

Diversionary Fund

H-2010-11 Biennium

Effective date 09/01/2009

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I. GRANT DESCRIPTION.

- A. The Diversionary Fund grant provides funding to local juvenile boards for the purpose of developing community-based probation program services for juveniles at risk of commitment to the Texas Youth Commission (TYC).

II. GRANT SPECIFIC DEFINITIONS.

- A. **Formal Referral.** A formal referral occurs when all three of the following conditions exist:
1. Delinquent conduct, conduct indicating a need for supervision or violation of probation was allegedly committed;
 2. The juvenile probation department has jurisdiction and venue; and
 3. Either face-to-face contact occurs with the office or official designated by the Grantee or written or verbal authorization to detain the juvenile is given by the office or official designated by the juvenile court.
- B. **Juvenile Justice Program.** A program operated for the benefit of juveniles referred to the juvenile probation department that is wholly or partly operated by the juvenile board or by a private vendor under contract with the juvenile board. As defined in Texas Family Code Section 261.405, this term also includes juvenile justice alternative education programs (JJAEPs) and non-residential programs that serve juveniles that have been referred to the juvenile probation department and who are under the jurisdiction of the juvenile court. A juvenile justice program does not include any program operated in a facility that is licensed or operated by a state agency other than a facility registered with the Commission.
- C. **Juvenile Probation Services.** Juvenile probation services means services provided to juvenile offenders under the jurisdiction of the juvenile court by or under the authority of the Grantee and provided by the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:
1. Protective services;
 2. Prevention of delinquent conduct and conduct indicating a need for supervision;
 3. Diversion;
 4. Deferred prosecution;
 5. Foster care;
 6. Counseling;
 7. Supervision;
 8. Diagnostic, correctional and educational services; and
 9. Services provided by a juvenile probation department that are related to the provision of services or operation of a pre-adjudication secure detention facility, a short-term secure detention facility (i.e., holdover), a post-adjudication secure correctional facility, a non-secure correctional facility, a residential child-care facility, a juvenile justice alternative education program or a juvenile justice program as defined in Texas Family Code Section 261.405.
- D. **Non-Residential Services.** A service or program provided to a juvenile who has not been placed in a residential facility or a service or program provided to a juvenile who has been placed in a residential setting, but the service or program is not included in the cost per day for the juvenile's placement. The following services/programs are considered non-residential including:

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1. Psychological, psychiatric and other professional diagnostic, evaluation and therapeutic treatment services;
 2. Medical and dental diagnosis, evaluation, treatment and supplies;
 3. Mental health diagnosis, treatment and supplies;
 4. Vocational and educational fees and supplies;
 5. Transportation and meals;
 6. Clothing and personal hygiene supplies; and
 7. Other non-residential services and programs.
- E. **Out-of-State Residential Placement Facility.** Any residential child-care or residential placement facility in a state outside of Texas, both public and private that is licensed, regulated or certified by a governmental entity in the state where the facility is located.
- F. **Residential Services.** Residential services means the provision of services to a juvenile that has been placed in a pre-adjudication secure detention facility, a short-term secure detention facility (i.e., holdover), a post-adjudication secure correctional facility, a non-secure correctional facility, a residential child-care facility or an out-of-state residential placement facility.
- G. **Staff Services.** Staff services means:
1. Salaries and fringe benefits for staff employed by the juvenile probation department under the direction of the Grantee;
 2. Travel reimbursement for juvenile probation department staff for the provision of juvenile probation services, juvenile justice programs and administration; and
 3. Operating expenses for the juvenile probation department (e.g., postage, telephone, office supplies, printing and other costs, etc.) directly related to juvenile probation services, juvenile justice programs and administration.

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Diversionary Fund Grant is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated community-based juvenile probation system.
- B. **Program Objective.** The objective of the Diversionary Fund grant is to develop and support a system of community programs and services designed to provide alternatives for juveniles at risk of commitment to the TYC.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
1. Average daily population in placement;
 2. Percent of juveniles under probation and deferred prosecution supervision participating in programs;
 3. Percent of eligible juveniles disposed to TYC; and

IV. PROGRAMMATIC COMPONENTS.

- A. **Diversion Programs and Services.** The Grantee shall use grant funds to provide community-based programs and/or services designed to provide diversionary alternatives for juveniles at risk of commitment to TYC (e.g., intensive supervision probation, residential placements, family preservation services, parenting skills, mental health services, etc.). The Grantee shall require its juvenile probation department staff to use due diligence to

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explore and recommend other appropriate community-based dispositional alternatives for juveniles at risk of commitment to TYC.

- B. **Target Population.** The Grantee shall ensure that diversion programs and services provided under this grant are primarily designed to serve the target population. The target population for this grant is juvenile offenders who have a formal referral and are at risk of commitment to TYC.

V. PROGRAMMATIC REPORTING.

- A. **Annual Reports.** See General Grant Requirements.
- B. **Quarterly Reports.** None.
- C. **Monthly Reports.** Grantee shall submit monthly extract data electronically to the Commission no later than the 10th calendar day of each month following the reporting period as required in Title 37, Texas Administrative Code, Sections 341.49 and 341.54 or successor provisions which become effective during the term of this Contract.
- D. **Other Periodic Reports.** See General Grant Requirements.

VI. PROGRAMMATIC MONITORING.

- A. **On-Site Monitoring Visits.** See General Grant Requirements.
- B. **Unannounced On-Site Monitoring Visits.** See General Grant Requirements.
- C. **Desk Audits.** See General Grant Requirements.
- D. **Other.** None.

VII. APPLICABLE LAW, POLICY AND PROCEDURE.

The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended or renumber and enacted and effective during the term of this Contract:

- A. **Applicable Standards.**
1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections, Chapters 341 – 358.**
- B. **General Statutes.**
1. **Federal Law.** See General Grant Requirements.
 2. **State Law.** See Also General Grant Requirements.
 - a. **Texas Family Code, Title III, Juvenile Justice Code.**
 - i. Chapter 60 – Uniform Interstate Compact for Juveniles.
 - b. **Texas General Appropriations Act.**
 - c. **Texas Government Code, Title 7, Uniform Grant and Contract Management.**
 - i. Chapter 783 - Uniform Grant and Contract Management Act.
- C. **Policy and Procedure.**
1. **Texas Juvenile Probation Compliance Resource Manual, Volumes 1 - 2.**

VIII. FINANCIAL COMPONENTS.

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A. Allowable Expenditure of Funds.

1. Grant funds shall be expended solely for the provision of juvenile probation services and juvenile justice programs within the three budget categories of staff services, non-residential services and residential services in accordance with the approved *Annual Budget Application* submitted by the Grantee per fiscal year for the current grant period.
 - a. **Staff Services.** Only salaries and travel associated with the hiring of new positions to operate programs created on or after September 1, 2009 are allowable.
 - b. **Non-Residential Services.** All line items under the non-residential services category are allowable.
 - c. **Residential Services.** Non-secure placement, secure placement and detention services are allowable.
2. The Grantee may use grant funds to lease, contract for or reserve bed space with public and private residential facilities for the purpose of diverting juveniles from commitment to the Texas Youth Commission (TYC). [See Texas General Appropriations Act].

B. Unallowable Expenditure of Funds.

1. Grant funds shall not be expended in the operating expense category of staff services.
2. Salary increases or any costs associated with staff hired prior to September 1, 2009.

- C. **Financial Match Requirements.** The Grantee shall ensure that county funding for juvenile services (i.e., juvenile probation services and juvenile justice programs) shall not be decreased or be supplanted by funding received under this grant. The Grantee shall certify that the amount of local or county funds expended for juvenile services is at least equal to or greater than the amount spent in the 2006 county fiscal year excluding construction and capital outlay expenses.

D. Funding Adjustments.

1. **Reduction of Grant Payments.** See General Grant Requirements.
2. **Unexpended Balances.** See General Grant Requirements.
3. **Overpayments.** See General Grant Requirements.
4. **Refunds Due.** See General Grant Requirements.

- E. **Timely Expenditure of Grant Funds.** See General Grant Requirements.

- F. **Audits.** See General Grant Requirements.

- G. **Financial Assurances.** See General Grant Requirements.

- H. **Service Provider.** See General Grant Requirements.

IX. FINANCIAL REPORTING.

- A. **Annual Reports.** The Grantee shall submit a completed *Annual Budget Application* concurrent with the submission of the executed *State Financial Assistance Contract* for the Commission's approval. The *Annual Budget Application* shall be submitted electronically as specified by the Commission.
- B. **Quarterly Reports.** The Grantee shall report the expenditure of all funds received through this grant on the *Quarterly Expenditure Report* and the *Quarterly ISP and Residential Cost Report* [TJPC-FIS-49-04]. Reports shall be received by the Commission no later than January 1, April 1, July 1 and October 1 of the current fiscal year of the biennium, respectively. Funds may be temporarily suspended if a *Quarterly Expenditure Report* and/or a *Quarterly ISP and Residential Cost Report* is not received by the due date.

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C. **Monthly Reports.** None.

D. **Other Periodic Reports.**

1. **Budget Adjustments.** The Grantee shall submit the *Budget Adjustment Request* [TJPC-FIS-03-04] to the Commission for any adjustment to the original budget. The Grantee shall receive written approval from the Commission prior to expending the funds.

X. **Financial Monitoring.**

A. **Annual Monitoring.** See General Grant Requirements.

B. **Periodic Monitoring.** See General Grant Requirements.