

New York State Office of Indigent Legal Services

Funding Announcement

Third Upstate Model Family Representation Office Grant

NYS Office of Indigent Legal Services Request for Proposals

The Office of Indigent Legal Services (“ILS”) and the nine-member Indigent Legal Services Board (“Board”) were created in 2010 pursuant to Executive Law §§ 832 and 833. ILS’ statutory mission is “to monitor, study and make efforts to improve the quality of services provided pursuant to Article 18-B of the county law.” Under the direction of and pursuant to policies established by the Board, ILS assists county governments in the exercise of their responsibility to provide quality representation of persons who are legally entitled to counsel but cannot afford to hire an attorney. The assistance provided by ILS includes distributing State funds and targeting grants to counties and New York City to support innovative and cost-effective initiatives to enhance the quality of representation provided to people entitled to assigned counsel under County Law Article 18-B.

Timelines for This Request for Proposals

RFP Release Date	Tuesday, November 7, 2023
Questions Due By	Friday, November 17, 2023 at 5:00 p.m. ET
Answers Posted By	Friday, November 24, 2023 at 5:00 p.m. ET
Proposal Due Date	Friday, December 22, 2023 at 5:00 p.m. ET
Award Announcement	January 2024
Tentative Contract Start Date	April 2024

Intent of this Request for Proposals

ILS announces the availability of funds and solicits proposals from New York State counties outside of New York City to establish a model Family Representation Office (“Model Office”) to provide legal representation to parents¹ in child protective proceedings under New York Family Court Act Article 10 and termination of parental rights proceedings (“state intervention cases”). The intent of this Request for Proposals (“RFP”) is to improve the quality of legal services provided to parents in Family Court matters under County Law Article 18-B by establishing a

¹ In this RFP the term “parent” refers to a biological parent or other “legally responsible” person who is eligible for assigned counsel under New York Family Court Act § 262.

Model Office that will implement standards and best practices in state intervention cases as established in ILS' *Standards for Parental Representation in State Intervention Matters*.²

In accordance with the *ILS Parental Representation Standards*, the defining feature of the Model Office will be client-centered and interdisciplinary representation that addresses both the legal and social service issues confronting parents impacted by the child welfare system, at all critical stages of their interaction with the system, including the child welfare investigation stage. This "family defense" model, in which attorneys, social workers, parent advocates, paralegals, investigators, and experts work as a team, is deemed a best practices approach by the Children's Bureau of the United States Health and Human Services Department and the American Bar Association,³ and it was endorsed by the NYS Unified Court System's Commission on Parental Legal Representation "Parent Representation Commission").⁴

Implementation of this Model Office is designed to improve the overall quality of parent representation in the grantee county, and thus, outcomes for families impacted by the child welfare system.

² *Standards for Parental Representation in State Intervention Matters*, New York State Office of Indigent Legal Services (effective December 2, 2015) (hereinafter *ILS Parental Representation Standards*), accessible at <https://www.ils.ny.gov/node/210/parental-representation-standards>

³ The federal government's indicators of whether parties are receiving "quality, effective representation" includes whether parents' attorneys have access to "other multi-disciplinary professionals as partners, team members or employees such as social workers, investigators, Court Appointed Special Advocates (CASAs), etc." *Indicators of Quality Legal Representation*, Program Instruction ACYF-CB-PI-12-02, *Instructions for State Courts Applying for Court Improvement Program (CIP) Funds for Fiscal Years (FYs) 2012-2016*, Attachment B (Children's Bureau, U.S. Department of Health and Human Services, Administration for Children and Families (January 11, 2012), <http://www.acf.hhs.gov/sites/default/files/cb/pi1202.pdf>. See also American Bar Association *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*, Standard 26 ("Engage in case planning and advocate for appropriate social services using a multidisciplinary approach to representation when available."), http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/ABA-Parent-Attorney-Standards.authcheckdam.pdf, and *ABA National Project to Improve Parental Representation: An Investment That Makes Sense*, http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/At-a-glance%20final.authcheckdam.pdf. Most recently, in February 2019, the interdisciplinary approach was endorsed by the Family Justice Initiative, a collaboration of the ABA Center on Children and the Law, the Children's Law Center of California (CLC), the Center for Family Representation (CFR), and Casey Family Programs (CFP), in *Attributes of High Quality Legal Representation for Children and Parents in Child Welfare Proceedings*, accessible at https://www.americanbar.org/content/dam/aba/administrative/child_law/fji-attributes-2018.pdf.

⁴ Commission on Parental Legal Representation, *Interim Report to the Chief Judge*, at 16-23, New York State Unified Court System (hereafter the "Parent Representation Commission Report"), February 2019), accessible at <http://www.nycourts.gov/ip/Parental-Legal-Rep/PDFs/InterimReport-FINAL.pdf>. In recommending an interdisciplinary approach to representation, the Commission cited a study of this approach provided by New York City providers of parent representation, which found that this model of interdisciplinary representation resulted in fewer children being removed from their parents, and for shorter periods of time. See L.A. Gerber, Y.C. Pang, T. Ross, et al., *Effects of an interdisciplinary approach to parental representation in child welfare*, Children and Youth Services Review, 42-55 (May 2019), accessible

Background

In 1972 the New York State Court of Appeals held that poor parents accused of child maltreatment by the government have a constitutional right to publicly-funded legal representation.⁵ Citing the “gross inherent imbalance of experience and expertise” between the State and an unrepresented parent, the Court of Appeals held that principles of fundamental fairness, due process, and equal protection require that a parent who cannot afford to retain an attorney be assigned a publicly-funded attorney when the State seeks to take that parent's child into protective custody. The Court stressed that “[a] parent's concern for the liberty of the child, as well as [the child's] care and control, involves too fundamental an interest and right to be relinquished to the State without the opportunity for a hearing, with assigned counsel if the parent lacks the means to retain a lawyer.”⁶

In 1975, the New York State legislature codified the *Ella B.* decision in §§ 261 and 262 of the New York Family Court Act. Emphasizing the “fundamental interests and rights” implicated in various types of family law cases, the Legislature declared in Family Court Act § 261 that legal counsel is “indispensable” in ensuring the “practical realization of due process of law” and in assisting the court in making “reasoned determinations of fact and proper orders of disposition.” The courts have made it clear that the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings under the State constitution is equally applicable in state intervention cases.⁷

For Child Protective Services (“CPS”) involved parents, effective assistance of counsel can mean the difference between family preservation and the termination of parental rights, which some have called “the family law equivalent of the death penalty in a criminal case.”⁸ Given the complex dynamic of legal and social work issues involved, the American Bar Association and Administration for Children and Families recognize that an interdisciplinary approach is key to effective parent representation in state intervention cases.⁹ Accordingly, interdisciplinary parent representation in state intervention cases is the foundational component of this grant.

⁵ *Matter of Ella B.*, 30 N.Y.2d 352 (1972).

⁶ *Id.* at 356-357 (cites omitted).

⁷ *Brown v. Gandy*, 3 N.Y.S.3d 486 (4th Dept. 2015) (“... because the potential consequences are so drastic, the Family Court Act affords protections equivalent to the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings;” previous decisions requiring a showing of “actual prejudice to prevail on a claim of ineffective assistance of counsel under the New York Constitution” are no longer to be followed); see also *Matter of Jaikob O.*, 931 N.Y.S.2d 156 (3rd Dept. 2011); *Matter of Eileen R.*, 912 N.Y.S.2d 350 (3rd Dep’t 2010); *Matter of Alfred C.*, 655 N.Y.S.2d 589 (2^d Dept. 1997).

⁸ E.g., Stephanie N. Gwillim, *The Death Penalty of Civil Cases: The Need for Individualized Assessment and Judicial Education When Terminating Parental Rights of Mentally Ill Individuals*, 29 St. Louis U. Pub. L. Rev. 341 (2009) (citing *In re K.A.W.*, 133 S.W.3d 1, 12 (Sup. Ct., Mo. 2004); see also *In re Smith*, 77 Ohio A at 3d 1, 16 (1991) (“A termination of parental rights is the family law equivalent of the death penalty in a criminal case. The parties to such an action must be afforded every procedural and substantive protection the law allows.”)

⁹ See, e.g., *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, at 10-11, United States Health and Human Services, Administration for Children and Families, Children’s Bureau (Information Memorandum ACYF-CB-IM-17-02, January 17, 2017) (hereinafter *High Quality Legal Representation*); *Indicators of Success for Parent Representation*, American Bar Association, Center on Children and the Law (2015) (hereafter *Indicators of Success*), accessible at

Section I: Project Description – Establishment of a Model Office for Quality Representation of Parents in Child Welfare Matters

Consistent with its statutory requirement to improve the quality of legally mandated public defense services throughout the state, ILS seeks to implement an interdisciplinary approach to parent representation outside of New York City and to evaluate its effectiveness at ensuring quality representation of parents and family integrity. This approach also includes timely access to counsel, starting with representation during CPS investigations and ensuring that parents have counsel at their first appearance in court, as well as compliance with ILS' *Caseload Standards for Parents' Attorneys in NYS Family Court Mandated Representation Cases* to ensure Model Office staff have the time necessary to provide high quality representation in accordance with professional standards and best practices¹⁰

A. Interdisciplinary and Holistic Representation

Interdisciplinary representation: Child welfare cases are complex, involving multiple and intertwined legal and social issues. The stress experienced by parents and families entangled in the child welfare and family court systems is exacerbated by the highly compressed, federally mandated deadline by which a child welfare agency must initiate a termination of parental rights proceeding.¹¹ Such multifaceted pressures demand a multifaceted approach.

This RFP therefore contemplates an interdisciplinary team approach in which a lawyer and social work staff (including social workers and parent advocates) help parents navigate the demands of the child welfare and court systems.¹² The lawyer will provide expert legal advocacy, both in and

http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf; *Instructions for State Courts Applying for Court Improvement Program (CIP) Funds, Fiscal Years 2012-2016*, at 7 and Attachment B, Indicators of Quality Legal Representation, U.S. Dep't of Health and Human Services, Administration for Children and Families (2012); *see also ILS Parental Representation Standards*, *supra* note 3, Standard G (Model of Representation - Multidisciplinary Practice).

¹⁰ See Parent Representation Commission Report, *supra* note 6 at 34-39 (recommending a caseload cap of no more than 50-60 pending clients for parental representation attorneys, and discussing problems associated with excessive caseloads, including inadequate representation; denial of parents' due process rights; and interference with "judges' ability to make fully informed, just decisions for families.")

¹¹ With certain exceptions, child welfare agencies must initiate a termination of parental rights proceeding once a child has been in foster care for 15 of the previous 22 months. N.Y. Soc. Services Law §384-B(1)(i) (enacting provisions of the federal Adoption and Safe Families Act of 1997, 42 U.S.C. § 675(4)(E)).

¹² See *ILS Parental Representation Standards*, *supra* note 3, Standard G (Model of Representation - Multidisciplinary Practice); *see generally* Martin Guggenheim and Susan Jacobs, *A New National Movement in Parent Representation*, Clearinghouse Review, Journal of Poverty Law and Policy, Vol. 47, at 36-46 (May-June 2013); University of Michigan Law School, *Detroit Center for Family Advocacy Pilot Evaluation Report, 7/2009-6/2012*, p. 2 (February 2013); *see also* Vermont Parent Representation Center, Inc., *Program Model*, <http://vtprc.org/program-model/>; Diane Boyd Rauber, *From the Courthouse to the Statehouse: Parents as Partners in Child Welfare*, Child Law Practice, Vol. 28, No. 10 (American Bar Association, December 2009) (describing parent advocate programs operating around the country), *accessible at* http://www.hunter.cuny.edu/socwork/nrcfcp/info_services/parentpartner1.pdf; Diane Boyd Rauber, *Working With Parent Partners to Achieve Better Case Outcomes for Families*, Child Law Practice, Vol. 28, no. 11 (American Bar

out of court, and will guide the parent through negotiation and decision-making in relation to the complex laws and procedures governing the legal case. The lawyer will also coordinate legal representation for the parent on related issues that may impact the family's ability to maintain a child safely within his or her family.

The social worker will assess the strengths and needs of the parent and the family, provide case and crisis management, and work to access appropriate supports and resources to meet parent objectives. The parent advocate – preferably a parent who has successfully navigated the child welfare system – will provide peer-to-peer support, accompany the parent to meetings, assist with interactions with system actors, as needed, and support the parent's productive engagement with supportive programs.

Holistic representation: Allegations of child maltreatment are commonly precipitated by or intertwined with family circumstances and challenges related to other legal issues, including, for example, housing, paternity, child support, domestic violence, and divorce. Criminal justice involvement, poverty-related issues such as lack of access to childcare and medical services, and mental health or addiction challenges may impact a parent's ability to safely keep or regain custody of a child. Likewise, immigration status may threaten the autonomy and integrity of families involved in the child welfare system.¹³ Thus, in addition to providing direct legal services in the state intervention case, the Model Office will be expected to provide or coordinate legal representation in collateral legal and administrative proceedings that may affect family unity.¹⁴

On-going community engagement, including the development of a comprehensive understanding of community strengths, resources, needs, and challenges, is an essential component of holistic representation. Therefore, this RFP contemplates that Model Office staff will engage in community education, outreach, and collaboration with individuals and organizations, including other mandated legal representation and civil legal services providers, to identify and address systemic issues affecting families involved with or at risk of CPS involvement.

B. Timely Access to Counsel

The child welfare system's goal of keeping families together is best served when parents, children, and the child welfare agency are represented from the earliest stages of a CPS matter.

Association, January 2010) (providing suggestions to parents' attorneys for working with parent advocates and parents), accessible at http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/parentpartner2.pdf.

¹³ E.g., New York State Unified Court System Advisory Council on Immigration Issues in Family Court, *Adverse Consequences to Family Court Dispositions*, (October 2017) (providing "guidance to New York Family Court practitioners and jurists in understanding possible adverse immigration consequences resulting from dispositions, rulings, findings and orders that are commonly issued in family court matters.") accessible at <http://nycourts.gov/ip/Immigration-in-FamilyCourt/publications&materials.shtml>; U.S. Immigration and Customs Enforcement (ICE), *Detention and Removal of Alien Parents or Legal Guardians* ("Detained Parents Directive) (providing guidance regarding the detention and removal of parents and legal guardians of a minor child(ren), including those who have a direct interest in family court or child welfare proceedings in the United States), accessible at <https://www.ice.gov/parental-interest>; see also *Immigration and Child Welfare*, Child Welfare Information Gateway, accessible at <https://www.childwelfare.gov/pubPDFs/immigration.pdf>.

¹⁴ See *ILS Parental Representation Standards*, *supra* note 3, Standard H (Breadth of Representation).

Federal guidelines advise states to provide representation for all parties “very early in the State intervention process, but no later than the point at which legal proceedings are initiated.”¹⁵

Timely access by parents to legal representation promises many benefits. As noted by the Parent Representation Commission, “Giving parents representation when it matters – before they appear in court – is consistent with principles of equal protection and due process; can prevent unnecessary and prolonged separation of children from their parents; and can mitigate the disruption and trauma that accompanies State intervention into the family. Timely access to counsel may also help reduce the disproportionate percentage of children of color in New York’s foster care system.”¹⁶ Other benefits include timely and appropriate permanency decisions for children, and conservation of agency and judicial resources.¹⁷

Typically, parents are not advised of the right to assigned counsel until they “first appear[] in court.”¹⁸ As a result, many parents do not have legal representation until days, weeks, or sometimes months after having their children taken into state custody.¹⁹ This RFP therefore contemplates that Model Office staff will represent clients from the earliest point possible and continuously throughout the duration of the parent’s involvement with CPS.

Investigation Representation. Members of the New York State judiciary, the New York State Bar Association, and, most recently, the Commission on Parental Legal Representation have recognized the need for state-financed representation for individuals during government investigations.²⁰ The federal Children’s Bureau, which oversees funding to states for their child

¹⁵ Donald N. Duquette and Mark Hardin, *Adoption 2002: The President’s Initiative on Adoption and Foster Care: Guidelines for Public Policy and State Legislation Governing Permanence for Children*, p. VII-1 (U.S. Dep’t of Health and Human Services, Administration for Children and Families, Children’s Bureau (June, 1999), accessible at <http://archive.org/details/guidelinesforpub00duqu> (“ACF Guidelines”).

¹⁶ Parent Representation Commission Report, *supra* note 6, at 16.

¹⁷ United States Administration for Children and Families, *High Quality Legal Representation*, *supra* note 20, at 6-7.

¹⁸ Family Ct. Act § 262. “Parents must appear at court in order to have an attorney assigned. (Thus, for example, a parent who does not appear the day after a child is removed, and therefore is not provided with an attorney, is unlikely to learn that she has a right to demand a hearing to review the removal.)” *Special Report on Family Court*, *supra* note 29, at 46.

¹⁹ Jules Kerness and Constance R. Warden, *Child Protection and the Family Court: A Study of the Processes, Procedures, and Outcomes Under Article Ten of the New York Family Court Act*, at 131-132, New York State Senate Standing Committee on Child Care, (Sen. Mary Goodhue, Chair) (National Center on Child Abuse and Neglect, December 1989) (hereinafter the *1989 Article Ten Study*), accessible at <https://www.ncjrs.gov/pdffiles1/Digitization/126665NCJRS.pdf>.

²⁰ See Parent Representation Commission Report, *supra* note 6 at 16-23 (Recommending that “parents be timely provided with relevant information about the right to counsel, and that parents be granted access to counsel during a child protective agency investigation and sufficiently in advance of the first court appearance.”); First Judicial Department Committee, *Crisis in Legal Representation of the Poor*, *supra* note 26, at 14 (“While there may be difficult administrative issues for compensating assigned counsel for pre-arrest representation, an effort should be made, perhaps through a resource center or a referral mechanism, to make pre-arrest representation generally available to indigent persons.”); Committee to Ensure the Quality of Mandated Representation, *2015 Revised Standards for Providing Mandated Representation*, New York State Bar Association, Standard B (“Effective representation should be available for every eligible person whenever counsel is requested during government

welfare activities, issued an Information Memorandum on January 14, 2021 emphasizing the value of legal representation for parents before a child protective services agency initiates a court proceeding.²¹ Investigation representation not only helps avoid unnecessary child removals, it can save significant amounts of taxpayer money that would otherwise be spent on the most expensive child welfare intervention - foster care.²²

In accordance with prevailing standards and best practices, the Model Office will be expected to provide representation to parents during CPS investigations.²³ Clients needing assistance may be identified through 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.²⁴

Model Office staff will advise and counsel parents about the exercise of their rights during a CPS investigation and provide or coordinate legal representation on matters affecting the child's safety and the family's stability. The staff may provide other types of assistance, as appropriate, including: preparing the parent for and/or accompanying the parent at CPS interviews and meetings; advising and counseling the parent regarding voluntary placement of the child with relatives or other suitable caretakers; and advocating for reasonable and realistic service plans.²⁵

investigation or when the individual is in custody. Provision of counsel shall not be delayed while a person's eligibility for mandated representation is being determined or verified.").

²¹ Children's Bureau, *Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, pp. 7, 10-11 (making clear that federal funding for legal representation of parents under title IV-E of the Social Security Act is available for allowable activities related to legal representation of parents "prior to court involvement, including prior to the filing of a petition to remove a child"), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>.

²² See, e.g., Vivek Sankaren, *Using Preventive Legal Advocacy to Keep Children from Entering Foster Care*, 40 Wm. Mitchell L. Rev. 1036 (2014), accessible at <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1946&context=articles>.

²³ See *ILS Parental Representation Standards*, supra note 3, Standard I, Representation prior to court intervention; see also American Bar Association, *Standards of Practice for Attorneys Representing Parents in Child Abuse and Neglect Cases*, Standard 4 (2006) (describing goals of pre-petition representation), accessible at http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf.

²⁴ *Indicators of Success*, supra note 18, at 9-10 ("In some jurisdictions attorney referral might be based on cases deemed "high risk" but where safety is currently controlled. This may be based on agency safety/risk assessment tools. Cases may also be assigned to attorneys when particular risk categories are established where a parents' attorney may be helpful in preventing removal by dealing with legal issues that might impact the parent's ability to keep children at home, for example, legal assistance for special education, housing, or relative custody.")

²⁵ See Trine Bech and Mark Briggs, et al., *The Importance of Early Attorney Involvement in Child Welfare Cases: Representation of Parents in Pre-Petition Proceedings*, at 4 (American Bar Association Second National Parents' Attorney Conference, July 2011) (accessible at http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation/conference_materials.html) see also Elizabeth Fassler and Wanjiro Gethaiga, *Representing Parents During Child Welfare Investigations: Precourt Advocacy Strategies*, 30 Child Law Practice 2, American Bar Association (April 2011) (accessible at <https://www.cfmny.org/news-blog/original-publications/>).

Court Action Representation: Access by an accused parent to meaningful legal representation in advance of the first court appearance is crucial to effective representation.²⁶ At the hearing after a child has been involuntarily removed from his or her family, a judge must decide the critical question of whether, based on evidence presented, there is an “imminent risk” to a child’s life or health to justify the removal. This hearing is a “critical stage” of state intervention litigation.²⁷ Model Office staff will therefore be expected to meet with clients sufficiently in advance of such hearings, and actively participate in the hearings as necessary to protect the parent's interests and advance the parent's goals.²⁸

To ensure timely access to counsel for parents, Model Office representation of clients will begin as soon as possible. Because the right to assigned counsel in Family Court matters is not contingent upon a judge’s order of appointment,²⁹ Model Office staff will represent a client upon its own determination that the person is financially eligible for representation in accordance with ILS’ *Standards for Determining Financial Eligibility for Assigned Counsel* (2021).

To ensure that parents’ rights and interests are protected, and that the attorney has the best opportunity to provide meaningful and effective assistance of counsel, this RFP contemplates that the Model Office will determine and refine mechanisms to ensure that parents have access to counsel from the earliest stages of a state intervention case, including during a CPS investigation; upon notice to the Family Court of an imminent or actual extra-judicial removal of a child by the agency; upon the filing of an application by the agency requesting an order of removal; and, at the very latest, upon the filing with the court of a petition alleging abuse or neglect.

²⁶ United States Administration for Children and Families, *High Quality Legal Representation*, *supra* note 20, at 6-7.

²⁷ *ACF Guidelines*, *supra* note 38, at 101.

²⁸ *ILS Parental Representation Standards*, *supra* note 3, Standard K (Preliminary Court Proceedings).

²⁹ In recognition of the need for timely access to counsel for child-welfare involved parents, the DiFiore Commission Interim Report recommends “that standards for determining eligibility in Family Court matters include a rebuttable presumption of eligibility for counsel for all parents involved in child welfare proceedings, whether a petition has been filed, or the parents are being investigated by CPS and a petition has not yet been filed.” Parent Representation Commission Report, *supra* note 6 at 32. See also *ILS Parental Representation Standards*, Standard 5 (requiring attorneys and programs to provide representation “for every eligible person at the earliest possible time and begin advocating for every client without delay, including while client eligibility is being determined or verified.”); New York State Bar Association Revised Standards for Providing Mandated Representation (2015), Standard B (Early Entry of Representation) (“Systematic procedures shall be implemented to ensure that prompt mandated representation is available to all eligible persons, particularly those held in detention facilities and where a child has been removed by a governmental agency from the person’s home.”). See also *People v. Rankin*, 998 N.Y.S.2d 573, 802 (County Court, Monroe County, 2014) (“New York State Bar Association Revised Standards for Providing Mandated Representation], applicable to all attorneys tasked with representing indigent individuals, demonstrate, objectively, that effective representation for indigent individuals entails representation without delay pending the judge's eligibility determination . . . there is no scenario under which indigent individuals would not be afforded an impaired quality of representation where the Public Defender's function as counsel is effectively disabled pending receipt of a judge's order of appointment.”)

C. Reasonable Attorney Caseloads

Noting that its “vision for transforming parental representation in New York cannot be accomplished without sound caseload standards,” the Parent Representation Commission stated that “[u]manageable caseloads often prevent attorneys from carrying out even basic lawyering tasks, with negative effects on the attorney-client relationship, judicial case management and decisions-making, and outcomes for children.”³⁰

As the American Bar Association has reiterated in the *Ten Principles for a Public Defense Delivery System* (2023), regularly monitoring attorney caseloads to ensure compliance with caseload standards is foundational to quality representation.³¹ In 2021, the ILS Board approved the ILS *Caseload Standards for Parents’ Attorneys in NYS Family Court Mandated Representation Cases*.³² The grantee of this RFP is expected to be familiar with these caseload standards and to establish protocols to ensure that the Model Office complies with them.

The effectiveness of client-centered, interdisciplinary, and holistic parental representation has been amply demonstrated in New York City and elsewhere. The New York State Unified Court System’s Commission on Parental Legal Representation endorses statewide implementation of this model. The Model Office this grant funds will allow for its replication outside of New York City and an opportunity to gauge its sustainability and efficacy statewide. Successful implementation of this project requires fidelity to the core concepts of interdisciplinary representation, timely access to counsel, and compliance with caseload standards. This RFP therefore solicits proposals for interdisciplinary parent representation office that provides representation throughout all phases of a CPS matter.

The grantee will consult with ILS staff regarding hiring, assessment of the need for technical assistance, and identification of providers for consultations, trainings and/or workshops about special issues such as interdisciplinary team dynamics, investigation representation, parent engagement, community outreach, and reunification advocacy, as well as administrative, operational, informational systems, and/or fiscal management.

³⁰ Parent Representation Commission Report, *supra* note 6 at 35; *see also* United States Administration for Children and Families, *High Quality Legal Representation*, *supra* note 20, at 8-10; New York State Office of Indigent Legal Services, *Standards and Criteria for the Provision of Mandated Representation in Cases Involving a Conflict of Interest*, Standard 2 (“Counties must ensure . . . that attorneys and programs providing mandated legal services . . . [m]aintain . . . manageable workloads that ensure the capacity to provide quality representation.”); American Bar Association, *Ten Principles of a Public Defense Delivery System*, Principle Five (2002)(“Defense counsel’s workload is controlled to permit the rendering of quality representation.”); and the New York State Bar Association’s Committee to Ensure Quality of Mandated Representation, *Revised Standards for Providing Mandated Representation* (2015), Standard G-1 (“To permit counsel to satisfy their ethical obligations to their clients, every institutional provider of mandated representation and every assigned counsel plan shall establish workload limits for individual attorneys.”), *accessible at* <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=44644>).

³¹ The Ten Principles, Principle #3, available at: [Annual Meeting Resolution \(nacdl.org\)](http://www.nacd.org/AnnualMeeting/AnnualMeetingResolution.aspx).

³² These standards are available at: [Caseload Standards for Parental Representation | New York State Office of Indigent Legal Services \(ny.gov\)](https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=44644).

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. No county may submit more than one proposal. Proposed projects must comply with New York County Law § 722. Proposals that rely on statutory changes for their implementation will not be funded. Proposals that involve a Child Protection Services agency in the operation or oversight of the implementing agency or organization under this award will not be funded.

Section II: Funding and Contract Period

ILS plans to disburse a total of up to \$2,610,417 (up to \$870,139 per year for each of three years) to a single grantee. The grant will be operationalized by a three-year contract between ILS and the county with the highest scoring proposal. Counties may submit proposals either at or less than the maximum amount.

ILS reserves the right to reduce or increase the award amount of any application based on reasons that include but are not limited to: cost effectiveness and reasonableness of proposed budget, demonstrated need, or inconsistent appropriation levels.

Section III: Who is Eligible to Apply for this Request for Proposals

Only New York State counties, other than counties within New York City, are eligible to apply. Proposals must be submitted by an authorized county official or designated employee of the governing body of the applicant county. There is no funding match or any other cost to the county to participate in this project.

The successful awardee must agree to make good faith efforts to provide ILS with any data or information necessary for ILS to claim federal funding under Title IV-E, including but not limited to Client Identification Numbers (CINs).

Section IV: Instructions for Completing this Request for Proposals

The RFP is available online at <https://www.ils.ny.gov/node/224/pending-rfps>. Requests for the RFP may be made by email to RFP@ils.ny.gov or by telephone by calling Liah Darlington at (518) 486-2028 or (518) 691-7518.

No responses will be provided to inquiries made by telephone other than to request a copy of this RFP.

RFP Questions and Updates

Questions or requests for clarification regarding the RFP should be submitted via email **only**, citing the RFP page and section, by 5:00 p.m. Eastern Time on Friday, November 17, 2023 to QA@ils.ny.gov. Questions received orally, to an email other than QA@ils.ny.gov, or after the deadline will not be answered.

When corresponding by email, please use the subject line: **Third Upstate Model Family Representation Office RFP**.

Questions and answers will be posted online by 5:00 p.m. Eastern Time on Friday, November 24, 2023 at: <https://www.ils.ny.gov/node/224/pending-rfps>. The name of the party submitting the question will not be posted.

Application Submission

Applications may be submitted via mail, email, or hand delivery. All submissions must contain the complete application. Only complete applications will be reviewed and evaluated.

All applications must be received by 5:00 p.m. Eastern Time on Friday, December 22, 2023. Late applications will not be considered.

If submitting an application by mail or hand delivery, this RFP requires the submission of five (5) copies.

By mail: Jennifer Colvin, Grants Manager
Office of Indigent Legal Services
Alfred E. Smith Bldg., Suite 1147
80 South Swan Street
Albany, NY 12210

Hand delivery: Please call the Office of Indigent Legal Services at 518-486-2028 in advance to arrange for building security clearance.

Office of Indigent Legal Services
Alfred E. Smith Building, Suite 1147
80 South Swan Street
Albany, NY 12210

By email: Electronically submitted proposal applications must be emailed to RFP@ils.ny.gov. All required documents or attachments must be included in the electronic submission. When corresponding by email, please use the subject line: **Third Upstate Model Family Representation Office RFP**.

After you submit your application electronically you will receive an automatically generated email confirming receipt by ILS. If you do not receive an email confirming receipt, please contact Jennifer Colvin at (518) 486-9713.

Application Format

The following components must be included in the application for the submission to be complete:

- I. Project Summary
 - Not scored, but must contain information described in Section V(I) below.
 - No more than two (2) double-spaced pages, with margins of 1” on all sides, using no less than a 12-point font.
- II. Proposal Narrative
 - Worth up to 170 points, scored as described in Section V(II) below.
 - No more than twenty-five (25) double-spaced pages, with margins of 1” on all sides, using no less than a 12-point font.
- III. Budget and Justification
 - Worth up to 30 points, scored as described in Section V(III) below.
 - Budget must follow the format described in Section V(III) below.
 - Budget Justification must be no more than two (2) double-spaced pages, with margins of 1” on all sides, using no less than a 12-point font.

Section V: Proposal Application

I. PROPOSAL SUMMARY (not scored):

Provide a summary of your proposal which includes the information listed below. **To ensure uniformity, please limit the length of this summary to no more than two (2) double-spaced pages, with margins of 1” on all sides, using no less than a 12-point font.**

The proposal summary must include the following information. ILS reserves the right to disqualify any county that does not include this information in the proposal summary:

- Identification of the county or counties requesting funding to host a Model Office. If more than one county intends to collaborate on hosting a Model Office, please identify the lead county responsible for oversight of the administration of the grant and its reporting requirements.
- The authorized county official or designated employee of the applicant county’s governing body to whom notification of a grant award shall be sent. Please include contact information: name, title, phone number, address, and email address.
- Fiscal intermediary name and address (i.e., please identify the department and/or individual responsible for fiscal reporting for this project).
- The name, title, phone number, address, and email address for the lead county representative who will be responsible for overseeing the administration of the grant and its reporting requirements.

- The amount of funding requested.
- A concise summary describing the proposed project, no more than four sentences in length.
- An agreement to make good faith efforts to provide ILS with any data or information necessary for ILS to claim federal funding under Title IV-E, including but not limited to Client Identification Numbers (CINs).

II. PROPOSAL NARRATIVE (170 total points)

Please address the questions below in the order and format in which they are presented. Each response should be numbered and identify the specific question being addressed. Applications will be evaluated on the information they provide. Please do not submit information that is not specifically requested. **Parts A and B of the Proposal Narrative should not be more than a combined total of 25 pages in length, double-spaced, with margins of 1” on all sides, using no less than a 12-point font.**

Part A: Plan of Action (140 Points)

Organizational Infrastructure, Personnel and Start-up Activities (25 points)

1. State the name and provide a description of the entity that will be responsible for providing the services described in this RFP (the “proposed provider”). **(1 point)**
2. State the location of the daily operations of the project and how these operations will be supported and supervised. If a site for the project is not yet secured, specifically address how space for the project will be secured prior to the contract start date. **(2 points)**
3. If the proposed provider is an existing entity, explain how the activities and services described in this RFP will fit into the proposed provider's present organizational infrastructure. If the proposed provider is not an existing entity, set forth the anticipated time frame for the new entity to become operational. **(2 points)**
4. Describe: **(a)** the personnel needed to perform the activities and provide the services described in this RFP, **(b)** the minimum qualifications that will be required for each position, and **(c)** the process that will be used to recruit and hire qualified staff. **(9 points)**
5. **(a)** List the essential start-up tasks necessary to implement the proposed provider's plan of action and **(b)** provide a timetable listing the start and end dates for each activity associated with the proposed program start-up. **(9 points)**

6. Identify any resources necessary for start-up that are not currently in place and describe the steps that will be taken to resolve these matters. **(2 points)**

Applicant Capability (15 points)

7. Attach at least **three (3) letters** of support for the proposed provider from several references (e.g., judges, other Family Court mandated representation providers, civil legal services attorney, DSS attorney or Attorney for the Child, service providers, community-based organizations, etc.). **Letters must include: (a)** the name of the reference entity, **(b)** a brief statement describing the relationship between the proposed provider and the reference entity, **(c)** the reasons the reference entity supports the proposed provider's involvement in this project, and **(d)** the name, title, and telephone number of a contact person for the reference entity. **(3 points)**
8. Describe how the proposed provider will ensure that all staff members will possess the requisite knowledge, experience and/or training necessary to fulfill the goals and provide the services described in this RFP with respect to: **(a)** New York State Family Court practice; **(b)** client-centered, multidisciplinary, holistic, parental defense in state intervention cases; and **(c)** related family, civil, criminal, and administrative matters. **(3 points)**
9. Describe how the grantee will consult with ILS staff regarding hiring, assessment of the need for technical assistance, and identification of providers for consultations, trainings and/or workshops about special issues such as multidisciplinary team dynamics, investigation representation, parent engagement, community outreach, and reunification advocacy, as well as administrative, operational, informational systems and/or fiscal management. **(3 points)**
10. Explain how the need for training and technical assistance for staff of the proposed provider will be assessed, and how providers of such training and technical assistance will be identified and secured. **(3 points)**
11. Describe the steps that will be taken by the proposed provider, including any in-house expertise and/or collaboration with other entities, to ensure the availability of legal representation for parents in collateral matters that may affect clients' state intervention case (e.g., criminal defense, housing, education, public benefits, etc.). **(3 points)**

Client Screening and Intake: CPS Investigation (20 points)

12. Describe the anticipated or target client population for CPS investigation representation, including any specific or unique characteristics or needs of this population, and how these characteristics and/or needs will be addressed by the Model Office. **(5 points)**
13. Describe the criteria and procedures that will be used to select CPS investigation clients. **(5 points)**

14. **(a)** Describe how potential CPS investigation clients will be identified (e.g., in-house telephone helpline; walk-ins; informal referrals from criminal defense or civil legal services providers; community-based organizations or service providers; formal or informal arrangements with Family Court and/or the child welfare agency; or other means of connecting with parents who are at risk of or under investigation by CPS); and **(b)** if relevant to the proposal, attach any Memoranda of Understanding, letters of commitment or other such documentation from cooperating entities, agencies, or organizations regarding their intent to refer potential pre-petition clients to the proposed provider. **(5 points)**
15. Describe the services that will be provided to clients during CPS investigation representation. **(5 points)**

Client Screening and Intake: Court Proceedings (15 points)

16. Describe the anticipated or target client population for court intervention representation, including any unique characteristics or needs of this population, and how these characteristics and/or needs will be addressed by the Model Office. **(5 points)**
17. **(a)** Describe the standards by which assignment to represent clients at the court intervention stage will be secured, and **(b)** include a description of how the proposed provider will ensure notification by the Family Court of the assignment as early as possible before the initial appearance by a client. **(5 points)**
18. Describe the services that will be provided to clients while the court matter is pending. **(5 points)**

Stakeholder Collaboration and Community Engagement (10 points)

19. Describe how relationships with agencies and entities involved in various aspects of the child welfare system (such as courts, CPS, law enforcement, social services and foster care providers, department of education, etc.) will be built upon or developed to support the work of the Model Office. **(5 points)**
20. Describe the community outreach and education that will be conducted by the Model Office, and what activities the proposed provider will engage in with organizations and individuals, including other mandated legal representation and civil legal services providers, to support families who are involved, or are at risk of involvement, with CPS. **(5 points)**

Model of Representation (40 points)

21. **Interdisciplinary Team Model:** Describe how the multidisciplinary team model described in this RFP will be implemented, including a description of the roles and working relationships among attorney, social work, and parent advocate staff, and how the need for social work and parent advocate staffing will be assessed in each case. **(10 points)**

22. **Holistic Representation:** Describe how the proposed provider will ensure that it has the institutional capacity and flexibility to provide or coordinate legal representation in collateral legal and administrative proceedings that may impact the client's state intervention case, such as criminal, housing, health insurance, immigration, child support, public benefits, education, mental health, and state central registry fair hearings. **(5 points)**
23. **Vertical Representation:** Describe how the proposed provider will ensure continuous, vertical representation for clients by the same interdisciplinary team through all phases of each case. **(5 points)**
24. **Appellate Representation:** Describe how the proposed provider will provide or collaborate with other entities to secure appellate representation, including interlocutory appeals, filing notices of appeal, preparing the record on appeal, and briefing and arguing cases. **(5 points)**
25. **Supportive Services:** Describe the criteria and procedures by which the proposed provider will, in any given case, assess the need and provide for supportive services, for example, investigator or expert services. **(5 points)**
26. **Cultural and Language Sensitivity:** Describe how issues of cultural sensitivity and the unique needs of sign language, non-English speaking, and non-citizen clients will be addressed. **(5 points)**
27. **Supervision, Training and Oversight:** Describe the supervision, training and oversight procedures that will be used to ensure that all staff adhere to relevant standards, best practices, and rules of ethics and professional responsibility. **(5 points)**

Caseload and Workload Management (15 points)

28. **(a)** Estimate the number of prepetition, CPS investigatory clients that will be accepted in each grant year, and **(b)** Explain how you arrived at the estimated number of prepetition, CPS investigatory clients that will be accepted in each grant year. **(2 points)**
29. **(a)** Estimate the number of court intervention clients that will be accepted in each grant year, and **(b)** Explain how you arrived at the estimated number of court intervention clients that will be accepted in each grant year. **(2 points)**
30. Describe the manner in which legal and non-legal staff will be deployed to handle the estimated caseload, including, but not limited to: **(a)** How resources will be allocated to assure compliance with ILS' *Caseload Standards for Parents' Attorneys in NYS Family Court Mandated Representation Cases*; **(b)** How the ratio of supervising attorneys to attorney staff will be structured to ensure necessary supervision; and **(c)** How the ratio of attorneys to social work, parent advocate, investigatory, and paralegal staff will be structured to ensure high quality representation. **(6 points)**

31. (a) Describe how the average office caseload will be monitored on a continuing basis to ensure that it will not exceed ILS' *Caseload Standards for Parents' Attorneys in NYS Family Court Mandated Representation Cases*, and (b) Describe the procedures and safeguards that will be established to immediately remedy any noncompliance with those limits. (5 points)

Part B: Data Collection, Performance Measurement, and Evaluation (30 points)

This section discusses how the impact of the project will be measured and evaluated. (The type of data to be collected and reported to ILS on an annual basis is set out under Question 5, below.)

1. Describe the proposed provider's present state of data collection, including the nature of any "baseline" case and client information. (2 points)
2. Describe the proposed provider's existing or contemplated database and/or system for tracking client information, caseloads, non-legal staff assignments, client contacts, attorney appearances, and case outcomes. (2 points)
3. Describe the proposed process for collecting and analyzing feedback from relevant stakeholders (e.g., clients, the courts, the child welfare agency, service providers, community-based organizations, civil legal services organizations, etc.) about the project's services and activities, and how the feedback will be used to identify, inform, and make necessary operational adjustments and modifications. (4 points)
4. Describe any changes to the proposer's current infrastructure that will be needed to track the required data described in Question 5, below, and how these changes will be accomplished. (2 points)
5. Describe how the data described below ("Data Collection") will be collected and recorded in ways that are valid, accurate, and reliable. Explain who will be responsible for collecting, maintaining, and reporting the requested data. (20 points)

Data Collection - The grantee of this RFP will be expected to provide both quantitative and qualitative data to ILS demonstrating the impact of its work on the quality of representation provided and on resulting outcomes. The grantees will report to ILS the following data on a quarterly basis with the fourth quarter covering the previous 12 months of data:

1. **Aggregated demographic information on each client's:**
 - Race
 - Ethnicity
 - Gender
 - Native Language/English Speaking
 - Disability (mental and/or physical)

- Age
- Immigration status
- Relation to child(ren)

2. **Investigation Representation**

The total number of new CPS investigatory cases opened during the contract period, broken down into: (a) those in which a child protective petition was subsequently filed; and (b) those in which no child protective petition was subsequently filed.

3. **Court Intervention Representation**

- a. The total number of new court intervention cases opened during the contract period broken down by number of petitions in each of the following categories: (i) Abuse; (ii) Neglect; (iii) Permanency; (iv) Termination of parental rights; and (v) Other case types (specify)
- b. Within the court intervention caseload, number of cases in which a child was: (i) Not removed; (ii) Removed pursuant to Fam. Ct. Act § 1021 (temporary removal with consent of parent); (iii) Removed pursuant to Fam. Ct. Act § 1022 (nonconsensual removal upon court order); (iv) Removal pursuant to Fam. Ct. Act § 1024 (emergency removal without court order); or (v) Other (specify)
- c. The number of Family Court Act §1027 hearings conducted during the contract period, broken down by number of hearings resulting in: (i) Child remained at home (no out-of-home placement); (ii) Child placed with relative or suitable person; (iii) Child placed in non-relative foster care; (iv) Child placed with authorized agency; and (v) Other (specify)
- d. The number of Family Court Act § 1028 hearings conducted during the contract period broken down whether the child was: (i) returned home; (ii) continued in out-of-home care; and (iii) Other (specify)
- e. In removal cases, the number of cases in which reunification with the client occurs within: (i) 6 months and (ii) within 1 year of removal.
- f. In cases in which the child was not removed, or was returned to the client after removal, the number of cases in which the child was subsequently placed in out- of-home care during the contract period (i.e., re-entry into foster care).

4. **Caseload and Workload**

- a. The number of new CPS **investigation representation** cases assigned to each attorney during the contract period.

- b. The number of new **state intervention court** cases assigned to each attorney during the contract period.
- c. The average number of open **state intervention** cases per attorney at the end of the contract period.
- d. The number of new clients assigned to each social worker, and to each parent advocate during the contract period.
- e. The average number of clients assigned to each social worker and to each parent advocate at the end of the contract period.

5. **Case Outcomes**

- a. Outcome of **abuse** petitions by disposition, (i.e.: dismissed before trial; settled before trial; allegations established after trial; allegations established by admission; allegations established by consent; allegations not established; or other).
- b. Outcome of **neglect** petitions by disposition, (i.e.: dismissed before trial; settled before trial; allegations established after trial; allegations established by admission; allegations established by consent; allegations not established after fact-finding; or other).
- c. Outcome of **termination of parental rights** petitions, (i.e.: petition dismissed before fact-finding; petition dismissed after fact-finding (allegations not established); petition granted (allegations established, parental rights terminated); suspended judgment; or other).

6. **Interdisciplinary and Holistic Representation**

- a. The number of cases in which a support staff was assigned, broken down by type of staff (e.g., social worker, parent advocate, investigator, expert, etc.).
- b. The number and nature of any stays, interlocutory/interim appeals, and outcomes of each.
- c. The number and nature of direct appeals, and outcomes of each.
- d. The number and nature of any legal representation provided or obtained with respect to matters collateral to the state intervention case, and a brief narrative describing the impact of such representation on the related state-intervention case.
- e. The number and nature of any non-legal assistance obtained for clients as a result of Model Office staff advocacy (e.g., mental health, employment, childcare, etc).

III. BUDGET & JUSTIFICATION (30 total points)

(See also Attachment A -- Budget Form)

Successful applications will include budget plans that are consistent with the proposal action plan, administrative costs, justification for each requested budget line, cost benefits, and highest potential for successful outcomes in assisting providers. **The Budget should be submitted in a format consistent with the attached Budget Form in Attachment A. The Budget Justification should be no more than two (2) double-spaced pages, with margins of 1” on all sides, using no less than a 12-point font.**

1. Budget: Using the attached Budget Form (Attachment A) or a format consistent with this Budget Form, provide a detailed, annualized three-year budget containing reasonable and necessary costs. The budget for the proposed project must be consistent with the terms of the RFP and provide a justification for all expenses. **(10 points)**
2. Budget Justification: Include a narrative for each budget line explaining how the proposed expense relates to the implementation of the overall proposal, and why the amount budgeted is necessary to implement the plan described in the proposal. Each budget line item should have its own concise explanation, and for each line item, the amount allocated in the Budget Form must match the amount described in the explanation. If the proposal includes subcontracting with other entities, provide a brief explanation of the purpose of the subcontracting relationship. **(18 points)**
 - As part of the Budget Justification, describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. **(2 points)**

Section VI: Review and Selection Process

ILS will conduct a two-level review process for all submitted proposals:

The first level entails a Pass/Fail review of proposals conducted by ILS staff to ensure that the application is responsive to the conditions set forth in the RFP. ILS will reject any applications that do not clearly and specifically address the purposes of this funding opportunity and/or that fail to meet any of the following criteria:

1. The RFP was submitted within the designated time frame.
2. The RFP was submitted consistent with the format requested by the Office.
3. The applicant is an eligible entity as specified within the RFP.
4. The proposal purpose is for that intended by the RFP.
5. The proposal included a budget submission.

The second level consists of a scored review of the submitted proposal specifically related to the work plan, performance measurement and evaluation, organizational capability, overall strength

of plan, and the budget and corresponding budget narrative. The proposal review and rating will be conducted using the criteria stated in this Funding Announcement. ILS will typically use staff, and others with expertise in the RFP topic area, to comprise the proposal review team. Each reviewer will assign a score up to a maximum of 200 points to each proposal; individual scores will be averaged to determine the score. Applicants' scores will be ranked in order. ILS reserves the right to conduct follow-up discussions with applicants to clarify information in the submitted proposal. In the event there are any remaining funds after making awards in accordance with the Review and Selection Process, ILS reserves the right to allocate the grant funds in a manner that best suits program needs as determined by ILS. Such a plan will be subject to review and approval by the Office of the State Comptroller ("OSC").

Section VII: Awarding Grants

Contract Development Process

It is anticipated that applications will be reviewed, and the successful applicant notified of funding decisions in January 2024. All commitments are subject to the availability of State funds. The proposal review team will recommend to the ILS Director the highest ranked proposals that fully meet the terms of the RFP. The final total applicant score will be the cumulative total of the second level review.

The contract process and final contracts are subject to the approval of the State Attorney General and OSC. Upon such approvals, the grant process will begin, and all terms of the contract become public information.

As part of the grant award process, the grantee and ILS will establish a mutually agreed-upon final budget and work plan, which become the contract deliverables.

As part of the contract with ILS, grantees will be required to submit annual progress reports. These reports should include narrative descriptions of successes achieved, obstacles encountered during implementation, and efforts to overcome these obstacles. Additionally, applicants should anticipate that data collected by the program in accordance with the requirements of section II(B) of the proposal will be required to be reported in aggregate form to reflect the impact of the program, its successes, and the challenges that remain. ILS staff will be available to assist grant recipients with how to best collect these data. ILS may suggest the use of a specific data collection protocol or work with programs to employ existing, in-house case tracking software to produce data.

ILS reserves the right to:

- Negotiate with applicants, prior to award, regarding work plans, budget line levels, and other issues raised within the RFP review to achieve maximum impact from the grant award, serve the best interests of New York State, and ensure that budgets are consistent with proposed action plans; and
- If unable to negotiate the contract with the selected applicants within 60 days, ILS may begin contract negotiations with the next highest scoring applicant(s).

Payment

Each county will be reimbursed for expenses incurred pursuant to grant related activities including salary, benefits, travel, and related expenses. No payments will be made until the contract is fully executed and approved by the State Attorney General and the State Comptroller.

Section VIII: Funding Requirements

Funds distributed by ILS are intended to supplement county resources for supplying indigent defense services and to ensure proper legal representation for indigent defendants pursuant to Article 18-B of the County Law.

Supplanting is prohibited: Any funds awarded to a county pursuant to this RFP shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, or state funds, including any funds distributed by the ILS, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to County Law Article 18-B.

The issuance of this request for proposals does not obligate ILS to award grants.

ATTACHMENT A BUDGET FORM

County	
Budget Contact Person's Name	
Phone	
Email Address	

Budget Detail Section:

1. Personnel Services

List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed below and only for the percentage of time devoted to the project.

Position	FTE	Year 1	Year 2	Year 3	Total
(Example)	100%				
0. Title: Project Coordinator					
Annual Salary		\$45,000	\$45,000	\$45,000	\$135,000
Annual Fringe		\$12,600	\$12,600	\$12,600	\$37,800
1. Title:					
Annual Salary					
Annual Fringe					
2. Title:					
Annual Salary					
Annual Fringe					
TOTAL:					

2. Contractual/Consultant Services

Service	Year 1	Year 2	Year 3	Total
TOTAL:				

3. Non-Personnel Service				
Item	Year 1	Year 2	Year 3	Total
TOTAL:				

Cost Categories		Total 3-Year Project Cost by Category
1.	Personnel Services	
2.	Contractual/Consultant Services	
3.	Non-Personnel Services/OTPS	
Total 3-Year Project Cost		

An authorized officer of the county must sign the budget form.

County: _____

County Authorized Officer (please print): _____