

CRIMINAL JUSTICE COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
August 23, 2021

COMMITTEE MEMBERS: Supervisors LEGGETT, Shepler, Strough, Diamond, and Driscoll

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
 1. Request: To request a new contract with NYS Office of Indigent Legal Services (ILS) for Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant.
Rationale: To provide funding to reduce caseloads and improve the quality of mandated legal representation provided to parents in child welfare proceedings.
 2. Request: To request to enroll with the NYS Office of Indigent Legal Services (ILS) in a program to distribute federal funding, Title IV-E Reimbursement for Legal Representation Services for Children and Parents in Child Welfare Proceedings.
Rationale: To provide funding to NYS counties for allowable expenditures associated with independent legal representation for parents in child welfare proceedings.
 3. Request: To request a budget modification of Distribution #8 (C800052).
Rationale: To best utilize unspent funding for equipment needed for technology changes within Criminal Defense.
 4. Request: To request to create a New Position - Legal Clerk (ILS funded).
Rationale: To utilize available funding from ILS for a new Legal Clerk position to assist with increasing duties surrounding E-Discovery, Digitalization and additional data entry requirements put forth by ILS.
 5. Request: Notice of Intent to Fill – Legal Clerk (ILS funded).
Rationale: To allow the Public Defender’s Office to fill the newly created position of Legal Clerk.
 6. Request: To request to amend the Lease Agreement at 333 Glen Street, Suite 102 to include janitorial services.
Rationale: To add janitorial services (cleaning and garbage removal) at a rate of \$300 per month to the Lease Agreement at 333 Glen Street, Suite 102 (ILS funded).
 7. Request: To request a new contract to allow Internet Services at 333 Glen Street, Suite 102.
Rationale: To allow Internet Services be contracted for the Lease at 333 Glen Street, Suite 102.
 8. Request: To request a new contract to allow Printer Services at 333 Glen Street, Suite 102.
Rationale: To allow Printer Services be contracted for the Lease at 333 Glen Street, Suite 102.
 9. Request: To request Approval for Out of State Travel. (Dependent on Federal, State, County COVID guidelines at the time of travel)
Rationale: To allow 1st Assistant Public Defender Brian D. Pilatzke, Esq. to travel to Nashville, TN for the National Association of Criminal Defense Lawyers (NACDL) 2021 Fall Seminar – Walking the Line – Effective Communication Techniques from November 3rd – 6th.

- IV. Discussion Items:
- V. Referrals/ Pending Items:
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 5: Request to Apply for A Grant – Upstate Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant.
2. Resolution Request Form No. 20: Miscellaneous – Request for Information Memorandum for Title IV-E Reimbursement for Legal Representation Services for Children and Parents in Child Welfare Proceedings.
3. Resolution Request Form No. 4: Request for Amending Existing Contract: Distribution #8 (C8O0052) Budget Modification.
4. Resolution Request Form No. 11: Request to Create New Position – Legal Clerk (ILS funded)
5. Notice of Intent To Fill – Legal Clerk (ILS funded)
6. Resolution Request Form No. 4: Request for Amending Existing Contract – Add Janitorial Services to Lease Agreement.
7. Resolution Request Form No. 3: Request for New Contract – Internet Services at 333 Glen Street, Suite 102
8. Resolution Request Form No. 3: Request for New Contract – Printer Services at 333 Glen Street, Suite 102
9. Resolution Request Form No. 15: Request for Out-Of-State Travel – NACDL CLE Travel to Nashville, TN for 1st Assistant Public Defender Brian D. Pilatzke, Esq.

RESOLUTION REQUEST FORM NO. 5

Request to Apply for a Grant Application and Grant Agreement

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Purpose of Grant:
To provide funding to Warren County to develop innovative programs and practices to reduce caseloads and improve the quality of mandated legal representation provided to parents in child welfare proceedings.
- (b) Name of Grantor:
NYS Office of Indigent Legal Services
- (c) Address of Contractor: **A.E. Smith State Office Building
80 South Swan Street #1147
Albany, NY 12210**
- (d) Grantor's Contact Person and Telephone Number:
Patricia Warth/ 518-486-2028
- (e) Has or Will the Grant Application or Grant Agreement be provided, if so, Please Attach? **Request for Proposal Attached**
- (f) Effective Date of Grant: **December 2021**
- (g) Termination Date of Grant:
- (h) Total Dollar Amount Involved (not to exceed): **\$500,000**
- (i) Deadline to Submit Grant Application and/or Grant Agreement:
September 17, 2021
- (j) Is a Budget amendment required? If yes, also complete and submit Form No. 7.
- (k) Are the funds to go into a Capital Project or Capital Reserve Project? If yes, also complete and submit Form No. 8 or Form No. 9, as applicable.
- (i) Is a Local Share Required?**no** If Yes, Where are the Funds? List Budget Code, Object Code, Full Title* and Amount **OR** Capital Project **OR** Capital Reserve Project Number and Title and Amount:

**Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx**

*as listed in budget and LOGOS

New York State
Office of Indigent Legal Services

*Funding
Announcement*

Upstate Family Defense (Child Welfare) Quality Improvement &
Caseload Reduction Grant

NYS Office of Indigent Legal Services
Request for Proposals

The New York State Office of Indigent Legal Services (Office) and nine-member Indigent Legal Services Board (Board) were created by legislation enacted in 2010, found in Executive Law Article 30, sections 832 and 833. As part of its statutory mission "to monitor, study and make efforts to improve the quality of services provided pursuant to Article 18-B of the county law," the Office, operating under the direction and pursuant to policies established by the Board, assists county governments in the exercise of their responsibility to provide effective and meaningful representation of persons who are legally entitled to counsel but cannot afford to hire an attorney. The assistance provided by the Office and Board includes distributing state funds and targeting grants to counties in support of innovative and cost-effective solutions to enhance the quality of indigent legal services.

Timelines for This Request for Proposals

RFP Release Date	Thursday, August 12, 2021
Questions Due By	Monday, August 23, 2021 5:00 p.m. EST (Q & A period closed)
Answers Posted By	Tuesday, August 31, 2021
Proposal Due Date	Friday, September 17, 2021 5:00 p.m. EST
Award Announcement	October 2021
Tentative Contract Start Date	December 2021

Intent of this Request for Proposals

The Office is announcing the availability of funds and soliciting proposals from New York State counties to develop new, innovative programs or practices to improve the quality of

representation to parents¹ accused of child maltreatment who cannot afford to retain counsel, including reduced attorney caseloads, pre-petition access to counsel, practice integration of non-attorney professionals such as social workers and parent advocates, and high-caliber training opportunities.

The intent of this Request for Proposals (RFP) is to support local initiatives aimed at improving the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10.² Quality legal representation for parents in these proceedings is of heightened importance since the individuals targeted are disproportionately poor, Black and Indigenous, and typically lack the information, resources, and social capital necessary to respond effectively to government action which often includes temporary or permanent removal of a child from the parent. Improvements in this area will also promote better Family Court decision-making, reduce the needless separation of children from their families, save foster care costs, diminish disparate racial impacts, and reduce long-term costs to the state and to counties.

Initiatives that promote compliance with ILS' *Standards for Parental Representation in State Intervention Matters*³ by reducing attorney caseloads, representing clients during CPS investigations prior to court intervention, introducing or enhancing multidisciplinary family defense practice, increasing access to specialized services, and prioritizing access to high-caliber training for staff are strongly encouraged.

Additionally, because the Office can supplement and increase the funding for this initiative via federal title IV-E funding, see 21-OCFS-INF-05,⁴ the applicants are encouraged to demonstrate the ability to provide the Office the information needed to claim federal title IV-E funding.⁵

Section I: Background

Parents' interest in their child's care and custody is one of the oldest and most fundamental liberty interests recognized by law.⁶ Depriving a parent of the right to raise one's child is "often . . . the more grievous" compared to a prison sentence.⁷ The United States Supreme Court has

¹ For ease of reference, 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.

² In this RFP, the terms "child welfare," "child protective" and "State intervention" are used interchangeably and refer generally to abuse and/or neglect proceedings pursuant to Article 10 of the Family Court Act, as well as foster care placement, termination of parental rights, surrender, destitute minor, and permanency planning proceedings. Child protective services agencies are referred to as "CPS" or "DSS" agencies.

³ *Standards for Parental Representation in State Intervention Matters*, New York State Office of Indigent Legal Services (2015), <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>.

⁴ *Title IV-E Reimbursement for Legal Representation Services for Children and Parents in Child Welfare Proceedings*, <https://ocfs.ny.gov/main/policies/external/#INF>

⁵ See Attachment B of 21-OCFS-INF-05.

⁶ *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

⁷ *Lassister v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

emphasized that parents' fundamental liberty interest in associating with and raising their children "does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life."⁸ Moreover, children have their own legal interest and right to be raised by their parent.⁹

Recognizing the need for due process protection of the fundamental liberty interests of family integrity and family autonomy, in 1972 the New York State Court of Appeals held that poor parents accused by the government of child maltreatment (Family Court Act Article 10) have a constitutional right to publicly-funded legal representation.¹⁰ Citing the "gross inherent imbalance of experience and expertise" between the State and an unrepresented parent, the *Ella B.* Court reasoned that "[a] parent's concern for the liberty of the child, as well as for his 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."¹¹ In 1975, this decision was codified in §§ 261 and 262 of the New York Family Court Act. Family Court Act § 261 emphasizes that parents have a constitutional right to assigned counsel to protect the "fundamental interests and rights" implicated in various types of family law cases. Accordingly, our courts have made it clear that the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings under the New York State Constitution is equally applicable in state intervention cases.¹²

Despite these well-established constitutional and statutory mandates, attorneys representing parents in Article 10 matters face multiple challenges in providing meaningful representation. These challenges are detailed in the February 2019 *Interim Report of the Commission on Parental Representation*. Convened by Chief Judge Janet DiFiore, the Commission's mandate is "to examine the current state of representation for indigent parents in constitutionally and statutorily mandated family-related matters, and to develop a plan to ensure the future delivery of quality, cost-effective parental representation across the state."¹³ The Commission found that the

⁸ *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

⁹ Assessing the private interests at stake in the fact-finding stage of a child protective case, the *Santobsky* Court observed that "the State cannot presume that a child and his parents are adversaries," and that, until the State proves parental unfitness, "the child and his parents share a vital interest in preventing erroneous termination of their natural relationship." *Id.* at 760.

¹⁰ *Matter of Ella B.*, 30 N.Y.2d 352 (1972).

¹¹ *Id.* at 356-357 (cites omitted).

¹² *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 Dept. 2010); *Matter of Alfred C.*, 655 N.Y.S.2d 589 (2^d Dept. 1997).

¹³ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 4. This report is available at: http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf.

most prominent challenges providers face are overwhelming attorney caseloads, insufficient access to essential supports and resources, and failure to provide parents with timely access to counsel.

ILS' *Standards for Parental Representation in State Intervention Matters* call for, "...sufficient time and resources necessary to provide high quality representation to each client."¹⁴ Establishment of and compliance with caseload standards is an effective means of ensuring sufficient time and resources, and in fact, there are existing caseload caps for attorneys representing children¹⁵ and for attorneys representing indigent criminal defendants.¹⁶ In its 2019 Interim Report, the DiFiore Commission acknowledged that there are no existing caseload standards for attorneys representing parents in Family Court matters, and recommended an initial client cap of 50 to 60 clients in child welfare/family defense matters.¹⁷ This temporary cap was recommended as a stopgap measure to mitigate the difficulty of providing effective representation with existing caseloads; the Commission further called for a study of caseloads to inform what final caseload standards should be adopted. Per this Recommendation, ILS, in cooperation with the Office of Court Administration, undertook an exhaustive and informed study and at its June 11, 2021 meeting, the ILS Board approved the *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases* ("ILS caseload standards"), available at <https://www.ils.ny.gov/node/231/caseload-standards-parental-representation>. The ILS Board approval of these standards was made contingent on the availability of state funding to enforce them.

State funding has been made available to effectuate caseload standards in criminal cases. But while New York has "made significant strides in improving the representation of indigent criminal defendants in recent years"¹⁸ as a result of the *Hurrell-Harring v. State of New York* settlement and subsequent state funding to expand those improvements statewide, mandated representation of parents in Article 10 matters continues to be under-funded and under-resourced.¹⁹ Notably, the federal government has stepped in to assist States and local municipalities in their efforts to improve the quality of family defense: in 2019 the federal Children's Bureau issued revised and new policies that allow State Title IV-E agencies (in New York, the Office of Children and Family Services (OCFS)) to obtain federal subsidy for certain

¹⁴ New York State Office of Indigent Legal Services *Standards for Parental Representation in State Intervention Matters*, See D-2. <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>

¹⁵ 22 NYCRR § 127.5.

¹⁶ Executive Law § 832 (4); ILS, A Determination of Caseload Standards, ILS, A Determination of Caseload Standards pursuant to § IV of the *Hurrell-Harring v State of New York Settlement* (Dec. 2016), available at <https://www.ils.ny.gov/files/Caseload%20Standards%20Report%20Final%20120816.pdf>.

¹⁷ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 34.

¹⁸ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 9. http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf

¹⁹ *Memorandum in Support of State Funding for Mandated Parental Representation*, New York State Bar Association, Committee on Families and the Law (January 2018), <https://nysba.org/app/uploads/2020/02/CORRECTED-FINAL-4-17-2018.pdf>

expenses related to representation of parents in all stages of child protective matters, from CPS investigations through terminations of parental rights and appeal proceedings.²⁰ For these reasons, this RFP is targeted specifically for caseload reduction and quality improvement initiatives for the representation of assigned counsel eligible parents in child welfare/family defense matters.

Specifically, the Office encourages counties to submit proposals to reduce attorney caseloads, enhance access to supports and training, or both. This may take the form of hiring or designating attorneys who focus their practice on child welfare matters, hiring or contracting with social workers or parent advocates, hiring or contracting for administrative support such as a legal secretary or paralegal dedicated to supporting family defense, making funding available for training, or a combination of these initiatives. With this funding opportunity, the Office intends not only to tackle some of the systemic issues that frustrate the provision of effective family defense, but also to assess the extent of the benefits that accrue to parents and their children when those conditions are ameliorated.

Section II: Project Description – What is this RFP seeking to achieve?

The Office has therefore established this RFP to assist counties to implement initiatives that improve the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10. This RFP funding may also be used to represent parents on other Family Court petition types that occur during the representation of the parent on the Article 10 matter.²¹

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.

Proposals that rely on statutory changes for their implementation will not be funded.

Proposed projects must comply with New York County Law 18-B, Section 722.

²⁰ *Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Well-Being*, ACYF-CB-IM-21-06, U.S. Dep't of Health and Human Services, Administration for Children and Families, Children's Bureau, (January 14, 2021), <https://www.acf.hhs.gov/cb/policy-guidance/im-21-06>; see also Mark Hardin, *Claiming Title IV-E Funds to Pay for Parents' and Children's Attorneys: A Brief Technical Overview*, Child Law Practice Today, American Bar Association (February 2019), https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january--december-2019/claiming-title-iv-e-funds-to-pay-for-parents-and-childrens-attor/

²¹ ILS understands that clients facing Family Court Article 10 matters often face other Family Court petition types during the pendency of the Article 10 matter. To promote comprehensive and holistic representation of clients, the funding from this RFP can be used for representation on these other petition types that arise during the representation of a client on an Article 10 matter.

Funding of this proposal is limited to the representation of clients pursuant to County Law Article 18-B in Family Court Article 10 matters and other Family Court petition types that occur during the representation of the client at all stages of the Article 10 matter, including during a CPS investigation before court action is initiated. Specifically, proposals are sought for the provision of mandated representation in such matters that would enhance existing services, create new and innovative approaches which address the quality of representation, or both, including:

- Reduced caseloads: Proposals that will seek to reduce attorney caseloads to enhance the quality of representation in Family Court Article 10 proceedings are strongly encouraged. In addition to describing quality enhancements to be achieved, applicants are encouraged to identify any protocols to be implemented (in addition to reduced caseloads) that will effectuate quality enhancements. Examples of caseload relief-related quality enhancements include: opportunities for pre-petition, CPS investigation representation; better attorney-client communication; more vigorous litigation, motion, and appellate practice; more time for legal research and case fact investigation; more time to strategize, prepare for, and engage in negotiation where appropriate; more time devoted to accessing and effectively using specialized services on cases; and fewer continuances due to attorney scheduling conflicts.
- Increased access to and use of specialized services: As set forth in the ILS *Standards for Parental Representation in State Intervention Matters*, a multi-disciplinary approach is foundational to quality representation in Article 10 cases, and attorneys “must work with professionals trained to understand, analyze, and address non-legal aspects of a client’s life that impact the legal case.” Additionally, the “assistance of experts and other ancillary services are among the basic tools needed for high quality representation in state intervention cases.”²² Thus, proposals that involve increased access to and utilization of specialized resources including social workers, parent advocates, or administrative resources are also encouraged.
- Increased opportunities for high quality practical, skills, and theoretical trainings. As set forth in ILS *Standards for Parental Representation in State Intervention Matters*, because of the gravity of Family Court Article 10 matters, attorneys representing clients in such matters “must possess sufficient experience, training, knowledge, and skills necessary to provide high quality representation...”²³ Accordingly, proposals that enhance access to high-caliber trainings, including legal content and skills-based trainings, are encouraged.

Because the purpose of this RFP is to improve the quality of representation provided to parents who cannot afford to retain counsel in Family Court Article 10 matters, applicants need not propose solutions that cover a provider’s entire program of providing mandated representation.

Applicants should state the bases upon which the determination was made to select the approach or approaches chosen to be included in the proposal, such as current caseloads of attorneys

²² See Standard G and Commentary

²³ See Standards B and C

providing representation in Family Court matters, the efficacy of having one or more attorneys specialize in Family Court Article 10 matters, the best means for the particular applicant to ensure access to specialized supports (i.e., hiring, contracting, or both), geographic considerations, or amenability to collaboration among the entities involved in the proposal. No one specific basis is required to secure an award nor do the bases noted here constitute an exclusive list.

Section III: Funding and Contract Period

The total available funds for awards are \$2,500,000.00 (\$833,333.33 per year for each of three years). The total available funds will not necessarily be divided equally, nor will selected applicants be guaranteed the entire amount requested.

The maximum amount to be awarded to any one county is \$500,000.00 (\$166,666.66 per year for three years). Counties may submit proposals either at or less than the maximum amount. If additional funds become available, the Office reserves the right to approve additional projects under the authority of this funding announcement or restore funding.

Grants will be issued for a period of three years.

Section IV: Who Is Eligible to Apply for This Request for Proposals

Only New York State counties, other than counties wholly encompassed 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.

Section V: Instructions for Completing This Request for Proposals

The RFP is available online at <https://www.ils.ny.gov/node/224/pending-rfps> (hit: Ctrl + (right) Click to follow link or copy and paste link into your web browser). Requests for the RFP may be made by e-mail to Jessica.Bogran@ils.ny.gov or by telephone at (518) 935-7868.

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, citing the RFP page and section, by **Monday, August 23, 2021** by 5:00 pm Eastern Standard Time (EST) to QA@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook).

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

Questions will not be accepted orally.

Questions received after 5:00 pm EST the date of the deadline will not be answered.

When corresponding by e-mail, clearly indicate the subject as: **“Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction RFP.”** The name of the party submitting the question will not be posted.

Questions and answers will be posted on the *“Questions Posted By”* date as stated on the cover of this RFP (August 31, 2021) at the following URL webpage address:
<https://www.ils.ny.gov/node/224/pending-rfps> (hit: Ctrl + (right) Click to follow link or copy and paste link into your web browser).

Instructions for Completing this Request for Proposals

Application Submission (*mail, email, or hand delivery*):

All submissions must contain the complete application.

All applications must be received by Friday, September 17, 2021 by 5:00 p.m. EST. Late applications will not be considered.

If submitting an application by mail or hand delivery, this RFP requires the submission of **one (1) original, and four (4) copies (for a total of five).**

Applications must be delivered to:

By mail: Jennifer Colvin, Grants Manager
Office of Indigent Legal Services
Alfred E. Smith Bldg., 11th Floor
80 South Swan Street
Albany, NY 12210

Hand delivery: *Please call the Office of Indigent Legal Services in advance to arrange for building security clearance (518-486-2028 or 518-486-9713).*

Office of Indigent Legal Services
Alfred E. Smith Building (*directly behind the State Capitol Building*)
11th Floor, Suite 1147
80 South Swan Street
Albany, NY 12210

Electronic applications: Electronic applications will be accepted.

Electronically submitted proposal applications must be submitted to RFP@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook). All required documents or attachments must be included in the electronic submission.

Indicate in the *Subject* area of the electronic transmission that the submission is for the **“Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction RFP.”**

After you submit your application at RFP@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook), you will receive an e-mail confirming receipt of the application. If you do not receive an e-mail confirming receipt, contact Jennifer Colvin at (518) 486-9713.

Application Format:

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

1. Project Summary (not more than two (2) pages in length)
2. Proposal Narrative (not more than ten (10) pages in length)
3. Budget (see Attachment A of this RFP) and Justification (not be more than two (2) pages in length).

Applications must be received by Friday, September 17, 2021, by 5:00 p.m. Eastern Standard (EST). Late applications will not be considered.

Only complete applications will be reviewed and evaluated.

Section VI: Proposal Application

I. PROJECT 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 inch on all sides, using no less than a 12-point font.**

The Project Summary should include the following information:

- Identification of the county requesting funds;
- 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 (identify the department and/or individual responsible for fiscal reporting for this project);
- Amount of funding requested; and
- A concise description of the proposed project.

II. PROPOSAL NARRATIVE

A. Plan of Action (54 points)

Please address the questions listed below and do so in the order and format in which they are presented, i.e., responses should be made in the same order as requested and each response should identify the specific item being addressed. Applicants will be evaluated on the information they provide. The Proposal Narrative should not be more than ten (10) pages in length (double-spaced pages, with margins of 1 inch on all sides, using no less than a 12-point font). *Please do not submit any information that was not specifically requested.*

Problem Statement

1. Describe the issue or problem in providing quality representation in Family Court Article 10 matters that your plan is intended to improve or correct, including, but not limited to, the impact of excessive caseloads in providing quality representation.
2. Document the nature and extent of the problem to be addressed, including any data collection or analysis related to the problem.
3. State the bases upon which the determination was made to select the approach or approaches chosen to be included in your proposal.

Plan Implementation

4. Describe how you will implement a plan to address these obstacles to providing quality representation. The plan must specify the particular problem(s) being addressed (e.g., excessive caseloads, insufficient access to specialized services that allow for multi-disciplinary approach to representation, insufficient access to expert services, insufficient access to trainings, etc.).
5. Please describe how you will structure your professional and non-professional staffing to implement your plan, including whether existing staff will perform tasks, or if new staff will need to be hired.
6. Identify any training or mentoring you may need to accomplish your plan objectives, how you intend to acquire or provide such training/mentoring, and which positions, including supervisory staff, will receive the training/mentoring.
7. Describe how you will assure the program is feasible and will monitor the program such that obstacles to implementation can be identified and necessary adjustments made.

Plan Objectives

8. Specify how the project will improve the quality of representation that clients receive and achieve greater compliance with ILS standards, particularly ILS *Standards for Parental Representation in State Intervention Matters*.

B. Data Collection, Performance Measurement, and Evaluation (20 points)

This section will discuss how you will measure the impact of your project. Descriptions of what data will be collected and how data will be collected are required in this section.

Implementation

9. Describe how you will demonstrate that your plan has been successfully implemented. For example, if your plan will reduce caseloads, specify how you will measure caseloads in a way that is appropriate to gauge the success of your plan.²⁴ If your plan will increase support staff or other resources for attorneys, specify how you will show that these resources, or attorney access to them, were increased. Please also provide 'baseline' information on any quantitative measures you propose and a narrative account describing relevant features of your program as it stands at present.

Evaluation and Impact

10. Describe the expected improvements in quality of representation that will result from your plan, and how these will also be measured. Such measures should reflect attorney behaviors that you expect will change when your plan is implemented. Examples include: engaging in representation during the CPS investigation stage; the average number of attorney visits with clients or client families per case; the average number of hours attorneys spend preparing cases; attorney use of specialized services such as social workers, parent advocates, etc.; the average number of motions, by type, filed per case; the rate at which attorneys are present at a client's first appearance in court; and any other measures as appropriate to the quality goals of your plan. Please also provide 'baseline' figures for the measures you will use which reflect the situation in your program as it stands at present if such measures are available.

Infrastructure

11. Describe how you plan to track relevant data in relation to points 9 and 10 above for every case in ways that are valid, accurate and reliable and who will input the data, including, but not limited to the type of case management system that will be used to track data.
12. Describe any changes you would need to make to track required data and how these would be accomplished, including implementation of office protocols for collecting information and changes to your case management system or other systems for maintaining and reporting data.

²⁴ ILS recognizes that for many counties, the funding made available in this RFP will not be sufficient for compliance with the ILS *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases*. Nonetheless, applicants seeking to reduce attorney caseloads should refer to these standards both for a sense of the optimum attorney caseloads in Family Court matters and for information about measuring caseloads.

C. Applicant Capability and Personnel (6 points)

13. Identify who will be the lead person(s) responsible for project implementation, and their qualifications.
14. Describe how and to what extent you consulted with the leader of each provider of Family Court representation under Article 18-B of the County Law. If applicable, describe the willingness of other agencies to cooperate in the implementation of the program.

III. Budget and Cost (20 points)

Grant applications will be evaluated and rated on consistency with the proposed action plan, efficient use of funds and overall cost-effectiveness, and clarity. Complete the attached Budget Form and return with the proposal, being sure to address the following:

15. *Budget*: 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.
16. *Subcontracting*: Describe whether the proposed budget will include subcontracting with another service provider to complete the terms described in this RFP and, if so, provide a brief description of the purpose of the subcontract.
17. *Budget Justification*: Include a brief narrative for each budget line explaining the budget line, justifying the budget request, and relating the requested line budget amount to the plan of action and expected results. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget. The *Budget Justification* must also describe how the County will monitor expenditures during the life of the grant to ensure that the project stays within the budget.

Complete the attached Budget Form (Attachment A) and return with the proposal.

Section VII: Review and Selection Process

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

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

1. The RFP was submitted within the designated time frames
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 comprehensive proposal review that involves a thorough review of the submitted proposal specifically related to the project 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. The Office 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 100 points to each application; individual scores will be averaged to determine the applicant's score. Applicants' scores will be ranked order. The Office reserves the right to conduct follow-up discussions with applicants to clarify information in the submitted proposal. In the event of a tie (identical scores), the Office will look at the highest scores of these sections of the proposals to determine an award: first, the "Budget and Cost" portion of the proposal, and if these scores are the same, next the "Plan of Action" portion of the proposal. In addition, in the event there are any remaining funds after making awards in accordance with the Review and Selection Process, the Office reserves the right to allocate the grant funds in a manner that best suits program needs as determined by the Office. Such a plan will be subject to review and approval by the Office of the State Comptroller.

Awarding of Grants

Contract Development Process

It is anticipated that applications will be reviewed and that successful applicants will be notified of funding decisions in October 2021. All commitments are subject to the availability of state funds. The proposal review team will recommend to the Office the highest ranked proposal(s) that fully meet the terms of the RFP. The funds will be awarded in rank order from the highest to the lowest proposal scores. 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 the Office of State Comptroller (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 the Office will establish a mutually agreed upon final budget and work plan, which become the contract deliverables.

As part of the contract with the Office, grantees will be required to submit annual progress reports to the office. These reports should include a narrative of 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 of the proposal will be required to be reported in aggregate form to the Office as a means of understanding 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 in ways that are convenient to the program's capabilities, clearly assess the goals of the project, and assure the collection of information that is of the highest possible quality. The Office

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.

The Office 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, and 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, the Office may begin contract negotiations with the next highest scoring qualified applicant(s).

Debriefings

Unsuccessful applicants may, within ten (10) business days of notification of non-selection, request a debriefing with the Office to discuss the evaluation of their proposal. Such request may be submitted in writing to QA@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook).

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.

Funding Requirements

Funding for this RFP has been appropriated to improve the quality of mandated parental representation and is intended to supplement (add to, not replace) county resources for supplying such representation.

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 Office of Indigent Legal Services, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to Article 18-B of the County Law.

The issuance of this request for proposals does not obligate the Office of Indigent Legal Services to award grants.

Attachment A: Budget Form

County	
Budget Contact Person's Name	
Phone	
E-mail address	

Line Item	Year 1	Year 2	Year 3
Personal Service: Position (specify) Salary: Fringe Benefits:			
Personal Service Subtotal			
Contractual Services			
Contractual Subtotal			
Equipment (specify)			
Equipment Subtotal			
Other Than Personal Service (OTPS) (specify)			
OTPS Subtotal			
Miscellaneous			
Miscellaneous Subtotal			
TOTAL			
TOTAL THREE-YEAR BUDGET			

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Purpose of Request:
To enroll with the NYS Office of Indigent Legal Services in a program to distribute federal funding to NYS counties to support enhanced quality improvement measures for representing indigent parents involved in child protective/child welfare proceedings.

- (b) Details:
The attached Information Memorandum, 21-OCFS-INF - Title IV-E Reimbursement for Legal Representation Services for Children and Parents in Child Welfare Proceedings, sets forth the instructions for counties interested in enrolling with ILS

- (c) Previous Resolution Number:

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

ATTACHMENT C

TITLE IV-E ENHANCED PARENTAL REPRESENTATION ENROLLMENT PROCEDURE

SFY 2020-21

These instructions describe the process to be followed by localities and the New York State Office of Indigent Legal Services (ILS) to obtain federal reimbursement under title IV-E of the Social Security Act for allowable expenditures associated with independent legal representation for parents in child welfare proceedings.

Pursuant to a policy change adopted by the Children's Bureau of the United States Administration for Children and Families, eligible expenses include those associated with independent legal representation in child welfare proceedings for parents whose child is a candidate for title IV-E foster care or is eligible for title IV-E foster care.

Prior to this policy change, title IV-E federal reimbursement for legal representation costs in child welfare matters were available only for the cost of title IV-E agency attorneys.¹ States, namely the title IV-E agency, may now access title IV-E funding for certain eligible costs of independent legal representation for title IV-E eligible children and their parents "to prepare for and participate in all stages of foster care related legal proceedings."² The goal is to use, at minimum, a portion of this funding to enhance the quality of publicly funded independent legal representation for eligible children and their parents in alignment with applicable standards and best practices.³

To that end, in order to access this newly allowable revenue source for reimbursement for eligible expenditures associated with parental representation, INSERT NAME OF LOCALITY has entered into this memorandum of understanding (MOU) with the New York State's title IV-E agency, the New York State Office of Children and Family Services (OCFS). INSERT NAME OF LOCALITY will submit claims to OCFS, as prescribed in the method and manner in Attachment B of this MOU. Attachment B constitutes the prescribed method in the OCFS Title IV-E Legal Representation Administration and Training Claim Form.

Additionally, INSERT NAME OF LOCALITY, must include an enhanced quality legal representation services three-year plan approved by ILS, annual reports, and a final report. As part of this enhanced quality legal representation services plan, each covered entity must commit to providing new training on child welfare proceedings, best practices, or attendant legal requirements for attorneys representing parents in child welfare proceedings. Such training must

¹ Mark Hardin, "Claiming Title IV-E Funds to Pay for Parents' and Children's Attorneys: A Brief Technical Overview," *Child Law Practice Today* (American Bar Association, February 25, 2019), https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/claiming-title-iv-e-funds-to-pay-for-parents-and-childrens-attor/.

² *Technical Bulletin - FAQs on Independent Legal Representation*, <https://www.acf.hhs.gov/cp/resource/technical-bulletin-fags-legal-representation>; see also above resource.

³ Administration for Children and Families, Children's Bureau, *Technical Bulletin Frequently Asked Questions: Independent Legal Representation*, p. 1, https://www.acf.hhs.gov/sites/default/files/cb/technical_bulletin_faq_legal_representation.pdf.

occur within the first year that this funding is available and be offered on a recurring basis for the duration of the MOU. INSERT NAME OF LOCALITY must also commit to complete at least one new additional action or actions to increase quality representation for parents as are listed below, to be completed over a period of the term of the governing MOU. ILS-approved quality enhancement plans are subject to review and approval as per this Attachment C three years from the date of the MOU.

INSERT NAME OF LOCALITY may opt to modify its proposed plans throughout the duration of the three-year period. However, modification of the enhanced quality plan will be subject to ILS approval.

Entities within a county or city or on a regional basis may opt to jointly collaborate on an initiative described herein; however, each specified entity will be responsible for submitting its own claims in accordance with the applicable claiming instructions, and each locality or city must enter into a separate MOU with OCFS.

Procedure for Enrollment

To participate in this funding opportunity for representation of parents in child welfare matters, local government officials and providers of parental representation of each interested locality (county or the City of New York) must consult with ILS in developing a customized, three-year plan to improve the ability of parental representation providers to deliver high quality, independent legal representation in accordance with applicable standards, and best practices.⁴ This consultation will ultimately result in a plan that will be approved by ILS and submitted to the state title IV-E agency, OCFS, for purposes of formally enrolling the locality in this reimbursement process so that claims can be filed and paid by OCFS.

Plan Required Content: Approved plans will include at least two major components as well as reporting requirements.

Quality Enhancement: First, each approved plan must include at least one (1) action item designed to enhance the quality of parent representation in child welfare matters. To recommend what action item(s) will best serve the needs of clients, ILS will work with parent representation providers and local government representatives to conduct a needs assessment as described below. This process will provide localities the opportunity to draw on ILS's extensive experience working with counties to use state funding to improve the quality of publicly funded criminal defense.⁵ To participate in this

⁴ New York State Office of Indigent Legal Services Standards for Parental Representation in State Intervention Matters, <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>; see also the Family Justice Initiative, *Attributes of High-Quality Legal Representation*, <https://familyjusticeinitiative.org/advocacy/high-quality-representation/>.

⁵ Reports regarding the progress of improving the quality of mandated criminal defense representation in accordance with Executive Law § 832(4) are available on ILS's website, and include the following: *Performance Measures Annual Report* (July 1, 2020); *Statewide Plan for Implementing Quality Improvement: Year Two Annual Report* (August 11, 2020); and *Statewide Plan for Implementing Counsel at Arraignment: Year Two Report* (September 30, 2020).

funding opportunity in child welfare matters, INSERT NAME OF LOCALITY must submit a quality enhancement plan as described below, on or before April 1, 2022. In the event INSERT NAME OF LOCALITY does not submit a quality enhancement plan on or before April 1, 2022, federal reimbursements will be halted until such time an ILS-approved plan is received by OCFS.

Training: Second, each plan must include a training agenda on specified child welfare law, practice, and procedure.⁶ In addition to working with the locality and its parent representation provider(s) to identify tailored training opportunities and a proposed timetable for delivery, ILS will make available an intensive training curriculum to assist both experienced and inexperienced attorneys.

Reporting: With the assistance of ILS, counties and providers with finalized plans will be required to produce annual reports that assess and document how title IV-E funds have been used to improve the quality of representation.

Localities and providers will be free to consult with ILS at any time regarding implementation of the plan. ILS will remain responsive to problem-solve and, if necessary, help to modify the finalized plan in a way that comports with the fundamental purpose of enhancing the quality of child welfare parent representation.

Plan Development:

Consultation: To initiate enrollment, a request for consultation that includes the following information must be submitted to ILS by an authorized county or New York City official, or designated employee of the governing body of the applicant:

1. The names and contact information for the leader(s) responsible, pursuant to County Law article 18-B, for delivering family court-mandated representation in the locality (i.e., public defender, conflict defender, assigned counsel program administrator, Legal Aid Society)
2. An outline of how the locality provides parent representation, i.e., a complete list of public defenders, assigned counsel panel administrators, and contacts at legal services organizations with which the county or city has contracted to provide representation
3. An estimate of the number of attorneys and other professional staff currently providing parent representation in child welfare matters (including the number of full-time positions and part-time positions)
4. An estimate of the number of new Family Court Act Article 10 petitions filed in each of the previous three years
5. An estimate of the local expense of providing Article 10 representation in the previous calendar year

⁶ Administration for Children and Families, Children's Bureau, *Child Welfare Policy Manual (CWPM)*, Section 8.1 Title IV-E, Subsection 8.1H, Administrative Functions/Costs, Training; See Question 8.
https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=116.

Stakeholder Convening and Needs Assessment: Upon receipt of the consultation request, ILS will meet with the parent representation providers and the applicant's designated representatives to begin the planning process. The providers of parental representation are best positioned to assess deficiencies and set reasonable goals for improvement, and thus will be expected to take the lead in working with ILS to identify areas needing improvement. Representatives from other organizations, county offices, and non-profits may inform the needs assessment discussion as they may be able to offer innovations that are new to the community, commitments that will enhance quality improvement efforts, or both.

Strategic Prioritization of Quality Improvement Needs and Solutions: When a list of needs and resources has been identified, including local plans for possibly expanding future family defense spending, ILS will organize the discussion to prioritize the needs. Measures of success will be developed based on the chosen action item(s).

The following are some examples of options that have been shown to have positive impact on the quality of representation. (Note that this non-exhaustive list is meant to foster discussion after needs have been determined and a training program selected.)

- Adding social workers or parent advocates to legal staff or otherwise ensuring counsel has access to these professionals
- Formalizing an administrative structure to support attorneys and other family defense professionals
- Reducing caseloads for attorneys representing parents in child welfare proceedings
- Providing access to formalized training programs to be offered by defense organizations or agencies
- Providing a plan for access to counsel during the child protective services (CPS) investigation and before a court action has been filed
- Standardizing income eligibility to comply with the ILS *Standards for Determining Financial Eligibility for Assigned Counsel*
- Adding attorneys to existing offices or providing for salary or benefits increases to retain experienced counsel.

Training Agenda: Approved plans must include a description of new training on child welfare law, policy, and procedure in accordance with relevant federal requirements that will be required for attorneys who represent parents in child welfare matters.⁷ In addition to working with the locality and provider(s) to identify tailored training opportunities, ILS will make available an intensive training curriculum to assist both experienced and new attorneys to

⁷ Pursuant to section 474(a)(3)(A) and (B) of the Social Security Act and 45 CFR 1356.60(b), topics can include:

- Permanency planning including using kinship care as a resource for children involved with the child welfare system
- General substance abuse, domestic violence, and mental health issues related to children and families in the child welfare system, if the training is not related to providing treatment or services
- Effects of separation, grief and loss, child development, and visitation
- Communication skills required to work with children and families
- Activities designed to preserve, strengthen, and reunify the family, if the training is not related to providing treatment or services. https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp_pf.jsp CWPM 8.1H, Question #8

advocate effectively in accordance with the ILS *Standards for Parental Representation in State Intervention Matters*. Generally, training needs will be met in cooperation with ILS to ensure that they are timely, necessary, and advance the skills of parent representation providers.

Progress Reports: Finally, the plan must contain an outline of the process by which annual and final progress reporting to ILS and OCFS will be done to assess progress towards improved quality (and identify any areas of needed adjustment to the plan).

Final Plan Submission and Implementation: The above process will result in a final ILS-approved plan for each county that will be forwarded to the New York State title IV-E agency, OCFS, for incorporation into the MOU. ILS will assist counties in implementing the finalized plan. Providers are free to consult with ILS at any time regarding implementation of the plan. ILS will help localities and providers modify the finalized plan as needed to comport with the fundamental purpose of improving the quality of parent representation.

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Purpose of Contract Change:
Budget Modification of Distribution #8 (C800052) so unspent funding can be used for equipment needed for technology changes within Criminal Defense.

- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract:

- (c) Name of Contractor:
NYS Office of Indigent Legal Services

- (d) Address of Contractor: **A.E. Smith Office Building, 11th Floor
80 South Swan Street
Albany, NY 12210**

- (e) Contractor's Contact Person and Telephone Number:
Jennifer Colvin/ (518) 486-9713

- (f) Commencement Date of Extension: **January 1, 2021**

- (g) Termination Date of Extension: **December 31, 2021**

- (h) Payment Provisions:
 - i) lump sum amount
 - ii) hourly rate amount
 - iii) total amount not to exceed **\$155,115**
 - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.

- (i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR Capital Project OR Capital Reserve Project Number, and Title, and Amount:**

Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS

Invoice/Expense Statement
Warren County
DISTRIBUTION #8
Contract No. C800052
Office of Indigent Legal Services (ILS)

Contract Term: January 1, 2018 - December 31, 2020
Total Budget: \$320,436.00
CUMULATIVE TOTALS

Budget Expenditure Items	TOTAL 3 - YEAR BUDGET	EXPENDITURES TO DATE	TOTAL AVAILABLE FUNDS
PUBLIC DEFENDER'S OFFICE			
PERSONNEL:			
Public Defender Office - Salary Increases - Retention and 2%	\$41,475.00	\$0.00	\$41,475.00
Public Defender Office - Fringe Increases - Retention and 2%	\$3,173.00	\$0.00	\$3,173.00
After-Hour Arraignment - Stipends	\$52,155.00	\$0.00	\$52,155.00
After-Hour Arraignment - Fringe Benefits	\$3,990.00	\$0.00	\$3,990.00
(PT) Social Worker - Salary	\$29,250.00	\$0.00	\$29,250.00
(PT) Social Worker - Fringe	\$2,178.00	\$0.00	\$2,178.00
Subtotal Personnel	\$132,221.00	\$0.00	\$132,221.00
OTPS:			
Training/Continuing Legal Education (CLE) - Public Defender	\$9,894.00	\$0.00	\$9,894.00
Phone Data Plans/Internet Fees - Public Defender	\$9,000.00	\$0.00	\$9,000.00
Computer Upgrades/Office Equipment - Public Defender	\$4,000.00	\$0.00	\$4,000.00
Subtotal OTPS	\$22,894.00	\$0.00	\$22,894.00
Total for Public Defender's Office	\$155,115.00	\$0.00	\$155,115.00
ASSIGNED COUNSEL PLAN			
Personnel:			
Grant Administrator - Salary	\$25,464.00	\$0.00	\$25,464.00
Grant Administrator - Fringe	\$1,950.00	\$0.00	\$1,950.00
Subtotal Personnel	\$27,414.00	\$0.00	\$27,414.00
Contracted/Consultant:			
Rural Law Center of New York, Inc.	\$78,993.00	\$0.00	\$78,993.00
Contracted/Consultant:			
Paralegal-Legal Aid Society of Northeastern New York	\$58,514.00	\$0.00	\$58,514.00
Subtotal Contracted/Consultant	\$137,507.00	\$0.00	\$137,507.00
OTPS:			
Computer Equipment	\$400.00	\$0.00	\$400.00
Subtotal OTPS	\$400.00	\$0.00	\$400.00
Total for Assigned Counsel Plan	\$165,321.00	\$0.00	\$165,321.00
TOTAL	\$320,436.00	\$0.00	\$320,436.00

Invoice/Expense Statement Warren County DISTRIBUTION #8 Contract No. C800052 Office of Indigent Legal Services (ILS)						
Contract Term: January 1, 2018 - December 31, 2020 (EXTENSION thru December 31, 2021) Total Budget: \$320,436.00 YEAR THREE (Annual Budget: \$106,811.76)						
Budget Expenditure Items	Extension Budget	Actual Reimbursable Expenditures				Funds Available Year 3
		1/1/21 - 3/31/21	4/1/21 - 6/30/21	7/1/21 - 9/30/21	10/1/21 - 12/31/21	
PUBLIC DEFENDER'S OFFICE						
OTPS:						
Storage Device (w/ 5 years maintenance) (2ea.)	\$100,000.00					\$100,000.00
Network Switch to Connect Storage Device	\$5,000.00					\$5,000.00
Consultant Fee to Install Storage Device	\$1,500.00					\$1,500.00
Scanners for Digitalization (3ea.)	\$4,500.00					\$4,500.00
Laptops with Docking Stations (6ea.)	\$6,000.00					\$6,000.00
Computer Monitors (8ea.)	\$2,000.00					\$2,000.00
Printers - B&W copy, print, scan (2ea.)	\$3,200.00					\$3,200.00
Printers - floor model (2ea.)	\$9,400.00					\$9,400.00
Printer - B&W copy only (1ea.)	\$1,200.00					\$1,200.00
Armored Tablet (1ea.)	\$3,815.00					\$3,815.00
Desk	\$2,500.00					\$2,500.00
File Storage	\$16,000.00					\$16,000.00
Subtotal Personnel	\$155,115.00	\$0.00	\$0.00	\$0.00	\$0.00	\$155,115.00
ASSIGNED COUNSEL PLAN						
Personnel:						
Grant Administrator - Salary						
Grant Administrator - Fringe						
Subtotal Personnel						
Contracted/Consultant:						
Rural Law Center of New York, Inc.						
Contracted/Consultant:						
Paralegal-Legal Aid Society of Northeastern New York						
Subtotal Contracted/Consultant						
OTPS:						
Computer Equipment						
Subtotal OTPS						
Total for Assigned Counsel Plan						
TOTAL						

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Title of Requested Position: **Legal Clerk**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$32,237 (Grade 5)**
- (c) Effective Date for New Position: * **October 1, 2021**
*Please do not backdate unless the purpose is to correct an error.
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
n/a
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount:
ILS funded; to be added to existing budget)
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.)
- (g) Is this a mandated position? If so, please explain:
- (h) Is there expected revenue from this position? If so, please explain:

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an existing funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a new position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Public Defender's Office Payroll Dept. No:
Title of Position: Legal Clerk Base Salary of Position: \$32,237 Grade: 5
Filling at Step # (If Known):
Budget code and title: A.1171 110 Union [checked] Non-Union []
This position is vacated due to: [] Retirement [] Resignation [] Termination [] Promotion [] Other create [checked]
Employee No./Last Name: Date of Vacancy:
Is this position mandated? [] Yes [checked] No Is the position reimbursable? [checked] Yes [] No
Source of reimbursement: [] Federal % [checked] State 100 % [] Other %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[] Competitive-active eligible list [checked] Competitive-no list (hiring would be provisional) [] Non-Competitive [] Other
Actual Impact to Budget Report will be provided monthly by Human Resources Director.
Candidate's qualifications must be approved by Personnel Officer prior to hiring.
Human Resources Director has approved this form when initialed. [Signature] 8/19/21

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[checked] The Administrator has no objection to the filling of the vacancy.
[] The Administrator objects to the filling of the vacancy.
Administrator Signature [Signature] Date 8/19/21

BUDGET OFFICER COMPLETES THIS SECTION

[checked] The Budget Officer has no objection to the filling of the vacancy.
[] The Budget Officer objects to the filling of the vacancy.
Budget Officer Signature Frank E. Thomas Date 8/19/21

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee
[] The committee has no objection to the filling of the vacancy.
[] The committee objects to the filling of the vacancy.
[] In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
[] In the case of an emergency, Committee Chair objects to the filling of the vacancy.
Ranking Committee Member Signature Date

LEGAL CLERK

DISTINGUISHING FEATURES OF THE CLASS: An incumbent in this class is responsible for performing a variety of moderately complex clerical assignments in a municipal legal or legal services office. Duties include reviewing, processing, indexing, digitizing and filing various legal documents while utilizing a full range of skills in the operation of computer programs and databases. The incumbent is expected to independently perform duties in accordance with a prescribed set of office policies and procedures. Supervisors are available for consultation on unusual problems and to provide instruction on new or difficult assignments. Work is performed under general supervision of a higher level supervisor. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Processes, indexes, scans, sorts and/or maintains confidential legal records and files necessary for the operations of the office;

Performs various general clerical support functions to enhance the operation of the office;

Assists in the preparation of various legal documents and correspondence;

Prepares routine legal forms in accordance with standard office policies and procedures;

Forwards copies of legal instruments to interested parties as needed;

Conducts routine correspondence and answers telephone requests on assigned matters where policy and procedures are well defined;

Handles routine telephone calls relating to assigned tasks or matters;

Examines and indexes a variety of legal instruments relating to civil and/or criminal matters;

Types a variety of records and reports relating to the indexing and recording procedure;

Uses computer applications or other automated systems such as spreadsheets, word processing, calendar, e-mail and database software in performing work assignments;

May act as receptionist;

Does related work as assigned.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS: Working knowledge of legal terminology, documents and legal services office procedures; working knowledge of office terminology, working knowledge of business english and spelling, ability to understand and follow oral and written instructions; ability to get along well with others, ability to maintain confidentiality of sensitive information, cases and files; accuracy; neatness; tact and courtesy.

MINIMUM QUALIFICATIONS: Graduation from high school or possession of a high school equivalency diploma and two years of full-time, paid clerical experience, one of which shall have been in a law office or related field.

NOTE: Study in a New York State registered or regionally accredited college or university in a law or criminal justice related field may be substituted for experience on a year for year basis.

WC: 2/1993, 10/2019

JC: Competitive

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Purpose of Contract Change:
To Amend Lease Agreement at 333 Glen Street, Suite 102 to include Janitorial Services (Cleaning & Garbage Removal) at a rate of \$300 per month.
- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract:
- (c) Name of Contractor:
333 Glen Street Associates, LLC
- (d) Address of Contractor: **333 Glen Street
2nd Floor, Suite 100
Glens Falls, NY 12801**
- (e) Contractor's Contact Person and Telephone Number:
R. Kevin Lynn/ (518) 209-7282
- (f) Commencement Date of Extension: **October 1, 2021**
- (g) Termination Date of Extension: **Termination of Lease Agreement**
- (h) Payment Provisions: i) lump sum amount
ii) hourly rate amount
iii) total amount not to exceed
iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.)
\$300/ month
- (i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR** Capital Project **OR** Capital Reserve Project Number, and Title, and Amount:
(ILS funded; to be added to existing budget)

Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Is this a Result of a Bid or Request for Proposal?

Request for Proposal

- (b) Purpose of Contract:
To allow a contract between the Warren County Public Defender's Office and an Internet Provider best equipped to provide internet services at 333 Glen Street, Suite 102 (Leased Office Space)

- (c) Name of Contractor:

TBD

- (d) Address of Contractor:

- (e) Contractor's Contact Person and Telephone Number:

- (f) Has or will the Contract be provided, if so, please attach:

- (g) Commencement Date of Contract:

October 1, 2021

- (h) Termination Date of Contract:

Upon Termination of Lease Agreement

- (i) Payment Provisions: i) lump sum amount
ii) hourly rate amount
iii) total amount not to exceed
iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.)

monthly

- (j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR** Capital Project **OR** Capital Reserve Project Number, Title, and Amount:

(ILS funded; to be added to existing budget)

Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

(a) Is this a Result of a Bid or Request for Proposal?

Request for Proposal

(b) Purpose of Contract:
To allow a contract between the Warren County Public Defender's Office and National Business Equipment & Supply for Printer Services at 333 Glen Street, Suite 102 (Leased Office Space)

(c) Name of Contractor:
National Business Equipment & Supply

(d) Address of Contractor:

(e) Contractor's Contact Person and Telephone Number:

(f) Has or will the Contract be provided, if so, please attach:

(g) Commencement Date of Contract:
October 1, 2021

(h) Termination Date of Contract:
Upon Termination of Lease Agreement

(i) Payment Provisions: i) lump sum amount
ii) hourly rate amount
iii) total amount not to exceed
iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.)

(j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR** Capital Project **OR** Capital Reserve Project Number, Title, and Amount:

(ILS funded; to be added to existing budget)

Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS

RESOLUTION REQUEST FORM NO. 15

Requesting Approval for Out-of-State Travel*

****If the conference announcement or details are available in writing, please attach.***

DEPARTMENT NAME: Warren County Public Defender

DATE: 08/23/2021

- (a) Dates of Travel: **November 3rd - 6th 2021**

- (b) Purpose (include complete name of any conference, school, etc.):
**National Association of Criminal Defense Lawyers 2021 Fall Seminar -
Walking the Line - Effective Communication Techniques**

- (c) City/Town & State:
Nashville, TN

- (d) Employee(s) Traveling (include title(s):
Brian D. Pilatzke, Esq - 1st Assistant Public Defender

- (e) Is County paying the costs or is another Agency?
Fully remimbursable by ILS funding

- (f) Mode of Transportation to be Use: **Mass Transportation - Airline**
(County Vehicle or Mass Transportation)

Please note: If County vehicle use is requested, upon resolution approval, please provide Fleet Manager Frank Morehouse with vehicle request form properly completed.

AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:

- In-State (Must be approved by Department Head, County Administrator & Committee Chair)
- On-Line (Must be approved by Department Head, County Administrator & Committee Chair)
- Out-of-State (Requires Board resolution)

The Criminal Justice Committee hereby authorizes Brian D. Pilatzke, Esq.
(Supervisory Committee) (Employee Name)

to attend National Association of Criminal Defense Lawyers 2021 Fall Seminar - Walking the Line
(Name of meeting or organization)

at Omni Nashville Hotel, Nashville, TN on November 3rd - 6th 2021
(Address) (Dates)

Meeting/Convention/Training Cost: \$454 Mode of transportation to be used: Mass Transportation
(County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

Proper documentation must be attached when submitting for approval.

(Please check documents attached)

Notice of meeting/convention/training including cost. Total Cost \$ 1991.00
(Include travel costs)

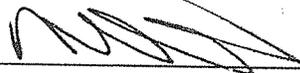
For Overnight Travel

Room rate \$ 234/night GSA* Rate \$ 234/night Funding in Budget? Y N

Meal costs \$ 61/day GSA* per diem rate \$ 61/day Budget Code: _____

* www.gsa.gov

Date: 8-18-21



Department Head Signature

Date: _____

County Administrator Signature

Date: _____

Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

Please check to request a fleet vehicle. **REQUEST FOR USE OF FLEET VEHICLE**

Filing Instructions:

1. Original with voucher to Auditor.
2. Copy to Buildings & Grounds if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-State travel.
4. Copy to Purchasing with Purchase Order, if required.
5. Copy to Clerk of the Board if credit card will be used.
6. Copy of executed form needs to be included in next agenda for reporting to oversight Committee.

 An official website of the United States government

GSA U.S. General Services Administration

FY 2021 Per Diem Rates for Nashville, Tennessee

I'm interested in:

Lodging by month (excluding taxes) | October 2020 - September 2021

Cities not appearing below may be located within a county for which rates are listed. To determine what county a city is located in, visit the National Association of Counties (NACO) website (a non-federal website).

Primary Destination ⓘ	County ⓘ	2020 Oct	Nov	Dec	2021 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Nashville	Davidson	\$234	\$234	\$187	\$187	\$230	\$230	\$230	\$230	\$230	\$207	\$207	\$234

Meals & Incidentals (M&IE) Breakdown ⓘ

Use this table to find the following information for federal employee travel:

M&IE Total - the full daily amount received for a single calendar day of travel when that day is neither the first nor last day of travel.

Breakfast, lunch, dinner, incidentals - Separate amounts for meals and incidentals. M&IE Total = Breakfast + Lunch + Dinner + Incidentals. Sometimes meal amounts must be deducted from trip voucher. See More Information

First & last day of travel - amount received on the first and last day of travel and equals 75% of total M&IE.

Primary Destination ⓘ	County ⓘ	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel ⓘ
Nashville	Davidson	\$61	\$14	\$16	\$26	\$5	\$45.75

I'm interested in:

HOTEL

Omni Nashville Hotel
250 5th Ave South
Nashville, TN 37203

Phone Reservations: 1-800-843-6664

Online Reservations: NACDL 2021 Fall Meeting

Group Rate: \$259 + tax (Expires Friday, October 8, 2021). Please mention NACDL 2021 Fall Meeting to receive applicable discount rate.

Rooms/discounted group rates are not guaranteed if the block has been filled prior to the cut-off date.

GOVERNMENT PER DIEM ROOMS

→ A limited number of rooms at government per diem rate are currently available for NACDL Public Defender Members. For more information, please contact Director of Events Akvile Athanason at aathanason@nacdl.org or call (202) 872-8600 x630.

Membership Categories	
Regular Member - Criminal defense attorneys in private practice, admitted to the bar more than six years	\$349
Public Defender - Full-time attorney at government Public Defender office or legal services nonprofit. Does not include assigned counsel or contract work.	\$149
New Lawyer - Private attorneys in their first six years of practice, based on date of first admission to the bar.	\$209
Law Professor - Professors employed full time on the faculties of accredited law schools.	\$219
Military - Full-time, active duty military lawyers engaged primarily in criminal defense.	\$219
Judge - Full-time members of the judiciary	\$219
Associate Members - Persons who are not criminal defense lawyers, but whose work supports the criminal defense profession, including non-lawyers who support the goals and objectives of NACDL.	\$219
International - Criminal Defense Lawyers who hold passports from countries other than the United States and Canada	\$209
Law Student - Students in an accredited law school working toward a J.D. degree. Two dues rates: \$49 includes a subscription to <i>The Champion</i> ® plus the full online archive; \$29 includes the online version only.	
Life Member* - One-time contribution or 5 yearly installments of \$1,300 each. Expanded online profile.	\$6,500
Presidents Club * - Donor Member, with an expanded online profile	\$759
Sustaining Member * - Donor Member, with an expanded online profile	\$529

MEMBERS OF NACDL ENJOY EXCLUSIVE REGISTRATION RATES FOR OUR SEMINARS ALONG WITH ALL THE BENEFITS FROM JOINING.

Registration Fees

Regular, Life, and Sustaining Members	\$419
Associate, Professor, "New Lawyer" and International Members	\$309
Non Members (includes 1 year membership)	\$728
→ ALL Public Defenders	\$309
ALL Tennessee Lawyers (Residents Only)	\$384
ALL Regional Lawyers (AL, AR, GA, KY, MS, NC)	\$369
Groups of 4 or more PDs (must register at the same time; 1 payment; no changes or cancellations allowed). To register a group, please visit: http://www.nacdl.org/PDGroups	\$279
Non-Attendee Guest/Spouse Events Package	\$100

Non-Attendee Materials / Recordings

Written Materials Only	\$150
Audio Recording of Seminar (Non-Attendee)	\$150
Pre-Order Video DVD Recording of Seminar	\$299