

COUNTY OF WAYNE

**NOTICE OF ADOPTION OF LOCAL LAW NO. 3-1992**

NOTICE IS HEREBY GIVEN that Wayne County Local Law No. 3 for the year 1992 entitled "A local law in relation to the collection of fees by the County Probation Department pursuant to Section 257-c of the Executive Law and Section 252-a of the Family Court Act" was adopted by the Board of Supervisors of the County of Wayne on October 20, 1992, and was filed in the Office of the Secretary of State on October 26, 1992.

Local Law No. 3-1992 is fully set forth as follows:

**LOCAL LAW NO. 3-1992  
COUNTY OF WAYNE - STATE OF NEW YORK**

A Local Law in relation to the collection of fees by the County Probation Department pursuant to Section 257-c of the Executive Law and Section 252-a of the Family Court Act.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

**SECTION 1. LEGISLATIVE INTENT**

This local law is enacted for the purpose of implementing the provisions of Section 257-c of the Executive Law of the State of New York authorizing a county to require individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle & Traffic Law to pay an administrative fee to the county probation department, and the provisions of Section 252-a of the Family Court Act authorizing a county to require the payment of a fee to the county probation department for investigations conducted pursuant to Section 653 of the Family Court Act.

**SECTION 2. DEFINITIONS**

When used in this local law:

"Board of Supervisors" means the Board of Supervisors  
of the County of Wayne;

"Department" means the Wayne County Probation  
Department;

"Director" means the Wayne County Director of  
Probation.

**SECTION 3. PROBATION ADMINISTRATIVE FEE**

(a) Every person currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle & Traffic Law and who is subject to supervision by the Department shall pay to the Department an administrative fee of thirty dollars per month during the period of supervision.

(b) In accordance with Section 257-c of the Executive Law, the Department shall waive all or part of such fee where, because of the indigence of the offender, the payment of such fee would work an unreasonable hardship on the person convicted, his or her immediate

family, or any other person who is dependent on such person for financial support.

(c) Monies collected pursuant to this section shall be deposited by the Department with the County Treasurer and shall be utilized for probation services by the Department.

**SECTION 4. FEES FOR INVESTIGATIONS ORDERED PURSUANT TO FAMILY COURT ACT, SECTION 653**

(a) The Department, when ordered to conduct an investigation pursuant to Section 653 of the Family Court Act, shall 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.

(b) In accordance with Section 252-a of the Family Court Act, fees pursuant to this section shall be paid to the Department pursuant to a schedule for payment fixed by the court issuing the order for investigation.

(c) Monies collected pursuant to this section shall be deposited by the Department with the County Treasurer and shall be utilized for probation services by the Department.

**SECTION 5. RULES AND REGULATIONS**

The Director is empowered to adopt rules and regulations necessary and proper to implement this local law.

**SECTION 6. AMENDMENT OF FEES**

In the event the fees specified in Section 257-c of the Executive Law or Section 252-a of the Family Court Act are amended by state legislation, the Board of Supervisors may, by resolution, amend the amount of the fees prescribed herein in accordance with such state legislation.

**SECTION 7. SEPARABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this local law directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 8. EFFECTIVE DATE**

This local law shall take effect November 1, 1992;

Dated: November 12, 1992

Helen R. Maddock, Clerk  
Wayne County Board of Supervisors

(Publish 2 Successive Weeks)