

# **TIOGA COUNTY LAW DEPARTMENT 2022 ANNUAL REPORT**

## **THE LAW DEPARTMENT & 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, abuse and neglect cases, adult protective cases, Medicaid Recovery, and prosecutes all Juvenile Delinquency Petitions.

The Law Department operates out of two offices staffed by three full-time attorneys, one part-time attorney, two confidential secretaries, two paralegals and a full-time Safety Officer.

## **LITIGATION & CLAIMS**

The majority of civil litigation are third party claims against the County. These claims are primarily referred to our liability insurance carrier, New York Municipal Insurance Reciprocal (NYMIR), which retains outside counsel to handle the County's defense. However, the Law Department remains involved throughout the claim to supervise and act as the local contact. Any settlement or payment to the claimant is first discussed and agreed to by the Law Department with input from the Chair and any affected departments. There are several matters not covered by NYMIR for which the Law Department directly defends the matter or retains and supervises outside defense counsel to do so.

In 2022, the Law Department assisted outside counsel in the defense of one (1) pending claims. The County Attorney, monitors claims presented to our carrier NYMIR. In 2022, fourteen (14) incident claims and two (2) Notices of Claim were referred to NYMIR which is a significant decrease from last year.

The County Attorney heads the Loss Control Committee, whose membership includes the Personnel Officer, Benefits Manager, Safety Officer, Commissioner of Public Works and the Sheriff's Captain. The purpose of the committee is to review claims and the handling thereof, as well as pattern analyzation for ways to mitigate or deter future claims.

## **CONTRACT/BIDDING ADMINISTRATION**

The Law Department reviews and approves as to form County and department contracts. In 2022, the Department reviewed three hundred thirty-four (334) contracts including numerous grants and contract addendums which has increased significantly when compared to prior years. The majority of the contracts are for independent contractors with the Health and Human Services Departments.

## **PERSONNEL**

The Law Department works with 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 & 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.

The County Attorney attends the following monthly meetings: Youth Assessment Team, Child Advocacy Center, Executive Policy, MDT Leadership, Public Health, Leaders, Legislative Workshops, and quarterly administrative meetings with the Department of Social Services. The 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.

## **Assistant County Attorney's Office**

The Assistant County Attorney's Office continued to be extremely busy with a high volume of child protective matters. Petition filings have become much more complicated, and the degree of neglect and abuse cases more severe. The total amount of Child Support Court appearances in 2022 was six hundred fifty-four (654), Neglect / Abuse, Expungement,

Juvenile Delinquency and PINS, and Fair Hearing, Article 81, and pistol permit court appearances were three hundred twenty-four (324) in total.

A brief synopsis of activity by the Assistant County Attorney's Office is as follows:

- Child Protective Services/PINS/JD – twenty-one (21) new petitions were filed, one (1) of which were abuse petitions, and three (3) emergency Order of Protection were filed.
- Department of Social Services – two hundred eighty-eight (288) Court appearances relating to modification petitions, violation petitions, Order to Show Cause proceedings, extensions of supervision, interveners, and permanency hearings.
- Child Support Collection – six hundred fifty-four (654) appearances before the Tioga County Support Magistrate, and referrals to the Family Court Judge.
- Expungement conferences and hearing appearances- Twenty-four (24) appearances.
- Pistol Permits – Twelve (12) pistol permit petitions were filed.

### **ARTICLE 11 TAX FORECLOSURES**

The majority of legal work for the Article 11 Tax foreclosures is performed by the County Attorney's paralegal. The Law Department reviews all documents prior to filing.

### **FREEDOM OF INFORMATION**

The Law Department continues to assist the Freedom of Information Officers with review and handling of these requests. There were ninety-eight (98) FOIL requests filed in 2022. This number does not include FOIL requests filed with the Sheriff's Department. There were five (5) appeal hearings for denial of records in 2022.

### **SAFETY**

The Safety Officer part-time position was made full-time this year. The Safety Officer investigated twelve (12) workplace violence claims and made recommendations accordingly. The Safety Officer had weekly "Tailgate Talks" with the Department of Public Works to ensure PESH and OSHA compliance.

## **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 New York State Bar Association, County Attorneys Association [CAASNY], Broome County Bar Association, President of the Tioga County Bar Association and reviews regular updates from those associations. In addition, the County Attorney frequently attends Continuing Legal Education Programs sponsored by the Broome County Bar Association and the Western County Attorney meetings. The County and Assistant Attorneys have also attended extensive trainings and meetings for a new law that raises the age of the state's jurisdiction for juvenile delinquency. Juveniles under the age of 12 are exempt from arrest except in the case of a homicide.

The Assistant Attorneys 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 reviews and provides the Supreme Court with recommendations for the Applications for Poor Persons for a waiver of filing fees in civil proceedings. This office is required to calculate the income of the applicant in relation to the poverty levels. If the income exceeds one hundred twenty five percent (125%) of the federal poverty level, an objection is made to the granting of the application. In 2022, twelve (12) applications were processed which is a forty-eight percent (48%) decrease from the previous year.

## **GOALS & OBJECTIVES FOR 2023**

- The goals and objectives for the Department in 2023 are as follows:
- To continue to provide professional, quality legal work and advice to the legislature, department heads, employees and agencies within the county government.
  - To achieve continued open communication between the Law Department and the other departments and agencies within the county government.

- 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