

# ***RESOLUTION NO.: 92—2023-24***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

**MAJORITY**

1 Outagamie County and Calumet County desire to enter into a new Intergovernmental  
2 Agreement for Outagamie County Family Court Services to continue to perform custody  
3 evaluations on behalf of Calumet County. The term of the new Intergovernmental  
4 Agreement shall be for two years from the date signed in January 2024, and shall be  
5 automatically renewed for three additional one year terms unless either party provides a  
6 written notice of termination within 30 days of the expiration of the current or any  
7 succeeding renewal term. Outagamie County's service and fee schedule is as follows:

8     • \$48.00 per hour which includes \$45.71 for salary and fringe benefits plus a 5%  
9         administrative fee. Custody evaluations typically average 40 to 50 hours to  
10      complete  
11     • Participating Calumet County parents shall be liable for the entire fee and shall  
12      pay a \$1,000 retainer, with each parent paying half, prior to the commencement of  
13      the evaluation  
14     • Calumet County shall be billed for any amounts exceeding the retainer, as well as  
15      any portion of the retainer waived by Calumet County, and Calumet County agrees  
16      that it shall be responsible for collecting such amounts from the parents.

17  
18     In the event the participating parents do not pay the billed amount in full, Calumet County  
19      agrees to pay the outstanding balance within 60 days of receiving the invoice. Calumet  
20      County further agrees to pay the interest on any outstanding balance beyond 60 days at a  
21      rate of 1% per month.

22  
23     There is no impact on the 2024 budget as these estimated revenues are already included in  
24      the budget.

25  
26     NOW THEREFORE, the undersigned members of the Public Safety Committee recommend

27     adoption of the following resolution.

28     BE IT RESOLVED, that the Outagamie County Board of Supervisors hereby agrees to enter into  
29      a new Intergovernmental Agreement with Calumet County which authorizes the Outagamie County  
30      Family Court Services Department to conduct custody evaluations for Calumet County and charge a fee  
31      for completion of the evaluation, with no fiscal impact to the 2024 budget as the estimated revenues are  
32      already included in the budget, as noted on the attached Intergovernmental Agreement Between  
33      Outagamie County and Calumet County and fiscal note, which by reference are made a part hereof, and

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Outagamie County Family Court Services Director, the Outagamie County Corporation Counsel, and the Outagamie County Finance Director.

Dated this \_\_\_\_ day of January 2024

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Katrin Patience

Christine Lamers

Michael Smith

Timothy Hermes

Chad Cooke

Duly and officially adopted by the County Board on: \_\_\_\_\_

Signed: \_\_\_\_\_  
Board Chairperson

County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

Signed: \_\_\_\_\_  
County Executive

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
OUTAGAMIE COUNTY AND CALUMET COUNTY**

**RECITALS**

Calumet County, in reviewing its custody evaluation process, has determined, given its relatively small evaluation needs, that it would be more cost effective to continue to contract for its custody evaluations.

Since 2019, Calumet County has contracted with Outagamie County Family Court Services to conduct custody evaluations for Calumet County residents. In October 2023, after a discussion between Calumet County and Outagamie County Family Court Services, it was determined that Outagamie County has the capacity and ability to continue to perform custody evaluations on behalf of Calumet County.

Providing such a service would continue to benefit both counties, and in Outagamie County's case would continue to provide additional revenue for the Family Court Services program by utilizing existing staff to conduct custody evaluations for Calumet County, staff resources permitting.

NOW, THEREFORE, for good and valuable consideration as set forth below, Calumet County and Outagamie County agree as follows:

- A. The term of this new agreement shall be for two years from the date signed in January 2024 as approved by the Outagamie County Board of Supervisors, and shall be automatically renewed for three additional one year terms unless either party provides a written notice of termination within 30 days of the expiration of the current or any succeeding renewal term. Said notice may be e-mailed to the Director of Family Court Services of either county.
- B. Outagamie County's service and fee schedule are as follows:
  1. \$48.00 per hour which includes \$45.71 for salary and fringe benefits plus a 5% administrative fee. Custody evaluations typically average 40 to 50 hours to complete.
  2. Participating parents shall be liable for the entire fee and shall pay a \$1,000.00 retainer, with each parent paying half, prior to the commencement of the evaluation.

3. Calumet County shall be billed for any amounts exceeding the retainer, as well as any portion of the retainer fee waived by Calumet County, and Calumet County agrees that it shall be responsible for collecting such amounts from the parents. In the event the participating parents do not pay the billed amount in full, Calumet County agrees to pay the outstanding balance within 60 days of receiving the invoice. Calumet County further agrees to pay interest on any outstanding balance beyond 60 days at a rate of 1% per month.

C. Outagamie County shall provide the services set forth in Exhibit A, however, Outagamie County's obligation to provide such services shall be subject to availability of staff to conduct a requested custody evaluation. Calumet County agrees that Outagamie County Family Court Services must meet the custody evaluation needs of Outagamie County residents first, and the services described herein shall not compromise such services to Outagamie County residents.

Outagamie County Family Court Services shall inform Calumet County in writing within three days of receiving a request for custody evaluation services from Calumet County, as to its ability to perform the requested services.

D. Outagamie County's liability carrier shall be primarily responsible for any negligent act(s) of Outagamie County employees, agents, contractors or officers flowing from the services provided in this agreement, however, Calumet County agrees to indemnify Outagamie County for any insurance deductibles deemed payable by Outagamie County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

OUTAGAMIE COUNTY

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Thomas Nelson, County Executive

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Jeff Nooyen, County Board Chairperson

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Jeffrey King, County Clerk

Approved as to form this 1<sup>st</sup> day of November, 2023

By: Dawn T. Shaha

Dawn T. Shaha

Outagamie County Deputy Corporation Counsel



**FAMILY COURT SERVICES**  
320 S. Walnut St., Appleton, WI 54911

Telephone: (920) 832-5660  
Fax No.: (920) 832-4418

To: Attorney Dawn Shaha, Outagamie County Deputy Corporation Counsel  
From: Paul Hardin Schroth, Family Court Services Director  
Date: November 1, 2023  
Regarding: Addendum to address the scope of services for custody evaluations.

**(EXHIBIT A)**

-In order to proceed, we need a signed court order and retainer payment of \$1,000 (\$500 per parent). The evaluator does not begin the evaluation until the retainer is paid in full. Evaluators require 120 days to complete the evaluation which starts on the day in which everything is in our office

-Our hourly fee is \$48 per hour. The average evaluation takes 40 to 45 hours to complete. The remainder of the fee, including mileage, is billed after the final court hearing.

-The evaluation process includes a series of interviews with the parents, the children, significant others, and any other relevant person, including collateral sources.

-We start the interviewing process by meeting jointly on one occasion with the parents. We then meet individually with each parent on average 3 additional times. Unless there is a restraining order preventing the parents from meeting together, an initial joint appointment is set with both parents in order to explain the process and to get releases of information signed.

-In the three individual interviews, the evaluator and each parent discusses family of origin concerns and history, relationship/adult history, co-parenting concerns, parenting history, any concerns regarding the children, and what they are requesting from the court regarding placement/custody concerns for their child(ren).

-The evaluator conducts a home visit of each parent's house. The children, significant other, and any other significant member of the house should be present for the visit.

-If the child is school age, the evaluator will meet typically three times with the child(ren). This would include at both parents' houses and once at his/her school or at Family Court Services to address family history and any concerns affecting the child.

-Part of the evaluation process includes collecting numerous collateral reports from outside agencies such as: schools, medical, psychological, drug/alcohol assessments, counseling, child protection, and police reports.

-A report with recommendations is written and submitted to the court with a preliminary bill. The attorneys are notified that the court has the report.

-The evaluator will automatically appear at the final hearing. Generally, most evaluations stipulate prior to or the day of the hearing.

**OUTAGAMIE COUNTY FISCAL NOTE**

**[INTRODUCTION:]** This form must be attached to any resolution or ordinance which contains a spending or revenue proposal. The form should be completed by an individual within the department initiating the resolution or ordinance with assistance from the Financial Services Department. Contact the Finance Director (1674), Controller (1675) or Staff Accountant (1681) for assistance. Once completed, forward a copy of the form to the Financial Services Department for their review. Financial Services will forward a reviewed copy of the fiscal note to Legislative Services.

1. Subject: Renewal of Intergovernmental Agreement between OCFCS and Calumet County

2. Description: This section must be completed for all fiscal notes. Briefly and concisely describe the request. State assumptions used and discuss any current year and long-term fiscal impacts. (A separate attachment can be used)

Outagamie County and Calumet County desire to enter into a new intergovernmental agreement for Outagamie County Family Court Services to continue to perform custody evaluations on behalf of Calumet County. The term of the new intergovernmental agreement shall be for two years from the date signed in January 2024, and shall be automatically renewed for three additional one year terms unless either party provides a written notice of termination within 30 days of the expiration of the current or any succeeding renewal term. Outagamie County's service and fee schedule are as follows: a) \$48.00 per hour which includes \$45.71 for salary and fringe benefits plus a 5% administrative fee. Custody evaluations typically average 40 to 50 hours to complete; b) Participating Calumet parents shall be liable for the entire fee and shall pay a \$1,000 retainer, which each parent paying half, prior to the commencement of the evaluation; c) Calumet County shall be billed for any amounts exceeding the retainer, as well as any portion of the retainer waived by Calumet County, and Calumet County agrees that it shall be responsible for collecting such amounts from the parents. In the event the participating parents do not pay the billed amount in full, Calumet County agrees to pay the outstanding balance within 60 days of receiving the invoice. Calumet County further agrees to pay interest on any outstanding balance beyond 60 days at a rate of 1% per month. There is no impact on the 2024 budget as these estimated revenues are already included in the budget.

**Current Year Budget Impact (Check one or more of the following boxes)**


Revenues

Expenses (Cost)

None

3. Is the specific cost or revenue included in the current year's budget? yes (X) no ( ) partially ( ) n/a ( )

4. If the proposal requests additional spending, can the additional cost be absorbed within the current year's line item? yes ( ) no ( ) n/a (X)

5. Is the proposal to accept additional revenues only? yes (X) no ( )

6. Does this request modify/adjust the current year budget? yes ( ) no (X) To be determined  
If no, skip to question 8 below.

7. Detail current year budget changes. Please list cost center name, line item, account number and either the increase or decrease amount. (Please note that all budget adjustments must balance. For example, an increase in an expenditure account must be offset by a decrease in another expenditure account or the contingency fund or an increase in a revenue account or other funding sources such as fund balance applied.)

COST CENTER NAME	LINE ITEM (i.e. Salaries, Supplies, Etc.)	ACCOUNT NUMBER INCLUDING COST CENTER (i.e. 1004100.5100, 1004100.5400, etc.)	INCREASE (DECREASE) AMOUNT	
			Annual Cost	Annual Revenue
No budget adjustment - revenues already included in 2024 budget			0	\$4,000

**Annual and Long-Term Impact**

8. Is the above Increase/Decrease a nonrecurring one-time expense or revenue? yes ( ) no (X) n/a ( )

9. What is the anticipated annual and/or long-term cost or revenue impact? Annual Cost: 0  
Annual Revenue: \$4,000

Fiscal Note Prepared by: Paul Schroth/Trent Woelfel

For Financial Services purposes only		
Reviewed By: <i>Jeff Weller</i>	If expenditures are recorded in the financial system at a level of detail lower than the level 6 as shown above, indicate the specific account numbers and amounts below:	
Date: 11/15/2023	Detail Expenditures Account Number	Amount
Comments:		