



REQUEST FOR APPLICATION

JUDICIAL COUNCIL OF CALIFORNIA (JCC)

REGARDING:

APPLICATION TO REQUEST FUNDING FOR THE FEDERALLY FUNDED
DEPENDENCY REPRESENTATION PROGRAM FOR DEPENDENCY
COUNSEL

**RFA: Federally Funded Dependency
Representation Program**

APPLICATIONS DUE: ONGOING

GENERAL INFORMATION

INTRODUCTION

In 2019 the federal Administration for Children & Families issued a notice of revision to the Child Welfare Policy Manual. The revision permits an agency to claim federal foster care dollars (title IV-E funds) for attorneys, hereafter referred to as “dependency providers,” to provide enhanced legal representation to a title IV-E eligible child in foster care and the child’s parents to “ensure that, among other things: reasonable efforts are made to prevent removal and finalize the permanency plan; and parents and children are engaged in the development and implementation of case plans. The funds available through the Federally Funded Dependency Representation Program (FFDRP) are intended to complement a State’s allocation for dependency representation for an overall increase in services. The funds are not intended to reimburse or supplant existing funding.

The purpose of this Request for Application (RFA) is to facilitate the collection of information to award annual contracts to existing dependency providers representing a title IV-E eligible child and the child’s parents using FFDRP funds. The application will provide a framework on how the federal funds will be used; enable the JCC to understand the organizational structure of the dependency provider; and provide information on how current Court-Appointed Counsel (CAC) funding is being used. This information is needed to develop a complete profile of the organization’s practice and management of dependency cases.

Applications will only be accepted from dependency providers currently receiving Court-Appointed Counsel (CAC) funds via a contract from the Judicial Council of California (JCC) or local court to provide dependency representation.

All applications must be submitted in agreement with and support of the local trial court.

1.0 BACKGROUND INFORMATION

- 1.1 The JCC, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice and procedure, and performs functions prescribed by law.
- 1.2 The primary purpose of the Center for Families, Children and the Courts (CFCC) of the Judicial Council of California (JCC) is to maximize access to and effectiveness of court services for children, families, victims of violence, limited English speakers, and self-represented litigants.
- 1.3 The California Department of Social Service (CDSS) is California’s designated title IV-E agency and is the pass-through agency for these funds. An inter-branch agreement will enable CDSS to reimburse the JCC for qualified court appointed dependency counsel expenditures through the Federally Funded

Dependency Representation Program. Under the inter-branch agreement, the JCC or local trial court is responsible for contracting with court-appointed dependency counsel providers and overseeing the invoicing, reporting, and accountability process to ensure that only eligible funds are matched and that funds are spent in accordance with federal intent.

2.0 DESCRIPTION OF SERVICE

The change to the Child Welfare Policy Manual is intended to encourage all child welfare agencies and courts to work together to ensure that parents and children, as well as child welfare agencies, receive high quality legal representation at all stages of a child welfare proceeding. To achieve the goal of high-quality legal representation, applications must incorporate recommendations from the *Family Justice Initiative Making the Legal System Work for Children and Parents - Attributes of High-Quality Legal Representation for Children and Parents in Child Welfare Proceedings*. The list of attributes can be found at Appendix A and the number of required attributes to address is based on firm size.

- Sole Proprietor – at least two attributes
- Practice with 2 to 6 attorneys – at least two attributes
- Practice with 7 to 29 attorneys – at least three attributes
- Practice with more than 30 attorney – at least four attributes

Dependency providers must consult with the court and other dependency providers in the county to ensure that implementation of their selected attributes will meet both court and system needs.

3.0 TIMELINE FOR THIS RFA

There is no specific timeline for submitting an application. The dependency provider and the court shall reach an agreement on when to implement the Federally Funded Dependency Representation Program. The JCC requires approximately four months to issue a contract once a fully authorized application is received.

4.0 RFA ATTACHMENTS

The following attachments are included as part of this RFA:

ATTACHMENT & APPENDICES	DESCRIPTION
Attachment 1: JCC Standard Terms and Conditions	To participate in the Federally Funded Dependency Representation Program, each provider must sign a JCC Standard Form agreement containing these terms and conditions (the “Terms and Conditions”). The provisions marked with an (*) within the Terms and Conditions are minimum contract terms and conditions (“Minimum Terms”).
Attachment 2: Applicant’s Acceptance of Terms and Conditions	On this form, the applicant must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.

ATTACHMENT & APPENDICES	DESCRIPTION
Attachment 3: Scope of Services	The Scope of Services an applicant must provide to their respective California Superior Court site.
Attachment 4: Payee Data Record Form	This form contains information the JCC requires to process payments.
Attachment 5: Darfur Contracting Act Certification	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Conflict of Interest Certification Form	This form contains the certifications required to submit an application.
Appendix A – Budget Template	Applicants must use this Excel spreadsheet or similar to provide costs proposal.
Appendix B – Invoice and Data Recording Requirements	Sample invoice and data recording requirements.
Appendix C – Frequently Asked Questions (As of February 2019)	<p>Federally Funded Dependency Representation Program frequently asked questions and answers.</p> <p>FAQs are updated on an ongoing basis. The most up to date FAQs can be accessed here:</p> <p>https://www.courts.ca.gov/43441.htm</p>

5.0 SUBMISSION OF APPLICATIONS

Applications should include straightforward, concise information providing background on the organization and how these funds will be used to meet Federally Funded Dependency Representation Program objectives. Applications must be complete and include all required attachments.

** DRAFT Program providers – please be sure to complete all sections of the application. While the Judicial Council does have much of the requested information on file, we will need a complete application for the Federally Funded Dependency Representation Program for audit purposes.*

The applicant must submit two paper copies of the application and one electronic version.

Applications must be delivered to:

Judicial Council of California
Center for Families, Children & the Courts
Attention: Gricelda Luna
455 Golden Gate Avenue
San Francisco, CA 94102
415-865-8857
gricelda.luna@jud.ca.gov

6.0 APPLICATION CONTENTS

Technical Application. The following information must be included in the technical application.

6.1.1 Title Page

The title page will include the following information:

- a. Application title;
- b. Date submitted;
- c. Applicant name;
- d. Identification of Applicant as individual, partnership, corporation, public agency, or joint venture of one or more of the preceding;
- e. Identification of the business structure of the applicant's representational model (e.g., public agency, private for-profit organizational representation, private non-profit organizational representation, solo practitioner, centrally administered panel, any combination of the preceding, etc.);
- f. Applicant's contact information (physical and electronic addresses, telephone, and fax);
- g. Name and contact information (physical and electronic addresses, telephone, and fax) for the person or persons who will be authorized to make representations for the Applicant; and
- h. Signature of duly authorized representative and court representative.
 - If the application is made by a sole proprietor, it must be signed by the sole proprietor.
 - If the application is made by a partnership, it must be signed by a member of the partnership and include the name and address of each member of the partnership.
 - If the application is made by a corporation, it must be signed by two officers of the corporation, consisting of one of each of the following: (1) chairman of the board, president, or vice president, and (2) the secretary, assistant secretary, chief financial officer, or assistant financial officer.
 - If the application is made by a corporation and is signed by a person other than an officer, or by only one officer, there must be attached to the proposal satisfactory evidence that the person signing is authorized by the corporation to execute contracts and bind the corporation on its behalf (e.g., certified copy of a corporation resolution or copy of appropriate corporate bylaws).
 - If the application is made by a joint venture, it must be signed on behalf of each participating company by officers or other individuals who have the full and proper authorization to do so as noted above. Note that the JCC will enter into a contract with only one entity, so the lead

company who will sign on behalf of the joint venture must be noted.

- If the application is made by a public agency, it must be signed by an individual authorized to make representations on behalf of the agency.

6.1.2 Service Level/Client Type. Please include a profile of your dependency clients and include the number of clients in each category.

For example:

- Client base includes all children, for a total of 151 clients; or
- Client base includes children and some parents (100 children, including conflict children, and 51 parents).

Please submit separate applications for each trial court system you provide dependency representation.

6.1.3 Existing and Proposed Services

- Existing Services – provide information on services provided under existing CAC funds.
- Proposed Services – explain proposed changes that will incorporate Family Justice Initiative Attributes and any other proposed changes.

6.1.4 Organization and Staffing Plan

- Provide information of existing staff including classifications and number based on full time equivalent (FTE).
- Provide information of proposed staffing levels including classifications and number based on full time equivalent (FTE).

6.2 Management of Conflicts and Ancillary Fees

6.2.1 Describe how you currently manage conflicts and how conflicts are identified.

6.2.2 Describe how ancillary fees are utilized. When are such services used (e.g. attachment studies, psych evaluations, bonding studies and other experts)?

6.3 Signature Page

Include a signature page including the applicant and a representative from your local trial court.

6.4. Competency and Experience Requirements

Describe how dependency counsel competency requirements are met.

6.5 Acceptance of the Terms and Conditions

6.5.1 On *Attachment 3, Applicant's Acceptance of the Terms and Conditions*, the Applicant must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or

other change.

6.5.1.1 If exceptions are identified, the Applicant must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

6.5.1.2 A material exception to a Minimum Term will render an application incomplete.

6.6 Certifications, Attachments, and Other Requirements

6.6.1 Applicant must include in its application a completed and signed *Attachment 4, Payee Data Record Form*.

6.6.2 If Applicant has had business activities or other operations outside of the United States within the previous three years, Applicant must complete *Attachment 5, Darfur Contracting Act Certification* and submit the completed certification with its application.

6.6.3 Using *Attachment 6, Conflict of Interest Certification Form*, Applicant certifies it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.

6.6.4 If Applicant is a corporation, proof that Applicant is in good standing and qualified to conduct business in California.

6.6.5 Copies of current business licenses, professional certifications, or other credentials.

6.6.6 The application must include a statement that the Applicant is financially capable of supporting the operation for seventy-five (75) days prior to the first payment. The statement must describe how this will be accomplished. After receipt of a proper invoice, the JCC will approve the invoice and forward to DCSS for reimbursement. When the JCC receives reimbursement from CDSS, a check will be issued.

6.7 Federally Funded Dependency Representation Program Allowable Expenses

The definition, allowable expenses, is evolving. Allowable costs include those associated with preparation for and participation in judicial determinations and are limited to the preparation of reports to the court and participation in court proceedings. For more information see CFR 1356.60 (c)(2)(ii). Allowable expenses may include the administrative costs of social workers, investigators and support staff involved in case preparation; operation costs; and expenses

associated with case preparation, including evaluation and other ancillary costs associated with representing a title IV-E eligible child in foster care and the child's parents. If an applicant's proposal requires hiring additional staff, a portion of the staff's equipment, furniture etc. is allowable.

6.7.1 **Covered Billable Activities** - are limited to legal representation that is directly related to issues and causes of action in a child welfare proceeding over which the juvenile court has statutory jurisdiction and in compliance with Welfare and Institutions Code section 317. Legal representation of the parent or child, or services in support of representation of the parent or child in administrative or judicial proceedings outside the scope of the juvenile court's statutory jurisdiction cannot be claimed.

Seeking an order from the juvenile court that initiates a separate court proceeding, such as the special immigrant juvenile findings, is an allowable billable activity; however engaging in legal representation outside of juvenile court is not a covered billable activity.

For example, school discipline issues, participation in federal immigration proceedings, and eviction and other legal proceedings involving housing are not allowable billable activities.

6.7.2 **Operating Expenses.** Operating expenses are reimbursable in proportion to the attorneys' dependency practice, i.e., if the attorney has a mixed caseload of 40% dependency and 60% criminal, only 40% of any eligible operating expenses can be reimbursed. Common, allowable expenses include but are limited to:

- Rent and any tenant owed portion of tenant improvements;
- IT Expenses, such as: IT consultant, computers, servers, equipment maintenance fees, and repairs;
- Personnel costs, such as: salaries, benefits, attorney bar dues, licensure fees for staff social workers and investigators;
- Office Equipment, such as: printers, faxes, copiers, phones, ink, toner, paper, equipment rental fees, and code books;
- Furniture, including modifications based on ergonomic assessments;
- Mileage reimbursements for home visits;
- Insurance fees, such as: malpractice insurance, worker's compensation, and business permit fees;

- Phone Services, such as: landline and work cell phone equipment, wi-fi/internet/data, and monthly contract services fees;
- Contractor fees, such as: contract attorneys and investigators, human resources, and process servers; and
- Bonding studies and other expert fees.

6.8 Funding Allocation and Detailed Program Budget.

6.8.1 Application must address how the funds will be used. Please provide your proposed budget for personnel, services and operating expenses that will be necessary to complete the scope of work as described in this request for application to obtain access to the federal funds available through the Federally Funded Dependency Representation Program.

6.8.2 The budget template includes the following line items:

- Personnel;
- Benefits (e.g., medical/dental, vacation, etc.);
- Additional Professional Services (e.g., interpreters, etc.);
- Travel (includes in-county and out-of-county travel);
- Insurance: These costs must reflect coverage levels as outlined in *Attachment 2, Exhibit A, and Section 7*. Deductible amounts must be provided in the budget narrative;
- Rent;
- Overhead (includes utilities, supplies, etc.); and
- Other expenses (expert witnesses, out-of-state travel to visit child clients, and conflict appointment payments).

6.8.3 Applicants are required to submit an electronic copy of the completed Budget Template in Excel format to the JCC, as specified in *Section 6.8* above.

6.8.4 If the application includes any subcontract representation, the payment method and rate for cases that require subcontract representation must be described (e.g., hourly, per case, per hearing, etc.) in the Budget Template.

6.8.5 No facilities will be provided for the Applicant under this proposal. All office space will be the responsibility of the Applicant.

6.8.6 Budget Justification Narrative

Applicants must submit a narrative that explains all budgeted line items shown in the Budget Template.

If the proposal includes efficiencies and economies of scale, and hence savings to be realized through the proposed model of representation (e.g., administrative or overhead savings), the applicant should describe those savings in the response. Specifically, in the Budget Narrative section of the application.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

6.9 Data Collection and Reporting

Applicants are required to collect and transmit data during the normal monthly billing. The same level of data required for monthly billing is also needed for quarterly reporting. Applicants must submit invoices to both the local trial court and the JCC. Upon JCC approval, the JCC will forward the invoice to the California Department of Social Services for approval. Once approved by CDSS, CDSS will forward the invoice to the Family and Children’s Bureau. The invoice is expected to receive a high level of scrutiny and some expenses may be rejected at this level. When approved, the funding will then move back through the cycle to the JCC and payment will be made at that time to each program.

6.10 Invoicing

Applicants are required to submit an invoice to the local trial court as well as the JCC. A sample invoice can be found at Appendix B. Applicants will be required to submit all supporting documentation to the JCC and local trial court.

7.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

California judicial branch entities are subject to rule 10.500 of the California Rule of Court (see www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500), which governs public access to judicial administrative records.

If information submitted in an application contains material noted or marked as confidential and/or proprietary that, in the JCC’s sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the JCC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the JCC will disclose the information regardless of the marking or notation seeking confidential treatment.

8.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The JCC has waived the inclusion of DVBE participation in this solicitation.

END OF RFA