



Request for Information

JUDICIAL COUNCIL OF
CALIFORNIA

TITLE: JUVENILE DEPENDENCY
LEGAL REPRESENTATION IN
SANTA CRUZ SUPERIOR COURT

RFI NO: CFCC-2023-51-DM

RESPONSES DUE:

SEPTEMBER 1, 2023, NO LATER
THAN 1:00 P.M. PACIFIC TIME

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For planning and information purposes only

I. OVERVIEW

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612/Assem. Bill 1197; Stats. 1988, ch. 945), which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations. In 1997, the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation.

II. INVITATION TO RESPOND

You are invited to respond with information to assist the Judicial Council of California in identifying prospective law firms or individuals (through any model of representation, e.g., two office, primary parent, primary children, panel) to provide legal representation for clients in juvenile dependency proceedings on behalf of the Superior Court of California, County of Santa Cruz.

III. SERVICE DESCRIPTIONS

The objective of this Request for Information (RFI) is to gather information on qualified law firms or individuals that can provide dependency representation for parents and children clients (currently this is estimated at 170 parent and 230 child clients) in dependency proceedings for the Santa Cruz Superior Court.

1. GENERAL REQUIREMENTS

The following are the primary considerations that should be addressed in this RFI. The format for responding is described in Section VI:

- Ability to provide dependency representation services within the funding levels listed in Section V of this document. Note that contract funding for service providers is based proportionately on the percentage of parents and/or children represented.
- The estimated number and percentage of parent and child clients that the applicant will represent under the proposal under the models listed in Section III.8.
- The ability to provide, within the model of service proposed, representation for every case filed or a proportion thereof.
- The ability to provide, within the model of service proposed, adequate staffing for all dependency courtrooms and substitute counsel for both ethical and scheduling conflicts.

	# of Courtrooms	Address	# of Child Clients (Current Range)	# of Parent Clients (Current Range)	Approximate Funding for Parent and Child Representation
Santa Cruz	1	Watsonville Court House 1 Second Street Watsonville, CA 95076	220-275	150-220	\$504,000-\$624,754

2. SAMPLE OF MINIMUM SCOPE OF SERVICES

Contractors shall comply with Santa Cruz Superior Court Rules.

Attorneys providing representation shall appear in-person for all juvenile dependency proceedings in the Superior Court of California, County of Santa Cruz unless otherwise authorized by the court.

Contractors shall represent parents and/or children in juvenile dependency proceedings in the Superior Court of California, County of Santa Cruz.

Representation requires, but is not limited to, Rules of Professional Conduct, Business and Professions Code section 6068, and the following performance standards:

- i. Maintain attorney competence in compliance with Rules 1.1 of the Rules of Professional Conduct and California Rules of Court, rule 5.660;
- ii. Establishing and maintaining an attorney-client relationship. Communicating with the client in compliance with Rules of Professional Conduct 1.4;
- iii. Visiting Child clients at each new placement, whenever feasible;
- iv. Conducting thorough, continuing, and independent investigations and interviews at every stage of the proceedings;
- v. Determine the client’s position, counsel them on all their legal options, and provide zealous advocacy.
 - For child clients, determine the child’s wishes and best interests. Advise the court of the child’s wishes and advocate for those wishes and best interests, when appropriate;
- vi. Contacting social workers and other professionals associated with the client’s case prior to each hearing, whenever practical and appropriate:
 - For Child clients, this includes contacting CASA and school personnel;

- vii. Requesting services (by court order if necessary) to access entitlements and to ensure a comprehensive service plan:
 - For Child clients, this may include requesting services related to IEPs and attending meetings related to the Child, as practical and appropriate;
- viii. Monitoring compliance with court orders, including provision of and effectiveness of court-ordered services;
- ix. Filing pleadings, motions, responses, or objections as necessary to represent the client;
- x. Preparing for and participating in all hearings:
 - For Child clients, preparing for and participating in 241.1 hearings pertaining to current juvenile dependents with a goal of maintaining the dependency jurisdiction wherever possible and appropriate;
 - For Parent clients, representation at hearings set to determine the ability to pay for the cost of court appointed counsel;
 - Conduct client visits, utilizing social workers and investigators, expert witnesses, and bonding studies when appropriate;
- xi. Investigating the interests of Child clients beyond the scope of the juvenile dependency proceeding and notifying the court of issues on behalf of the Child, administratively or judicially. These interests may include:
 - School/special education issues;
 - Mental health assessment and treatment;
 - Immigration;
 - Personal injury; and
 - Delinquency or status offender matters;

Contractor shall not be required to provide legal representation regarding any of the above-referenced interests.

- xii. Participating in alternative dispute resolution efforts, including but not limited to Family Group Conferences, Team Decision Making meetings and mediation, as appropriate and beneficial to the client;
- xiii. Determining if appeals and writs are appropriate and, where necessary, filing writ and notice of appeal;
- xiv. Arranging for substitute representation where necessary to avoid court delay;
- xv. Providing representation if the Child client becomes a non-minor dependent; and
- xvi. Performing any other duties as required by applicable law, statute or ethical obligations, including the Welfare and Institutions Code.

3. CONFLICTS AVOIDANCE

- A. Contractor will ensure that conflicts are declared only when an actual conflict exists.
 - i. New Appointments

- Contractor shall establish procedures to check for conflicts of interest, and institute a process to avoid conflicts. Contractor shall arrange for representation of all new clients by one of its firm's attorneys or by a contract attorney if assignment of a case to one of the firm attorneys is not possible due to legal conflict of interest.

ii. Ongoing Clients

- Contractor shall (a) establish procedures to determine whether actual conflicts of interest arise among current clients; (b) advise the court when such conflicts arise; and (c) arrange for the appropriate reassignment to a contract attorney if reassignment of the case is not possible due to legal conflict of interest.

4. CONFLICT APPOINTMENT ADMINISTRATION

- A. Contractor will identify qualified independent contractor attorneys and execute contracts with those attorneys to be available for appointment in cases of conflict of interest, pursuant to Section 3 above. Contractor will ensure that enough independent contractor attorneys are available to represent all clients whose representation would present a conflict of interest pursuant to Section 3 above.
- B. Contractor agrees to incorporate the reporting of monthly statistics, regarding the number of conflict clients represented, into the independent contractor attorney contracts. Contractor will facilitate the reporting of monthly statistics as identified in Section 9, below.

5. COURTROOM STAFFING

Contractor shall staff the Dependency courtroom(s) so as to ensure adequate attorney availability at all times.

6. EDUCATION AND TRAINING

- A. Contractor shall comply with the education and training standards outlined in California Rules of Court, rule 5.660.
- B. Contractor shall attend statewide multi-disciplinary trainings or conferences, as practical.

7. SYSTEM MEETINGS

Contractor shall participate in systems meetings as required by the Court that are intended to improve services for children and families in dependency court.

8. NUMBER OF CLIENTS TO REPRESENT

Contractor agrees to represent parent and/or child clients in dependency cases. Contractor may propose one of the following representation models:

- All parties in Santa Cruz County: Represent all parents (including guardians and de facto parents) and children (including eligible non-minor dependents) in dependency proceedings, including all levels of conflict parent and conflict children.

- All children in Santa Cruz County: Represent all children (including eligible non-minor dependents) in dependency proceedings, including all levels of conflict children.
- All parents in Santa Cruz County: Represent all parents (including guardians and de facto parents) in dependency proceedings, including all levels of conflict parent.

9. CASE REPORTS AND MAINTENANCE OF RECORDS

- A. Case Reports. Contractor shall provide case related information and updates in the Juvenile Court Activity Tracking System (JCATS), the case management system provided to Judicial Council contracted dependency representation providers. Contractor is required to keep JCATS updated on a monthly basis.
- B. Financial Reports. If requested by the Judicial Council, Contractor shall provide an income and expenditures report or an audited financial statement within thirty (30) days.

10. JUVENILE DEPENDENCY COUNSEL COLLECTIONS

The Judicial Council has established a program to collect reimbursement for dependency counsel services. If the Court has implemented the reimbursement program, Contractor agrees to participate in that effort at no additional cost; participation includes, but is not limited to, the distribution of financial declaration forms to clients upon initial appointment and representation of Parent clients at hearings set to determine the ability to pay for the cost of court appointed counsel.

IV. REQUIREMENTS

The Judicial Council requests that interested law firms or individuals present information on their resources, capabilities, experience, and qualifications.

V. FUNDING

Court appointed dependency counsel funds are allocated by the Judicial Council pursuant to a workload based methodology adopted in April 2016.

Santa Cruz’s allocation for juvenile dependency representation ranges from approximately \$504,000 to \$623,754.

VI. RESPONSE FORMAT

Please provide in memo form a profile of your practice or organization with information that will enable the Judicial Council to evaluate your ability to manage a dependency caseload. Be sure to incorporate the factors listed below and any additional information you deem necessary to include. The profile is intended to minimize the effort of the respondent and structure the responses for ease of analysis by the Judicial Council. Please adhere to this format without compromising your response.

Section 1: Profile

Please include the following items in your profile:

- History of handling dependency cases;
- Office space in Santa Cruz County;
- Capabilities;
- Qualifications;
- Ownership/structure (i.e., sole proprietor, non-profit, etc.);
- Services offered; and
- Other information you deem relevant.

Section 2: Experience and Staffing

Consistent with the **Service Descriptions** listed above, describe your firm’s experience in providing legal representation for parents and children clients in juvenile dependency proceedings. Provide biographical and professional information regarding the primary partners, shareholders, associates, and other attorneys, of the firm who are interested in representing parents and conflict children in juvenile dependency proceedings.

Section 3: Selected Client Base and Proposed Representation

Indicate your selected client base and proposed representation:

- All parties in Santa Cruz County: Represent all parents (including guardians and de facto parents) and children (including eligible non-minor dependents) in dependency proceedings, including all levels of conflict parent and conflict children.
- All children in Santa Cruz County: Represent all children (including eligible non-minor dependents) in dependency proceedings, including all levels of conflict children.
- All parents in Santa Cruz County: Represent all parents (including guardians and de facto parents) in dependency proceedings, including all levels of conflict parent.

Section 4: Representation Assessment

Provide an assessment of how your firm’s representation will benefit Santa Cruz County, including clients and the Court, with consideration of court efficiencies.

VII. ADDITIONAL INFORMATION

A. Disclaimer – No Solicitation

This RFI is issued to gather information and is intended for planning purposes only. This RFI does not constitute a solicitation. A response to this RFI is not an offer and cannot be accepted by the Judicial Council to form a binding contract. The Judicial Council shall have no obligation to, and will not, reimburse respondents (or their agents, contractors or brokers) for any expenses associated with responding to this RFI. Responses to this RFI will not be returned. The Judicial Council shall have no obligation to respond in any manner to a submission.

B. Confidential or Proprietary Information

The Judicial Council is bound by California Rule of Court 10.500 with respect to public access and

disclosure of judicial administrative records. Rule 10.500 is posted online at: http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500. While Respondents may note or mark portions of the information submitted in response to this RFI indicating that the information contains material that is confidential and/or proprietary, if the Judicial Council receives a request for public access to material submitted in response to this RFI, the Judicial Council will determine, in its sole opinion, whether marked material is exempt from disclosure under rule 10.500 or other applicable law. If the Judicial Council, in its sole opinion, finds or reasonably believes that the material so marked is exempt from disclosure, that material will not be disclosed. If the Judicial Council finds or reasonably believes that the material so marked is **not** exempt from disclosure, the Judicial Council will contact the respondent with a request to substantiate its claim for confidential treatment but may disclose the information pursuant to rule 10.500 and other applicable law regardless of the marking or notation seeking confidential treatment.

C. Closing Date for Submission and Contact Information

All submissions are due September 1, 2023, no later than 1:00 p.m. (PDT). All interested parties must submit an electronic version of the entire response marked “Response to RFI # CFCC-2023-51-DM to be transmitted by email to the Judicial Council’s single Point of Contact (POC) the solicitations mailbox at solicitations@jud.ca.gov. The RFI number CFCC-2023-51-DM must be included in the subject line of all communications.

All communication with the Judicial Council for this RFI must be in writing, include the RFI number, and must be directed to the Judicial Council’s single Point of Contact (POC) the solicitations mailbox at the following e-mail address: solicitations@jud.ca.gov.

Interested parties must not contact any other Judicial Council staff, court, or other judicial branch entity regarding this RFI except as provided above. Submissions should provide straightforward and concise responses to the requests for information set forth in this RFI.

D. Information Exchange

Following review of the submitted material, you or your organization may be contacted and asked to participate in an information exchange with the Judicial Council. The objective will be to gain further understanding of your proposed approach.

E. Statement of Limitations

The Judicial Council represents that this RFI, submissions from respondents to this RFI, and any relationship between the Judicial Council and respondents arising from or connected or related to this RFI, are subject to the specific limitations and representations expressed below, as well as the terms contained elsewhere in this RFI. By responding to this RFI, respondents are deemed to accept and agree to this Statement of Limitations. By submitting a response to this RFI and without the need for any further documentation, the respondent acknowledges and accepts the Judicial Council’s rights as set forth in the RFI, including this Statement of Limitations.

This RFI does not create an obligation on the part of the Judicial Council to enter into any retention or agreement, nor to implement any of the actions contemplated herein, nor to serve as the basis for any claim whatsoever for reimbursement for any costs for efforts associated with the preparation of responses submitted to this RFI.

The submission of an RFI response is not required to make any legal services provider eligible to participate as outside counsel in any legal matter under for a judicial branch entity, nor does submission of a response preclude respondents from participation. A submission does not constitute a contract for services.

To the best of the Judicial Council's knowledge, the information provided herein is accurate. Notwithstanding, the Judicial Council makes no representations or warranties whatsoever with respect to this RFI or any legal matters managed by the Judicial Council, including representations and warranties as to the accuracy of any information or assumptions contained in this RFI or otherwise furnished to respondents by the Judicial Council.

Notwithstanding anything else in this RFI, the Judicial Council has the unqualified right to:

- change any of the dates, schedule, deadlines, process, and requirements described in this RFI;
- supplement, amend or otherwise modify this RFI; and
- elect to cancel or to not proceed with this RFI

for any reason whatsoever, without incurring any liability for costs or damages incurred by any interested parties or potential interested parties.

The Judicial Council has the right to require clarification or accept or request new or additional information from any or all interested parties without offering other interested parties the same opportunity, and to interview any or all interested parties. The Judicial Council may independently verify any information in any submission.

The Judicial Council reserves the right to amend or modify one or more provisions of this RFI by written notice posted online at <http://www.courts.ca.gov/rfps.htm> prior to the closing date.