

**Request for Proposals (RFP): Juvenile Dependency Proceedings  
Superior Court of California, County of San Joaquin  
Bidder's Conference: June 30, 2005**

**Questions and Answers (Q&A)**

*1. How are counsel for children currently appointed in juvenile dependency cases in the San Joaquin court?*

The Public Defender is appointed to represent the first parent and attorneys from the Dependency Attorney Panel (Panel), which is administered by the Bar Association's Lawyer Referral Service, are appointed to represent any additional parents, as well as children. There are ten attorneys on the Panel, and two of them are assigned to appear at each detention calendar.

*2. Are the practice guidelines referred to in the court's Local Rules (Rule 5-401) available for review?*

Yes, they are available from the Lawyer Referral Service, which may be reached at (209) 948-4620.

*3. How much has dependency representation cost the court in recent years?*

The total cost for the current fiscal year (July 1, 2004 to June 30, 2005) is \$2.14 million. This amount includes the cost for dependency representation provided by the Public Defender's office, which is approximately \$357,000. (The figure stated at the Bidders' Conference was incorrect.) It should be noted that the Panel attorneys have been operating under an artificial cap on their fees, because the AOC has not been able to guarantee payment of their full costs. However, those full costs will be paid this year, and the \$2.14 million figure reflects the full cost of representation.

*4. Can you provide a breakdown of how much of that cost is for representation of parents and how much is for the representation of children?*

The cost of parents' representation (including the \$357,000 paid to the Public Defender) is approximately \$1.07 million. The cost of children's representation is approximately \$1.07 million.

*5. Will the Public Defender continue to provide representation in dependency cases?*

The Public Defender will continue to represent the first parent in dependency cases. The RFP is for all other levels of parent conflict and for all children.

6. *Is the Public Defender ever appointed to represent children?*

Currently, the Public Defender has a few child clients. New contracts implemented as a result of this RFP process should assume that the Public Defender will no longer be appointed to represent children in dependency cases.

7. *Are fees for experts and other ancillary costs available?*

Yes. The RFP requires applicants to provide a detailed line item budget that includes all costs except for those related to expert witnesses and out-of-state travel to visit child clients. These costs will require prior approval from the court, and will be paid off-contract. All other costs, including investigators, social workers, and travel to visit child clients in in-state placements, must be included in the proposal.

8. *Is information available about the current cost for travel to visit child clients in out-of-county placements?*

Total travel costs for panel attorneys in 2004-05 were \$850; it is not possible to determine the amount that was spent to visit clients in out-of-county placements. Because panel attorneys were working under capped costs, this figure is lower than should be expected for future travel costs.

9. *Does the Bar Association charge a fee to administer the Panel?*

Yes. The AOC pays the Bar Association approximately \$50,000 per year for administering the Panel. Additionally, Panel attorneys pay the Bar Association 4% of each invoice submitted for dependency representation.

10. *Should proposals include the cost to visit each child client as required by law?*

The expectation is that children's counsel will visit their clients prior to each statutory hearing. Those costs should be reflected in the proposals.

11. *The RFP cites 19% of children placed out of county. Can you provide a breakdown of where those children are placed?*

This information is not available.

12. *The caseload and disposition statistics provided in the RFP don't seem to add up. Does one dependency courtroom really handle 2200 children? Is each child a separate filing?*

Dependency cases include multiple siblings; the 2200 children represent approximately 1400 cases, which are all handled in one courtroom. The reason there are fewer dispositions than children is that many of the children have been in the system for a while.

The caseload information in Table 1 of the RFP relies on information provided by the local DSS to determine the number of children in the court system. The number of parents is derived from the number of children, based on the AOC's extensive caseload study that was completed in

2003, which found that the number of parents represented is approximately 72% of the number of children represented.

The statistics provided in Table 2 reflect court data required annually by the AOC; the reliability of this information is limited by the quality of the court's Case Management System.

13. *Does the court anticipate adding an additional department to hear dependency cases?*

No.

14. *Can you provide a breakdown of children in dependency cases by age and a breakdown of the phases that the cases are at?*

The most recent information available about the age of children in out of home care is from December 2003<sup>1</sup>:

<u>Age</u>	<u>Number of Children in Out of Home Care</u>
Under 1 year old	115
1 – 5 years old	488
6 – 10 years old	388
11 – 14 years old	373
15 – 18 years old	371
19 years old	4
Unknown/Missing	15

The Average Age is 8.8 years old.

Data about case phases is not available.

15. *Do you anticipate transferring the caseloads of the current providers to new providers?*

Section VI of the RFP, which can be found on page 12 of Attachment D (Scope of Services) provides an explanation of the expected transition of new cases, as follows:

Effective October 1, 2005, it is the intent of the Court to transfer representation of all dependency child and conflict parent cases to the new providers, if new providers are selected as the result of this RFP process. The newly selected providers should be prepared to accept all dependency child and conflict parent cases, whether new or ongoing, as of October 1, 2005. Note, however, that currently appointed attorneys will not be immediately released on specified cases, including but not limited to: (1) any case that has not yet reached disposition; (2)

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<sup>1</sup> Source: California Department of Social Services, Child Welfare Services/Case Management System: "Characteristics of Children in Out of Home Care for the Month of December 2003." URL: <http://www.dss.cahwnet.gov/research/res/pdf/CWS2/2003/cws2Dec03.PDF>.

any case presently set for contested hearing; or (3) any case presently set for a W&I §366.26 hearing. Cases falling in these three categories will not be transitioned to new providers selected as a result of this RFP process until after those hearings have been completed and until the Court has determined that an attorney transition is appropriate. The Court estimates that approximately 25% of the current caseload falls into one of these three categories.

*16. Are there provisions in the contractual relationship with the current panel that give them the right to keep their cases?*

There are no such contractual provisions.

*17. Is the \$2.14 million what is projected as the cost for new proposals?*

No, it should serve as a benchmark, but not a cap. Proposals should reflect the actual cost of the services outlined in the RFP.

*18. Are attorneys expected to participate in 241.1 hearings?*

The extent to which attorneys are expected to participate depends on the culture of the local court, and whether dual jurisdiction is implemented. Attorneys are expected to participate in 241.1 hearings and advocate for continued dependency jurisdiction, whenever possible.

*19. The Scope of Services states that attorneys are expected to investigate the interests of children beyond the scope of the dependency proceedings. Are they expected to provide representation in those proceedings, e.g., immigration proceedings? If so, is the cost of that representation provided outside of the contract?*

The duty of counsel is to notify the court of the child's interests beyond the scope of the dependency proceedings, but not to provide representation in those matters. The AOC does not pay for representation in immigration proceedings, for example, as this is a county cost.

*20. Can you provide statistics of the number of children in dependency proceedings with IEPs?*

No.

*21. It is expected that children's counsel would participate in contested IEP hearings?*

No. The AOC would like to encourage advocacy on behalf of children with IEPs, dependency counsel will not be expected to participate in school administrative hearings.

*22. How does Dependency Drug Court function in the San Joaquin court?*

There are two phases. Prop 1 is for people with first-time drug issues in dependency court, where it is determined that it is not necessary for them to appear in court on a weekly basis. Those cases are heard once per month, on Tuesdays at 2:00 p.m. If more serious drug issues are involved, the parent is in the Prop 2 phase, where they are required to appear in court on a

weekly basis, on Tuesdays at 2:30 p.m. The court holds an administrative hearing at noon on Tuesdays, where one attorney from the Panel appears to find out if any of the parents are facing confinement time. If so, that attorney notifies the parent's attorney, who appears for a due process (OSC) hearing. Sometimes there are trials, but that is not typical. Parents' attorneys are not required to appear for drug court if there is to be no adverse proceeding against their parent clients.

*23. Is the San Joaquin Dependency Drug Court modeled after the San Diego approach?*

It is similar. All parents are screened and tested for participation in Drug Court at the detention hearing.

*24. Is the court considering implementing dependency mediation?*

Not at this time, mainly because the Panel and the Public Defender are good at negotiating. Not a lot of cases go to trial where the parents could be convinced to do less than go to trial.

*25. Does the court object to bidders observing dependency court proceedings?*

No. Please advise the bailiff of your presence when and if you decide to observe.

*26. What facilities are available at the court for children, both for interviewing children, and as a place for them to wait if they are appearing in court?*

There is a small room adjacent to the court with a blackboard, toys and child-sized chairs.

*27. Is there a visiting area for children and parents at the court?*

They can use that room, but there is only one room.

*28. Does the court receive [DSS] reports in a timely fashion?*

No. On a good day, about 65% of the reports are submitted on time.

*29. The RFP mentions quarterly systems meetings. Are there inter-agency standing committees?*

There are not currently interagency standing committees, but the court plans to implement quarterly systems meetings.

*30. Can an explanation be provided for the hearing times listed in the court's schedule that is provided in the RFP?*

Hearings are set by type and unit. The Human Services Agency has three units, and a separate time is set for each unit for each type of hearing. The hearings are scheduled at half-hour intervals to allow for all cases from each unit to be heard.

31. *Is there a limit on the number of cases per time set?*

No. All the cases from a unit are heard at the time set for that unit. The most cases heard in one day has been 120, but it's usually between 80 and 100.

32. *Are jurisdictional and dispositional hearings held separately?*

It depends on the unit. One of them does them together, the other does them separately.

33. *How many minutes are spent hearing each case?*

Not long, although as long as needed, unless there is a trial, which is then specially set.

34. *Does County Counsel represent the Department?*

Yes.

35. *What is the court's attitude on children appearing in court?*

Children's coming to court is appropriate.

36. *Are there problems with the social workers bringing the children to court?*

No, they are good about it. If the parent is a juvenile, juvenile hall has to arrange for their transportation, but it's not a problem.

37. *What are most of the trials about?*

Everything; more contested jurisdictional hearings are set than other hearing types, but they are usually resolved. A lot get set in order to get resolved, and it works.

38. *If one were to set a trial today, how long would it take to get on calendar?*

If time was not waived, it would take three weeks. If time was waived, it would take six weeks.

39. *What is the average length of time a case is in the system?*

50% of children in San Joaquin County that entered care during 2002, and stayed at least five days, left after 425 days.<sup>2</sup>

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<sup>2</sup> Needell, B., Webster, D., Armijo, M., Lee, S., Cuccaro-Alamin, S., Shaw, T., Dawson, W., Piccus, W., Magruder, J., Exel, M., Conley, A., Korinek, P., Smith, J., & Dunn, A.(2005). *Child Welfare Services Reports for California*. Retrieved July 6, 2005 from University of California at Berkeley Center for Social Services Research website. URL: <<http://cssr.berkeley.edu/CWSCMSreports/>>

*40. How many levels of conflicts are proposals supposed to cover?*

Ideally, proposals should provide coverage for as many levels of conflict as are required. However, a proposal that specifies a limited number of levels of conflicts would not be disqualified.

*41. Are the current caseloads of the Panel attorneys close to 400?*

No. The Public Defender has higher caseloads, because they have one client in every case, with only 2.5 attorneys.

*42. Will proposed caseloads be considered in evaluating proposals?*

Yes. The RFP requires that proposals specify caseloads per attorney. One of the goals of the DRAFT program is to implement standards for attorney performance; reducing caseloads is seen as a way to enhance attorneys' ability to provide required services. Proposals that include support staff, such as investigators and social workers, would allow for higher attorney caseloads.

*43. What are the biggest systemic problems, from a judicial perspective?*

The biggest challenge is performing evaluations of parents to determine what services are needed and providing those services. Appropriate psychological services for parents are not always available, although they are generally provided for children: the Human Services Agency's workers' caseloads are too high. The most important goal is to continue with services for parents to make sure that, once children are returned home, they don't come back into the system.

*44. Is there a problem with continuances?*

Only with regard to DSS reports that are not submitted on time. The attorneys are good at resolving cases, and at not coming to court unprepared.

*45. Is it common to have cases with a mother with children by several fathers?*

Yes, it's very common. The record is ten fathers in once case; luckily, only four showed up and needed counsel appointed.

*46. Is data available on the number of levels of conflict?*

No.

*47. Is office space available for lease from the county?*

The person to contact in that regard is Craig Ogata, the director of facilities management for the county. Mr. Ogata can be reached at (209) 468-2180, or [cyogata@co.san-joaquin.ca.us](mailto:cyogata@co.san-joaquin.ca.us).