



## **Special Conditions for FY17 Jurisdictional Family Services Grants**

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

The Maryland Judiciary is committed to improving the courts' responsiveness to families and children. Additionally, the 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 awarded by the Department of Family Administration (DFA) 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 16-204.

### **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 2018 must be submitted at the beginning of Fiscal Year 2017, (generally due in the last week of July, unless otherwise directed by the DFA). 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 application requiring information about family programs, positions and goals in addition to the budget projection.

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.

### **4. Funding Period**

The DFA awards Jurisdictional grants on the state's fiscal year cycle. Grants awarded for Fiscal Year 2017 will support family and juvenile program needs from July 1, 2016 through June 30, 2017. All funds must be expended within this time period.

## 5. 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 DFA for FY17, 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 below, 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 DFA will create a unique cover sheet for the Q4 program report. That cover sheet will indicate 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 DFA 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 DFA, emailed to [DFAGrants@mdcourts.gov](mailto:DFAGrants@mdcourts.gov) by the due dates outlined below. Reports must be scanned PDFs of the signed hard copy reports. 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

## 6. Modifications

Modifications to the grant budget must be made in compliance with the terms outlined in the [General Grant Conditions](http://mdcourts.gov/procurement/grants.html). (<http://mdcourts.gov/procurement/grants.html>)

In addition to those terms, jurisdictional grantees must provide a written explanation when funds are reallocated from service related line items to support operational costs. This explanation can be provided by email or by letter. Pre-approval is not required in this circumstance, unless the modification meets the conditions described in the General Grant Conditions.

## 7. Mid-Year Grant Funding Modifications

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.

## 8. 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 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 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 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 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 as an appendix to this document.

## 9. Contact Information

### A. Grantee Contacts

Grantees are responsible for ensuring that the DFA is provided with accurate and up-to-date contact information for their program. This includes an email address, as the DFA sends many important grant announcements by email.

### B. DFA Contact Information

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

[DFAGrants@mdcourts.gov](mailto:DFAGrants@mdcourts.gov).

Questions can also be directed to:

Pen Whewell, Grants Specialist: 410-260-1262

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

## 10. Key Dates

<b><u>Reports/Events</u></b>	<b><u>Date</u></b>
<b>Budget Request for FY17 Due</b>	<b>July 31, 2015</b>
<b><i>Revisions to FY17 Application Due</i></b>	<b><i>May 5, 2016</i></b>
NOFA for FY18 Posted	June 1, 2016
<b>FY18 Budget Request Due</b>	<b>July 29, 2016</b>
Rule 16-204 Reports Due to Chief Judge <i>(submitted by DFA)</i>	October 15, 2016
<b>1<sup>st</sup> Quarter (July 1 thru Sept 30) Report Due</b>	<b>November 15, 2016</b>
<b>2<sup>nd</sup> Quarter (Oct 1 thru Dec 31) Report Due</b>	<b>February 15, 2017</b>
<b><i>Revisions to FY18 Application Due</i></b>	<b><i>April 21, 2017</i></b>
<b>3<sup>rd</sup> Quarter (Jan1 thru Mar 31) Report Due</b>	<b>May 15, 2017</b>
NOFA for FY19 Posted	June 1, 2017
<b>FY19 Budget Request Due</b>	<b>July 28, 2017</b>
<b>4<sup>th</sup> Quarter (April 1 thru June 30) Report Due</b>	<b>August 15, 2017</b>

# 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 in appropriate cases.

### 1. Forms

Circuit Court Jurisdictional Grantees shall provide any litigant 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 found on the DFA's website's forms page LINK. 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.

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	28,408	2,367	546
2	37,149	3,096	714
3	45,890	3,824	883
4	54,631	4,553	1,051
5	63,372	5,281	1,219
6	72,113	6,009	1,387
7	73,752	6,146	1,418
8	75,391	6,283	1,450
9	77,030	6,419	1,481
10	78,669	6,556	1,513

The income levels in the chart 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 \$109,262.<sup>1</sup> The figures reflect 50% of the median family income for the State of Maryland and establish **maximum** income levels for client eligibility.

<sup>1</sup> *As estimated for the Low Income Home Energy Assistance Program and provided at <http://www.acf.hhs.gov/ocs/resource/liheap-im-2016-03-state-median-income-estimates-for-optional-use-in-ffy-2016-and-mandatory-use-in-ffy-2017>.*