Guidelines for Jurisdictional Family Services Grant Recipients

Department of Family Administration
Administrative Office of the Courts
Maryland Judiciary

Fiscal Year 2014
Issued: June 2013

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Jurisdictional Family Services Grants

The Maryland Judiciary began an important initiative to improve its responsiveness to families and children when it created circuit court family divisions and family services programs in 1998. Since that time, the circuit courts have reoriented their case management practices and developed programs to assist the many families and children that come before the court. The Maryland Judiciary is committed to ensuring that services provided by the courts are accessible to all litigants regardless of their ability to pay for the services, and without regard to representational status.

Jurisdictional Family Services Grants are designed to establish and maintain family divisions within Maryland's larger circuit courts and to support family services programs within the smaller circuit courts. They are intended to assist the circuit courts in fulfilling the mandate of Maryland Rule 16-204.

A. Application Process

1. Application, Review and Award

1.1 Notice of Funding Availability (NOFA)

A NOFA and grant budget application will be published in the Maryland Registry and posted to the DFA's website more than one year prior to the year for which funds are being requested. (NOFAs published in May 2013, will be requesting applications for FY 2014 funds.) This document will outline the requirements for funding, define the funding term and provide instructions for submitting a budget application.

1.2 Eligibility

a. Eligible grantees include Maryland Circuit Courts or any governments administering Circuit Court Family Divisions or Family Services Programs in the state of Maryland.

b. Sub-Granting and "Pass-Through" Prohibited
The DFA only awards funds directly to the eligible grantees listed in subsection (a) of this section. Grantees are not permitted to pass funds or sub-grant funds to another organization (even if the second organization would be eligible to apply for funds under subsection a.).

1.3 Budget Application

All Circuit Court Jurisdictional Grantees must submit a budget application forecasting their program needs one year in advance; projected budgets for Fiscal Year 2015 must be submitted at the start of Fiscal Year 2014, by July 15, 2013. Budget applications will be posted along with the NOFA described above by early June of each year. Budget applications will require information about family programs, positions and goals in addition to the budget request.

Grantees are encouraged to seek additional funding for family division activities and programs from sources other than the grants described above. Local county governments that support the regular activities of the circuit court should continue to provide funding for existing positions. Local county governments should also support new positions or programs to advance the courts' family law initiatives.

1.4 Funding Decisions

a. The DFA will review all budgetary and programmatic information and determine the level of funding to be appropriated for each court.

b. Awards are contingent upon the provision of funds by the Maryland Judiciary budget as allocated by the Maryland General Assembly.

1.5 Award Notification

Each county administrative judge will be informed of their grant award through an Award Letter signed by the Chief Judge of the Maryland Court of Appeals. Letters will be issued prior to the start of the funding period.

B. Grantee Requirements

1. Finalizing the Award

To accept and finalize the grant award, grantees are required to provide the following documentation to the DFA before the start of the funding period:

a. A Signed Grant Agreement

Each applicant will be required to sign a Grant Agreement signed by the DFA's Executive Director and provided with their Award Letter. That Agreement will indicate that the grantee agrees to abide by the terms of funding outlined in the DFA's Grant Guidelines and to strive to meet any performance measures described in the Agreement.

b. A Signed Adjusted Budget & Budget Detail.
Upon the request of the DFA, applicants will be required to submit an Adjusted Budget reflecting a spending plan based on the actual grant award. A Budget Detail, describing all costs charged to the grant, must accompany the Adjusted Budget. Adjusted Budget and Budget Detail forms will be provided to each grantee by email. The Adjusted Budget must be signed by the program's authorizing official. A signed copy of the Adjusted Budget will be returned to the grantee upon approval by the DFA's Executive Director.

c. A Completed & Signed Financial Information Form
The grantee is required to designate a fiscal authority; the fiscal contact who will receive payments for the grant. Grantees will be provided a form to complete and submit prior to the start of the funding period designating the project's fiscal authority. This form must be signed by the fiscal authority and will include the address to which payments will be sent and other financial information needed for the processing of payments.

2. Reporting

2.1 Types of Reports (Program, Financial & Annual)

a. Program & Statistical Reporting

1. Programs will be required to provide statistical information and data on program activity, including services provided or referred and individuals served, on a quarterly and annual basis.

2. Specific program and statistical reporting requirements, including required reporting forms, will be provided to grantees by email prior to the start of the funding period. Reporting forms will be cumulative Excel Workbooks.

b. Financial Reporting

1. Programs are required to provide expenditure reports and requests for payment on a quarterly basis. These documents <u>must</u> be submitted by the due dates outlined above, even if the grantee did not expend any funds during the quarter.

2. Specific reporting requirements, including required reporting forms, will be provided to the grantee by email early in the funding period. All reports must be submitted on the forms provided. Print-outs from county or city accounting reports will not be acceptable. Reporting forms will be cumulative Excel Workbooks personalized for each grantee.

c. Annual Report

In accordance with Rule 16-204, the county administrative judge shall prepare and submit an annual report to the Chief Judge of the Court of Appeals no later than October 15th of each year. A copy of this report must be provided to the DFA. The annual report shall include:

1. A description of family support services needed by the court,
2. A fiscal note that estimates the cost of those services for the following year,
3. An estimate of the fiscal needs of the Clerk of the Circuit Court arising from new family division/family services programs and initiatives, and
4. A summary of existing programs and activities of the family division/family services program.

NOTE: The fiscal note required by Maryland Rule 16-204 is separate and apart from the Budget Application that is required to be submitted to the DFA by July 15th of each year. (See section A 1.3) Any budget requests presented for the first time in the fiscal note will not be considered.

2.2 Submission Requirements

All reports (financial and program/statistical) must be submitted by email to the DFA, emailed to Jennifer.White@mdcourts.gov by the due dates outlined below. Hard copies with original signatures must also be received by the due dates below.

Reporting Period	Report Due Date
1st Quarter (July 1 thru Sept 30)	November 15
2nd Quarter (Oct 1 thru Dec 31)	February 15
3rd Quarter (Jan1 thru Mar 31)	May 15
4th Quarter (April 1 thru June 30)	August 15
Annual Report	October 15

Partial or incomplete reports will not be accepted. Reports must be submitted on forms provided by the DFA for FY14.

2.3 Additional Requests for Information & Evaluation

In accepting a grant award, each Circuit Court Jurisdictional Grantee may periodically be required to conduct surveys or record reviews and submit the results to the DFA to ensure compliance with performance standards established for the family divisions and family services programs. In addition, grantees may also be asked to cooperate with Judiciary-sponsored evaluation projects.

2.4 Use of Information

Information reported by Jurisdictional Grantees will be used to monitor funded programs and assist the DFA in determining if the program is meeting its stated goals and objectives. Additionally, the AOC reserves the right to use this data in statistical reports, annual reports, and other publications for general distribution.

3. Funds

3.1 Fiscal Authority

The grantee is required to designate a fiscal authority, the fiscal contact who will receive payments, for the grant. Grantees will be provided a form to complete and submit prior to the start of the funding period designating the project's fiscal authority as described above in section B.1.c.

3.2 Funding Cycle

The DFA awards Jurisdictional grants on the state's fiscal year cycle. Grants awarded for Fiscal Year 2014 will support family and juvenile program needs from July 1, 2013 through June 30, 2014. All funds must be expended within this time period.

3.3 Distribution of Funds

a. Unless otherwise provided for in the grant agreement, all funds will be paid on a ***reimbursement basis*** only. Grantees must submit a timely financial expenditure report, program report and request for payment form each quarter reflecting funds actually expended during the quarter for

which the program is seeking reimbursement. The DFA may request documentation of expenditures if deemed necessary.

b. The DFA will withhold payments in the event that the grantee has failed to comply with the grant requirements or if those reports reflect a failure to expend funds previously distributed within a reasonable time period.

3.4 Unspent Grant Funds

Jurisdictional Grantees must project unspent or unobligated funds no later than May 15th unless otherwise directed by the DFA. All grantees will be provided a "Fourth Quarter Estimate" form in their financial reporting workbooks to use to submit this projection. Grantees must expend all grant funds by the end of the fiscal year in which they were awarded.

3.5 Direct vs. Indirect Costs

a. Direct Costs

Direct costs are those that are readily assignable to a particular project. Jurisdictional grantees may request funding for direct costs associated with their project.

b. Indirect Costs

Indirect costs are those administrative costs of an organization that are not readily assignable to a particular project, but may be necessary to the operation of the organization and the performance of the funded project. Please Note: Jurisdictional grantees may *not* request funds to support indirect (administrative) costs.

3.6 Mid-Year Modifications

a. Modifying the Grant Award

The DFA may modify a grantee's award during the grant period dependent upon availability of funds. When a modification to a grantee's award is made by the DFA after the funding period has started, the grantee may be required to submit a signed Request for Budget Modification spreadsheet contained in each grantee's financial workbook reflecting the change in allocation of the funds. In instances when budget revisions are substantial, the DFA may require a grantee to submit a full revised budget.

b. Modifying the Grant Budget

Grantees may request budget modifications between existing line items during the course of the grant. However, all deviations from the approved grant budget must be submitted for review and approval by the DFA prior to the expenditure of funds. Grantees must use the Request for Budget Modification spreadsheet contained in each grantee's financial workbook to submit all modifications for approval. Expenditures that do not comply with the approved budget will not be authorized until the Executive Director signs and returns a copy of the approved budget modification form to the grantee.

3.7 Mid-Year Grant Requests

The DFA may make mid-year grants upon request, dependent upon availability of funds. Requests may be submitted in response to a Notice of Funding Availability (NOFA) or upon consultation with DFA staff.

4. Accounting and Business Requirements

4.1 Revenue and Expenditure Accounts

Each grantee must maintain records of financial transactions and accounts in accordance with generally accepted accounting principles.

a. Each Jurisdictional Grantee must work closely with its local county or city government to establish appropriate accounting practices to monitor grant funds awarded through this program. Family divisions shall follow the general accounting principles used by the local county or city government. Each grantee is responsible for ensuring that:

1. A separate revenue account is established into which family division/family services funds must be deposited;
2. A separate expenditure account is established to which family division/family services expenditures must be charged;
3. These accounts are monitored periodically (i.e. monthly) to ensure that grant funds are credited and charged appropriately; and
4. Grant funds are not commingled with or reverted to general county or city funds.

4.2 Fees

If authorized by law, individual litigants may be levied a fee for services that are provided by the circuit court family division or family services program. Fees may be made payable to the court or to an individual service provider (such as a mediator or parent educator). Whenever a court directs the payment of fees for a court-ordered service, it should, when possible, require the parties to pay the service provider directly.

a. Management of Fee Collection

Prior to levying fees, the circuit court must establish written procedures for collecting and accounting for such fees, and for providing for fee waivers to those of limited financial means. A copy of the written procedures must be submitted to the DFA upon request.

1. Fees Accounting

Each Circuit Court Jurisdictional Grantee that collects fees shall establish a formal system for collecting fees and for monitoring accounts receivable. Fees should be collected and monitored in accordance with the Accounts Receivable policies detailed in the *Maryland Judiciary Accounting Manual*.

2. Fees for Services Funded by the Grant

If a fee is collected for a service provided by a Circuit Court Jurisdictional Grant, the fee shall be deposited into the family division/family services revenue account. Under no circumstances shall funds be commingled with or revert to general county or city funds.

b. Use of Fees Collected

1. Prohibition on Remitting or Commingling Funds with the Local Government Funds

Any fees collected for family services funded by the grant must be deposited into a family services revenue account and not commingled with or reverted to county or city funds. In the event that the court collects fees for family services funded by a grant from the Administrative Office of the Courts (AOC) and does <u>remit the monies collected to the local government</u>, then the court is required to remit the percentage of the monies collected equivalent to the level of funding supported by the grant to the AOC.

For example, if the grant covers 50 percent of the program cost for parenting classes, then you must remit to the AOC 50 percent of the fees collected if the fees are remitted to the local government.

2. Funds Retained in Family Services Revenue Account

a.) If the court collects fees for family services funded by a grant from the AOC and retains the money, the funds may be used to supplement any of the family services within the parameters of the grant.

For example, if you are awarded a grant for various services, i.e., parenting classes, custody evaluations, and supervised visitation, and you collect fees for parenting classes from those individuals deemed able to pay, then you may reinvest those monies in parenting classes, custody evaluations or supervised visitation, depending on the area of need.

b.) If the court collects fees for family services funded by a grant from the AOC and retains the monies collected, you may seek permission from the Executive Director of Family Administration to reinvest those monies in a family-related area for which grant funds were not received.

3. Time to Expend/Remit Funds
All monies collected through fees must be expended or remitted by the end of the fiscal year in accordance with the policy outlined above. All monies collected and not expended by the end of the fiscal year must be remitted to the AOC.

4. Fee Reporting
Along with regular program and financial reporting, each jurisdictional grantee is required to submit an accounting of all monies collected through the assessment of fees for services and all monies expended from fees collected by the court on a quarterly basis. This includes fees reinvested for services within the parameters of this grant, as well as fees used to fund family-related services for which grant funds had not been awarded (as approved by the Executive Director of the DFA).

c. Fee Waivers

Each Circuit Court Jurisdictional Grantee shall provide litigants the opportunity to request a waiver of fees for any court-ordered or voluntary service provided through the court. The court may also offer a sliding scale arrangement to low income litigants, if they charge a fee. Even if a sliding scale fee is charged, however, the court must offer a complete fee waiver in appropriate cases.

Guidelines for issuing Fee Waivers are contained in Appendix A of this of this document.

4.3 Recordkeeping

Grantees must maintain full and accurate records of all financial transactions and accounts related to grant-funded activities for a minimum of three years after the grant period ends, and until audited by both Legislative and Internal Judicial Auditors. This includes requests for payment, receipts for expenses incurred, and timesheets for any salaries paid with grant funds. These are subject to review by the DFA, the Judiciary Grants Coordinator, and/or the Judiciary Internal Audit Department, at any time.

4.4 Reconciliation with County/City Records

Each jurisdiction is responsible for periodic (i.e. monthly) monitoring of county/city records regarding family division/family services grant funds. The administrative judge or a designated staff person should receive monthly expenditure reports and reconcile family division/family services records with those of the county to ensure accuracy prior to submitting quarterly financial reports to the DFA.

4.5 Personnel and Payroll Records

All grantees must follow their organization's payroll, personnel, and time and attendance policies for each position provided for by these grants. These policies must be in writing. Upon request, grantees must provide a copy of those policies to the DFA.

4.6 Procurement

a. All Jurisdictional Grantees must follow local county procurement policies in expending grant funds.

b. Copies of any contracts or Memorandum of Understanding entered into for goods and/or services using grant funds shall be provided to the DFA.

c. Goods and/or services purchased with grant funds shall remain in the ownership and liability of the grantee, and the grantee shall assume responsibility for all routine equipment maintenance and/or replacement costs.

d. Grantees that use grant funds for contractual services must notify potential contractors that funds for the project originated from a Maryland Judiciary grant.

e. Grantees may not use grant funds to contract with any individual or entity that has been "debarred" from doing business with the State. The state list of individuals and entities prohibited from doing business with the state can be found at: http://www.bpw.state.md.us/Procurement/Debarments/ .

4.7 Financial Accounting Requirements

a. Programs are required to establish and maintain financial accounting systems and records to accurately account for funds.

b. Programs are required to have an independent audit conducted annually. Programs are required to submit to the DFA any audit findings from their independent audit report related to grant reporting for the Family Services Grant.

c. Grant funds are subject to any additional terms and conditions issued by the Administrative Office of the Courts upon award of grants, and may be terminated if any terms or conditions are violated, or if adequate progress toward project goals is not demonstrated.

d. All financial records must be maintained until the Grantee is audited by the State Legislative Auditors.

5. Grantee Monitoring and Review

5.1 Program Monitoring & Site Visits

DFA staff will review submitted reports to evaluate the grantee's progress towards meeting their stated goals and objectives as well as the Performance Standards and Measures for Maryland's Family Divisions. Staff will follow-up with grantees regularly to gather additional information and assess performance. Follow-up will be made by phone and in person through site visits. Site visits may include a fiscal review of grantee/project expenditures.

5.2 New Positions or Programs

a. All new positions and/or programs supported by a DFA Jurisdictional grant award must commence within 90 days of the beginning of the funding period or other projected start date as indicated in the grantee's budget. If the project is not operational within that time frame, the grantee must report the steps taken to initiate the project, the reason for the delay, and the expected start date.

b. Grantees can request an extension of this 90 day period by submitting a written explanation for the need for the cause for delay and need for extension. All requests must be received prior to the expiration of the 90 day period.

c. Failure to implement new positions or projects within this 90 day period or to obtain an extension from the DFA may result in a cancellation or delay of fund distribution.

5.3 Advisement of Judiciary Audits

In addition to monitoring by DFA staff, grant recipients may be subject to periodic audits by the Judiciary's Internal Audit Department. Upon accepting a grant award, grantees agree to provide any authorized representative of the Judiciary's Internal Audit Department access to and the right to examine all records, papers, books, and documents related to the Judiciary grant.

6. Acknowledgement of Support & Notice Requirement

a. All Jurisdictional Grantees agree that any publication (written, visual or sound) issued by the Grantee describing projects funded in whole or in

part with Maryland Judiciary Grant Program funds shall contain the following statement: "This project is supported by a Jurisdictional Family Services Grant from the Maryland Judiciary, Administrative Office of the Courts, Department of Family Administration."

b. The DFA also requests notification from grantees of any events (e.g. trainings, outreach events, volunteer appreciation events, etc.) that occur as a result of DFA grant funds received.

7. Policy against Discrimination

Grantees will provide service to qualified clients without regard to race, color, national origin, marital status, sexual orientation, gender, political or religious opinion or affiliation, physical or mental disability, or age.

8. Contact Information

Unless otherwise indicated, all communications with the DFA should be directed to:

Connie Kratovil-Lavelle, Executive Director
Department of Family Administration
Administrative Office of the Courts
580 Taylor Avenue, 2nd Floor
Annapolis, Maryland 21401
Phone: 410-260-1580
Fax: 410-974-5577

or by email to: Kelly.Franks@mdcourts.gov

APPENDIX A

FEE WAIVER GUIDELINES

Fee Waivers

Each Circuit Court Jurisdictional Grantee shall provide litigants the opportunity to request a waiver of fees for any court-ordered or voluntary service provided through the court. The court may also offer a sliding scale arrangement to low income litigants, if they charge a fee. Even if a sliding scale fee is charged, however, the court must offer a complete fee waiver in appropriate cases.

a. Procedure & Forms

Circuit Court Jurisdictional Grantees shall provide any litigant who wishes to request a waiver of family services fees with a copy of the Motion for Family Services Fee Waiver, proposed Order, and accompanying Affidavit provided in this document. The circuit court shall consider any such motion filed in light of the standards provided below.

b. Determining Eligibility

i. Definitions

In determining eligibility for fee waivers, please refer to the definitions below:

Income Actual current annual total cash receipts before taxes of all persons who are resident members of, and contribute to, the support of a family unit.

Income <u>INCLUDES:</u>

- Wages and salaries before any deduction
- Income from self-employment after deductions for business or farm expenses
- Regular payments from public assistance, social security, unemployment and worker's compensation
- Strike benefits from union funds
- Veterans benefits
- Training stipends
- Alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household
- Public or private employee pensions
- Regular insurance or annuity payments
- Income from dividends, interest, rents, royalties or from estates and trusts

Income <u>DOES NOT</u> INCLUDE:

- Money withdrawn from a bank

- Tax refunds
- Gifts
- Compensation and/or one-time insurance payments for injuries sustained
- Non-cash benefits
- Food or rent in lieu of wages

Family Size The number of adults and children residing in the home with the person requesting the fee waiver. It may also include children who do not reside with the person requesting the waiver, but for whom the person is currently paying support.

Factors to consider when determining "family size":

- living arrangements
- familial relationships
- legal responsibility
- financial responsibility or family unit definitions used by government benefits agencies

ii. Determination of Eligibility

In making fee waiver determinations, please follow the guidelines below:

(a) Determine Income and Family Size and reference chart below for waiver eligibility.

(b) A full fee waiver **must** be granted to those individuals whose income is below the threshold indicated,

UNLESS:

The litigant has significant assets that can be readily drawn upon to pay for the services for which a fee waiver has been requested;

OR

The litigant has significant assets that suggest that they have access to the resources necessary to pay the fee for which a waiver has been requested, even though those resources may not be reflected in their income statement. Significant assets in excess of a house and a car might warrant closer scrutiny.

(c) A full or partial fee waiver may be granted to an individual whose income is higher than the threshold indicated, if:

The court adopts guidelines that are more lenient than those indicated in the chart, and applies those guidelines to all litigants requesting fee waivers;
OR
The litigant demonstrates that they have extraordinary expenses that affect their ability to pay the fee.

Factors which may be considered include:

- Medical expenses
- Fixed debts and obligations, including unpaid Federal, state and local taxes from prior years;
- Child care, transportation and other expenses necessary for employment;
- Expenses associated with age or physical infirmity of resident family members; and
  other significant factors related to financial inability to pay for services.

Circuit court grantees shall grant a complete waiver of family services fees to any litigant whose income is **equal to or less** than the amounts in the table below:

Family Size	Annual Income	Monthly Income	Weekly Income
1	27,390	2,283	527
2	35,818	2,985	689
3	44,246	3,687	851
4	52,674	4,390	1,013
5	61,102	5,092	1,175
6	69,530	5,794	1,337
7	71,110	5,926	1,367
8	72,690	6,058	1,398
9	74,270	6,189	1,428
10	75,851	6,321	1,459

The chart above is based on household income information contained in the Federal Register, March 15, 2013, Vol. 78, No. 94, which states that the median income for a Maryland family of four is $105,348. The figures above reflect 50% of the median family income for the State of Maryland, and establish maximum income levels for client eligibility.