

New York State Office of Indigent Legal Services

Funding Announcement

Second 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 (ILS) 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,” ILS, 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 ILS and the 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	Tuesday, August 2, 2022
Questions Due By	Monday, August 15, 2022 5:00 p.m. ET (Q & A period closed)
Answers Posted By	Wednesday, August 24, 2022
Proposal Due Date	Wednesday, September 14, 2022 5:00 p.m. ET
Award Announcement	November 2022
Tentative Contract Start Date	February 2023

Intent of this Request for Proposals

ILS 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 provided 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.

Section I: Background

Parents' interest in their children's care and custody is one of the oldest and most fundamental liberty interests recognized by law.³ Depriving a parent of the right to raise a child is "often ... the more grievous" compared to a prison sentence.⁴ The United States Supreme Court has 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."⁵ Moreover, children have their own legal interest and right to be raised by their parent.⁶

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

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

⁴ *Lassister v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

⁵ *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

⁶ Assessing the private interests at stake in the fact-finding stage of a child protective case, the *Santosky* 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.

constitutional right to publicly-funded legal representation.⁷ 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.”⁸ 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.⁹

Despite these well-established constitutional and statutory mandates, attorneys representing parents in Article 10 matters face multiple challenges in providing quality representation. These challenges are detailed in the February 2019 *Interim Report of the Commission on Parental Representation* (2019 Interim Report). 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.”¹⁰ The Commission found that the most prominent challenges parental representation 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.”¹¹ 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 children¹² and for attorneys representing indigent criminal defendants.¹³ In its 2019

⁷ *Matter of Ella B.*, 30 N.Y.2d 352 (1972).

⁸ *Id.* at 356-357 (cites omitted).

⁹ *Brown v. Gandy*, 3 N.Y.S.3d 486 (4th Dept. 2015) (“... because the potential consequences are so drastic, the Family Court Act affords protections equivalent to the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings;” previous decisions requiring a showing of “actual prejudice to prevail on a claim of ineffective assistance of counsel under the New York Constitution” are no longer to be followed); *see also Matter of Jaikob O.*, 931 N.Y.S.2d 156 (3rd Dept. 2011); *Matter of Eileen R.*, 912 N.Y.S.2d 350 (3rd Dep’t 2010); *Matter of Alfred C.*, 655 N.Y.S.2d 589 (2^d Dept. 1997).

¹⁰ *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.

¹¹ 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>

¹² 22 NYCRR § 127.5.

Interim Report, the Commission on Parental Representation 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.¹⁴ 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").¹⁵ 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"¹⁶ as a result of the *Hurrell-Harring v. The 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.¹⁷ 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 (the Office of Children and Family Services (OCFS) in New York) to obtain federal subsidy for certain expenses related to representation of parents in all stages of child protective matters, from CPS investigations through terminations of parental rights and appeal proceedings.¹⁸ 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.

¹³ 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>.

¹⁴ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 34.

¹⁵ This document is available at: [Caseload Standards Parents Attorneys NYS Family Court.pdf](#).

¹⁶ *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

¹⁷ *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>

¹⁸ *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/

Section II: Project Description – What is This RFP Seeking to Achieve?

ILS has established this RFP to assist counties in implementing initiatives that improve the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10. Please note:

- **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 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.**
- **Funding of proposals is limited to the representation of clients pursuant to County Law Article 18-B in Family Court Act Article 10 matters, and all 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.¹⁹**

While no one specific basis is required to secure an award, nor do the bases noted here constitute an exclusive list, 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 seek to reduce attorney caseloads to enhance the quality of representation in Family Court Act Article 10 proceedings are strongly encouraged. Such proposals should identify protocols that will be implemented, explain how the protocols will reduce caseloads, and, if relevant, describe how a caseload-reducing protocol will be implemented in relation to other quality enhancement measures.
- *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 Family Court Act Article 10 cases. Proposals that involve new or increased access to and utilization of specialized resources including social workers, parent advocates, expert witnesses, or administrative supports are also encouraged.

¹⁹ 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.

- Pre-petition representation. Proposals that seek to connect parents with timely legal representation during the Child Protective Services (CPS) investigation, prior to the filing of any court petition, are strongly encouraged. As noted in the *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, such pre-petition representation in child welfare proceedings can “contribute to more expeditious provision of appropriate, individualized services to families; assist in placing children with relatives, rather than in foster care with strangers; prevent unnecessary removals of children; and avoid unnecessary court proceedings.”²⁰

When developing proposals, counties are strongly encouraged to:

- Propose plans that address obstacles to quality representation faced by **all** of the county’s providers of mandated representation in Family Court matters (primary provider and conflict provider[s]).
- Incorporate enhanced access to high-caliber trainings, including legal content and skills-based training.
- Include initiatives that promote compliance with ILS’ *Standards for Parental Representation in State Intervention Matters*.²¹

Section III: Funding and Contract Period

Grants awarded under this RFP will be issued for a period of three years. The total available funds for awards are \$12,000,000 (\$4,000,000 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 \$750,000.00 (\$250,000 per year for three years). Counties may submit proposals either at or less than the maximum amount. If additional funds become available, ILS reserves the right to approve additional projects under the authority of this funding announcement or restore funding.

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

²⁰ *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 22.

²¹ *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>.

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> 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 only, citing the RFP page and section, by 5:00 p.m. Eastern Time (ET) on **Monday, August 15, 2022** to QA@ils.ny.gov. Questions received after the deadline will not be answered.

When corresponding by email, clearly indicate the subject as: **“Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction RFP.”**

Questions and answers will be posted online by **Wednesday, August 24, 2022** at: <https://www.ils.ny.gov/node/224/pending-rfps>. The name of the party submitting the question will not be posted.

Application Submission

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

All applications must be received by Wednesday, September 14, 2022 at 5:00 p.m. ET. 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
11th Floor, Suite 1147
80 South Swan Street
Albany, NY 12210

By email: Electronically submitted proposal applications must be emailed to RFP@ils.ny.gov. All required documents or attachments must be included in the electronic submission.

When corresponding by email, clearly indicate the subject as: **“Second Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction RFP.”**

After you submit your application at RFP@ils.ny.gov you will receive an email confirming receipt of the application. If you do not receive an email 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. Cover Page (not more than two (2) pages in length)
2. Proposal Narrative (not more than ten (10) pages in length)
3. Budget and Cost
 - a. Budget (see Attachment A of this RFP)
 - b. Budget Justification (not more than four (4) pages in length)

Section VI: Proposal Application

I. COVER PAGE (not scored)

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

The cover page should include the following information:

1. Identification of the county requesting funds;

2. 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.
3. Fiscal intermediary name and address (identify the department and/or individual responsible for fiscal reporting for this project);
4. Amount of funding requested; and
5. A concise description of the proposed project, no more than three sentences long.

II. PROPOSAL NARRATIVE (90 points)

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

A. Plan of Action

1. Describe the obstacles to providing quality representation in Family Court Act Article 10 matters that your county's providers of mandated representation confront and that your plan is intended to address. The obstacles identified should be ones that can be addressed by this funding, which may include, but not be limited to, the impact of excessive caseloads, lack of early intervention/pre-petition services, insufficient access to specialized services that allow for a multi-disciplinary approach to representation, insufficient access to training, etc. (10 Points)
2. Describe the plan you will implement to address the obstacles to providing quality representation you identified in Question #1 (e.g., excessive caseloads, lack of early intervention/pre-petition services, insufficient access to specialized services that allow for a multi-disciplinary approach to representation, insufficient access to training, etc.). In your response, please do not describe plans for training; if training is part of your plan, please address it in Question #4 below. (20 Points)
3. Describe the specific role all of the providers of mandated Family Court representation in your county have in your plan. (10 Points)
4. Identify any training or mentoring that will be provided to meet your plan objectives, and which positions, including supervisory staff, will receive the training/mentoring. (10 Points)
5. Describe the current Family Court staffing structure for all of the providers of Family Court representation in your county, and any anticipated changes required to implement your plan, including whether existing staff will perform tasks, or if new staff will need to be hired. (5 Points)

6. Describe how you will assure your plan is feasible and how you will monitor the plan such that obstacles to implementation can be identified and necessary adjustments made. (5 Points)
7. Specify how your plan is expected to achieve greater compliance with ILS standards, particularly *ILS Standards for Parental Representation in State Intervention Matters*. Specific standards should be referenced. (5 Points)

B. Data Collection, Performance Measurement, and Evaluation

8. Describe the metrics that will be used to demonstrate that your plan has been successfully implemented. For example, if your plan is to reduce caseloads, specify how you will measure caseloads in a way that is appropriate to gauge implementation of your plan.²² If your plan will increase access to non-attorney professional support services, specify how you will show that these resources, or attorney access to them, was increased. (5 Points)
9. Describe the specific improvements in the quality of representation that you anticipate resulting from your plan, and how these will be measured. For example, if your plan is to reduce caseloads, specify the attorney behavior you expect to see as a result of reduced caseloads. If your plan is to increase access to non-attorney professional services, specify how you will measure utilization of these services and the impact on the quality of representation. Where possible, 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. (10 Points)
10. Describe how you will collect the data necessary for Questions #8 and #9. Indicate whether you will use your current case management system or whether staffing, programmatic, or technological changes need to be made to track required data and how these would be accomplished, including implementation of office protocols for collecting information or changes to your case management system or other systems for maintaining and reporting data. (5 Points)

C. Applicant Capability and Personnel

11. Identify who will be the lead person(s) responsible for plan implementation, and their qualifications. If the plan includes more than one provider of mandated representation, please specify the lead person(s) for each provider. (2 points)
12. 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 your plan. (3 Points)

²² 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.

III. BUDGET & COST (30 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.

- **The Budget should be constructed using the attached Budget Form;**
- **the Budget Justification should not be more than four (4) pages in length (double-spaced, with margins of 1” on all sides, using no less than a 12-point font).**

The completed Attachment A: Budget Form is not part of the two-page limit.

13. Using the attached Budget Form, provide a detailed **three-year budget** containing reasonable and necessary costs. The budget for the proposed project must be consistent with the terms of the RFP and mathematically correct. (8 Points)
14. The Budget Justification should briefly **explain each budget line**, justifying the budget request, and relating the requested line budget amount to the plan of action and expected results. The justification should correspond with the information and requested amount provided in the Budget. (20 Points)
15. The Budget Justification should also describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. (2 Points)

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

Section VII: Review and Selection Process

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

The first level entails a Pass/Fail review, conducted by ILS staff, to ensure that the application is responsive to the conditions set forth in the RFP. ILS will reject any applications that do not clearly and specifically address the purposes of this funding opportunity and/or 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 ILS, including page limits;
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 evaluation 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 justification. The proposal review and rating will be conducted using

the criteria stated in this Funding Announcement. ILS will typically use staff, and others with expertise in the RFP topic area, to comprise the proposal review team. Each reviewer will assign a score up to a maximum of 120 points to each application; individual scores will be averaged to determine the applicant's score. Applicants' scores will be ranked in order. ILS reserves the right to conduct follow-up discussions with applicants to clarify information in the submitted proposal. In the event of a tie (identical scores), ILS will look at the highest scores of these sections of the proposals to determine an award: first, the "Plan of Action" portion of the proposal, and if these scores are the same, next the "Budget and Cost" 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, ILS reserves the right to allocate the grant funds in a manner that best suits program needs as determined by ILS. Such a plan will be subject to review and approval by the Office of the State Comptroller.

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 November 2022. All commitments are subject to the availability of state funds. The proposal review team will recommend to ILS the highest ranked proposals 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 ILS will establish a mutually agreed upon final budget and work plan, which become the contract deliverables.

As part of the contract with ILS, grantees will be required to submit annual progress reports to ILS. 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 ILS 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 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. ILS may suggest the use of a specific data collection protocol, or work with programs to employ existing, in-house case tracking software to produce data.

ILS reserves the right to:

- Negotiate with applicants, prior to award, regarding work plans, budget line levels, and other issues raised within the RFP review to achieve maximum impact from the grant award, 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, ILS 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 ILS to discuss the evaluation of their proposal. Such request may be submitted in writing to QA@ils.ny.gov.

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			