in which a county board has enacted an ordinance authorizing a neutral site custody exchange fund to be established, the county board shall set a fee to be collected by the clerk of the circuit court on all civil case filings of not less than \$1 nor more than \$8 to be paid by the plaintiff at the time of the filing of the case and by the defendant at the time of filing an appearance. The

county board shall review the amount of the fee on an annual basis and shall increase the amount of the fee, not to exceed the \$8 maximum, if the demand for neutral site custody exchanges requires additional funding.

(c) In each county in which a county board has enacted an ordinance authorizing a neutral site custody exchange fund to be established, the clerk of the circuit court shall charge and collect a neutral site custody exchange fund fee as established by the county ordinance. The fee shall be paid by the parties to the action at the time of filing the first pleading in all civil cases. The fees shall not be charged in any proceeding commenced by or on behalf of a unit of local government.

The fees shall be in addition to all other fees and charges of the clerk, shall be assessable as costs, shall be remitted by the clerk monthly to the county treasurer, and shall be deposited monthly by the county treasurer in the neutral site custody exchange fund established under this Section. Each such clerk shall commence the charging and collection of the fee upon receipt of written notice from the county board that a neutral site custody exchange fund has been established.

Section 20. Grant disbursements.

(a) The county board in a county that has established a neutral site custody exchange fund shall annually make grant disbursements from the fund to one or more qualified not-for-profit organizations for the purpose of implementing a neutral site custody exchange program, provided that the expenditure is approved by the chief judge of the judicial circuit in which the county is located.

(b) Disbursements by the county board shall be made to one or more qualified not-for-profit organizations that operate within the county based on each such organization's proportionate share of the total number of neutral site custody exchanges handled by all such organizations in that county during the year prior to the grant application.

(c) In no event shall the disbursements to any not-for-profit organization in one year exceed \$500,000. Any amounts collected under Section 15 but not disbursed in a particular year shall be paid to the county treasurer for the administration of justice in the county.

Section 25. Rules.

(a) The county board in a county in which a neutral site custody exchange fund has been established shall make rules pertaining to the operation and standards to be adhered to by a not-for-profit organization in that county in order to qualify for a grant under Section 20. The rules shall provide for the following:

(1) All work performed by the not-for-profit organization, its staff, and volunteers shall be performed without collecting a fee or charge from the parties involved in a custody exchange.

(2) Each not-for-profit organization receiving a grant under this Act shall maintain records as required by the county board. The records shall be available for inspection by the office of the Chief Judge and shall demonstrate adherence to applicable requirements.

(b) The county board in a county in which a neutral site

custody exchange fund has been established may make additional rules necessary for the operation of this Act in that county.

Section 99. Effective date. This Act takes effect upon becoming law.

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Effective 6/13/00