



Lake County Illinois

Legislation Details (With Text)

File #: 11-0388 **Version:** 1 **Name:** Neutral Site Custody Exchange Ordinance
Type: ordinance **Status:** Passed
File created: 4/22/2011 **In control:** Law & Judicial Committee
On agenda: **Final action:** 5/10/2011

Title: Ordinance establishing the neutral site custody exchange fund, imposing a neutral site custody exchange fee, and setting forth rules and standards governing the operation of a neutral site custody exchange program.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Neutral Exchanges Rules

Date	Ver.	Action By	Action	Result
5/10/2011	1	Lake County Board	adopted	Pass
5/4/2011	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass
5/3/2011	1	Law & Judicial Committee	approved and referred on to the Financial and Administrative Committee	Pass

Ordinance establishing the neutral site custody exchange fund, imposing a neutral site custody exchange fee, and setting forth rules and standards governing the operation of a neutral site custody exchange program.

- Lake County received a grant from the U.S. Department of Justice, Office on Violence Against Women in 2008 to establish the Family Visitation Center of Lake County, which opened in 2010. The grant is set to expire on September 30, 2011.
- The Neutral Site Custody Exchange Funding Act (55 ILCS 82/1 *et. al.*) provides that a County Board may establish a Neutral Site Custody Exchange Fund, with said money to be disbursed by the County to one or more qualified not-for-profit organizations to support a neutral site custody exchange program.
- The Family Visitation Center of Lake County, operated by A Safe Place, provides neutral exchange services and would qualify for funding through this program.
- This ordinance establishes a Neutral Site Custody Exchange Fund and imposes a Neutral Site Custody Exchange Fee of \$6 on civil cases to support neutral site custody exchange services.
- The fee is expected to generate approximately \$180,000 annually.

WHEREAS, the Neutral Site Custody Exchange Funding Act (55 ILCS 82/1 *et. al.*) provides that a County Board may establish, by the passage of an Ordinance, a Neutral Site Custody Exchange Fund, with said money to be disbursed by the County to one or more qualified not-for-profit organizations to support a neutral site custody exchange program, provided that the expenditure is also approved by the Chief Judge; and

WHEREAS, the Act further provides that a County Board may impose a neutral site custody exchange fee of not less than \$1 nor more than \$8 on all civil case filings and that any such fees shall be collected by the Clerk of the Circuit Court; and

WHEREAS, the Act requires the County Board to establish rules pertaining to the operation of the neutral site custody exchange program as well as standards to be adhered to by not-for-profit organizations seeking funding from the County for their programs; and

WHEREAS, the Lake County Board passed Resolution 08-0671 on October 14, 2008 to accept Grant Award 2008-CW-AX-K012 from the U.S. Department of Justice, Office on Violence Against Women to establish a supervised visitation and exchange program in Lake County; and

WHEREAS, the project period of Grant Award 2008-CW-AX-K012 is scheduled to end on September 30, 2011; and

WHEREAS, the Family Visitation Center of Lake County opened in October, 2010 and provides neutral custody exchange services that would qualify for funding pursuant to this ordinance; and

WHEREAS, staff from the Nineteenth Judicial Circuit has reviewed the initial operating budget of the Family Visitation Center of Lake County and recommends that a neutral site custody exchange fee of \$6 would be sufficient to support these services.

NOW, THEREFORE, BE IT ORDAINED, by this County Board of Lake County, Illinois, that:

SECTION 1: Pursuant to authorization granted by the Neutral Site Custody Exchange Funding Act (55 ILCS 82/1 *et. al.*), the Neutral Site Custody Exchange Fund is hereby established.

SECTION 2: Pursuant to authorization granted by the Neutral Site Custody Exchange Funding Act (55 ILCS 82/1 *et. al.*), the Clerk of the Circuit Court of Lake County, Illinois is hereby authorized and directed to charge and collect a neutral site custody exchange fee of six dollars (\$6.00) to be collected in all civil cases. The fee shall be paid by the plaintiff at the time of the filing of the case and by the defendant at the time of the filing of an appearance. The fee shall not be charged in any proceeding commenced by or on behalf of a unit of local government. The fee shall be in addition to all other fees and charges of the clerk and shall be assessable as costs.

SECTION 3: The proceeds from the fee imposed by this Ordinance shall be remitted by the Clerk of the Circuit Court of Lake County to the Lake County Treasurer who shall cause to be deposited all such funds remitted to him into the Neutral Site Custody Exchange Fund.

SECTION 4: All monies deposited in the Neutral Site Custody Exchange Fund shall be disbursed by Lake County to one or more qualified not-for-profit organizations to support neutral exchange services, provided that the expenditure is also approved by the Chief Judge.

SECTION 5: Not-for-profit organizations seeking funding from the Neutral Site Custody Exchange Fund shall offer neutral exchange services in accordance with the Rules and Standards set forth in the document attached hereto and marked as "Exhibit A."

SECTION 6: The Clerk of the Circuit Court of Lake County shall commence collection of the fee cited in Section 2 of this Ordinance on September 1, 2011.

DATED, at Waukegan, Lake County, Illinois, on this 10th day of May, A.D., 2011.