



Special Conditions for FY24 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. The Judiciary is equally 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 Juvenile and Family Services (JFS) 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 submit Budget Requests forecasting their program needs one year in advance; projected budgets for Fiscal Year 2024 are submitted at the beginning of Fiscal Year 2023, (generally due in the first week of August, unless otherwise directed by the JFS). 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

JFS awards Jurisdictional Grants on the state's fiscal year cycle. Grants awarded for Fiscal Year 2024 will support family and juvenile program needs from July 1, 2023 through June 30, 2024. All funds must be expended within this time period.

5. Funding of Personnel

The JFS 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,
- b. the position is reclassified by the county's human resources department, and/or
- c. for other good cause upon submission of a modification request.

6. Costs that are not allowable:

- a. Indirect costs for courts and government grantees,
- b. Professional association and licensure dues for individuals, and
- c. Other costs not related to the effective operations of the family division or family services programs.

7. 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 training and guidance on reporting procedures will be provided to grantees during the first quarter of the new fiscal year.

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 training and guidance on reporting procedures will be provided to grantees during the first quarter of the new fiscal year.

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. To satisfy the Rule 16-307 reporting requirement, a separate cover sheet for the Q4 program report is included in your quarterly progress reporting workbook. 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 JFS will submit the submitted Q4 reports to the Chief Judge no later than October 15th 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 by the due dates outlined below. 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 st Quarter (July 1 thru Sept 30) | November 15 |
| 2 nd Quarter (Oct 1 thru Dec 31) | February 15 |
| 3 rd Quarter (Jan1 thru Mar 31) | May 15 |
| 4 th Quarter (April 1 thru June 30) | August 15 |

8. Modifications (Amendments)

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 4, #10 of the General Grant Conditions:

A. Budget Amendments

i. Unless otherwise directed by the Special Conditions for the grant program, grantee expenses may vary from the approved budget provided that the variance does not exceed the total

amount budgeted for the category by more than 10% or \$10,000 (whichever is less) and does not include any new line items not previously included in the approved budget. Grantees are required to submit a budget amendment request for pre-approval of any expenditures that would exceed this threshold.

ii. Grantees must request pre-approval to add new budget line items regardless of the amount.

iii. 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 “Modification Request” tab of their financial workbook and submit the request by emailing the entire workbook to DFJSGrants@mdcourts.gov.

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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 JFS to effectuate the personnel change.

9. Mid-Year Grant Award Modifications (Supplements)

JFS 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 JFS staff.

10. Grant Monitoring

A. Programmatic

JFS staff will review submitted program/statistical reports and will follow-up with grantees as needed to gather additional information and assess performance. Follow-up will be made by phone and in person through site visits. The site visits are designed to ensure compliance with the grant guidelines and review progress.

B. Financial

JFS staff will review submitted financial reports to evaluate the grantee’s spending. During one quarter per funding period, grantees will be required to submit back-up documentation of expenditures being invoiced. Notice of this financial check will be provided at the close of the quarter for which documents are being requested. Site visits will be conducted when the financial review raises a concern.

C. Audit

All grantees funded by the AOC are subject to audit by the AOC's internal auditors. These audits will occur once every three to five years.

11. 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 provided these services are not being funded with grant funds. Whenever a court directs the payment of fees for a court-ordered service, fees shall be made payable to the service provider (such as a mediator or parent educator).

Please note: Effective July 1, 2022, courts are not permitted to charge fees for any services that are supported by grant funds. See Fee Policy in the Appendix.

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. If charging a fee, the court may also offer a sliding scale arrangement to low-income litigants. 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.

12. Contact Information

A. Grantee Contacts

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

B. JFS Contact Information

Unless otherwise indicated, all communications with the JFS should be sent by email to: 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

13. Key FY24 Dates

| <u>Reports/Events</u> | <u>Date</u> |
|--------------------------------|--------------------|
| FY24 NOFA Posted | June 10, 2022 |
| FY24 Budget Requests Due | August 5, 2022 |
| FY24 Application Revisions Due | April 7, 2023 |
| FY24 Award Announcements | May 17, 2023 |
| FY24 Grant Acceptance Docs Due | June 2, 2023 |
| FY24 Q1 Reports Due | November 15, 2023 |
| FY24 Q2 Reports Due | February 15, 2024 |
| FY24 Q3 Reports Due | May 15, 2024 |
| FY24 Remaining Funds Report | June 15, 2024 |
| FY24 Q4 Reports Due | August 15, 2024 |

APPENDIX I: Fee Policy

The Maryland Judiciary is committed to making our Family Divisions and Family Services Programs open and accessible to all litigants. To that end, this Fee Policy was developed to set forth the circumstances when courts can and cannot charge fees for services ordered by the court.

For services ordered by the court . . .

1. If a service is provided by a staff person, an in-house program, or an external provider that contracts with the court, and 100% of the cost is paid through the Family Jurisdictional Grant, fee collection is not permissible.

“Staff Person” – any person working within the courthouse for the purpose of providing a specific service or services to litigants regardless of the source of funding that supports the position.

Example: Custody evaluators, mediators, parenting class instructors

“In-House Program” – any program operating within the courthouse for the purpose of providing a specific service or services to litigants regardless of the source of funding that supports the program.

Example: In-house mediation programs

“External Contractual Provider” – any individual or program that has entered into a contractual relationship with the court to provide a service to litigants who have been ordered by the court to participate in that service. The individual provider or program is compensated through the contract at an agreed upon rate.

Example: A community mediation program is paid a set rate to provide mediation services to all litigants ordered to participate in parenting plan mediation.

2. If a service is provided by a staff person, an in-house program, or an external provider who does not receive any Family Jurisdictional services Grant funding to provide the service, fee collection is permissible.

In this circumstance,

- **Fees charged by the service provider must be paid by the litigant(s) directly to the service provider. If a party does not pay the fee, the court may set a Show Cause Hearing before the Administrative Judge for the party to explain why they did not pay the fee. External providers may also file a motion for payment of the fees.**

- **The Court must provide fee waivers for litigants who qualify. If a fee waiver is granted, the provider should seek payment directly from the court for the service provided.**

Examples: Attorneys appointed for children, custody evaluators, mental health evaluators

3. If the court contracts with an external service provider, but the contract only covers a portion of the full cost of the service, fee collection is permissible.

In this circumstance,

- **Fees charged by the service provider must be paid by the litigant(s) directly to the service provider. If a party does not pay the fee, the court may set a Show Cause Hearing before the Administrative Judge for the party to explain why they did not pay the fee. External providers may also file a motion for payment of the fees.**

- **The court must provide fee waivers for litigants who qualify. If a fee waiver is granted, the provider will seek payment from the court for the service provided.**

Examples: The court contracts with a provider to teach co-parenting education classes. The contract may cover 50% of the total cost of the classes, so litigants also are required to pay a fee for this class to cover the vendor's remaining 50% of costs. The fee is less than the cost would be if there was not a contract in place.

APPENDIX II: 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 according to 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;
- Childcare, 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.

FY22 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 | 32,450 | 2,704 | 624 |
| 2 | 42,434 | 3,536 | 816 |
| 3 | 52,419 | 4,368 | 1008 |
| 4 | 62,404 | 5,200 | 1,200 |
| 5 | 72,388 | 6,032 | 1,392 |
| 6 | 82,373 | 6,864 | 1,584 |
| 7 | 84,245 | 7,020 | 1,620 |
| 8 | 86,117 | 7,176 | 1,656 |
| 9 | 87,989 | 7,332 | 1,692 |
| 10 | 89,861 | 7,488 | 1,728 |

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 \$124,807.

¹ As estimated for the Low-Income Home Energy Assistance Program and provided at <https://www.acf.hhs.gov/ocs/policy-guidance/liheap-im-2021-03-state-median-income-estimates-optional-use-fy-2021>

THE ABOVE TABLE WILL BE UPDATED AT THE START OF FY24