§ 256. Local probation departments. 1. Each county shall maintain or provide for a probation agency or agencies to perform probation services therein, including intake, investigation, pre-sentence reports, supervision, conciliation, social treatment and such other functions as are assigned to probation agencies pursuant to law.

2. The board of supervisors or county legislatures of a county may establish a county probation department in which there may be merged and consolidated the responsibility for carrying out the probation work for all matters under the jurisdiction of the family court, the superior courts and the local criminal courts in and for the county. In any county where the board of supervisors or county legislatures does not establish a probation department to perform all probation work in the county, as hereinabove provided, separate probation departments to carry out the probation work for matters under the jurisdiction of particular courts may be established and there may be merged and consolidated therein the probation work for matters under the jurisdiction of two or more courts. Any probation department that does not perform all probation work in the county shall be known as the probation department for the court or courts it is to serve.

3. Two or more counties may by agreement between the local governing bodies thereof provide for the establishment, operation and maintenance of a joint county probation department. Any probation department so established shall have charge of all probation work in and for all the courts in said counties. If any such county or court therein included in the agreement shall already have a probation service, such agreement shall provide that all officers and employees in such service shall retain their civil service status and be transferred to the joint county probation service without further examination or qualification, provided however that, subject to the civil service law, such agreement may provide for the abolition of existing unnecessary offices or positions and the transfer of officers and employees to comparable positions. Any such agreement shall provide for the proportionate cost, including but not limited to salaries and employer's retirement contributions, of such joint county probation service to be borne by each county and may provide that the treasurer of one county participating in such agreement

shall be the custodian of the moneys made available for expenditure for the purposes of such joint county probation service and that such treasurer may make payments from such moneys for such purposes upon audit of the appropriate auditing officer or body of such county. Such agreement may provide for such other matters as are necessary and proper to effectuate the purposes of this subdivision.

4. A probation department established pursuant to this section shall consist of a director of probation and such deputies, supervisors, probation officers and other employees as may be appointed pursuant to the provisions of this section and the provisions of section two hundred fifty-seven of this chapter.

5. The director of each probation department, other than a joint county department, shall be appointed by the chief executive officer of the county. The director of a joint county probation department shall be appointed by agreement between the chief executive officers of the counties participating in such agreement or a majority of them and in the event of a deadlock the director of the office of probation and correctional alternatives shall participate in the making of the decision. Where a county has no chief executive officer, the appointment of, or agreement to appoint, the director shall be made by the chairman of the board of supervisors or county legislatures. The director of a probation department shall have the power to appoint all deputies, supervisors, probation officers and other employees in such department within appropriations made available therefor by the board of supervisors or county legislatures. The board of supervisors or county legislatures shall fix the salaries of all personnel in the department and make the necessary appropriations therefor as well as for the expenses actually and necessarily incurred by such officers and employees in the performance of their duties. In the case of a joint county department the salaries of personnel and the amounts of other expenditures to be made available for operation of the department shall be set forth in the agreement between the counties, and the boards of supervisors or county legislatures shall make the appropriations required for the respective proportionate costs thereof.

6. (a) Each probation agency or department and state operated probation services shall provide for intake, investigation, supervision and conciliation services relating to custody, visitation and paternity proceedings and may provide for such services in support proceedings under the provisions of articles four, five, five-A and six of the family court act. For purposes of this subdivision, intake services: (i) relating to support proceedings under article four and relating to paternity proceedings under articles five and five-A of the family court act, shall include referral to the office of temporary and disability assistance's child support enforcement unit in cases where a person is applying for or receiving public assistance or where a person chooses to utilize the services of such unit; (ii) relating to support proceedings under article four of the family court act, shall include services rendered to the payors of support orders seeking to modify such orders.

(b) Each probation agency or department is authorized to enter into a contract with the appropriate local social services district for the performance of the functions of the support collection unit, in accordance with the provisions of section one hundred eleven-h of the social services law.

7. The provisions of this section shall not apply to any county that is located wholly within a city; provided, however, that the provisions of subdivision six of this section shall apply in like manner to any county that is located wholly within a city.