

Vermont Judiciary

Request for Proposals: Guardian ad Litem Services

RFP Issued October 25, 2018

Deadline for Submitting Questions: November 19, 2018 at 4:30 PM EST

Non-Mandatory Bidder's Conference Convened on November 7, 2018 at 11:00 AM EST in Montpelier

Below please find responses to questions submitted by email or posed during the bidder's conference conducted on November 7, 2018. Some questions have been edited for grammar/style, and some responses have been edited for grammar/style as well as for content. Responses below should be considered the official responses to questions posed during the bidder's conference or submitted by email.

What are the numbers of Guardians ad Litem that the Judiciary is looking for over the next one to two years?

That will vary by county. We are looking to recruit and retain enough guardians ad litem (GALs) to ensure that every child involved in a child abuse, child neglect, truancy, or delinquency case can be assigned a GAL to advocate competently for the best interests of that child in the case. What we are hoping to do is increase our capacity to serve children, and we think that non-profit partners can play a key role in helping us accomplish that goal. A number of our GALs have more cases than is ideal. We would like more GALs to spread and distribute the caseload.

What is the ideal caseload for each GAL?

According to the Standards for Local CASA/GAL Programs (2012 edition) as published on the website of the National Court Appointed Special Advocates (NCASA) Association, "A volunteer will not be assigned more than two cases at a time. An exception may be granted in the discretion of the CASA program staff; however, the decision to permit a higher caseload shall be documented as to the justification for and reasonableness of the exception. Under the exception, a volunteer will not be assigned to more than five cases." However, GALs in Vermont routinely serve in more than five cases simultaneously. In other states, the role of the GAL is different than it is here in Vermont, so we don't have a target number of children served per GAL. Rather, we are looking to evaluate the quality of the proposals for recruiting, training and supervising Guardians.

In how many cases are GALs currently serving?

This number varies from county to county, and within a county from guardian to guardian. While some GALs only have one case at a time, others carry as many as forty or fifty cases. That is rare, but it does happen.

Can GALs also support adults?

The Judiciary is seeking vendors that will recruit, train and support a sufficient number of GALs to meet the statutory demand for appointment of GALs as set forth in 33 V.S.A. § 5112(b). To the extent that the local program is meeting the demand for volunteer GALs in juvenile cases, volunteer GALs may serve in other cases if they are willing to do so and are properly trained to do so.

The Judiciary has contracted for GAL services in Lamoille County. How is that going, how was that created, and what are the parameters that they created up there?

The State Court Administrator's Office executed a contract with the Lamoille Restorative Center in July 2018, so the relationship is still relatively new. That organization is actively recruiting volunteers. Interested vendors may contact Lamoille Restorative Center for additional information regarding the services it has performed under the contract to date.

What is the amount of funding available on a per-county basis? In the RFP, it's right around \$40,000. Is that per county or statewide?

The RFP does not indicate the amount of funding available. Proposals will be scored based on the evaluation criteria set forth in the RFP, including the proposed cost to deliver the proposed services, along with the caseload and the demand for volunteers. Costs are likely to vary from county to county. In some counties, more funds might be needed to support a program than in other counties. Proposals that commit to raise funds from sources other than the Judiciary to support the proposed program are encouraged.

Would it be acceptable to get information from Regional Coordinators as to what the caseload is and the demand?

As noted on the cover page of the RFP, please submit any questions to Jeremy Zeliger as the State Contact.

Is the expectation that we would submit a proposal and then enter into negotiations?

Proposals will be evaluated by a team, which will include a local volunteer GAL, the programs manager for the Vermont Guardian ad Litem Program, an employee from the Division of Finance and Administration in the State Court Administrator's Office, and a local Court Operations Manager or designee. Vendors that submitted selected proposals will be invited to enter into negotiations to establish a contract for services.

What is the total amount of money?

The last time the State Court Administrator's Office issued an RFP for GAL coordination services, the RFP disclosed a total amount of funding available. That disclosure might have inhibited vendors from submitting proposals. Consequently, the State Court Administrator's Office deliberately omitted from the RFP an amount of available funding. Once the Judiciary has selected meritorious proposals and identified the cost of those proposals, the State Court Administrator's Office will determine what additional resources, if any, are needed above and beyond currently available funds.

When will awards be made?

This question cannot be answered with certainty. During the previous RFP (issued in the fall of 2017), there was a nine-month period between issuance of the RFP and execution of a contract with the selected vendor.

Are there any priority counties that you're looking to cover right away or will it depend on the applicants?

The State Court Administrator's Office anticipates a staggered roll out if more than one proposal is selected. Factors that will affect the order in which new programs are established include need, extent of negotiations required to consummate a contract, and apparent readiness to establish new programs among selected vendors.

What is the situation with training on both the programmatic side and the GAL side?

Potential vendors should review the NCASA training standards. The Vermont GAL Program currently delivers a three-day preservice training to individuals interested in volunteering as GALs. Following that preservice training, the program assigns each newly trained GAL a mentor. The program also provides ongoing training in during “brown bag lunch” trainings, and it offers specialized training. We welcome proposals that offer to deliver and augment this level of training.

In response to the RFP issued in the fall of 2017, were there any joint proposals as part of a collaborative from local organizations?

No.

Would you be open to a joint collaboration?

Yes. It would be preferred for one organization to be the lead applicant so that the State Court Administrator’s Office has a single point of contact for negotiation. Proposals should describe how the lead organization plans to subcontract services.

When are reports due?

The contract resulting from the previous RFP (issued in the fall of 2017) contains the following terms regarding reporting and communication (text substitutions are indicated with brackets):

Reporting and communication:

- a. The Parties understand and agree that ongoing communication is critical to ensuring the success of the [Local Program]. They further agree that the [Coordinator] and VTGAL Programs Manager will meet as needed and at times mutually convenient to ensure the success of the program.
- b. In addition, the Parties agree that the [Coordinator] and VTGAL Programs Manager will meet at least monthly in person or remotely.
- c. [The Local Program] will use its best efforts to ensure that the [Coordinator] attends the GAL Advisory Committee and quarterly Statewide Coordinator meetings.
- d. Track and submit reports briefly describing the activities of each person funded by this contract with each invoice. [The Local Program] agrees to submit such reports consistent with VTGAL policies.
- e. Reports and documentation not described above shall be submitted within a reasonable time after the request is made.

The money is 30-day net?

Yes. The payment terms are Net 30 from the date the State Court Administrator’s Office receives an error-free invoice with all necessary and complete supporting documentation.

It’s work first then pay?

Our existing contract with the Lamoille Restorative Center calls for that organization to submit an invoice after work is performed. A proposal may indicate a preference for an alternate method of payment (for example, receiving a portion of funding at the start of a quarter and then reconciling before the close of the fiscal year); whether any such terms are included in the final contract would be the result of negotiations

between the State Court Administrator's Office and the selected vendor and would be informed by guidance from the Division of Finance and Administration in the State Court Administrator's Office.

With the 3 proposals that you received [in response to the fall 2017 RFP], was there anything that the group liked or didn't like?

Proposals were assessed using the evaluation criteria set forth in the RFP.

What are the greatest challenges that face a new program?

Prospective vendors might wish to contact the Lamoille Restorative Center or the National Court Appointed Special Advocates Association to discuss this question.

Are there any other costs that the local courts subsidize other than transportation?

Assuming that the funding is available to do so, the Judiciary covers the costs of other trainings around the state, including GALs' mileage expenses to attend those trainings. Occasionally, the Judiciary pays presenters to speak at brown bag lunch trainings.

Do Judges participate in trainings?

Some judges participate in trainings. Some will deliver the ethics component of the three-day preservice training. Some judges speak during brown bag lunch trainings. It varies from county to county and judge to judge.

Is there recognition of volunteers?

Proposals may include the cost of recognition activities in the budget. The statewide GAL program typically issues a certificate of completion after a GAL completes his or her preservice training. The program also recognizes GALs for longevity of service; for example, we recently recognized a volunteer's 30 years' service as a GAL.

It's completely voluntary how many cases a GAL takes?

Volunteers may decline to accept appointments to new cases. The role of the GAL coordinator is to ensure that each volunteer's caseload is such that the volunteer can advocate competently for the best interests of each child to whom that GAL is assigned. Volunteers' competence might suffer when they are assigned more children than they can handle.

Do the volunteer GALs fall under the auspices of the statewide GAL program or to the local contractor?

Volunteer GALs will remain affiliated with the statewide program. Court will continue appointing individual volunteer GALs; accordingly, we do not anticipate any change in the protections afforded to volunteer GALs serving following appointment by the local court regardless of the fact that a nonprofit organization rather than a Judiciary employee will coordinate a local program.

Is insurance coverage handled by the state?

Please consult the RFP for insurance requirements. Prospective vendors might also wish to consult 3 V.S.A. § 1101.

Where does the liability lie: with the state program or the local organization?

The RFP contains a sample contract with the insurance requirements for selected vendors. Interested vendors should consult their counsel and their insurance professionals for guidance regarding risks and insurance needs.

What are the defense and indemnification costs?

The RFP contains a sample contract with the terms pertaining to defense and indemnification obligations.

Is there any collaboration with the Office of the Public Guardian for training and support?

No such collaboration is known.

What is the expected amount of hours per Guardian to handle one case?

Approximately five to ten hours per month. Among the factors affecting a GAL's time on a case each month is whether and for how long the GAL waits in court for the assigned case to be called. Each GAL is expected to meet with each child to whom the GAL is assigned at least once per month. Please see the Standards for Local CASA/GAL Programs (2012 edition) as published on the website of the National Court Appointed Special Advocates (NCASA) Association for additional guidance regarding the roles and responsibilities of GALs.

Any other training expectations from organizations other than to come here for one day a year for training?

The Vermont GAL Program convenes quarterly meetings for GAL coordinators to discuss programmatic concerns, exchange ideas, discuss recruitment activities, etc. The State Court Administrator's Office intends to conduct site visits and provide support for newly selected organizations as described in the RFP.

Can you clarify the existing situation: why did the Judiciary decide to issue this RFP?

Until 2017, the Judiciary has had sole responsibility for coordinating GAL activity. In 2017, the Supreme Court approved a proposal to explore working with nonprofits to recruit, train, and support volunteer GALs. That approval yielded the RFP issued during the fall of 2017, which in turn produced a contract with the Lamoille Restorative Center. Right now, that is the only nonprofit organization with which the Judiciary has a contract to provide GAL coordination services.

How did you divvy up the regions in the RFP?

The State Court Administrator's Office recognizes certain administrative regions, which comprise one or more units/counties. Each administrative region falls under the purview of one court clerk, who supervises the court operations managers, docket clerks and other non-judge court employees in that region.

Do you see GAL services increasing in the next 5-10 years? Staying the same?

There are various factors that drive CHINS filings. The opioid epidemic has been one of those contributing factors. It's also possible that filings are driven by the resources available to the Department of Children and Families (DCF): as more DCF case workers are available to investigate allegations of abuse or neglect, that might result in more filings.

Are filings affected by the recent legislation that keeps young offenders in juvenile court up to the age of 22?

At this time, Vermont statutes do not require the assignment of a volunteer GAL to an individual over the age of 18. Generally, courts do not assign volunteer GALs to anyone over the age of 18. However, there are some exceptions to that practice.

Will that change?

Unknown.

Do you have an expected number of proposals that you're thinking that you're going to get?

Three proposals were submitted in response to the GAL RFP that the Judiciary issued in the fall of 2017; one of those proposals resulted in a contract. At this time there is no additional information regarding the number of proposals that will be submitted in response to the current RFP.

Does the Judiciary prefer Vermont-based 501(c)(3)s over national nonprofit organizations that deliver GAL coordination services in other states?

The RFP states on page 2, "The Vermont State Court Administrator's Office seeks proposals from nonprofit organizations interested in partnering with the Judiciary to recruit, train and support volunteers GAL's in one or more counties in Vermont. Ideal proposals will come from organizations with experience administering programs to serve children or families in need." Also, as noted in Section 4.5 of the RFP, "All other considerations being equal, preference will be given first to resident bidders of the state...."

Are you opposed to having an organization start later than sooner? What would that mean?

The start date for a proposed program is negotiable.

Is it accurate that the proposals will be evaluated by a GAL?

At least one volunteer GAL will evaluate each proposal.

You would entertain a statewide proposal?

As noted on page 2 of the RFP, the Judiciary "will not consider proposals from organizations offering to recruit, train, and support volunteer GALs in Lamoille County." Please consult pages 3 and 4 of the RFP for additional guidance regarding counties that may be included as proposed service areas.

Can we contact the Coordinators in certain counties?

As noted in the RFP, please submit any questions to Jeremy Zeliger as the State Contact. Prospective bidders may contact the Lamoille Restorative Center.

How will the introduction of an outside vendor impact current Judiciary employees?

There are three Judiciary non-temporary positions assigned to the GAL Program. As set forth in the RFP, selected vendors will receive technical assistance from Judiciary employees assigned to support the Guardian ad Litem Program to ensure that program standards are maintained and services are integrated with local court operations.

The RFP states that Bennington and Rutland counties have 18 and 19 GALs accordingly. What was the yearly number of cases that required a GAL in Bennington and Rutland over the past three years?

The following chart shows the number of abuse and neglect cases filed in Bennington and Rutland Counties over the past three fiscal years (July 1 – June 30):

	Bennington	Rutland
FY 16	58	75
FY 17	80	74
FY 18	81	83

What is the average caseload number for a GAL in Bennington and Rutland Counties?

Records indicate that as of November 21, 2018:

- There were 63 CHINS Abuse and Neglect, Truant, or Unmanageable cases pending in Bennington County. There are currently 18 active GALs in Bennington County. Accordingly, the average number of CHINS Abuse and Neglect, Truant, or Unmanageable cases per GAL in Bennington County is 3.5.
- There were 55 CHINS Abuse and Neglect, Truant, or Unmanageable cases pending in Rutland County. There are currently 18 active GALs in Rutland County. Accordingly, the average number of CHINS Abuse and Neglect, Truant, or Unmanageable cases per GAL in Rutland County is 3.05.

Please note that cases often involve more than one child; consequently, the number of children per GAL is likely to be higher than the figures calculated above. Furthermore, some volunteers suspend their participation during certain times of the year or for other reasons.

What is the maximum caseload number that the current GAL group in Bennington and Rutland can hold?

There is insufficient information to answer this question accurately.

Can a guardian ad litem play a mentor role in the life of a youth? This would entail participation in one-on-one weekly activities.

To the extent that serving as a mentor does not interfere with the role and responsibilities of a GAL, including obligations set forth in the Guardian ad Litem Code of Ethics, a GAL may serve as a mentor.