

Office of Public Defense Services
Case Manager Request for Applications

OPDS is seeking public defense Case Manager (*Social Worker*) services contracts in Multnomah County (*up to 160 hours per month*), in juvenile dependency, delinquency, and termination of parental rights cases. The services will be provided as part of the Parent Child Representation Program (PCRP). Contracts will begin in February, 2021.

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PART 1 – GENERAL INFORMATION

1.1 Request For Applications Description

The Public Defense Services Commission (PDSC) is a seven-member commission appointed by the Chief Justice of the Oregon Supreme Court that serves as the governing body for Oregon's public defense system. The Commission provides policy direction and oversight for the administration of the system. As required by ORS 151.216(1)(b), the Commission established the Office of Public Defense Services (OPDS) that serves as the administrative agency responsible for carrying out the Commission's directives and other statutorily defined duties. The legal services provided by OPDS represent an essential component of Oregon's public safety system.

Over the last decade, the agency has evaluated and sought to improve the work of its juvenile contractors through a number of approaches including promotion of best practices; education and training opportunities; investigation and resolution of complaints from judges, attorneys and clients; the creation of a juvenile law resource center; and creation of a juvenile appellate section within the OPDS appellate division. Despite these efforts, a statewide survey and the agency's site visit evaluations and structural reviews disclose continuing deficiencies in the quality of representation being provided statewide.

The State of Washington has addressed similar issues through the Parent Representation Program. Components of the program include: reduced caseloads, additional training and oversight, and independent social work support for attorneys representing parents. The evidence of their success has been the expansion of their pilot from three counties in 2000 to the entire state in 2018, and a statewide reduction in the number of pending juvenile dependency cases in the state.

In 2014, OPDS started a program very similar to the Washington Parent Representation Program called the Parent Child Representation Program (PCRP). The PCRP, currently operating in Columbia, Coos, Lincoln, Linn, and Yamhill counties, aims to improve the quality of representation of parents and children in juvenile court and, as a result, improve outcomes for families and children in the dependency and delinquency systems.

The Oregon Judicial Department (OJD), Department of Human Services (DHS), and Department of Justice (DOJ) volunteered to partner and provide resources to assist in the overall goal of improving representation in juvenile cases from beginning to end. Agencies have offered to assist OPDS with multi-disciplinary trainings, resources, and shared information to make overall systematic improvements in assuring these cases are handled to best meet the needs of children and parents.

Through the PCRCP, contract attorneys in PCRCP counties will have a maximum caseload of 80 cases, be provided a caseload reporting template, and access to independent social worker (case manager)¹ resources.

OPDS is working to provide effective representation to parents and children in juvenile dependency, delinquency and termination of parental right cases. In order to achieve a high level of quality, there must be a systematic change in the handling of cases. As part of this program, providing independent case managers to work in collaboration with attorneys for parents, youth, and children during this period of time is a vital part of assuring positive outcomes.

OPDS is accepting applications for independent case management services for trial-level juvenile delinquency, dependency, and termination of parental rights cases. Case managers will receive service requests from and work on behalf of attorneys who represent parent, child and youth clients. Case managers provide services at an hourly rate, up to a maximum of 160 hours per month. Case managers are not state employees and will be compensated according to the terms of their individual contracts.

This document contains the applicable procedure, instructions and requirements for applications. It is organized in three parts:

- Part I General Information
- Part 2 Application Instructions and Requirements
- Part 3 Application Summary and Outline
- Part 4 Sample Contract

1.2 Applicable Contracting Procedure

ORS 151.216 authorizes PDSC to adopt policies and procedures for the contracting of public defense services.

1.3 Authority

ORS 151.219 authorizes the Executive Director of OPDS to contract for legal services for financially eligible persons in proceedings in which:

- 1) a state court or magistrate has the authority to appoint counsel to represent the financially eligible person, and
- 2) PDSC is required to pay compensation for that representation and the related expenses.

¹ Note that “social worker” is a statutorily protected title under ORS 675.520 which requires a license, certification or registration with the Oregon Board of Licensed Social Workers. For the PCRCP, the term “case manager” will be used to describe contractors who may provide a similar service but are not licensed, certified or registered as a social worker.

PDSC may contract with individual social workers, if such individuals are registered or licensed as social workers, or case managers, if such individuals are not registered or licensed as social workers, for services.

Awarding these contracts is a proprietary function of PDSC. All such contracts are:

- 1) subject to PDSC's express approval under ORS 151.216(1)(d), and
- 2) contracts with independent contractors for personal services.

OPDS reserves the right to reject any or all applications received or to negotiate separately in any manner necessary to serve the best interests of the OPDS and the state.

1.4 Funding Source

Under ORS 151.225, the Public Defense Services Account in the General Fund is continuously appropriated to PDSC to pay attorney compensation and other expenses related to the legal representation of financially eligible persons for which PDSC is responsible, including contract payments under ORS 151.219.

1.5 Schedule of Events

Application Submission <u>Deadline</u> (Received via email by 11:59pm)	January 15, 2021
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Award of Contracts	February 1, 2021
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for additional information, contact:
Caroline Meyer
Senior Program Analyst
503-910-993
caroline.e.meyer@opds.state.or.us

1.6 Review Procedures

The instructions and information necessary to prepare and submit applications are found in Part 2. OPDS will evaluate applications based on the contents of the applications and any other information available to OPDS. Applicants must submit a completed application using the forms and format provided. Applications must be received by OPDS by 11:59 p.m. on the submission deadline date. The following events will then occur.

A. Contract Awards

Award of any contract will be final only when the applicant and the PDSC have properly completed and executed the contract documents.

B. Contract Terms

OPDS will offer all applicants the same standard contract provisions. Specific workload and payment terms will vary by contract.

1.7 Evaluation Criteria

OPDS shall evaluate applications based on the criteria listed below.

- 1) The application is complete and timely.
- 2) The applicant must possess all licenses and certifications necessary to provide the services required, including:
 - a Bachelor's or higher level degree in Social Work/Human Services or a closely related field; OR
 - a Bachelor's degree in a field not closely related (to Social Work/Human Services) and one year of human services related experience (i.e., work providing assistance to individuals and groups with issues such as economically disadvantaged, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural competencies, inadequate housing); OR
 - equivalent education and experience.
 - The application is consistent with the needs and best interests of the county(ies) and public defense legal services providers involved.
 - Preference may be given to applicants who are Registered and/or Licensed as a social worker in Oregon by the Oregon State Board of Social Workers.
 - Preference may be given to applicants who demonstrate knowledge of child welfare and/or juvenile justice system functioning within the county(ies) covered within application.
- 3) The applicant must maintain professional liability insurance for all acts which occur pursuant to the contract. A copy of proof of professional liability insurance, or a plan to obtain such insurance, including a timeline for obtaining such insurance, must be enclosed with the proposed plan.
- 4) The applicant must consent to a criminal history background check. Award of the contract is pursuant to satisfactory completion of a criminal history background check.
- 5) The proposed plan for delivery of services in the identified county(ies) is adequate to ensure effective case manager services. Among the factors OPDS may consider are the quality of services and the qualifications of the applicant. OPDS well as availability for quick response within the county.
- 6) The applicant has the ability to perform the contract effectively and efficiently and to provide services in the types of cases proposed. OPDS may consider the applicant's qualifications and experience providing social worker or case management services.
- 7) The cost for services is reasonable. OPDS expects to pay an hourly rate of **\$42.84**, based on experience, education, and administrative needs.
- 8) The proposed plan is consistent with the needs of children, youth, parents, and the legal services providers involved. Among the factors OPDS may consider are the other service methods and service providers available and the applicant's ability to work with public defense legal services providers.
- 9) The proposed plan is consistent with the needs and best interests of the state as a whole. Among the factors OPDS may consider are the other service methods and mix of service providers available, and the applicant's ability to work with other groups affected by the contract, legislative mandates, or other directives that affect the entire statewide contracting patterns or terms.

In addition to the criteria listed above, OPDS will evaluate the available workload, the current number of contractors or hourly-paid providers, and the relative cost of administering current contracts and/or new contracts. OPDS has the sole discretion to apportion or not to apportion workloads between applicants AND to award or not to award contracts. OPDS intends to contract with two or more providers in each county based on the needs of attorneys in the county(ies) and the number of applications received.

Specific questions regarding preparing applications, the Parent Child Representation Program and the role of case managers may be directed to Caroline Meyer, Program Analyst, at: caroline.e.meyer@opds.state.or.us

PART 2 - APPLICATION INSTRUCTIONS AND REQUIREMENTS

2.1 Submitting Applications

The applicant is responsible for ensuring that the application is received timely by the Office of Public Defense Services (OPDS).

There is no implied promise to award a contract to any applicant based upon the submission of an application.

A. Form of Submission

Applications should be submitted as an email attachment in a searchable Portable Document Format (PDF).

Text in the body of the transmitting email may not be reviewed and will not be considered part of the application.

The email should be sent to: caroline.e.meyer@opds.state.or.us

B. Deadline

The submission deadline for applications is January 15, 2021.

Consideration for late submission will be based on OPDS's needs, both regional and by case type, and the reason for the late submission.

2.2 Application Format

Applicants must use the attached format for submission of all applications, and must answer all questions or state the reason why a specific question is not relevant.

2.3 Acceptance of Contract Terms

- A. By signing and returning the application form, the applicant acknowledges that the applicant accepts and intends to abide by the terms and conditions of the contract contained in Part 4, unless applicant proposes exceptions as described below.
- B. The applicant must clearly state in their application any proposed exceptions to the standard terms of the contract, including reasons to support the exceptions and estimated efficiencies and/or cost savings. OPDS reserves the right to accept, reject, or negotiate exceptions to the contract terms.

2.4 Evaluation of Applications

OPDS will begin to evaluate applications upon receipt, subject to the procedures and criteria described in Part 1.

2.5 Categories of Cases Included in Parent Child Representation Program

Applications for public defense case management services must cover the following categories of cases for which financially eligible persons have a right to appointed counsel at state expense:

- Juvenile Dependency
- Termination of Parental Rights
- Juvenile Delinquency

PART 3 - APPLICATION SUMMARY AND OUTLINE

3.1 APPLICATION SUMMARY

APPLICANT INFORMATION

County or Counties to be served: _____

Legal Name of Applicant: _____

Contact Person: _____

Address: _____

Telephone: _____ Fax: _____

Email (required): _____

Fed. I.D. No.: _____ or S.S.N.: _____

OR Social Worker Board License No.: _____

Type of Organization (check one):

Sole Practitioner Partnership or P.C.

Other (describe) _____

CASE TYPE AND WORKLOAD INFORMATION

A. List all case types for which services will be provided:

Juvenile dependency, juvenile delinquency, and termination of parental rights

B. Identify the percentage of FTE hours (1,920/year) being proposed (e.g. 100%, 50%, 20%) per month:

C. Identify the county(ies) in which you are willing to provide services:

I hereby certify that:

the information contained in this application and its appendices is, to the best of my knowledge, accurate;

I have the authority to submit this application on behalf of the applicant; and

I have read and understand the terms and conditions of the relevant Standard Terms of the contract.

Signature

Date

Applicant Name

Title or Representative Capacity

3.2 SERVICE DELIVERY PLAN

Please submit the following documents to detail applicant's ability and plan to be an effective Case Manager:

1. Letter of Interest – The letter of interest should describe applicant's interest in the position as well as applicant's qualifications to fulfill the job responsibilities. The letter should include any information applicant believes is important or relevant to OPDS's review, including the following:
 - a. Approach to client engagement;
 - b. Understanding of/experience in/connection to juvenile dependency, juvenile delinquency, criminal defense and mental health systems;
 - c. interest in interdisciplinary representation;
 - d. time-management, interpersonal, analytical and organizational skills; and
 - e. plans for professional development and training.
2. Resume – The Resume should include applicant's relevant education, experience, trainings and certifications.

3.3 PROPOSED CONTRACTOR CERTIFICATE OF COMPLIANCE WITH APPLICABLE OREGON TAX LAWS

I, the undersigned, being first duly sworn,

Mark only one: (X)

_____ hereby certify under penalty of perjury that I am not in violation of any Oregon tax laws.

_____ authorized to act in behalf of _____,

(name and address of firm, corporation, or partnership)

_____ hereby certify under penalty of perjury that _____

(name of firm, corporation, or partnership)

is, to the best of my knowledge, not in violation of any Oregon tax laws.

For purposes of this certificate, "Oregon tax laws" are ORS chapters 118, 119, and 305 through 324; and any local tax laws administered by the Oregon Department of Revenue under ORS 305.620.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Federal ID # or

Social Security #: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My commission expires: _____

3.4 PROPOSED CONTRACTOR INDEPENDENT CONTRACTOR CERTIFICATION STATEMENT

You can qualify as an independent contractor by certifying that you meet the following standards as required by ORS chapter 670.600:

1. You provide labor and services free from direction and control, subject only to the accomplishment of specified results.
2. You are responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law.
3. You are customarily engaged in an independently established business, as follows:.

YOU MUST MEET THREE (3) OR MORE OF THE FOLLOWING:

- A. You maintain a business location separate from the business or work location of the person or organization for whom services are provided.
- B. You bear the risk of loss related to the business or provision of services.
- C. You provide contracted services for two or more different persons within a 12-month period, or you routinely engage in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts or provide similar services.
- D. You make significant investment in the business through means such as purchasing tools or equipment necessary to provide the services, paying for the premises or facilities where the services are provided, or paying for licenses, certificates or specialized training required to provide the services.
- E. You have the authority to hire other persons to provide or to assist in providing the services and have the authority to fire those persons.

I hereby certify that the applicant qualifies as an independent contractor as described above.

Signature _____ Date _____

Entity _____

PART 4 – SAMPLE CONTRACT

Parent Child Representation Program (PCRP) Case Manager Contract (“Contract”)

1. PARTIES TO CONTRACT

Pursuant to ORS 151.216 and ORS 151.219, this contract is between the Public Defense Services Commission ("PDSC") and _____ ("Contractor").

2. TERM OF CONTRACT

The contract term shall be from January 1, 2021 through December 31, 2021.

3. SCOPE OF CONTRACT

The contract applies only to juvenile cases.

4. NOTICE

Each party shall provide to the other all notices regarding this contract:

- i. in writing, and
- ii. delivered to the other party at the email address below or to such person and email address as the parties provide to each other from time to time:
 1. PDSC: Public Defense Services Commission
mail@opds.state.or.us
 2. Contractor: _____
Email: _____

5. TERMS

- a. CLIENT: a “client” is a person whom a state court has determined to be eligible for and entitled to court-appointed counsel at state expense.
- b. JUVENILE CASE (“case”): A juvenile case is any appointment or reappointment to represent a person(s) in a proceeding brought under ORS 419B or 419C or as required in a contested adoption proceeding consistent with *Zockert v. Fanning*. A juvenile case begins on the date of appointment (or reappointment) of counsel and continues until appointment of counsel is terminated or relieved by the court
- c. CASE MANAGEMENT SERVICES: Case management services are defined in the Office of Public Defense Services Parent Child Representation Program Case Manager Practice Standards.
- d. OFFICE OF PUBLIC DEFENSE SERVICES (OPDS): The office established by the commission under the director to handle the cases assigned and to carry out the administrative policies and procedures for the public defense system.
- e. PRE-APPOINTMENT JUVENILE REPRESENTATION (“pre-appointment representation”): Pre-appointment Juvenile Representation means representation of a parent or a child during a DHS child welfare investigation before a proceeding under ORS 419B or 419C has been filed.

6. OBLIGATIONS OF CONTRACTOR

- a. Provide case management services to clients in juvenile cases referred to Contractor by the Case Manager Administrator or attorney, for up to ___ hours per month in _____ County.
- b. Contractor shall comply with the Office of Public Defense Services Parent Child Representation Program Case Manager Practice Principles (“principles”) which are distributed to all case managers and are hereby incorporated by reference. OPDS may modify the principles if OPDS reasonably believes the modifications are necessary to improve case management services provided under this contract.
- c. Contractor shall maintain professional liability insurance for all acts which occur pursuant to the contract.
- d. Contractor shall implement physical, electronic, and managerial safeguards to prevent unauthorized access to Clients’ Personal Information.

7. OBLIGATIONS OF THE OFFICE OF PUBLIC DEFENSE SERVICES

- a. Provide regular support and dialogue with OPDS as requested and as appropriate; and
- b. Provide facilities, as available, for meetings and trainings.

8. WORKLOAD

If Contractor does not maintain an open caseload of at least ___ cases for a period of 3 or more months, parties shall renegotiate workload and contract value as appropriate.

9. TOTAL WORKLOAD VALUE AND PAYMENT SCHEDULE

- a. For case management services provided pursuant to this contract, PDSC shall pay Contractor a total of up to \$_____ during the term of this contract.
- b. PDSC shall pay Contractor per month in monthly installments as shown in the payment schedule within 30 days of receipt of properly completed invoice and documentation as required by the principles.

10. THIS WRITING CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO OTHER ORAL OR WRITTEN UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS REGARDING THIS AGREEMENT. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. IF MADE, SUCH WAIVER, CONSENT, MODIFICATION, OR CHANGE SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN.

PDSC and Contractor, by their signatures below, acknowledge that they have read this Contract, understand it, and agree to be bound by its terms and conditions.

C. Lane Borg, Executive Director
Office of Public Defense Services
Public Defense Services Commission

Date

Contractor

Date

CONTRACT BETWEEN PDSC AND _____ PAYMENT SCHEDULE

Month	Year	Hourly Rate	Monthly Payment	
January	2021	\$42.84	Up to \$	Subject to invoice
February	2021	\$42.84	Up to \$	Subject to invoice
March	2021	\$42.84	Up to \$	Subject to invoice
April	2021	\$42.84	Up to \$	Subject to invoice
May	2021	\$42.84	Up to \$	Subject to invoice
June	2021	\$42.84	Up to \$	Subject to invoice
July	2021	\$42.84	Up to \$	Subject to invoice
August	2021	\$42.84	Up to \$	Subject to invoice
September	2021	\$42.84	Up to \$	Subject to invoice
October	2021	\$42.84	Up to \$	Subject to invoice
November	2021	\$42.84	Up to \$	Subject to invoice
December	2021	\$42.84	Up to \$	Subject to invoice