



The **Children's Aid Society**
of the District of Thunder Bay



Dilico

Anishinabek Family Care

Dilico Anishinabek Family Care and The Children's Aid Society of the District of Thunder Bay Request for Proposals for Child Welfare Legal Services

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A. GENERAL INSTRUCTIONS

A.1. Invitation:

Dilico Anishinabek Family Care (Dilico) and the Children's Aid Society of the District of Thunder Bay (CASTB) are soliciting proposals from qualified firms or individuals, for the provision of Child Welfare related External Legal Services.

A.2. Proposal Documents, Delivery and Deadline:

Proponents are requested to submit two (2) copies of their proposal in a sealed package marked "Proposal – Child Welfare Legal Services" to be received at Dilico **200 Anemki Place, Fort William First Nation, ON, P7J 1L6 before 4:30 PM, Friday March 16, 2018, ATT'N Executive Director.**

The name and address of the Proponent must be clearly indicated on the face of the sealed package containing the proposal.

The total content of the Proposal, including any appendices and attachments, should be outlined in a Table of Contents at the front of the Proposal.

Proposals sent by fax or e-mail will not be accepted.

Proponents may not make modifications to their proposal after the closing date and time.

Dilico and/or CASTB shall not be liable for any costs incurred by any Proponent in the preparation of this Request for Proposal.

All information provided in the Proponent's proposal will be considered confidential.

A.3. Inquiries:

All inquiries regarding this Request for Proposal shall be directed by e-mail only to Jason Dulude at jasondulude@dilico.co and copied to Brad Bain at brad.bain@thunderbaycas.ca. **Inquiries must be received by noon, Wednesday, March 7, 2018. Responses to all inquiries shall be provided to all Proponents no later than the end of the business day Monday, March 12, 2018.**

B. BACKGROUND

B.1. Activities & Structure

Dilico:

Dilico was established as a non-profit organization in 1987 with a mandate to develop and implement an Anishinabek child welfare system to strengthen, maintain and support children and families. Dilico was founded on the principles of the Kitchi-Gaa-Ming Anishinabek Ogemaag, a leading foundational document signed in 1994 by the Chiefs of thirteen First Nation communities serviced by Dilico. The intention of the document was to acknowledge and state the intentions of the leadership to assert their sovereignty and jurisdiction of their communities as it relates to child welfare, community health and social welfare.

In 1995, Dilico was designated as a registered Children's Aid Society. Dilico services all Indigenous people according to a ministerial mandated geographic jurisdiction and through the delegated authority granted by the Children's Aid Society of the District of Thunder Bay ("TBCAS"), which encompasses the City and District of Thunder Bay and a portion of the District of Algoma. On November 13, 2012 a Memorandum of Understanding was signed between Dilico and the TBCAS transferring the provision of child welfare services to all Indigenous children and families residing in the City and District of Thunder Bay to Dilico.

Dilico's Mikinaak Customary Care Service Model recognizes the culture and traditions of all Aboriginal Nations and provides First Nations a unified approach in caring for Anishinabek children, families and communities. Dilico's Mikinaak Customary Care Service model ensured First Nations exercised their inherent right to care, plan and advocate for their children and community members. The agency strives to work with a collaborative approach with all First Nations. Including, First Nation case consultations and case conferencing to provide individual and customized plans that are developed collectively with families, extended families, First Nations and support services to ensure safety, well-being and protection of all children that come to the attention of child welfare. The ultimate goal is to work together collaboratively to ensure children remain with their families and in their communities. Dilico has made it a priority to negotiate individual agreements and First Nation Protocols with any interested First Nations whose members reside in our geo-political territory and has been successful in negotiating a number of Band directed service protocols and agreements.

Dilico continues to be committed to ensuring the safety, health and wellbeing of all Indigenous children and families in accordance to its mission statement and the legal mandates delegated to it by the First Nations.

CASTB:

CASTB is a registered Charity, whose principal mandate is to protect the children and youth in our community from all forms of abuse and neglect.

CASTB's principal funding is provided by the Province of Ontario as determined by a Funding Framework based on service volumes. Under the provisions of the Child, Youth and Family Services Act, the Ministry of Children and Youth Services of Ontario contracts with CASTB as a transfer payment agency for the delivery of legislated Child Welfare Services in the District of Thunder Bay. As a consequence of the contractual relationship between CASTB and the Ministry,

the Ministry conducts regular reviews and audits in order to determine funding requirements and to exercise due diligence on behalf of the Government of Ontario.

Under Ontario law, CASTB is also subject to audits performed by the Auditor General of Ontario on a schedule determined by the Auditor General.

CASTB operates at arm's length from the Ministry and is governed by an independent volunteer Board of Directors. This structure allows CASTB to be accountable to the Ministry, and yet retain a degree of operational autonomy and flexibility.

CASTB's Board of Directors is 13 members strong, and possesses the multi-disciplined representation necessary for effective governance. The Board meets on a monthly basis.

B.2. Legal Team

Dilico:

At this time there is no internal legal team in place at Dilico. Dilico had utilized the same legal practitioner for the last 20 years. The proposal as it stands would be to handle all child welfare legal matters on behalf of Dilico.

Dilico's case management software is Frontline for Windows, an integrated Child Welfare case management system which provides reliable child in care, resources and protection case tracking data.

CASTB:

At this time there are two internal legal support staff in place at CASTB. The position titles are Administrative Assistant – Legal Services (bargaining unit) and Legal Services Co-ordinator (non-bargaining unit). An overview of the duties and responsibilities for these two positions are summarized in the attached appendices.

CASTB's does not have case management software. Child in care, resources and protection case tracking data is all done using spreadsheet application. The agency does however use DivorceMate to generate all necessary legal documents.

Legal volume related to child welfare cases from April 1, 2016 to March 31, 2017 was approximately 1,200 billable hours plus administrative support.

C. SCOPE OF SERVICES TO BE PROVIDED

C.1 General

Commencing on or about June 1, 2018 and until advised otherwise, the legal firm shall represent Dilico and CASTB in all child welfare legal proceedings that occur. Representation would equate to four (4) days a week for TBCAS and one (1) day a week for Dilico.

This would include providing legal advice and services to both Dilico and CASTB staff on the interpretation and application of the CFSA and its successor legislation and other legislation pertaining to child welfare or family law. Also the proposal involves acting as a legal resource to workers and service supervisors providing legal consultation and advice supporting the development of desired case management focused on child protection outcomes for children, youth and their families. There would also be a need to participate in a collaborative process in selected case conferences and the provision of legal opinion to inform service instructions that inform the agency's approach to case management.

C.2 Court Related Activities, as necessary, however Dilico's focus is Customary Care

Prepare cases for presentation in court, when required, by coordinating the gathering of all information and evidence, drafting and/or reviewing pleadings, affidavits, briefs, orders and other documents for filing with the court and preparing witnesses.

Represent Dilico and CASTB in all levels of the courts and tribunals in relation to Child and Family Services Act and its successor legislation, the Children's Law Reform Act, the Family Law Act and other statutes in both contested and uncontested matters including adjournments, contested motions, motions for summary judgment, hearings, conferences, motions for disclosure and trials, appeals and adoption.

Prepare and document all legal issues, processes and case activities/dispositions, including motions; protection applications of any type; show cause trials; adoptions; adjournments for any of the above; and trials.

Negotiate settlements where possible.

Represent Dilico and CASTB with respect to any litigation involving disclosure of agency records.

Represent Dilico and CASTB in Child Abuse Register expunction hearings.

Represent Dilico and CASTB in all matters before the Child and Family Services Review Board, The Advocate's Office and the Office of the Chief Coroner.

Ensure documentation of all legal issues, processes and case activities in accordance with established procedures.

Prepare Minutes of Settlement and Settlement/Court Conference Briefs.

Provide assistance, where required, in the preparation of legal notice and documentation of court related matters.

Assist the Child Protection Workers and other Dilico and CASTB staff as required in their preparation to appear on family law and related criminal matters.

Provide liaison with other outside agency lawyers with respect to court applications.

Liaise with parents and/or counsel representing the parents and children's counsel or the Crown as the case may be.

Appeals must be specifically authorized by the agency in writing.

Civil law suits must be specifically authorized by the agency in writing.

Provide consultation on an ongoing and immediate basis where necessary. This will include some in-office time at a minimum of one day per week at Dilico and four days per week at CASTB. The amount of in house consultation will be adjusted according to need and design as requested by the legal firm or individual at no further cost.

As part of the legal services, all necessary paper work will be provided for the Court. This shall include: (a) Agreed Statement of Facts; (b) Plans of Care; (c) and other related documentation and/or letters of response.

Subpoenas (Summons to Witness) will be the responsibility of the proponent in consultation with the agency.

Attend meetings that may negotiate solutions from a spectrum that may prevent Court involvement or in the final analysis, may mean Court applications and trials.

Attend CASTB Critical Case Review Committee on average every 2nd Monday from 1:15 to 5:00. The Critical Case Review Team (CCRT) exists at CASTB to assist, guide, and give direction to workers and supervisors with the management of complex, contentious, and/or high-risk cases. The Team is comprised of the Director of Family Services, the Director of Children and Residential Services and Legal Counsel. The chairperson promotes decision-making on a consensus basis and is responsible for providing final recommendations.

Provide a minimum of one legal training session for staff per year. All legal training will occur on an individual and group basis.

C.3 Relationship Management

Demonstrate behaviours, actions and attitudes that are consistent with Dilico's and CASTB vision, mission and values.

Develop and maintains collaborative relationships at all levels of the agency in order to build trust and confidence in the services provided.

Establish positive relationships with key stakeholders, internal and external to Dilico and TBCAS such as agency staff, judges and employees of the Ontario Courts, Public Health, medical professionals, and other collateral, community resources and organizations in the community.

Share information according to privacy and/or confidentiality legislation, standards and guidelines.

Respect ethnic, spiritual, linguistic, familial and cultural differences.

D. SUBMISSION REQUIREMENTS

D.1 General

Proponents are requested to submit a written proposal that describes how the services as outlined in Section C will be provided. In order to facilitate the evaluation of proposals, Proponents are requested to organize their proposal as per the Submission Framework below.

Proponents will be evaluated based on the following criteria:

- Capability and experience of the legal team / individual
- Proposed approach
- Price

D.2 Submission Framework & Proposal Content & Assessment Criteria

Capability and Experience of the Legal Team 35 points

- Information as to the location of the office which would be responsible, the names of the partner(s), and senior staff who will be assigned, as applicable
- Capacity to staff for the size of this engagement.
- Industry experience.
- Experience with similar not-for-profit organizations.
- The names of at least three (3) references and/or letters of reference.
- Please provide specific examples of legal work performed within the public sector of similar scope and complexity completed within the last two years.
- Details of team skills or experience which are directly relevant to the team's capacity to provide child welfare legal services.
- Capacity to provide assistance in other areas.
- Understanding of and/or experience in representing Indigenous parties and customary care.

Proposed Approach 30 points

- Your approach to dealing with the general, court related and relationship management issues as described in section C.
- Availability and timely response to discuss complex child welfare legal issues.
- Approach to resolution of child welfare legal issues.
- Ability to meet our deadlines.

Legal Services Price 30 points

- A firm quotation for fees charged in the first year and estimated fees for the two subsequent years.
- The firm's "Out of Pocket Expense" policy (i.e. Actual expenses incurred based on receipts, a flat fee, percentage, other).
- An estimate of hours and rates per hour broken down between various staff required to carry out legal services, as applicable.
- Information regarding any legal services that may be available to the organization free of charge on routine matters. These services may include staff assistance, seminars, and/or publications relating to child welfare legal matters.
- A focus on reducing overall cost of child welfare legal services to Dilico and TBCAS while at the same time maintaining /enhancing value.
- The Offeror's proposed price should include information on the hourly billing rates of each counsel or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. Also include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work.

Overall Quality of Submission 5 points

Dilico and CASTB reserve the right to meet with Proponents to discuss the Proposal.

E. EVALUATION PROCESS & CONTRACT NEGOTIATIONS

E.1 Evaluation Process

Dilico and CASTB's Child Welfare Legal Committee shall evaluate the Proposals. A matrix will be used to compare the scores given to each Proponent by each member of the Committee, and a consensus will then be reached through discussion internal to the Committee. Final selection may be subject to the respective Board's approval at each agency. **The successful Proponent will be notified by April 30, 2018.**

Unsuccessful Proponents will be notified by email by May 7, 2018.

E.2. Negotiations & Contract Negotiations

Dilico and CASTB reserves the right to:

- Not accept the lowest price or any proposal;
- Terminate the request for proposal for any reason, with no liability to Dilico and or CASTB or recourse by the bidder, at any time prior to the execution of the written contract;
- Conduct negotiations with more than one bidder

APPENDIX A — DISCLOSURE OF CONFLICT OF INTEREST

All proponents shall, as a condition of supplying services to Dilico and CASTB as a result of this proposal make full disclosure of any business relationships within the last FIVE (5) years including any donations/gifts in excess of ONE HUNDRED Dollars (\$100), with any staff member of Dilico and CASTB and Agency Board, or immediate relatives of any staff member of Dilico and CASTB.

If the proponent fails to disclose an interest and/or the interest is falsely or insufficiently reported, Dilico and CASTB reserves the right to terminate or cancel any Agreement of any kind which may have been entered into with a proponent.

As part of the proposal process, completion and return of the Disclosure of Interest form is mandatory. Sign and return the form even if there is nothing to disclose.

If additional space is required, please add an attachment to this form.

Disclosure

Company Name _____

Authorized Signature _____ Date _____

Print Name _____

Print Title _____

APPENDIX B — PRICE QUOTATION

PRICING REQUIREMENTS

The proposal should clearly indicate the unit pricing for each service for a flat fee and the term for which the pricing is in effect.

Flat fee pricing arrangements may also be proposed (in addition to unit pricing) and should clearly state all assumptions including any requirements or restrictions.

We offer to supply, to Dilico and CASTB, all or any of the services indicated below, at the prices shown, taxes extra, and on the terms set forth in the proposal.

LEGAL SERVICES / LAWYER	DESCRIPTION	UNIT PRICE

APPENDIX C – PROPONENT INFORMATION

For extended responses to any of the following questions, the proponent may attach supplemental sheets on a per question basis.

PROPONENT IDENTIFICATION, REFERENCES, AND COMPANY HISTORY

Q1. Company Name:

Q2. Address of Local Office:

Q3. Telephone Number:

Q4. Address of Head Office:

Q5. Telephone Number:

Q6. Workers’ Safety and Insurance Board Registration Number:

Q7. List of THREE (3) clients at which your company currently provides legal services. These may be contacted by Dilico and CASTB for performance references.

	<u>Company</u>	<u>Contact Name</u>	<u>Telephone</u>
1)	<hr/>	<hr/>	<hr/>
2)	<hr/>	<hr/>	<hr/>
3)	<hr/>	<hr/>	<hr/>

ADDED VALUE

Q8. Dilico and CASTB encourages creative solutions / bid responses. Describe any additional opportunities or added value that you wish to include with your proposal which may include a review of corporate bylaws, policy, records management retention review, contract or agreements, seminars, training, Board orientation, etc.

APPENDIX D – ADMINISTRATIVE ASSISTANT – LEGAL SERVICES

The Children’s Aid Society of the District of Thunder Bay	
Position Description	
Job Title: Administrative Assistant – Legal Services	Job Location: Thunder Bay, ON
Reports To: Supervisor of Administration & Information Services	Status: Full-Time, Permanent
Salary Scale: As per Collective Agreement – Administrative III	

Position Purpose: To provide administrative and legal clerical support to Agency staff involved in child protection proceedings.

Major Responsibilities:

To provide administrative support to staff specific to legal matters.

- Insert demographic data and other content material (as prepared by the Legal Services Coordinator and/or Agency service staff, and/or retrieved from Agency databases) into the following legal templates and word documents:
 - Protection Applications
 - Status Review Applications
 - Plan of Care
 - Statements of Agreed Facts
 - Warrants to Apprehend; for Records
 - Motion and Affidavit to: Dispense; Third Party Records; Transfer Jurisdiction
 - Other Motions e.g., Summary Judgment; Vary Order; Amend Application
 - Summons to Trial
- Copy, bind, arrange service and file as requested:
 - Notice of Intention Records
 - Trial Management Conference Brief
 - Settlement Conference Brief
- Correspondence and Notifications:
 - Foster Parent quarterly letters
 - Ministry notification of Crown Wardship Orders
- Arrange Service (via fax, mail, courier, process server):
 - Temporary and Final Orders
 - Parties in other jurisdictions
- Child Welfare Database:
 - Input Court Memos into CPIN
- Other Duties:
 - Receive and distribute correspondence from Agency Law Firm
 - Diarize all legal proceeding and deadlines in Microsoft Outlook; prompt Agency staff re: upcoming proceedings and/or court submissions
 - Attend meetings related to Agency legal processes and take minutes as required
 - Ensure the confidentiality of all legal file material
 - Participate in team meetings
 - Engage in performance appraisal and professional development activities

- Other administrative duties as assigned

Knowledge, Skills, Abilities and Other Attributes

Knowledge: The Administrative Assistant in Legal Services requires working knowledge of:

- Basic legal concepts, principles and terminology
- Child Welfare court processes and regulations
- Standards and guidelines as per the Ministry of Children and Youth Services

Skills: The Administrative Assistant in Legal Services requires well developed and demonstrated:

- Intermediate skill levels and experience in Microsoft Office (Outlook, Word, Excel, PowerPoint)
- Accurate and fast work processing skills
- Excellent communication skills including strong interpersonal, written and verbal skills
- Computer skills and the ability to effectively learn and operate in new programs and databases

Abilities: The Administrative Assistant in Legal Services must be able to:

- Work in a challenging, fast paced work environment with multiple and changing deadlines: Organizational, coordination and time management skills to determine priorities, meet timelines and manage several assignments simultaneously.
- Relate and interact with agency legal service providers, co-workers and community collaterals in a courteous and purposeful manner.
- Assess workflow and administrative functions and suggest improvements to advance efficiency, manage data and develop effective systems.
- Use sound judgement and tact to address a range of issues and to problem-solve.
- Work independently, or as part of a team.

Requirements:

- Completion of a business or commercial diploma or certificate from an accredited college or equivalent combination of education and experience in legal support. Experience in a legal environment, preferably Family Law. "Candidates with other academic qualifications and related experience plus demonstrated ability will be considered."
- Access to a personal vehicle on an occasional basis; "G" licence and safe driving record
- Ability to work flexible hours on occasion when required by legal deadlines

APPENDIX E – LEGAL SERVICES CO-ORDINATOR

The Children’s Aid Society of the District of Thunder Bay	
Position Description	
Job Title: Legal Services Coordinator	Job Location: Thunder Bay, ON
Reports To: Services Director	Status and Classification: Full-time, Permanent. Non-Bargaining Unit - Administration
Salary Scale: As per Non-Bargaining Unit Salary Scales	

Position Purpose: To work in close cooperation with Agency staff and legal counsel in all Child Welfare matters that may involve legal intervention and court proceedings. This position is responsible for assigning and overseeing the legal related duties and responsibilities of the Administrative Assistant – Legal Services.

Major Responsibilities:

To provide support to legal unit and staff:

- Provide guidance and direction to staff and answer inquiries regarding legal matters, including bringing matters into court, ongoing court matters, the court process, disclosure, etc.
- Review documents prepared by the legal unit and make corrections as required.
- Assist staff in the writing of Affidavits, ensuring that content, legal requirements, wording and sentence structure are properly presented in the document.
- Meet with staff to assist in preparing for Case Conferences, Settlement Conferences and Trial Management Conferences. This includes preparing the Case Conference Briefs, Settlement Conference Briefs and Trial Management Conference Briefs.
- Attend meetings with Agency legal counsel and staff, and provide guidance thereafter to staff in order to ensure the successful follow through of legal direction and advice.
- Provide guidance to CPIN Trainers as to the inputting of legal information into the system, as required.

To provide administrative liaison and support to Agency’s legal counsel:

- Prepare legal correspondence as required.
- Review correspondence from external lawyers, including court documents served upon the Agency.
- Review court memos from the lawyer and assure direction is followed accordingly. This includes diarizing to ensure that staff and the legal department follow lawyer instruction.
- Prepare and track court orders.
- Attend Agency meetings and training sessions in order to brief lawyer on any important information shared.
- Attend Agency Critical Case Review Meetings to ensure pertinent case information and Agency legal issues are brought to the prompt attention of Agency legal counsel.
- Assist in the development of Agency legal procedures, as required.
- Assure the legal unit maintains the organization of the Continuing Records for each court file.

To assist in preparation for attending court:

- Prepare trial Affidavits.

- Work with Agency witnesses (staff and foster parents) to prepare for trial (coaching, training, supporting re: legal processes and roles).
- Attend legal trial preparation meetings.
- Meet with the lawyer in preparation for court appearances to discuss cases, provide an update on progress and issues, brief the lawyer on information provided by staff, etc.
- Meet with staff to assist in the preparation of disclosure documents for trial and prepare Disclosure Records.
- Meet regularly with legal unit to discuss files and confirm that matters are progressing in preparation for upcoming court dates.

Other Duties:

- Assign and oversee the work assignments of the Administrative Assistant – Legal Services position; provide training, coaching and mentoring related to legal matters, as appropriate.
- When requested, participate in supervision meetings with the Administrative Assistant – Legal Services and that position’s supervisor, to discuss such legal unit matters such as workload, workflow processes and productivity, professional development opportunities.
- Maintain and ensure the confidentiality of all legal files and cases.
- Research case law and review new legislation.
- Participate in professional development opportunities to expand knowledge and skills.

Knowledge, Skills, Abilities and Other Attributes

Knowledge: The Legal Services Coordinator requires comprehensive knowledge of:

- Court processes and regulations.
- Standards and guidelines enforced by the Ministry of Children and Youth Services.
- The Criminal Code of Canada.
- Child and Family Services Act.
- Young Offenders Act and other relevant legislation.
- The Family Law Act.
- The Children’s Law Reform Act.

Skills: The Legal Services Coordinator requires well developed and demonstrated:

- Computer skills and the ability to effectively learn and operate in new programs and databases.
- Intermediate skill level and experience in Microsoft Office (Outlook, Word, Excel, PowerPoint).
- Accurate and fast word processing skills.
- Organizational, coordination and time management skills to determine priorities, meet timelines and manage several assignments simultaneously.
- Excellent communication skills, including strong interpersonal, written and verbal skills.

Abilities: The Legal Services Coordinator must be able to:

- Work independently and as part of a team in a challenging, fast paced work environment with multiple changing deadlines.
- Relate and interact with Agency legal service providers, co-workers and community collaterals in a courteous and purposeful manner.
- Carefully assess workflow and administrative functions in order to suggest improvements to advance efficiency, manage data and develop effective systems.
- Use sound judgement and tact to address a range of issues and to problem-solve.

- Interpret and apply various legislation, regulations and policies in order to ensure the Agency's mandate, goals and objectives are met.
- Assist in the development of legal policies and procedures.
- Maintain a current knowledge and understanding of trends and legislation.
- Work effectively with service users, staff, management and other stakeholders.
- Lead, motivate and coach the Administrative Assistant in Legal Services; provide regular feedback and resolve any issues that may arise.

Education and Experience

- Institute of Law Clerks of Ontario - Family Law Certificate.
- Minimum of 10 years of experience in a legal environment, with progressively responsible assignments and substantive Family Law experience.
- Supervisory experience an asset.