



Office of Children and Family Services

KATHY HOCHUL
Governor

SUZANNE MILES-GUSTAVE, ESQ.
Acting Commissioner

ATTACHMENT A

MODEL LEGAL SERVICES LANGUAGE

The county attorney shall provide certain legal services relating to the presentment of Child Welfare-related matters including, but not limited to, abuse, neglect, voluntary placement, foster care review, permanency proceedings, extensions of placement, termination of parental rights, habeas corpus proceedings, custody matters, adoption matters, administrative hearings, and juvenile delinquency and persons in need of supervision (PINS) matters where the Local Department of Social Services (LDSS) is either directly involved as a litigant or has an interest in the proceeding. The county attorney shall act as the exclusive legal representative of the LDSS in these actions and shall advocate for the LDSS's interests to the extent they do not conflict with the county attorney's primary statutory obligation as the presentment agency in juvenile delinquency or PINS cases. "Certain legal services" shall include, but not be limited to consultation, conferences, ex parte applications, motion preparation, petition preparation, representation in family court, and preparation and service of orders and appeals. The claiming of federal financial participation in Title IV-E cases shall be in accordance with the New York State Office of Temporary and Disability Assistance *Fiscal Reference Manual*.

The county attorney shall provide certain legal services relating to the presentment of Adult Protective Services and Medicaid matters including, but not limited to, conservatorships, committee appointments, guardian appointments, orders to gain access, and short-term involuntary protective orders. The county attorney shall act as the legal representative of the LDSS in any of the above matters and shall advocate solely for the LDSS. "Certain legal services" shall include, but not be limited to, consultation, conferences, ex parte applications, motion preparation, petition preparation, representation in family court, and preparation and service of orders and appeals.

For a juvenile delinquency case, reimbursement of the county attorney shall be available only for certain legal services related to the interpretation of applicable sections of the Social Services Law and Family Court Act and the LDSS's responsibility thereunder. Reimbursement shall not be available for assistance related to process and procedure in family court when the county attorney is acting as the presentment agency. Reimbursement shall only be available for representing the LDSS as provided for herein. When the county attorney acts as the legal representative of the LDSS in these actions, the county attorney shall advocate for the LDSS's interests to the extent they do not conflict with the county attorney's primary statutory obligation as the presentment agency in juvenile delinquency or PINS cases. When there is a conflict of interest in representation on these matters, the parties agree that the LDSS may procure other legal representation. "Certain legal services" shall include, but not be limited to, conferences,

ex parte applications, motion preparation, petition preparation, representation in family court, and preparation and service of orders and appeals.

For PINS cases, reimbursement of the county attorney for certain legal services is dependent on the role of the LDSS in the proceeding. If the proceeding is initiated on the petition of the LDSS, the county attorney's assistance may be obtained, and reimbursement shall be available. Reimbursement shall also be available when the LDSS is not the petitioner, but the county attorney represents the LDSS as an interested party. To the extent that assistance is related to the interpretation of Social Services Law and the Family Court Act, reimbursement shall also be available. Reimbursement shall not be available for assistance related to the process and procedures of family court when the county attorney is acting as the presentment agency. Reimbursement shall be available for representing the LDSS as provided for herein. When the county attorney acts as the legal representative of the LDSS in the above instances, the county attorney shall advocate for the LDSS's interests to the extent that they do not conflict with the county attorney's primary statutory obligation as the presentment agency in juvenile delinquency or PINS cases. Where there is a conflict of interest in representation on these matters, the parties agree that the LDSS may procure other legal representation. "Certain legal services" shall include, but not be limited to consultation, ex parte applications, motion preparation, petition preparation, representation in family court, and preparation and service of orders and appeals.