

6806

TO: Board of Acquisition and Contract

FROM: Camille Failla Murphy
Director, Office for Women

DATE: May 25, 2010

SUBJECT: Authority to enter into an agreement with Pace University, acting by and through the Women's Justice Center of the Pace University School of Law ("Pace"), to provide a Family Court Domestic Violence Legal Practicum in the Family Courts in White Plains and Yonkers, in an amount not-to-exceed Three Hundred Twenty-Nine Thousand Seven Hundred Ninety-Five Dollars (\$329,795), for a term of one year commencing January 1, 2010 and terminating December 31, 2010, pursuant to the workplan and budget attached as Schedules A and B.

The attached Resolution authorizes the County of Westchester (the "County") to enter into an agreement with Pace for the provision of a Family Court Domestic Violence Legal Practicum in the Family Courts in White Plains and Yonkers (a.k.a. "Family Court Legal Program"). Pace will provide trained and supervised law students to assist battered women in the preparation of legal papers relating to orders of protection, child support and child custody. By supplying legal information and assistance in preparation of their petitions for Orders of Protection in Family Court, the Pace program assists in securing safety for the women and their children, thus helping them avoid dependency on their batterers or on public assistance.

The proposed agreement will have a term of one year commencing January 1, 2010 and terminating December 31, 2010. The County will pay Pace an amount not-to-exceed Three Hundred Twenty-Nine Thousand Seven Hundred Ninety-Five Dollars (\$329,795), of which the County's share will not exceed One Hundred Thirty-One Thousand Nine Hundred Eighteen Dollars (\$131,918), the New York State share shall be One Hundred Twenty-Eight Thousand Six Hundred Twenty Dollars (\$128,620), and the Federal share shall be Sixty-Nine Thousand Two Hundred Fifty-Seven Dollars (\$69,257), to be paid quarterly pursuant to the workplan and budget attached hereunto as Schedules A and B.

The proposed agreement will promote the public health, safety and general welfare by enhancing the safety and independence of abused women. If abused women are helped to be safe they are not as likely to return to dependence on their abusers, thereby reducing public safety costs and medical costs. If they are enabled to be independent and self-sufficient they are not as likely to be dependent on public assistance. In 2009, Pace served nearly 600 victims of domestic violence, handling approximately 250 legal cases and providing more than 350 women with advice and counsel. Due to reduced funding and the consequent reduction in hours of staff attorneys, Pace expects to serve approximately 510 victims, handling over 200 legal cases and providing nearly 300 women with advice and counsel during the proposed contract term.

The effectiveness of this program will be determined by the outcomes of closed cases and benefits received by the clients. Some of the outcomes of family law matters may include whether or not the victim obtained or maintained custody of child(ren); obtained or preserved right to visitation; obtained a divorce, separation or annulment; obtained an order of protection; or obtained, preserved or increased child support. For example, in 2009, 137 voluntary surveys reported that:

- 100% of clients who filed for an Order of Protection obtained the Order
- 97% of clients who filed for custody of their child(ren) obtained temporary custody
- 100% of clients who filed for child support obtained referral to the Support Magistrate
- 100% of clients were informed about other services available
- 93% of clients feel safer after receiving an Order of Protection

If this resolution were not approved, the safety and security of domestic violence victims would be compromised. Without having the option of obtaining an order of protection or knowing their rights through advice and brief counsel, the probability of continued and escalating abuse is substantially increased. This may consequently endanger their lives and the lives of their children.

Payments will be made to Pace quarterly for services rendered, in accordance with Schedule B. The Westchester County Office for Women will be responsible for monitoring Pace's performance under this Agreement by means of site visits, as well as their monthly statistics and quarterly narratives.

Please be advised that Section 459-c of the New York Social Services Law directs social services districts, such as the County, to offer and provide non-residential services to victims of domestic violence, whether eligible or ineligible for public assistance. Non-residential services programs must have the ability to provide the following services:

- 1.) Information and Referral services
- 2.) Advocacy
- 3.) Counseling
- 4.) Community education and outreach activities
- 5.) Hotline services

A resolution exempting this procurement from the application of the procedural requirements of the Westchester County Procurement Policy is also before your Honorable Board and should be passed prior to consideration of this Resolution.

I recommend approval of the attached proposed Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-17-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon communication from the Director of the Office for Women, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement with Pace University, acting by and through the Women's Justice Center of the Pace University School of Law (“Pace”) for the provision of a Family Court Domestic Violence Legal Practicum in the Family Courts in White Plains and Yonkers (a.k.a. “Family Court Legal Program”); and be it further

RESOLVED, that the agreement will have a term of one year commencing January 1, 2010 and terminating December 31, 2010, for an amount not-to-exceed Three Hundred Twenty-Nine Thousand Seven Hundred Ninety-Five Dollars (\$329,795), of which the County’s share will not exceed One Hundred Thirty-One Thousand Nine Hundred Eighteen Dollars (\$131,918), the New York State share shall be One Hundred Twenty-Eight Thousand Six Hundred Twenty Dollars (\$128,620), and the Federal share shall be Sixty-Nine Thousand Two Hundred Fifty-Seven Dollars (\$69,257), to be paid quarterly pursuant to the attached workplan and budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to Pace, then Pace shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be charged/credited:

Fund	Dept.	Major Program, Program & Phase, Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	11	111K	4380	T111	\$329,795

Budget Funding Year(s) 2010 **Start Date:** 1/1/2010 **End Date:** 12/31/2010
 (must match resolution)

Funding Source: Tax Dollars \$131,918
 State Aid \$128,620
 Federal Aid \$69,257
 Other _____

\$329,795
 (must match resolution)

SCHEDULE "A" – "MAIN CONTRACT" SERVICES – 2010
Pace Women's Justice Center
Family Court Legal Program

Proposal for the continuation of Pace Family Court Legal Program services to domestic violence victims under the Main Contract in White Plains Family Court and Yonkers Family Court from January 1, 2010 to December 31, 2010.

In 2010, the Pace Women's Justice Center will use this \$329,795.00 (originally \$356,535.00 – \$26,740.00 [7.5% cut effective 4/1/10]) in funding to continue to provide civil legal services to victims of domestic violence at the Family Court Legal Program Courthouse sites in White Plains and Yonkers.

The continuing goal of the Pace Family Court Legal Program (FCLP) is to ensure that qualifying victims of domestic violence entering the Family Courts in White Plains and Yonkers will receive high quality legal assistance from Pace Women's Justice Center (PWJC) attorneys and trained law students. To be eligible for the immediate legal assistance offered through FCLP, the domestic violence victim must be in or have been in an intimate partner relationship with their abuser.

Every eligible domestic violence victim entering White Plains or Yonkers Family Court is met by a FCLP Externship law student and/or a PWJC staff attorney and is interviewed and assisted, as needed, in the preparation of a family offense petition for an order of protection and accompanying petitions for custody and child support. Under the supervision of their attorney mentors, the students assist the clients in the oral presentation of their petitions to the family court judges in *ex parte* proceedings pursuant to a Second Department Appellate Division student practice order.

FCLP has historically had the essential funding necessary to represent petitioners, not only for their *ex parte* hearings, but also for their preliminary proceeding return dates in non-custody cases. However, because of the funding cut and the consequent reduction in hours of our PWJC staff attorneys, there will also be a reduction in the number of

appearances on the return dates. We will continue referring cases that involve custody disputes, or for which the order of protection issue has not been settled on the return date but service is deemed complete, directly to Legal Services of the Hudson Valley (LSHV) for further representation. This enhanced continuity system addresses one of LSHV's chief time constraints – initial intake for cases that ultimately are settled. Historically, because experienced PWJC staff attorneys have been available to handle the cases that are quickly settled, LSHV has been able to concentrate their attention on more time-consuming litigation. Most importantly, this system has benefited petitioners, who have been ensured representation through FCLP through their first return date in court.

The practical purpose of this intervention model is to assist victims of domestic violence to meet all of their pressing legal needs as early as possible in the proceeding. FCLP maximizes use of the court's time and minimizes the number of court appearances a domestic violence victim must make. The result continues to be greater systems efficiency, a positive educational experience for a significant number of future Westchester attorneys, cost-efficient legal representation for a needy class of Westchester residents, and enhanced protection for the legal rights, and therefore, the safety of domestic violence victims and their children.

Law Students and Volunteers

At FCLP, the Spring and Fall Family Court Externships are open specifically to Pace Law students who have completed at least one full year of law school. These semester-long externships have two principal student-oriented components: a weekly classroom seminar and a practice component where students work at the FCLP Courthouse sites in White Plains Family Court and Yonkers Family Court assisting

victims of domestic violence under the direct supervision of Pace Women's Justice Center attorneys one day a week for thirteen weeks. The seminar is taught by the Director of the Family Court Legal Program or another Pace Women's Justice Center attorney. Students engage in practical exercises to train them in the mechanics of representing a petitioner in family court. From the initial stage of interviewing a client through representation at an *ex parte* hearing for an order of protection, the students simulate each step of the family court process in the classroom. In addition, the students are taught relevant areas of the substantive law and legal theory necessary for litigating domestic violence-related issues in New York courts.

From the first week of June to the first week of August, the Summer FCLP Externship is open to students from various law schools across the country who attend a one full day, intensive student orientation taught by Pace Women's Justice Center attorneys before beginning their work in FCLP under the direct training and supervision of FCLP staff. The summer law students work at the FCLP Courthouse sites in White Plains and/or Yonkers Family Court four days a week. Many of these students come to the Summer FCLP Externship with their own outside funding through stipends and fellowships.

Performance Goals for the 2010 “Main Contract” are as follows*:

(Projections based on estimation of services rendered in 2009 to FCLP’s 596 non-immigrant client contacts [61% of combined total of 982 client contacts for 2009])**

	<u>Original</u>	<u>Revised*</u>
Total non-immigrant client contacts for White Plains and Yonkers:	596	510
Cases for retained clients (FO + custody + child support):	248	214
<i>Ex parte</i> Temporary Orders of Protection (TOP):	137	112
Return of Service Appearances:	80	60
Law Students Providing In-Kind Attorney Hours:	23	20

* **Revised calculations reflecting proposed funding cut effective April 1, 2010 =**
[1st qtr. = (orig. projection / 12 mos.) x 3] + [last 3 qtrs. = (orig. projection / 12 mos.) x 9 x 80%]

Outcome Measure Goals for the 2010 “Main Contract” are as follows:

(Actual results will be derived from 2010 completed FCLP client surveys)

Clients who obtained temporary order of protection:	90%
Clients who obtained temporary custody order:	90%
Clients referred to Support Magistrate:	90%
Clients who found FCLP services helpful:	90%
Clients informed about other services available:	90%

**For services rendered in 2009 under *all three* FCLP Contracts (Main Contract, White Plains Immigrant Contract, and Yonkers Immigrant Contract), the Family Court Legal Program had a *combined total* of 982 client contacts, 438 cases for retained clients, 230 *ex parte* temporary orders of protection, and 133 return of service appearances.

SCHEDULE B

**Budget for Continuation of The Family Court Legal Program
In White Plains and Yonkers Family Courts in 2010**

Salaries and Benefits

Salaries (2.92 FTE attorneys and Admin. Support)	229,607
Benefits	<u>69,564</u>
Total Salary and Benefits	\$299,171

Operating Expenses

Travel and Parking	4,224
Supplies, Postage and Printing	1,600
General Program Expenses	600
Training and Conferences	1,200
Overhead Costs (see list below)	<u>23,000</u>
Total Operating Costs	\$30,624

Total Costs **\$329,795**

Overhead Costs:

Rent, Utilities, Security, Pace Finance & Administration and Human Resources support.