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###### TIOGA COUNTY LAW DEPARTMENT

## 2018 ANNUAL REPORT

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Tioga County Attorney

**THE YEAR IN REVIEW**

2018 was a busy year for the Tioga County Law Department. In addition to the normal work of the department, we were involved in several projects:

1. The Law Department undertook the preparation and submission of required documentation to the NYSDOT Office of Civil Rights for the County’s Civil Rights Compliance Program review. The County’s Federal financial assistance is contingent upon documenting continuous civil rights non-discrimination monitoring and overall enforcement of a compliant civil rights program. The County’s civil rights policies, practices and trainings were extensively updated to ensure they were compliant with current requirements. After submission to and review by NYSDOT of the required documentation, Tioga County was found in compliance with all applicable Federal civil rights regulations.

2. The Law Department continued to work with the Legislative Chair and municipalities within the County on the shared services initiative.

3. The Law Department worked with the departments within the County affected by the NYS Raise the Age Legislation to efficiently handle the increase in caseload as a result of this legislation.

4. The Law Department worked with the Probation, Sheriff, Public Defender, District Attorney and Public Defender as well as local criminal courts within the county and the NYS Office of Court Administration regarding Counsel at First Arraignment initiatives following the Hurrell-Harring lawsuits and in creating a plan to create and staff a centralized arraignment (CAP) court.

5. The Law Department worked with the ILS Grant Administrator and the Public Defender to secure funding through the NYS Office of Indigent Legal Services for a full time Office of the Public Defender including resources to staff CAP court.

6. The Law Department assisted the Treasurer’s Office in various aspects of the tax foreclosure process.

**THE LAW DEPARTMENT AND THE LEGISLATURE**

**AN OVERVIEW**

New York State’s County Law Section 500 provides that the County Attorney and its assistants are the legal advisors to the Legislature and to every county officer whose compensation is paid from county funds in all matters involving an official act of a civil nature. The Law Department also provides all of the legal work for the Department of Social Services, including support cases, abuse and neglect cases, adult protective cases and Medicaid Recovery. The Department prosecutes all Juvenile Delinquency Petitions.

The Law Department operates out of two offices staffed by three full-time attorneys, a confidential secretary, a paralegal and one full-time secretary.

Its mission is as follows:

The mission of the Tioga County Law Department is to provide professional, timely and quality legal work, advice and counsel to the legislature, department heads, employees and agencies within the Tioga County government, and to at all times act with the highest degree of professionalism and respect for the persons and public we serve.

**LITIGATION and CLAIMS**

The majority of civil litigation are third party claims against the County. These claims are primarily referred for handling to our liability insurance carrier, NYMIR, which retains outside counsel to handle the defense. However, the Law Department remains involved throughout to supervise and to be a local contact. Any settlement or payment to the claimant is first discussed and agreed to by the Law Department with input from any affected departments and the Chair. There are several matters not covered by NYMIR for which the Law Department either directly defends the matter or retains and supervises outside defense counsel.

In 2018, the Law Department assisted outside counsel in the defense of five pending claims. The confidential secretary to the County Attorney, monitors claims presented to our carrier NYMIR. In 2018, we referred 18 incident claims to NYMIR (22 claims in 2017) and four Notices of Claim.

The County Attorney heads the Loss Control Committee, whose membership includes the Personnel Director, Benefits Officer, Safety Officer, Commissioner of Public Works and Captain from the Sheriff’s Department. The purpose of the committee is to review claims and the handling thereof, as well as to look for patterns and for ways to minimize or control claims.

The Law Department also oversees the part-time Safety Officer position, who will be filing a separate annual report.

**CONTRACT/BIDDING ADMINISTRATION**

The Law Department reviews and approves as to form County and department contracts. In 2018, the Department reviewed 164 contracts compared to 197 contracts in 2017. The majority of the contracts are for independent contractors with the Health and Human Services Departments.

**PERSONNEL**

The Law Department works with our labor counsel Roemer, Wallens Gold & Mineaux and the Personnel Department in matters relating to the administration of the civil service, personnel related challenges, benefits administration issues and the administration of labor contracts and grievances.

**DSS, PUBLIC HEALTH AND MENTAL HYGIENE**

The Tioga County Law Department provides daily professional, experienced legal counsel and services to all of the health and human service agencies, i.e. the departments of Social Services (DSS), Public Health and Mental Hygiene. The Law Department has improved communications and accountability between it and these agencies compared to years passed.

The County Attorney attends monthly Youth Assessment Team meetings and quarterly administrative meetings with the Department of Social Services. The County Attorney attends Board of Health meetings as needed. Our Assistant Attorneys continue to attend regular meetings with the Commissioner of Social Services, the Deputy Commissioner, managers and case workers to discuss individual cases, case management, general protocols, etc. to ensure good communication and avoid potential issues before problems arise.

The Assistants also serve on the following committees: Sex Abuse Case Review, Permanency, and Domestic Violence Task Force. Christian Root serves as the County HIPAA privacy officer and on the IT Steering Committee and the Work Place Violence Committee.

The following is a brief synopsis of statistics for filing of new petitions, court appearances, contested proceedings etc. in 2018:

Juvenile Delinquency, PINS, Neglect, Abuse, Fair Hearings:

New petitions filed: 50 (58 in 2017)

Court Appearances: 424 (341 in 2017)

Child Support Services:

Appearances: 702 (760 in 2017)

Miscellaneous:

Pistol Permit revocation hrgs.: 0 (0 in 2017)

Expungement hearings: 33 (27 in 2017)

Guardianship 4 (10 in 2017)

Emergency Orders of Protection 4 (7 in 2017)

**ARTICLE 11 TAX FORECLOSURES**

The majority of work for the Article 11 Tax foreclosures is performed by the Treasurer and his paralegal Kevin Humes. The Law Department reviews all documents prior to filing. In 2017 there was one challenge to this year’s list of 2017 foreclosures which was favorably resolved.

**FREEDOM OF INFORMATION**

The Law Department continues to assist the Freedom of Information Officers with review and handling of these requests. There were 63 FOIL requests filed in 2018 (72 requests filed in 2017). This number does not include FOIL requests filed with the Sheriff’s Department. There were no appeal hearings for denial of records in 2018.

**CONTINUING EDUCATION/ASSOCIATIONS**

The Law Department considers continuing education to be a priority in providing expert legal service to the County. The County Attorney belongs to the County Attorneys Association [CAASNY] and reviews regular updates from that association. In addition, the County Attorney frequently attends Continuing Legal Education Programs sponsored by the Broome County Bar Association and regularly attends the Western County Attorney meetings.

The Assistants regularly attend conferences related to their specific issues, including attendance at CAASNY and New York State Public Welfare Association conferences, seminars on pre-trial and trial skills, sex abuse, support collection, Medicaid eligibility, Medicaid recovery, family court matters and Article 81 Guardianships.

**POOR PERSON APPLICATIONS**

The County Attorney’s Office also reviews and provides the Supreme Court with recommendations for the Applications for Poor Persons for a waiver of filing fees in civil proceedings. The office is required to calculate the income of the applicant in relation to the poverty levels. If the income exceeds 125% of the federal poverty level, we object to the granting of the application. In 2018, we processed 40 applications (42 in 2017).

**GOALS AND OBJECTIVES FOR 2019**

The goals and objectives for the Department in 2019 are as follows:

1. To continue to provide professional, quality legal work and advice to the legislature, department heads, employees and agencies within the county government.

2. To achieve continued open communication between the Law Department and the other departments and agencies within the county government.

3. To remain current in our areas of law by attending continuing education seminars and by playing an active role with the NYS County Attorneys Association.

Respectfully submitted,

Peter J. DeWind

Tioga County Attorney