

Guidelines for
Jurisdictional Family Services
Grant Recipients

Department of Family Administration
Administrative Office of the Courts
Maryland Judiciary

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Department of Family Administration
Administrative Office of the Courts
Maryland Judicial Center
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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 a year prior to the year for which funds are being requested. (NOFAs published in June 2011, will be requesting applications for FY 2013 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-Throughs" 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 2013 must be submitted at the start of Fiscal Year 2012, by July 15, 2011. Budget applications will be posted along with the NOFA described above in 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 will continue to provide funding for existing positions. Local county governments may also be called upon to 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 the Performance Measures described in the Agreement.

b. A Signed Adjusted Budget

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. This revised 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 will need to 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 must 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 also be submitted, postmarked by the due dates below.

<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)	May15
4 th 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 FY12.

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 2012 will support family and juvenile program needs from July 1, 2011 through June 30, 2012. 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

Modifications by the Grantee

- a. Grantees may make minor budget adjustments between existing line items during the course of the fiscal year. The modifications must be submitted for review by the DFA using page 2 of the Mid-Year Budget Modification form on the DFA website:

www.courts.state.md.us/family/grantadmin.html.

- b. Projects seeking a modification that would result in a deviation of 10% of the overall budget or \$25,000, whichever is lower, or any commitments such as a new position or contract which is likely to impact future fiscal years, must be approved in advance of spending the funds. Grantees must submit modification requests in writing using

page 1 & 2 of the Mid-Year Budget Modification form for approval found at: www.courts.state.md.us/family/grantadmin.html. Expenditures that do not comply with the adjusted or approved budget will not be authorized until the DFA staff signs and returns a copy of the approved budget modification form to the grantee.

c. Budget Modification Requests will not be accepted after May 1st. Any request to modify after that date will require an exception from the Executive Director of the DFA.

Modifications by the DFA

When an adjustment to a grantee's award is made by the DFA after the funding period has started, the grantee will be required to submit a signed adjusted budget reflecting the allocation of the funds. An adjusted budget must be submitted even if the change is not more than 10% of the overall budget.

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. Grantees may request funding for positions or programs which were not anticipated in their original budget request.

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.

b. Interest on Grant Funds

Interest earned on unspent balances in the family division / family services revenue account may be credited to the family law revenue account upon agreement of the Circuit Court grantee and local government. If interest accrues on the account, the interest should be reflected in the grantee's quarterly report and plans for its expenditure should be included in the grantee's budget. In no instance should interest earned on grant funds be commingled with or revert 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).

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. Accounts Receivable

Each Circuit Court Jurisdictional Grantee shall establish a formal system for collecting fees and for monitoring accounts receivable. The administrative judge is required to report to the DFA on all fees levied for family law related services, whether those fees have been paid, and where those fees have been deposited or to whom they have been paid. Fees should be collected in accordance with the Accounts Receivable policies detailed in the *Maryland Judiciary Accounting Manual*. Fees that remain uncollectible should be

referred to the State of Maryland Central Collection Unit in accordance with the “CCU Procedure” detailed in the *Maryland Judiciary Accounting Manual*.

2. Fees Due to the Court

When litigants have been ordered to pay a fee to the court, the court shall ensure that court-ordered fees have been paid in a timely fashion and shall establish a procedure for collecting unpaid fees. If the fee is 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. 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.

Each Circuit Court Jurisdictional Grantee must follow the Fee Collection and Waiver Guidelines provided in Appendix A 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.

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" by the Judiciary's Department of Procurement and Contract Administration.

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. 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.

c. 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. 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 COLLECTION & WAIVER GUIDELINES

A. 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).

1. 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 fee waivers to those of limited financial means. A copy of the written procedures must be submitted to the DFA upon request.

a. Accounts Receivable

Each Circuit Court Jurisdictional Grantee shall establish a formal system for collecting fees and for monitoring accounts receivable. The administrative judge is required to report to the DFA on all fees levied for family law related services, whether those fees have been paid, and where those fees have been deposited or to whom they have been paid. Fees should be collected in accordance with the Accounts Receivable policies detailed in the *Maryland Judiciary Accounting Manual*. Fees that remain uncollectible should be referred to the State of Maryland Central Collection Unit in accordance with the “CCU Procedure” detailed in the *Maryland Judiciary Accounting Manual*.

b. Fees Due to the Court

When litigants have been ordered to pay a fee to the court, the court shall ensure that court-ordered fees have been paid in a timely fashion and shall establish a procedure for collecting unpaid fees. If the fee is 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.

2. 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 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

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	26,519	2,210	510
2	34,679	2,890	667
3	42,839	3,570	824
4	50,999	4,250	981
5	59,158	4,930	1,138
6	67,318	5,610	1,295
7	68,848	5,737	1,324
8	70,378	5,865	1,353
9	71,908	5,992	1,383
10	73,438	6,120	1,412

The chart above is based on household income information contained in the Federal Register, April 18, 2011, Vol. 76, No. 74, which states that the median income for a Maryland family of four is \$101,997. The figures above reflect 50% of the median family income for the State of Maryland, and establish maximum income levels for client eligibility.