

Notes from Arapahoe County Meeting

Introduction/Overview

- Staff model office is something we are *exploring*
- Staff model office is cutting edge in child welfare; has been piloted/implemented in other states with promising results. Staff office models are coming to be known as better service delivery model for children/youth.
- We have GAL office in Colorado Springs. This is a state run staff office model with FTE state employees, including attorneys, social workers, support staff.
- JBC has told us repeatedly that this office model should be explored as a means of controlling costs & building better predictability into the budget.
 - Multidisciplinary model will provide for better allocation of resources: In the first 9 months of this fiscal year, the OCR spent \$1.43 million on D&N cases in the 18th JD. Some of the out of court work could be done just as well and possibly better by appropriate multidisciplinary staff.
 - Creating office(s) via an RFP will allow us to achieve same models/results as state-run staff offices while allowing some existing attorneys the opportunity to restructure and continue their GAL practice.
- RFP can be awarded to a law firm or nonprofit legal organization.
- Other reasons for pursuing RFP/ staff office model:
 - Institutional presence of staff office model— broader, systemic influence not only in issues such as docketing and wait time, but also the ability to take on a problematic department practice, e.g., by filing same motion addressing issues for every child represented by the office.
 - We are going to set forth more specific requirements for attorneys in staff office model (e.g., staff office model will be specifically required to see every child at least every 90 days, and two of these quarterly visits will need to be performed by the GAL specifically assigned to case); CJD requirements will **not** be diluted.
 - OCR has consistently received feedback that there are too many attorneys in Arapahoe County. RFP will promote better overall GAL staffing structure/numbers for Arapahoe County caseload.
 - This is a way to bring in young, dedicated, and passionate attorneys into the field.

Question and Answers

- What does multidisciplinary envision?
 - Attorneys and social support staff (e.g., social workers, someone with experience providing substance abuse treatment services) work together as a team on each case.
- Is it okay if office also provides representation on related matters (e.g., education law)?
 - Expertise/ cultivation of other practice areas may actually enhance RFP by allowing more comprehensive/holistic legal services promoting safety, well being, and permanency of children. However, proposal will be required to explain: how other

practice areas will benefit dedicated GAL practice; how it will not interfere with GAL practice's ability to pick up requisite number of cases;

- Isn't this just reverting to the flat fee payment structure that the OCR has worked away from?
 - NO. The point of the RFP process is in no way to dilute attorney services for children. The multidisciplinary office is a way to enhance GAL services for children.
 - A number of safeguards distinguish the lump sum payment structure for this process from the flat fee:
 - Case management system—developed by a GAL in PA for GALs; provides helpful way for attorneys to track activity, status, and history on individual cases/individual children and also enables staff office supervisory staff and OCR to monitor attorney activity and track outcomes/measures of success on systemic and individual level. Use of this system will be required by RFP.
 - Case caps.
- Will this RFP process impact the CFI/CLR practice?
 - NO. RFP will not be for CFIs/CLRs, and the OCR does not anticipate that anything about this RFP will impact use of/appointment of CFIs in the district.
- What number of cases will proposer be expected to handle?
 - Part of RFP process will be to set forth a minimum number of new D&N case appointments which must be accepted each year. If proposer is existing contract attorney in the jurisdiction, the proposer will be allowed and required to incorporate existing caseload into proposal (e.g., OCR will not continue to pay hourly on existing cases of any attorney in law firm/nonprofit).
 - Vision for Arapahoe County is that successful/selected proposer will serve as primary pickup entity for D&N cases and also pick up JD cases.
- Will there be a caseload cap on attorneys?
 - RFP will not set a specific cap, but the proposer will be expected to set a cap in its proposal. It is up to proposer to detail how services will be provided in terms of caseload/ multidisciplinary support staff. Proposer will have to submit and abide by caseload cap & report to OCR on compliance with cap.
- What about restrictions on office sharing/ fee splitting under Rules of Professional Conduct? It is our understanding that non-attorneys cannot be owners of a law firm. We will try to arrange for someone from Attorney Regulation to address these questions during the Proposer's Conference on June 2nd.
- What are the timeframes? Is there anything flexible about them? They seem very short for such an undertaking.
 - The time frames are now set, and they are commensurate (in fact, longer) than many other examples the OCR has considered. They are:
 - 5/17—RFP will be issued
 - 6/2--proposers' conference
 - 6/9—deadline for requests for information
 - 6/17—written answers to information requests will be posted on website

- 7/12—proposals due
 - 7/23—announcement of successful proposers
- What numbers will be provided to proposers to assist in assessing staffing needs/number of anticipated cases?
 - The OCR will provide a packet of data about the jurisdiction itself, as well as information about the El Paso GAL Office.
 - Requests for additional data may be submitted as part of requests for information (6/9 deadline). OCR will post answers to requests on 6/17. OCR will answer all data requests if possible—some data may not be available.
- How will proposals be evaluated/ selected?
 - There will be a screening committee to screen the proposals and they will submit those evaluations to the OCR for OCR's consideration. Screening criteria will be used.
- When does contract get executed? What upfront payment will be provided to successful proposer.
 - Contract will be executed in late August/early September. Pick up of cases will begin 1/1/11 (negotiable).
 - OCR is still working on exact percentage of upfront payment, but the figure it is currently contemplating is 10% of first year's payment will be paid within 2-4 weeks after the contract is executed. After that, payments will be provided on monthly basis commencing in January, 2011.
- How long will contract period be?
 - Approximately 2.5 years of picking up cases will be contemplated by contract (pickups beginning 1/1/11 and ending 6/30/2013). Additional period of a couple of months anticipated at beginning of contract to allow for set up.
- Will the 100 mile exemption still apply?
 - OCR is still making that determination
- Will office or individual attorneys be appointed on cases?
 - OCR is still making determination about appointment; however, office structure must assign individual attorneys to cases.
- Can proposal include grant writing time for staff member if nonprofit?
 - Yes, although this may mean lower salaries for attorney staff to make the proposal competitive. Also remember that the OCR is looking to fund a multi-disciplinary law office which maximizes the amount of time spent on actual cases.
- What if I do not want to submit RFP, but want to remain on as contract attorney? What is the process for that?
 - Contract/conflict/overflow attorneys will be reviewed/ selected by the OCR as they always have. The number of conflict attorneys needed will depend on the case pick up capacities of the successful proposers.

Follow up points