

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

STATE OF NEW YORK  
DEPARTMENT OF STATE

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**FILED**

JUL 19 2004

MISCELLANEOUS  
& STATE RECORDS

County

~~City~~

Town

~~Village~~

of ..... ERIE .....

Local Law No. .... 4 ..... of the year 20<sup>04</sup> .....

A local law *(insert title)* establishing a probation investigation fee under the authority of Section 252-a of the Family Court Act in custody and visitation proceedings.

Be it enacted by the Legislature of the  
*(Name of Legislative Body)*

County

~~City~~

Town

of ..... ERIE .....

as follows:

#### Section 1.

Pursuant to Section 252-a of the Family Court Act, the Erie County Department of Probation and Youth Detention Services, when ordered by the courts to conduct an investigation pursuant to section 653 of the Family Court Act, is authorized to charge and is entitled to receive a fee of not less than fifty (\$50) dollars and not more than five hundred (\$500) dollars from the parties in the proceeding to help reimburse the cost of the investigation conducted by the department.

#### Section 2.

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 director 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.

#### Section 3.

In the event of non-payment of the investigation fee, the County may seek to enforce payment in any manner permitted by law for the enforcement of a debt.

#### Section 4.

Fees collected pursuant to this Local Law shall be paid directly to the Erie County Department of Probation and Youth Detention Services to be retained and

utilized for probation department services and staffing, and shall not be considered by the division of probation and correctional alternatives when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

#### Section 5.

This Local Law shall take effect immediately upon its filing with the Secretary of State, in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_<sup>4</sup> of 20\_\_\_\_<sup>04</sup> of the (County)(City)(Town)(Village) of \_\_\_\_\_<sup>ERIE</sup> was duly passed by the \_\_\_\_\_<sup>Erie County Legislature</sup> on \_\_\_\_\_<sup>June 24, 20</sup> 04, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the \_\_\_\_\_<sup>Erie County Executive</sup> and was deemed duly adopted on \_\_\_\_\_<sup>July 12, 20</sup> 04, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Keri M. Kelle  
Clerk of the County legislative body, City, Town or Village Clerk  
~~or officer designated to the local legislative body~~

Date: July 16, 2004

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Melissa O'Keefe  
Signature

Assistant County Attorney

Title

County  
~~City~~ of Erie  
~~Town~~  
~~Village~~

Date: July 16, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2004 on Friday, July 9, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 12 day of July, 2004.



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A Public Hearing was held on the foregoing Local Law Intro. No. 5-2004 on Friday, July 9, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_ day of July, 2004.

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