

TIOGA COUNTY LAW DEPARTMENT 2024 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, two part-time attorneys, two confidential secretaries, two paralegals and a full-time Safety Officer. The Law Department welcomed a new 2nd Assistant County Attorney, Confidential Secretary, and Paralegal this year and bid a fond farewell to the 1st Assistant County Attorney who retired in April.

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.

- The County Attorney monitors claims presented to our carrier NYMIR and assists in the defense of pending claims.
- In 2024, eight (8) incident claims and three (3) Notices of Claim were referred to NYMIR.
- 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 County and department contracts. In 2024, the Department reviewed four hundred and seventy (470) contracts including numerous grants, requests for proposals (RFP), and contract addendums which continue to increase significantly when compared to prior years.

DSS, PUBLIC HEALTH & MENTAL HYGIENE

The Tioga County Law Department provides daily professional, experienced legal counsel, and services to all health and human service agencies, i.e. the Departments of Social Services (DSS), Public Health and Mental Hygiene and their employees.

The County Attorney's Office attends the following monthly meetings:

- Youth Assessment Team
- Child Advocacy Center
- Executive Policy
- MDT Leadership, Public Health
- Leaders Meeting
- Legislative Workshops
- Broome-Tioga Regional Child Fatality Review Team (CFRT)
- Quarterly administrative meetings with the Department of Social Services.

The Assistant Attorneys continue to attend regular meetings and provide training to the Commissioner of Social Services, the Deputy Commissioner, supervisors, 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 more complicated, and the degree of neglect and abuse cases more severe. A brief synopsis of filings and appearances is listed below.

- The total number of Court appearances in 2024 was eight hundred twenty-four (824) for Neglect / Abuse, Expungement, PINS, and Fair Hearings.
- Child Protective Services/PINS – fifty-eight (58) petitions/orders were filed.
- Department of Social Services – two hundred thirty-two (232) Court appearances relating to modification petitions, violation petitions, Order to Show Cause proceedings, extensions of supervision, interveners, and permanency hearings.
- Child Support Collection – five hundred sixty-six (566) appearances before the Tioga County Support Magistrate, and referrals to the Family Court Judge.
- Twelve (12) Support Collections warrant review appearances
- Twenty-six (26) Expungement conferences with many requiring multiple hearing appearances
- Pistol Permits – fourteen (14) pistol permit petitions were filed.

Due to pistol permit legislation beginning in July 2018, the Assistant County Attorney's Office now prepares and files the following to be served to the Court:

- RJI Form
- Index Number Form
- Order to Show Cause
- Petition, Affidavit and supporting documents
- Attended all court proceedings related to pistol permits

SUCCESS STORY

In September 2023, an 11-year-old child was found to be neglected by their sole caregiver. The caregiver admitted to having a problem with alcohol and was drinking daily. This led to arguments and physical incidents with the child and the child subsequently ran away. After an investigation, the child was removed from the home and placed into foster care.

The Department of Social Services worked with the caregiver to give them a plan and resources to help them overcome their addiction and regain custody of their child. The caregiver worked diligently with the agency by engaging in drug and alcohol programs, mental health education, and parenting classes. They also ensured their child was receiving mental health care, was regularly attending school and completing all assigned schoolwork.

Following the recommendations of Social Services the caregiver was able to start the healing process with their child and achieved the goal of reuniting as a family in August 2024. Working together, the Department of Social Services and the caregiver also committed to aftercare services

when supervision had ended to assist with maintaining sobriety and mental health wellness.

ARTICLE 11 TAX FORECLOSURES

The majority of work for the Article 11 Tax foreclosures is performed by the County Attorney's paralegal with the County Attorney reviewing all documents prior to filing. In May of 2023, the Supreme Court ruled that it is unconstitutional for municipalities to unilaterally retain the surplus monies generated from tax lien foreclosure sales. This has required the County to modify the foreclosure process to comply with this ruling. Not only does the County lose tax revenue from these properties but it must also make other towns and villages whole every year for what they are owed on these properties. The County is also forced to absorb the administrative costs stemming from the efforts to maintain, market and sell the properties while meeting the new notification and advertising requirements.

- Over thirty properties were auctioned off by Mel Manasse & Son Auctioneers on October 21, 2024.

FREEDOM OF INFORMATION

The Law Department continues to assist the Freedom of Information Officers with reviewing and handling these requests.

- There were one hundred nineteen (119) FOIL requests filed and two (2) appeal hearings for denial of records in 2024. This number does not include FOIL requests filed with the Sheriff's Department.

CONTINUING EDUCATION/ASSOCIATIONS

The Law Department considers continuing education to be a priority in providing expert legal service to the County. The County Attorney attends continuing legal education programs sponsored by the Broome County Bar Association and the Western County Attorney meetings.

The County Attorney belongs to the following professional organizations:

- New York State Bar Association,
- County Attorneys Association of the State of New York [CAASNY]
- Broome County Bar Association
- Tioga County Bar Association

The Assistant Attorneys regularly attend conferences related to their specific issues, including attendance at:

- CAASNY
- New York State Public Welfare Association conferences
- Seminars on pre-trial and trial skills
- Sex abuse
- Support collection
- Medicaid eligibility and recovery
- Family court matters
- 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 2024, thirty-five (35) applications were processed, which is an increase from the previous year.

GOALS & OBJECTIVES FOR 2025

The goals and objectives for the Department in 2024 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.
- Recruit and hire candidates who meet the organizational needs of the County Attorney's Office.

Respectfully submitted,
Peter J. DeWind
Tioga County Attorney