

18666

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Diane G. Balistreri
Coordinator, Office for Women

DATE: April 21, 2011

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, to provide a Family Court Domestic Violence Legal Practicum in the Family Courts in White Plains and Yonkers for an amount not-to-exceed \$357,521 for the period from January 1, 2011 to December 31, 2011

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "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 (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 women and their children.

The proposed Agreement will have a term of one year beginning January 1, 2011 and ending December 31, 2011 for an amount not-to-exceed Three Hundred Fifty-Seven Thousand Five Hundred Twenty-One Dollars (\$357,521), to be paid quarterly pursuant to an approved budget, of which

- Westchester County's share will be \$164,712: \$30,726 through the budget of the Office for Women, and \$133,986 which is the County's share of the Federal/State/County domestic violence money administered by the Office for Women under an Interdepartmental Cooperative Plan with the Department of Social Services;
- New York State's share will be \$117,646, which is the State share of the Federal/State/County domestic violence money administered by the Office for Women under an Interdepartmental Cooperative Plan with the Department of Social Services; and

- Federal government's share will be \$75,163, which is the Federal share of the Federal/State/County domestic violence money administered by the Office for Women under an Interdepartmental Cooperative Plan with the Department of Social Services.

The proposed Agreement will serve a public purpose 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.

The goals and objectives of the proposed Agreement (as more fully described in Schedule A) are for Pace to serve approximately 1025 victims of domestic violence, prepare 625 petitions and make 325 court appearances during the proposed contract term. During the previous contract term, Pace served 1084 victims, prepared 698 petitions and made 372 court appearances.

The goals and objectives of the proposed Agreement will be tracked and monitored by the Office for Women, which will be responsible for monitoring Pace's performance by means of site visits, as well as their monthly statistics and quarterly narratives. The effectiveness of the program will be determined by outcomes of closed cases and benefits received by 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 2010, 162 voluntary surveys reported that:

- 99% of clients who filed for an Order of Protection obtained the Order;
- 94% of clients who filed for custody of their child(ren) obtained temporary custody;
- 93% of clients who filed for child support obtained referral to the Support Magistrate;
- 100% of clients were informed about other services available; and
- 94% of clients feel safer after receiving an Order of Protection.

Authority to exempt this program from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof has been granted by your Board in accordance with a separate resolution of the same date hereof.

Accordingly, I recommend approval of the attached proposed Resolution.

RESOLUTION

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

RESOLVED, that the County of Westchester 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 period from January 1, 2011 to December 31, 2011 for provision of a Family Court Domestic Violence Legal Practicum in the Family Courts in White Plains and Yonkers; and be it further

RESOLVED, that in consideration for services to be rendered, Pace shall be paid an amount not-to-exceed Three Hundred Fifty-Seven Thousand Five Hundred Twenty-One Dollars (\$357,521), to be paid quarterly pursuant to an approved budget, of which:

- Westchester County's share will be \$164,712: \$30,726 through the budget of the Office for Women, and \$133,986 which is the County's share of the Federal/State/County domestic violence money administered by the Office for Women under an Interdepartmental Cooperative Plan with the Department of Social Services,
- New York State's share will be \$117,646, which is the State share of the Federal/State/County domestic violence money administered by the Office for Women under an Interdepartmental Cooperative Plan with the Department of Social Services, and
- Federal government's share will be \$75,163, which is the Federal share of the Federal/State/County domestic violence money administered by the Office for Women under an Interdepartmental Cooperative Plan with the Department of Social Services; 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 the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

\$326,795 Family Court Legal Centers
 15,363 Immigrant Legal White Plains
15,363 Immigrant Legal Yonkers
\$357,521 Total

Account to be charged/credited:

FUND	DEPT	Major Program, Program & Phase, Or Unit	Object/ Sub-Object	Trust Account	Dollars	Funding Year
101	11	0900	4380	N/A	\$30,726	2011
263	11	111L	4380	T111	\$326,795	2011

Budget Funding Year(s) 2011
 (must match resolution)

Start Date: 1/1/2011

End Date: 12/31/2011

\$357,521
 (must match resolution)

Funding Source:

Tax Dollars \$164,712
 State Aid \$117,646
 Federal Aid \$75,163
 Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT 05/12/2011 JOHANNY VIEIRA, SECRETARY

DynamicPDF

SCHEDULE "A" – CONTRACT FOR SERVICES – 2011
Pace Women's Justice Center
Family Court Legal Program

In 2011, the Pace Women's Justice Center ("PWJC") through its Family Court Legal Program ("FCLP") will provide civil legal services to walk-in victims of domestic violence at the FCLP courthouse sites in White Plains and Yonkers. The goal of FCLP is to ensure that victims of domestic violence entering the Family Courts in White Plains and Yonkers receive immediate and comprehensive legal assistance on an emergency, walk-in basis. FCLP is staffed by PWJC and pro bono attorneys and law students who are trained, and strictly supervised by attorneys under an Appellate Division student practice order. Since 1999, the Family Court Legal Program has served over 9,700 domestic violence victims and survivors and over 300 students have participated in the externship. With the use of these well-trained staff and pro bono attorneys and law students, FCLP is able to provide high volume, quality legal services to domestic violence victims in family offense proceedings for orders of protection, as well as petitions for custody, child support and paternity, if applicable.

Domestic violence victims arrive at the courthouse sites in crisis, overwhelmed and afraid; for many, it is their first experience with the court system. At FCLP, clients, after an extensive interview, receive a thorough legal evaluation and analysis of myriad legal issues, and all of their interconnected legal options are fully explained so that our clients can make informed decisions. In addition, as part of these comprehensive services, FCLP ensures that clients can access other legal and social services they may need, such as shelter, counseling, or immigration law assistance. Clients seeking child support have the added benefit of access to an on-site representative of the Office of Child Support Enforcement, who can immediately open the client's child support case. If the client decides that (s)he wants to proceed with the

order of protection and related cases, FCLP will draft the petition(s) and represent the client in the ex parte court proceeding. The program's high success in providing high volume quality legal services is attributed to its ability to leverage limited resources with the use of trained pro bono attorneys and law students who represent the clients and argue their petitions before the family court judges. The multiple petitions are heard that same day, emergency orders are obtained, and then the matters are scheduled for a subsequent single return date.

By having FCLP in the courthouses, victims have immediate access to experienced attorneys throughout the entire preliminary process which reduces the time court clerks need to spend explaining forms, procedures and judicial process to pro se domestic violence litigants. In addition, being on the "frontline" at the courthouses, FCLP receives many phone calls, provides advice, legal information and assistance, and often serves as a general resource to litigants.

FCLP represents eligible petitioners at *ex parte* family offense hearings, and when possible, at preliminary proceeding return dates in non-custody cases. After securing the emergency orders, family offense cases that also involve custody disputes, and cases for which the order of protection issue has not been settled on the return date, are referred directly to Legal Services of the Hudson Valley (LSHV), a partnering agency, for further representation. This enhanced continuity system addresses one of LSHV's chief time constraints – high volume, initial emergency intakes for cases that ultimately are settled. Historically, because experienced PWJC staff attorneys have been available to provide legal services on-site in emergency cases, and cases which are quickly settled on the front end, 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 results continue to be greater access to the courts, increased systems efficiency, high quality cost-efficient legal representation, service to a high number of clients, enhanced protection for the legal rights of victims, and therefore, increased safety for domestic violence victims and their children.

Law Students and Pro Bono Attorneys

FCLP selects approximately 25 law students to participate in an externship program each year. Grant funds are not used to cover the cost of this program. Fall and spring semester law students attend a weekly classroom seminar, taught by the FCLP Director, and each student works at either the White Plains or Yonkers FCLP courthouse site one day a week over the course of the 16-week semester. Summer law students attend a full day, intensive student orientation taught by Pace Women's Justice Center attorneys before beginning their work in FCLP, and each student is in court 5 days a week for 10 weeks.

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.

FCLP also incorporates the use of pro bono attorneys who represent clients in court and can assist in supervising students. Additional volunteers provide further office support. In 2010, law students provided over 3,500 hours of service, pro bono attorneys provided over 950 hours of service, and additional volunteers provided over 550 hours of service. Their estimated 5,000 total hours of service are the equivalent of almost 3.0 FTE (full-time) staff, and their invaluable contribution, under the direct, on-site supervision of PWJC attorneys, make it possible for FCLP to serve the high volume of clients seeking our services each year.

Performance Goals for the 2011 “Contract for Services” are as follows:

Clients served:	1025
Petitions prepared:	625
Court appearances:	325

Outcome Measure Goals for the 2011 “Contract for Services” are as follows:

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%