

2005 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 the County is affected by.

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 2005 compared to prior years. The office met the challenges of converting the J. D. Edwards accounting system to Great Plains. 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	2005	2004	2003
Department of Social Services/CHIPS/JIPS	80	69	112
Claims/suits against County/Employees	20	10	7
Guardianships/Protective Placement Reviews	24	18	22
Mental/Alcohol Detentions	177	212	198
Environmental Health Violations	355	426	57
Bankruptcy	17	27	35
TOTAL	673	762	431

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

Department	2005	2004	2003
Social Services	21	22	5
Community Programs	58	27	22
Courts/Guardian ad Litem Fees.	3	10	12
Miscellaneous	6	5	8
TOTAL	88	64	47

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 2005.

Department	Amount
Recoupment of attorney fees and costs	\$923.95
Social Services	6,766.62
Counseling Center	4,178.66
Clerk of Courts Recoupment of Fees	3,265.16
TOTAL	\$15,134.59

ADDITIONAL COLLECTIONS

Department	Amount
Bankruptcy Payment - Clerk of Courts	\$264.17
Guardian ad litem fees	10,154.29
Sheriff's Department	185.83
Lasata Care Center	6,577.91
Bankruptcy Payment - Property Taxes	45,997.71
TOTAL	\$63,179.91

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
- Collect and disburse support payments
- 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. The Ozaukee County Child Support Agency presently has over 1,600 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 1,350 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 2005, the Department stayed within its budget. The budget is largely funded by the State and Federal governments. Pursuant to the State-County contract for child support services, the State reimburses two-thirds of the Agency's expenses. In addition, approximately \$75,000 in incentive payments will be made by the State to the Department in 2006 if the Department meets 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;
and
- 4) An arrears collection is made within the fiscal year on at least 80% of the cases that have an arrearage.

The Department needs to improve on performance requirements 3 and 4 as our performance is currently below the minimum thresholds. If the Department does not meet incremental improvement goals in these areas, the Department may lose as much as \$2,983 of its incentive payments for 2006. The Department was successful in 2005 in meeting the performance

improvement requirements to receive all incentive payments allocated to the Department in 2005.

To continue to improve, the Department is targeting the cases that are reducing performance through the use of reports provided by the State. The Department is working these reports closely.

WHAT'S NEW

The 2005 Deficit Reduction Act was passed by Congress on February 1, 2006. The bill will significantly impact federal funding to child support agencies starting in 2007. By 2008, Ozaukee County will lose an estimated \$133,000 of Federal funding per year for the child support program. The Assistant Corporation Counsel will be meeting with the County Executive during 2006 to discuss the impact of the Deficit Reduction Act and future planning as a result of the substantial loss of funding.

PERSONNEL

In addition to the Assistant Corporation Counsel, the office has six employees. There are 2½ caseworkers, 1½ financial workers, 1 part time enforcement worker and one receptionist/intake worker. No staff turnover occurred in 2005.

STATISTICS

The Agency commenced 40 new paternity actions in 2005 and 86 new actions for support. The Agency also filed many motions to modify child support orders and to enforce child support orders in 2005.

Respectfully submitted,

DENNIS E. KENEALY
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