



## **Special Conditions for FY21 Jurisdictional Family Services Grants**

### **1. Overview of the Jurisdictional Family Services Program**

The Maryland Judiciary is committed to enhancing the circuit courts' ability to provide a fair, efficient, and effective forum for resolving domestic and juvenile matters. Additionally, the Judiciary is committed to ensuring that services provided by the courts are accessible to all litigants regardless of their ability, and without regard to representational status. Jurisdictional Family Services Grants are awarded by the Department of Juvenile and Family Services (DJFS) to support family divisions within Maryland's larger circuit courts and family services programs within the smaller circuit courts. These grants are intended to assist the circuit courts in fulfilling the mandate of Maryland Rule 16-307 (formerly Rule 16-204).

### **2. Eligibility**

Maryland Circuit Courts or any governments administering Circuit Court Family Divisions or Family Services Programs in the State of Maryland are the only entities eligible for Jurisdictional Family Services grants.

### **3. Application Process**

All Circuit Court Jurisdictional Grantees must submit a Budget Request forecasting their program needs one year in advance; projected budgets for Fiscal Year 2021 must be submitted at the beginning of Fiscal Year 2020, (generally due in the last week of July, unless otherwise directed by the DJFS). Budget Requests will be posted along with a Notice of Funding Availability by early June of each year. Budget Requests will also include a narrative detail requiring information about family programs, positions and goals in addition to the budget projection.

Grantees are encouraged to seek additional funding for family services 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.

### **4. Funding Period**

DJFS awards Jurisdictional grants on the state's fiscal year cycle. Grants awarded for Fiscal Year 2021 will support family and juvenile program needs from July 1, 2020 through June 30, 2021. All funds must be expended within this time period.

## 5. Funding of Personnel

The DJFS supports positions through the Jurisdictional Family Services grants that further the ability of the court to provide the family services outlined in [Rule 16-307](#).

The salary and fringe amounts budgeted for court positions are subject to the funding limitations outlined in the General Grant Conditions specifically:

Salary adjustments for grant-funded circuit court employees will be provided consistent with those appropriated by the legislature for state Judiciary positions. Grant support for fringe benefits will also change commensurate with any salary adjustments made. Local governments are authorized to provide supplemental funds for salary and fringe benefits beyond the amount provided under a grant.

When budgeting for positions, the salary and fringe amounts should be held flat unless an increase has been authorized for Judiciary positions. If an increase has been authorized, it will be detailed in the grant award announcement. If no increase has been authorized, positions must be budgeted at the same amount as the prior year, unless the position fits the situations described below.

Aside from salary adjustments authorized by the legislature for Judiciary positions, adjustments to the budgeted amounts for the grant-funded court positions will also be permitted when,

- a. a position becomes vacant, and the new hire has a different salary/fringe rate; and/or
- b. the position is reclassified by the county's human resources department.

## 6. Reporting

### A. Program & Statistical Reporting

1. Programs are required to report on progress toward specific project goals and provide statistical information on a quarterly 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. Partial or incomplete reports will not be accepted. Reports submitted on forms other than those provided by the DJFS for FY21, will not be accepted.

### B. Financial Reporting

1. Programs are required to provide signed expenditure reports and grant invoices on a quarterly basis. These documents must be submitted by the due dates outlined in Section D., 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. Reporting forms will be cumulative Excel Workbooks personalized for each grantee.

### C. Rule 16-307 Reports

1. Pursuant to Rule 16-307, the services provided by each family division or family services program must be reported to the Chief Judge of the Court of Appeals annually. The applicable section of the Rule states:

**16-307(a)(4)(D)**

*(4) Responsibilities of the County Administrative Judge. The County Administrative Judge of the Circuit Court for each county having a family division shall:*

*(D) prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of family support services provided by the court's family division in the preceding fiscal year.*

**16-307(b)(4)**

*(b) Circuit courts without a family division.*

*(4) Report to the Chief Judge of the Court of Appeals. The County Administrative Judge shall prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of the family support services provided by the court in the preceding fiscal year.*

2. In satisfaction of the Rule 16-307 reporting requirement, the program reporting workbook contains a separate cover sheet for the Q4 program report. That cover sheet indicates that the data reflected in the Q4 report indicates the services provided by the family services program or family division during the fiscal year. The DJFS will submit the submitted Q4 reports to the Chief Judge no later than October 15<sup>th</sup> of each year. No further reports are required to be submitted by the grantee jurisdictions.

**D. Report Submission Requirements**

All reports (financial and program/statistical) must be submitted electronically to the DJFS, emailed to [DJFSGrants@mdcourts.gov](mailto:DJFSGrants@mdcourts.gov) by the due dates outlined below. Reports must be scanned PDFs of the signed hard copy reports. In the fourth quarter, both the Excel and PDF versions of the financial and progress reports must be submitted. The paper copies of the reports DO NOT need to be submitted. When a due date falls on a weekend or holiday, reports are due the next business day.

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

**7. Modifications**

**A. Non-Personnel Costs**

Modifications to the grant budget that do not impact personnel costs must be made in compliance with the terms outlined in the [General Grant Conditions](#) (<http://mdcourts.gov/procurement/grants.html>) and the additional terms outlined below.

Per page 3, #10 of the General Grant Conditions:

- a. Grantees may move small amounts of their budget without prior approval when those modifications involve less than 10% of the grant award amount, or \$10,000 per quarter, whichever is less.
- b. If the modification would add a new budget line item to the grant, not included in the final award budget, preapproval is required regardless of the amount.

- c. Expenditures that do not comply with the adjusted or approved budget will not be authorized for payment.

When a preapproval is required for a budget modification, grantees must complete the “Modification” spreadsheet found in the financial reporting workbook and submit the entire financial reporting workbook (in Excel) to [DJFSGrants@mdcourts.gov](mailto:DJFSGrants@mdcourts.gov) for approval.

#### B. Personnel Costs

The Modification terms outlined in the [General Grant Conditions](#) do not apply to Personnel Costs. For Personnel costs (salary and fringe), expenditures are limited to the budgeted amount for each individual position. Aside from salary adjustments authorized by the legislature for Judiciary positions described in #4 of these Special Conditions, adjustments to the budgeted amounts for the grant-funded court positions will also be permitted when,

- a. a position becomes vacant, and the new hire has a different salary/fringe rate; and/or
- b. the position is reclassified by the county’s human resources department.

In the above two situations, the grantee should contact the program and policy manager to effectuate the personnel change.

### **8. Mid-Year Grant Award Modifications (Supplements)**

The DJFS 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 DJFS staff.

### **9. Fees for Services**

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 DJFS 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 remit the monies collected to the local government, 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 Director of the Department of Juvenile and Family Services to reinvest those monies in a family-related area for which grant funds were not received using the "Fee Authorization" form found in the Progress Reporting Workbook.

## 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 Director of the DJFS).

## 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 as an appendix to this document.

**10. Contact Information**

**A. Grantee Contacts**

Grantees are responsible for ensuring that the DJFS is provided with accurate and up-to-date contact information for their program. This includes an email address, as the DJFS sends all correspondence by email.

**B. DJFS Contact Information**

Unless otherwise indicated, all communications with the DJFS should be sent by email to: [DJFSGrants@mdcourts.gov](mailto:DJFSGrants@mdcourts.gov).

Questions can also be directed to:

Pen Whewell, Grants Specialist: 410-260-1262

Kelly Franks, Program and Policy Manager: 410-260-1722

**11. Key FY21 Dates**

<b><u>Reports/Events</u></b>	<b><u>Date</u></b>
FY21 NOFA Posted	June 3, 2019
FY21 Budget Requests Due	July 26, 2019
FY21 Application Revisions DUE	April 10, 2020
FY21 Award Announcements	Week of May 11 <sup>th</sup> 2020

# APPENDIX: Fee Waiver Instructions

## 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 when the litigant's income is below the threshold amounts indicated on the attached chart.

### 1. Forms

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

### 2. Determining Eligibility

#### A. Definitions

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

**i. 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 INCLUDES:

- 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 DOES NOT 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

**ii. 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

**B. Procedure**

i. Determine Income and Family Size and reference chart below for waiver eligibility.

ii. 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.

iii. 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.



**FY20 Eligibility Limits:**

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	30,017	2,501	577
2	39,253	3,271	755
3	48,489	4,041	932
4	57,726	4,810	1,110
5	66,962	5,580	1,288
6	76,198	6,350	1,465
7	77,929	6,494	1,499
8	79,661	6,638	1,532
9	81,393	6,783	1,565
10	83,125	6,927	1,599

The figures above reflect 50% of the median family income for the State of Maryland and establish maximum income levels for waiver eligibility.

The income levels above are based on household income estimated by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, which states that the median income for a Maryland family of four is \$115,451.<sup>1</sup>

**\*THE ABOVE TABLE WILL BE UPDATED AT THE START OF FY21\***

<sup>1</sup> As estimated for the Low-Income Home Energy Assistance Program and provided at [https://www.acf.hhs.gov/sites/default/files/ocs/comm\\_liheap\\_smiimattachment\\_1\\_fy2019.pdf](https://www.acf.hhs.gov/sites/default/files/ocs/comm_liheap_smiimattachment_1_fy2019.pdf)