

MOTION BY SUPERVISOR KATHRYN BARGER

OCTOBER 16, 2018

FOLLOW UP REVIEW OF MINOR’S COUNSEL COSTS

Minor’s Counsel is an attorney appointed by the Dependency Court for the child or children in a given case, particularly in high-conflict proceedings for child custody and visitation. Once appointed, the Court may order the County to pay fees if the parents qualify as indigent under the Court’s guidelines. The Court has found that appointed minor’s counsel is an important tool to provide a voice for these children who cannot speak for themselves, and to ensure that children in these cases receive appropriate access to programs and treatment.

The County-maintained Trial Court Indigent Defense Budget provides funding for Family Law expenditures, including minor’s counsel and non-custody disputes (e.g., adoptions, abandonment, and child abduction). In FY 1994-1995, minor’s counsel costs were approximately \$1.5 million, but had ballooned to nearly \$6.4 million by FY 2009-2010.

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In response to County concerns about escalating costs, the Court developed cost containment rules, including the use of attorney panels and limitations on fees.

Additional guidelines were also instituted as follows:

- Hourly rate not to exceed \$125 per hour;
- Limits on total annual compensation (general \$100,000 per fiscal year compensation cap per appointment, not to be exceeded unless approved by the Supervising Judge);
- Requirement of timely submission of claims to smooth disbursements and allow judges opportunity to monitor and control costs;
- Guidelines on the number of hours that can be compensated;
- Enhanced revenue collection procedures to recover County costs where feasible;
- Court provided training to judges on the use of minor's counsel who are new to family law; and
- Periodic review of family law judicial officer best practices to reduce the cost to the County of appointed counsel.

These costs declined after the County-requested audit and implementation of Court cost mitigation efforts, hitting a low of \$1.6 million in FY 2015-2016. However, costs have begun to rise again over the past two fiscal years, with minor's counsel fees currently representing about 85 percent of total Family Law expenditures. As such, a follow-up audit is appropriate to understand the drivers behind recent cost increases and to review the status of cost containment efforts.

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I, THEREFORE MOVE, that the Los Angeles County Board of Supervisors direct the Auditor-Controller to conduct a follow-up review of family law expenditures related to minor's counsel, and report back to the Board in 120 days on factors contributing to recent cost increases, how current mitigation efforts are working to contain these costs, and what additional steps or best practices may help reduce costs moving forward.

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KB: amj