

## **Questions and Answers Upstate Model Parental Representation Office Grant**

**Question #1:** Is there a specific county department or individual that should apply? The RFP states that proposals must be developed in consultation with representatives of each County Law Article 18-B Family Court mandated representation provider in the applicant's county, including the person with administrative responsibility for overseeing the county's Assigned Counsel Plan and states that the proposal must include a description of the extent to which other stakeholders (e.g., Family Court, local department of social services, civil legal services providers, etc.) were involved in developing the proposal. Based on the description it seems that Family Court and DSS are described as other stakeholders, not the entities applying for the grant. Who, in any given county should be applying for this grant?

**Answer #1:** Page 14 of the RFP provides that "Proposals must be submitted by an *authorized county official* or designated employee." (emphasis added) Under County Law Article 18-B, § 722, the governing body of the county has the obligation to place in operation a plan for Family Court mandated representation, so such governing body, in the person of an authorized county official, would need to submit or approve of the proposal. In addition, "Proposals must be developed in consultation with representatives of each County Law Article 18-B Family Court mandated representation provider in the applicant's county, including the person with administrative responsibility for overseeing the county's Assigned Counsel Plan" (see page 13 of the RFP).

**Question #2:** Is it expected that the staff attorneys will represent parents during CPS investigations, before Court involvement - basically pre-petition only and thereafter a determination is to be made by the Court as to the eligibility of assigned counsel? (Section B Pages 8-9) or could the model anticipate a finite number of staff attorneys working with Assigned Counsel through disposition?

**Answer #2:** As indicated on page 20, para. 21 of the RFP (Vertical Representation), it is expected that the Model Office will provide "continuous, vertical representation for clients by the same multidisciplinary team through all phases of each case." Early representation of a client by Model Office staff attorneys is not dependent upon a determination by the Court as to the eligibility of the client for assigned counsel. (See "Timely Entry into Court Proceedings, pages 11-12 of the RFP).

**Question #3:** (Page 11-12 "*Timely Entry into Court Proceedings*") - Once it is determined that there is eligibility of counsel, would that occur before or after the pre-petition removal hearing?

**Answer #3:** Early representation by the Model Office of a person under Family Court Act sec. 262 is not contingent upon a judge's determination of eligibility for counsel or a judge's order of appointment. (See RFP. pp. 11-12). As stated on page 11 of the RFP, "Model Office staff will . . . be expected to meet with clients sufficiently in advance of

and to actively participate in [pre-petition removal hearings] as necessary to protect the parent's interests and advance the parent's goals." It is therefore expected that Model Office staff will "begin representation of eligible persons as soon as possible, even before a judge has issued an order of appointment." (RFP at p. 11).

**Question #4:** Will staff attorneys provide assigned counsel on related collateral matters?

**Answer #4:** As stated on pp. 7-8 of the RFP (Holistic Representation), the Model Office "will be expected *to provide, or collaborate with other entities to secure*, legal representation on issues that are integral to preventing removal of a child from the family or reunifying the child with the family after removal." Accordingly, paragraph 20 on page 20 of the RFP asks for a description of "how the proposed provider will ensure that it has the institutional capacity and flexibility *to provide, or collaborate with other entities to secure*, representation for clients in collateral legal or administrative matters that may impact the client's state intervention case. . . ."

**Question #5:** Regarding Page 7, Holistic Representation- Would a proposal sub-contracting work out to a nonprofit such as legal services, for collateral civil issues, i.e. divorce, landlord-tenant be appropriate under this grant, or is inclusive in the RFP proposal budgetary money dedicated to a full-time in house attorney specializing in civil matters, the preferable option?

**Answer #5:** See Answer #4, above. The RFP does not state a preference for the method by which legal representation on collateral issues is provided, whether in-house or through sub-contracting or other type of arrangement or agreement with other entities.

**Question #6:** How would access to counsel during a CPS investigation be assured?

**Answer #6:** As stated on page 10 of the RFP, "Potential clients may be identified through means such as walk-ins, an in-house Helpline, referrals from criminal defense or civil legal services providers, community-based organizations or service providers, arrangements with the Family Court and/or the child welfare agency, or other means of connecting with parents at risk of CPS intervention." (See also page 19, paragraph 13).

**Question #7:** Section II – Page 13 - Is the Model Office attorney(s) and support staff utilized solely for 18b attorneys assigned such cases or for Legal Aid?

**Answer #7:** As outlined on pp. 4-6 and specifically detailed on pp. 6-13 of the RFP, legal and supportive services will be provided to clients by Model Office attorney(s) and support staff under the auspices of an institutional or organizational entity or unit. (See also Section B(I), page 17 – Plan of Action).

**Question #8:** Can the Model Office set a control number of pre-petition CPS investigatory cases opened in the office for the first year? (Pg. 20: Caseload/Workload

Management).

**Answer #8:** Yes. As stated on page 13 of the RFP, it is expected that the Model Office “will establish protocols to ensure the average Model Office caseload does not exceed 50 clients per attorney at any given time.” (See also paragraphs 26-29 on pp. 20-21 of the RFP.)

**Question #9:** Does the grant cover outreach expenses to inform potential clients of our early representation services?

**Answer #9:** Yes, funding may be used to cover expenses for outreach to inform potential clients of early representation services of the provider as long as these costs are “reasonable and necessary” and “consistent with the proposed action plan.” (See “Budget and Cost” on pp. 24-25 of the RFP). As indicated on the Budget Form on p. 28 of the RFP, the grant may cover “Other Than Personal Service (OTPS).

**Question #10:** For purposes of the budget, would the contract start on July 1, 2017 (making year one of the budget July 1, 2017 through June 30, 2018)?

**Answer #10:** Subject to the approval of the Office of the State Comptroller, we expect the term of the three-year contract for this Upstate Model Parental Office Grant to run from July 1, 2017 to June 30, 2020. If that is the case, the first year of the annualized three-year budget would run from July 1, 2017 to June 30, 2018.

**Question #11:** In terms of the Budget section (p. 24-25, and 28), are all elements of the budget, justification, etc. required to be entered into the Budget form, or should it be accompanied by a narrative? If so, is there a page limit on the narrative?

**Answer #11:** A narrative for each budget line should accompany the completed Budget Form (see “Budget Justification” on page 25 of the RFP). The entire Proposal Narrative, which includes the Budget and Cost, must not exceed 25 pages in length (see pages 16 and 17 of the RFP).

**Question #12:** Is subcontracting (p. 25) under the grant limited only to the provision of legal services or pre-existing supportive services or can an applicant propose a subcontract to an agency to create a certain type of service that is included in the plan but is not currently available in the county (e.g., a safe exchange service)?

**Answer #12:** Funding may be used to cover expenses for subcontracting so long as the costs are “reasonable and necessary” and “consistent with the proposed action plan.” (See pp. 24-25 of the RFP).

**Question #13:** Is there any prohibition on Model Office staff providing instruction to other providers of indigent legal services (e.g., 18B attorneys) in order to raise the overall level of knowledge and competence in state intervention cases?

**Answer #13:** No. As stated on page 8 of the RFP, it is contemplated that Model Office staff will “engage in community education, outreach, and collaboration with individuals and organizations to identify and address systemic issues affecting families involved with or at risk of” child welfare system involvement, which may include providing instruction to other providers of indigent legal services in order to raise the overall level of knowledge and competence in state intervention cases.

**Question #14:** The applicant’s organization currently provides Family Court services in more than one County. If it wanted to provide services in multiple counties through the Model Office, could it do so?

**Answer #14:** Eligible counties applying for this grant may structure a proposal with a model Parental Representation Office that would provide Family Court services in another county. The proposal would need to include an assurance from the other county as to the acceptability of such provision of services.