

**COURT EN BANC MINUTES
Tuesday, May 2, 2017, at 5:00 p.m.
Boone County Courthouse
Law Library, Second Floor**

Judges Present: Judges Christine Carpenter, Jeff Harris, Carol England, Sue Crane, Michael Bradley, Leslie Schneider, Deborah Daniels, Commissioners Sara Miller and Casey Clevenger, and Columbia Municipal Court Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Boone County Deputy Clerks Bobbi Malone and Gatlin Wiggans, Adult Court Services Supervisor Brandon Walker, Attorney Manuel Tatayon, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 5:05 p.m. by Judge Jeff Harris.

2. Introduction of All Guests

Judge Jeff Harris welcomed and introduced guests.

3. Approval of the April 4, 2017 Minutes

Judge Leslie Schneider moved to accept the April 4, 2017, minutes. Second: Judge Christine Carpenter. The motion passed unanimously.

4. Destruction of Records – Boone County Circuit Courts

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on page 6 of the Court en Banc's packet. Judge Michael Bradley moved to approve the destruction of the records listed. Second: Judge Carol England. The motion passed unanimously.

5. GAL Fees for Adoption Hearings

Judge Leslie Schneider said currently under local court rule there is a \$250 deposit for guardian ad litem fees. She advised attorneys were previously advised they were to be paid \$250 for each hearing; however there was no documentation of this, therefore the clerk began paying \$250 regardless of the number of hearings. Court Administrator Mary Epping advised in April 2015, the Court en Banc approved an increase in the GAL fee deposit for adoptions from \$100 to \$250 on the court costs. Judge Schneider is proposing GAL fees of \$250 for each hearing, therefore if a three count petition is filed, it would require a \$500 filing fee deposit and if a one count petition is filed it would require

a \$250 filing fee deposit. There was discussion regarding the amount of attorney time involved in these cases. Judge Christine Carpenter moved that filing fees on a three count adoption filing be \$500 and that filing fees on a one count petition be \$250. Second: Judge Michael Bradley. The motion passed unanimously.

6. Legislative Update

Court Administrator Mary Epping reported the legislative session ends May 12, 2017.

She reported on the budget side, the senate provided for a 4% increase to the clerk's pay, but wants to limit OSCA's/the judiciary's flexibility in the budget from lump sum to specific line items. The judiciary has requested 21st century work force pay increase, however it has been denied for two years. The judges were also given a raise in the senate version. The current senate version of the budget is not proposing other state staff such as juvenile office, juvenile detention staff or secretaries for a salary increase. She said the senate version of the budget will go back to the house to accept or it will be sent to conference to reconcile the differences. It should be noted the house requested a conference on it.

Judge Sue Crane arrived at 5:14 p.m.

Mary reviewed specific legislation that has been filed. She said we were told "raise the age" would not pass and there was going to be a study, however Deputy Court Administrator Cindy Garrett was in Jefferson City at a Juvenile Officer meeting last Thursday and they were told raise the age has been added to SB50 and is moving quickly. SB50 is titled "established healthcare directive registry" so it is unclear how the "raise the age" language can be added to it. Missouri Juvenile Justice Association tried to add an amendment to make it subject to appropriations, but that was not successful.

HB 57 – This bill has gone to the senate and is now back in the house. This bill has created special victims for law enforcement. Basically if an assault (2nd, 3rd, or 4th degree) is against a law enforcement officer, the defendant charged would not be entitled to bail and if found guilty would not be eligible for probation or parole.

HB 260 – With the senate substitute this bill adds victims of sex trafficking or severe forms of trafficking, to abuse and neglect. It also makes changes with regards to the legal guardian versus just the guardian being responsible for the care, custody and control of the child. It has some specific changes to foster care with regard to kinship/relative care.

HB 339 & 714 – These are tort reform bills that have been truly agreed and finally passed but not yet signed.

House Concurrent Resolution 32 and 33 designate August 21 at Total Eclipse day and encourage all state employees and everyone in Missouri to see the eclipse.

SB 99 – This bill allows the court to place a person on electronic monitoring with victim notification. This bill continues to move and was just heard by the house judiciary on April 25.

Judge Deborah Daniels inquired about a bill filed by Senator Dixon that expands the process to having a hearing for any crime when there is a child or incapacitated victim and changes what is discoverable. Mary will follow-up on this.

7. Circuit Court Budget Committee and Weighted Workload

Court Administrator Mary Epping reported in previous years we have made request for FTE's to the CCBC for staff. OSCA indicates it will use the Clerical Weighted Workload to recommend staff, but no new position will be recommended at less than .5. Currently in the Callaway Clerk's office we have 12.5 FTE, however by weighted workload we are entitled to 14.02, or an additional 1.5. Mary noted the needed positions are added by attrition based on a ranking, by percentage that the demand exceeds the authorized FTE. Callaway Circuit Clerk Judy Groner stated she has a ½ position that she has not currently filled. She noted eFiling has made a tremendous difference on the workload demands. In Boone there are currently 41.98 (42) FTE, however by weighted workload are entitled to 40.83, so they are over by 1.15. This puts the Boone Clerk's offices in a hiring freeze. Boone Circuit Clerk Christy Blakemore stated by the weighted workload she had 47 hours more than needed. She has a person leaving on Friday and she will not be able to fill that position. The weighted workload study is evaluated every three years.

Mary said the CCBC uses these weighted workload numbers when they request the budget from the legislature, to justify the FTEs in the budget.

For juvenile there are two workloads, one for officers, and one for support staff. We have four support staff and our numbers support the four staff, so no changes were noted. For juvenile officers we have 16 FTE, and it's estimated we need 18.19, so we are entitled to two additional officers.

For treatment court staff there are two types of treatment court administrators, a I and a II. The "I" is lower than a "II" and the weighted workload takes into consideration the number of courts, population of courts, and number of counties a person would be working in. We are entitled to one Treatment Court Administrator II based on Drug Court and one Treatment Court Administrator I based on our DWI, Veterans Court and Mental Health Court.

Clayton VanNurden is our Treatment Court Administrator for DWI, Veterans Court and Mental Health Court. He is paid by Prop-L and by the BJA grant for the Veterans Court. This grant expires at the end of this year and, therefore, in the next budget cycle Mary is asking the county to pay 100% of the salary for this position starting next year. Mary said she has always told the county if the state gives our court the ability to seek another FTE, she will ask for it.

Mary would like permission to request this additional FTE for treatment court from the state for FY19. The request is due by May 12, 2017 to the CCBC. Judge Leslie Schneider moved to ask the CCBC for a Treatment Court Administrator I. Second: Judge Michael Bradley. The motion passed unanimously.

8. Update on Fines and Costs Deemed Uncollectible

Circuit Clerk Christy Blakemore said in 2015 an administrative order was approved to write off any fees ten years old or older. At that time it was \$2.4 million. Today we have written off \$1,093,684. Judge Deborah Daniels inquired about discussion at that same time to review old warrants. Judge Christine Carpenter said when reviewing her case age report it included old misdemeanor cases with warrants, she inquired of the prosecuting attorney about the potential of dismissing these cases, however they were not in agreement. Many felt it would be a good idea to get rid of some of the old warrants but do not believe it is the judge's call. Judge Deborah Daniels believes the court has the ability to dismiss the warrant. She believes some of the cases they are attempting to write off probably have warrants. Christy said that is accurate and she has sent the disposed cases with warrants based on fines and costs to the circuit judges. Commissioner Casey Clevenger said she understood that when a case had been in warrant status for so long, you could enter a D code so it did not count against the court on a case age report. Christy said when a warrant is issued that stops the time from counting towards the case age, however the old cases may have been prior to that process being implemented. Judge Daniels asked if it was possible to get a list of cases with outstanding warrants. Christy said the report is not listed by division.

9. Other

- a. Judge Christine Carpenter asked if everyone is aware of the eclipse. She said it is a big deal for the state and specifically for Columbia as Columbia is on the line to be able to view the eclipse. She said it will be an economic boost for Columbia but is also celestial phenomenon. When attending a presentation on the eclipse it was noted the City of Columbia has purchased special sunglasses for every school child in Columbia Public Schools and the University of Missouri is concerned as the date of the eclipse, Monday, August 21, 2017, is the first day of class. Judge Carpenter has cancelled her law day docket and she said Judge Kevin Crane has also cancelled his law day docket. Court Administrator Mary Epping said the eclipse starts at 11:45 a.m. and will be at its maximum at 1:13 p.m., lasting about 2 minutes and 41 seconds, and dissipate for another two hours. Mary has contacted both commissions to see if other elected officials have made decisions regarding August 21. There has been discussion about allowing staff to go outside or what might be a reasonable thing to do. Mary is meeting with Boone County Commission on Thursday and she has not yet heard back from Callaway County Commission. Judge Carpenter advised more can be learned at www.greatamericaneclipse.com. She believes we have an obligation to staff to let them see it.

- b. Court Administrator Mary Epping said New Bloomfield intends to transfer its municipal court to the associate circuit division in Callaway. She met with Rosemary Augustine, City Alderman, Cindy Garrett and Judy Groner about the process and Rosemary plans to take the information to the board of alderman for a vote. It is anticipated Judge Sue Crane would hear this on her week 1 Friday afternoon conflict docket beginning in July.
- c. Circuit Clerk Christy Blakemore said when billing the state for jail time, the state has automated the process, creating a form which calculates the days, however it is not user friendly. They timed the process of writing versus doing the automated forms, and writing it was much quicker. However, upon submitting the written forms, they were returned to Christy with a statement that they had to be typed. Christy has written a letter to try and get the form to be more user friendly but has not yet received a response. She is also working with Boone County IT to see if there is a way to automate the form with information between the jail database system and JIS in an effort to reduce man hours.

10. Comments from the Public

None.

11. Next Meeting Date

The next meeting is scheduled for June 20, 2017, in Boone County at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. July 25 is the following meeting where budget will be presented. Meeting was adjourned at 5:41 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 6/16/17