



COUNTY OF OTSEGO, NEW YORK
LOCAL LAW NO. 1 OF 1992

A LOCAL LAW PURSUANT TO SECTION 252(a) FAMILY COURT ACT
AUTHORIZING OTSEGO COUNTY PROBATION DEPARTMENT TO
COLLECT INVESTIGATION FEE

BE IT ENACTED by the Board of Representatives of the County
of Otsego, New York, as follows:

SECTION ONE

Pursuant to Section 252(a) Family Court Act, Otsego County does hereby adopt this local law authorizing its probation department, when it is ordered to conduct an investigation pursuant to section six hundred fifty-three, to collect a fee of not less than fifty dollars and not more than five hundred dollars from the parties in such proceeding for performing such investigation so ordered. Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the direction of the division of probation and correctional alternatives, and may in the discretion of the court be waived when the parties lack sufficient means to pay the fee as authorized by Section 252(a) Family Court Act. As provided by said section, the court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case; fee pursuant to Section 252(a) Family Court Act shall be paid directly to the Otsego County Probation Department to be retained and utilized for local probation services, and shall not be considered by the division of probation when determining state aid reimbursement, pursuant to section two hundred forty-six of the Executive Law.

SECTION TWO

This local law shall take effect immediately.

This local law is offered by the Public Safety and Legal
Affairs Committee.



RESOLUTION NO. 170

RESOLUTION - APPROVING LOCAL LAW
PURSUANT TO SECTION 252(a) FAMILY
COURT ACT AUTHORIZING OTSEGO COUNTY
PROBATION DEPARTMENT TO COLLECT
INVESTIGATION FEE

HENDERSON, GATES, WINSOR

WHEREAS, Section 252(a) Family Court Act recently enacted, permits Otsego County to adopt a local law authorizing its probation department, which is ordered to conduct an investigation pursuant to section six hundred fifty-three, to be entitled to a fee of not less than fifty dollars and not more than five hundred dollars from the parties in such proceeding for performing such investigation. Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the direction of the division of probation and correctional alternatives, and may in the discretion of the court be waived when the parties lack sufficient means to pay the fee. The court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case; fee pursuant to this section shall be paid directly to the Otsego County Probation Department to be retained and utilized for local probation services, and shall not be considered by the division of probation when determining state aid reimbursement, pursuant to section two hundred forty-six of the Executive Law; and

WHEREAS, Otsego County believes it appropriate to enact such local law; now, therefore, be it

RESOLVED, Otsego County, by its Board of Representatives, does hereby enact the above local law authorizing the Otsego County Probation Department to collect investigation fees pursuant to Section 252 Family Court Act.