

2009 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's 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 2009 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	2009	2008	2007
Department of Human Services/CHIPS/JIPS	40	55	52
Guardianships/Protective Placement Reviews	24	24	20
Mental/Alcohol Detentions	208	228	199
Environmental Health Violations	96	3	130
Bankruptcy	44	22	27
SUBTOTAL	412	332	428

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

Department	2009	2008	2007
Social Services	42	17	22
Community Programs	242	178	169
Miscellaneous	17	5	19
SUBTOTAL	301	200	210
TOTAL CASES	713	532	638

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 2009 .

Department	2009	2008	2007
Recoupment of attorney fees and costs	\$846.64	\$2,473.26	\$898.14
Social Services	\$4,434.27	3,969.63	5,858.00
Counseling Center	\$25,447.97	30,332.43	22,779.94
Clerk of Courts Recoupment of Fees	\$951.00	1,356.00	4,752.75
Parks	\$220.00	225.42	68.23
Lasata Care Center	\$1,011.90	4,917.00	825.00
TOTAL	\$33,061.78	\$43,273.74	\$35,182.06

ADDITIONAL COLLECTIONS

Department	Amount
Counseling Center	-0-
Lasata Care Center	-0-
Bankruptcy Payment - Property Taxes	\$103,822.84
TOTAL	\$103,822.84

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 and health insurance orders
- 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 2,050 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 1,050 non-IV-D cases.

The Agency works closely with the Family Courts, the Sheriff's Department and the Department of Human 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 2009, the Department stayed within its budget. The majority of the Department's budget comes from Federal funding. Federal incentives of \$71,725 were received in 2009 which covered 100% of the first \$210,956 of expenses incurred in 2009 due to reinstatement of the federal match provisions in the Federal stimulus bill which allows for 2/3 reimbursement for every dollar Ozaukee County spends on the child support program. The balance of expenses exceeding \$210,956 are also reimbursed two-thirds from federal funding. County levy covers the remaining 1/3 of expenses exceeding \$210,956. Additionally, the Federal stimulus bill made available to the Ozaukee County Child Support Agency \$47,878 to create new positions. The Agency created a revenue-supported part-time position to assist with the increased volume of modification requests and in 2009 spent \$12,805 of the available stimulus dollars on the position. The stimulus dollars will expire at the end of September, 2009, the end of the Federal fiscal year, unless the legislature extends the stimulus program.

The Federal incentive payments 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 saw some decline in performance in 2009 as a result of the economic downturn. With less employment available, more parents were unable to meet their child support obligations. The Child Support Agency devoted more hours to assist constituents in 2009 to modify their support orders to reflect the loss of jobs or the reduction in pay or work hours. Collection rates on current support have dropped slightly below the 80% minimum threshold but have held at or above the collection rate of most counties in the State. The money not earned by counties failing to meet performance requirements is redistributed amongst all counties in the state.

WHAT'S NEW

The child support guidelines were amended, effective January 1, 2010. The recent amendments primarily affect shared placement obligors and split placement obligors. Changes to health insurance requirements have also been made which requires the Agency and the courts to attempt to secure private health insurance coverage for children whenever parents have it available to them at a reasonable cost, defined by Federal and State law to cost 5% or less of their combined gross income.

PERSONNEL

In addition to the Assistant Corporation Counsel, the office currently has seven employees. There are 2 caseworkers, 1 part-time paternity specialist, 1 financial worker, 1 general assistant, 1 part-time modifications specialist and 1 receptionist/intake worker. Brittany Quaas joined the agency in 2009 as the new part-time modifications specialist.

STATISTICS

The Agency commenced approximately 60 new paternity actions in 2009 and approximately 110 new actions for support. The Agency also filed many motions to modify child support orders and to enforce child support orders in 2009.

Respectfully submitted,

DENNIS E. KENEALY
Corporation Counsel

RHONDA K. GORDEN
Assistant Corporation Counsel

DEK:RKG:bae