

2008 ANNUAL REPORT

OFFICE OF THE CORPORATION COUNSEL

TO: The Honorable Board of Supervisors of Ozaukee County

INTRODUCTION

The Corporation Counsel, more accurately described as the county attorney, acts as legal counsel for the County Board, county committees, county departments and county officials. The office of corporation counsel gives opinions and legal advice to county personnel. The office of the corporation counsel represents Ozaukee County in civil lawsuits, collection of moneys owed the county, children in need of protection or services, guardianships and protective placements, as well as mental and alcohol commitments, sanitary and zoning matters, drafting of contracts and other legal documents, insurance claims and various other civil matters in which the County becomes involved. The child support enforcement office is a division of the corporation counsel' office. The office also gives advice regarding personnel matters, union contracts, discrimination complaints, grievances and other personnel matters that affect the County.

CLAIMS AGAINST COUNTY

Most claims against the County are now defended by the Wisconsin Counties Association insurance attorneys. Our office has involvement in areas not covered by insurance, which include contracts, eminent domain, real estate disputes, open records, discrimination complaints and personnel grievances.

OPINIONS

This office issues opinions throughout year. Most of those opinions are oral; however, various departments and county board members have received written opinions from this office in regard to specific questions. Sometimes it is impossible to give an opinion due to the fact that the question is a policy decision where a legal interpretation is inappropriate. In those cases, this office tries to give basic legal limits but must allow the policy makers to decide the issue on their own.

FILES

The following is a comparison of new case files handled by this office for the year 2007 compared to prior years. The office is integrating a substantial increase in Planning, Resources & Land Management cases due to the new standards set by the Wisconsin Administrative Code regarding reporting of septic systems and fee charges.

CASE FILES OPENED

Areas of Law – New Cases	2008	2007	2006
Department of Human Services/CHIPS/JIPS	55	52	41
Guardianships/Protective Placement Reviews	24	20	28
Mental/Alcohol Detentions	228	199	195
Environmental Health Violations	3	130	376
Bankruptcy	22	27	16
SUBTOTAL	332	428	656

TABLE 1. New cases for various departments, amounts do not reflect ongoing cases.

Department	2008	2007	2006
Social Services	17	22	25
Community Programs	178	169	114
Miscellaneous	5	19	11
SUBTOTAL	332	310	150
TOTAL CASES	532	638	806

TABLE 2. New collection cases, numbers do not reflect ongoing cases

OFFICE TIME SPENT ON VARIOUS DEPARTMENTS

The following is an approximate percentage of office time spent with various departments to give an overview of this office's time.

Department	Percentage
Social Services	16
Community Programs	20
Planning, Resources & Land Management/Public Health	10
County Board and Committees	21
Claims/Suits	5
Sheriff/Law Enforcement Committee	6
Clerk of Courts	5
Highway Commission	2
Lasata	3
Other Departments and Committees	10
Child Support/Paternity	2

COLLECTIONS

This office acts for the County collecting fees and other moneys owed to the County. The following is an accounting of collections made through this department for the year 2007 .

Department	2008	2007	2006
Recoupment of attorney fees and costs	\$2,473.26	\$898.14	\$681.50
Social Services	3,969.63	5,858.00	4,560.36
Counseling Center	30,332.43	22,779.94	9,852.75
Clerk of Courts Recoupment of Fees	1,356.00	4,752.75	3,292.15
Highway	225.42	68.23	
Lasata Care Center	4,917.00	825.00	
TOTAL	\$43,273.74	\$35,182.06	\$18,386.76

ADDITIONAL COLLECTIONS

Department	Amount
Counseling Center	
Lasata Care Center	37,297.16
Bankruptcy Payment - Property Taxes	4,509.87
TOTAL	\$41,806.76

CHILD SUPPORT ENFORCEMENT

INTRODUCTION

The Department of Child Support Enforcement was created by Title IV-D of the federal Social Security Act. The Department operates through the cooperation of federal, state and county government. The main objectives of the Department are:

- Establish paternity for children born to unmarried parents
- Establish court orders for child support and health insurance
- Modify child support orders
- Enforce child support payments
- Locate parents for the above purposes

The Department only manages IV-D cases. A case becomes a IV-D case when the custodial parent receives public assistance or when either parent fills out an application for services. At the present time, the Ozaukee County Child Support Agency has approximately 1,770 IV-D cases. The Agency is also responsible for the financial accounting aspects of all IV-D and non IV-D cases, which includes entering the court orders for child support into KIDS, the statewide child support computer, and preparing income-withholding orders. There are approximately 1,115 non-IV-D cases.

The Agency works closely with the Family Courts, the Sheriff's Department and the Department of Social Services. Cooperative agreements are signed each year with the Family Court Commissioner and the Sheriff's Department to reimburse each department for costs incurred on IV-D cases.

BUDGET

In the year 2008, the Department stayed within its budget. The majority of the department's budget comes from State and Federal funding. Federal incentives of \$67,014 were received in 2008 which covered 100% of the first \$67,100 of expenses incurred in 2008. State revenue provided \$29,007 to the Department which covered the next \$87,021 of expenses incurred due to federal match funding which paid an additional amount of \$58,014 to the Department when the state revenue of \$29,007 was spend by the county on program expenses. The balance of expenses are reimbursed two-thirds from federal funding.

The federal incentive payments and state revenues are partially contingent on the county meeting required performance measures. There are four performance measures that must be met. They are as follows:

- 1) At least 90% of paternity cases have paternity established;
- 2) At least 80% of cases have court orders established;
- 3) At least 80% of the child support due each month is collected in the month it is due, with no reduction in percentage collected from the prior year; and

- 4) An arrears collection is made within the fiscal year on at least 80% of the cases that have an arrearage.

The Department worked hard in 2008 to maintain its current high level of performance and even ranked number 1 in the state on one performance measure. Due to a staffing shortage in 2008, the worsening economy and perhaps other less easily identifiable reasons, our collections rates on current support and arrears repayments were not high enough to meet performance requirements resulting in a loss of \$720 in our incentive payments. The money not earned by counties failing to meet performance requirements is redistributed amongst all counties in the state. As a result of meeting performance criteria for paternity establishment and court order establishment, we received an additional \$842 of redistributed money for those performance measures resulting in a net gain of \$122.

The lobbying group for the child support program is still lobby8ng the Congress and Senate to restore funding to Child Support Agencies that was cut by the Federal Deficit Reduction Act in 2007. These efforts have been ongoing since the cuts were originally made. In the meantime, the State of Wisconsin provided additional funding for Child Support Agencies statewide, previously referenced to above. This revenue is not guaranteed beyond the end of the current state biennial budge and the current economic conditions and continued lobbying at all levels of government will likely result in funding changes, either positively or negatively for future years.

WHAT'S NEW

There are always new initiatives in Child Support Enforcement from year to year. Our staff stepped up to the plate in learning the new review and adjustment procedures for child support orders and new health insurance enforcement requirements.

PERSONNEL

In addition to the Assistant Corporation Counsel, the office currently has six employees. There are 2 caseworkers, 1 financial worker, 1 general assistant and 1 receptionist/intake worker. Our general assistant, Cheryl Rodziczak, was able to fill the previously vacant position after being laid off from within the County last year. She previously worked in our agency and therefore, brought some prior knowledge and experience in child support back to our office.

STATISTICS

The Agency commenced 52 new paternity actions in 2008 and approximately 90 new actions for support. The Agency also filed many motions to modify child support orders and to enforce child support orders in 2008.

Respectfully submitted,

DENNIS E. KENEALY
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