

18140

Date: March 16, 2011

To: Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Kevin McGuire  
Commissioner of Social Services

Re: Authority for the Westchester County Department of Law and the Westchester County Department of Social Services to enter into an interdepartmental cooperative agreement pursuant to which the Department of Law will provide DSS with legal services in connection with child support enforcement cases for a term commencing retroactive to January 1, 2010 and continuing through December 31, 2015, in order for the County to be eligible to receive federal reimbursement for the cost of such legal services

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Authority is hereby requested for the Westchester County Department of Law (“Department of Law”) and the Westchester County Department of Social Services (“DSS”) to enter into an interdepartmental cooperative agreement (the “Agreement”) pursuant to which the Department of Law will provide DSS with legal services in connection with child support enforcement cases for a term commencing retroactive to January 1, 2010 and continuing through December 31, 2015 in order to comply with federal reimbursement requirements.

Pursuant to Title IV-D of the Federal Social Security Act (the “Act”), local social services districts may be entitled to federal reimbursement for legal services costs for child support cases. To be eligible for such federal reimbursement, the New York State Social Services Law and its implementing regulations require that the local social services district enter into a “cooperative agreement” with the county attorney’s office. The cooperative agreement must contain specific criteria as established by federal regulations. These criteria include, but are not limited to, a clear description of the specific duties, functions and responsibilities of each party; clear and definite standards of performance; a statement that the parties will comply with Title IV-D of the Act and its implementing regulations; a statement detailing the financial arrangements, including budget estimates, covered expenditures, and methods of determining costs; procedures for billing the IV-D agency, and any relevant federal and state reimbursement requirements; a statement concerning the kinds

of records that must be maintained; and the term of the agreement (See 45 CFR 303.107). It should be noted that the Agreement complies with each of these criteria.

The Department of Law and DSS have calculated the estimated annual costs for legal services for which federal reimbursement is sought for each year of the Agreement using a worksheet supplied by the New York State Office of Temporary and Disability Assistance (“OTDA”) for this purpose. These costs, which are referenced in the Agreement, are as follows: \$1,328,670.00 for 2010; \$1,365,619.50 for 2011; \$1,408,144.50 for 2012; \$1,430,352.00 for 2013; \$1,453,126.50 for 2014; and \$1,476,526.50 for 2015.

It should be noted that the Agreement is also subject to the prior approval of OTDA.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

RFM/JPG/ljs

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-15-2011 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

Upon a communication from the County Attorney and the Commissioner of Social Services, be it hereby:

**RESOLVED**, that the Westchester County Department of Law (“Department of Law”) and the Westchester County Department of Social Services (“DSS”) are authorized to enter into an interdepartmental cooperative agreement (the “Agreement”) pursuant to which the Department of Law will provide DSS with legal services in connection with child support enforcement cases for a term commencing retroactive to January 1, 2010 and continuing through December 31, 2015, in order for the County to be eligible to receive federal reimbursement for the cost of such legal services; and be it further

**RESOLVED**, that the estimated annual costs for legal services for which federal reimbursement is sought for each year of the Agreement are as follows: \$1,328,670.00 for 2010; \$1,365,619.50 for 2011; \$1,408,144.50 for 2012; \$1,430,352.00 for 2013; \$1,453,126.50 for 2014; and \$1,476,526.50 for 2015; and be it further

**RESOLVED**, that pursuant to Title IV-D of the Social Security Act, it is recognized and understood that this Agreement is necessary to establish DSS eligibility for federal reimbursement for the cost of legal services in connection with child support cases, and must receive prior approval from the New York State Office of Temporary and Disability Assistance; and be it further

**RESOLVED**, that the County Attorney and the Commissioner of Social Services or their duly authorized designees are hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
N/A					

Budget Funding Year(s) Current Start Date 01/01/10 End Date 12/31/15  
 (must match resolution)

Funding Source      Tax Dollars \_\_\_\_\_  
                                  State Aid \_\_\_\_\_  
 \$ \_\_\_\_\_      Federal Aid \_\_\_\_\_  
 (must match resolution)      Other \_\_\_\_\_