



PROGRAM INSTRUCTIONS FY19/20 -
CHILDREN'S JUSTICE ACT



Heidi Penix





CHILDREN'S JUSTICE ACT PROGRAM · TEXAS CENTER FOR THE JUDICIARY

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The purpose of CJA is to develop, establish and operate programs designed to improve the following:

- Assessment and investigation of suspected child abuse and neglect cases in a manner which limits additional trauma to the child victim and the child's family;
- Assessment and investigation of cases of suspected child abuse or neglect-related fatalities;
- Investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation;
- Assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of abuse or neglect.

CJA is now accepting applications for programs that will fill an identified gap and contribute to the knowledge base in one or more the current CJA priority areas:

1. Strengthen Capacity and Better Leverage Existing Resources
2. Emergency Preparedness: Keeping Children Safe During and After A Natural Disaster
3. Improving the Response to Internet Crimes Against Children & Use of Digital Evidence

CJA funds should be used for programs to reform State systems and improve the processes by which States respond to cases of child abuse and neglect, including child sexual abuse and exploitation and cases of suspected child abuse or neglect related fatalities. This will enable States to deal more effectively with both the child victim and the offender and to limit additional trauma to the child.

CJA funds are to be primarily focused on the front-end, intake and investigative piece of child welfare. Projects selected by the CJA Task Force shall be mindful that funds are to be spent to support efforts at this point in a child welfare case.

The deadline for submitting a grant application is June 10, 2019.

To learn more about CJA and our grant program, please visit our website at www.yourhonor.com/web/cja. If you have any questions about the CJA grant process, please contact me at heidip@yourhonor.com.

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- Application Coversheet
- Contact Information
- Sample budget worksheet & budget category definitions
- Pre-Award Questionnaire

PART I - OVERVIEW

A. Introduction

The Texas Children's Justice Act is pleased to make available funds to strengthen and support the front-end, intake, assessment, investigative, and prosecutorial phases of child welfare. This Program Instruction provides the information and forms necessary to prepare a proposal for Children's Justice Act (CJA) grant funds. The terms and conditions described in these instructions supersede conflicting provisions stated in previous iterations of the CJA grantee guide or previous requests or instructions.

B. Contact Information

Questions concerning these instructions, the application process, or programmatic issues should be submitted by e-mail to:

Heidi Penix
CJA Program Director
heidip@yourhonor.com

C. Application Due Date and Submission

The application is due Monday, June 10, 2019. The application should be submitted via email to Heidi Penix at heidip@yourhonor.com.

If you require additional time for any aspect of the application, please contact Heidi to discuss an extension.

D. Eligibility and Use of Funds

This program is open to Texas state agencies, local governments, nonprofit organizations, and educational institutions. Submissions must address CJA priorities and demonstrate potential for statewide, systems-level improvement. CJA funds should be used for programs to reform State systems and improve the processes by which States respond to cases of child abuse and neglect. While CJA funds are not designed to support primary prevention programs or treatment, CJA may collaborate with community-based partners to achieve common goals including the prevention of unnecessary parent-child separation and family disruption, reduction of child and family trauma, interruption of generation cycles of maltreatment, and development of a well-functioning child welfare system.

E. Source of Funds

The Children's Justice Act (CJA) program is supported by the Federal Crime Victim's Fund. The Crime Victim's Fund is administered by the United States Department of Justice, Office of Victims of Crime (OVC). CJA grants are awarded by the Administration on Children, Youth, and Families, United States Department of Health and Human Services in accordance with Section 107 (a)(1), (2), and (3) of Public

Law 104-235 (Grants to States for Programs Relating to the Investigations and Prosecution of Child Abuse Cases) of the Child Abuse Prevention and Treatment Act (CAPTA). The CFDA number is 93.643.

CJA is a federal grant awarded to each state to reform State systems and improve the process by which the State responds to cases of child abuse and neglect, thereby dealing more effectively with both the child victim and the offender, and limiting additional trauma to the child victim. Recipient states must be eligible for the CAPTA Basic State Grant and establish and maintain a multidisciplinary task force on children's justice issues. Since 2005, the Texas Center for the Judiciary (TCJ) has been designated by the Governor's Office to administer CJA funds in Texas and provide staff support for the CJA Task Force.

F. Funding Amount/Grant Performance Period

CJA plans to award up to \$1,000,000 for this RFP. Funds can be requested for projects lasting up to 24 months, but projects of shorter duration are acceptable as well. There is no minimum or maximum award size but given the amount available to be awarded and the likely number of projects to be funded, it is expected that the average award range will be \$50,000 - \$150,000.

The requested start date for a project can be as early as August 1, 2019 but keep in mind that funding decisions will not be made until July 12, 2019.

G. Program Information

Priority 1

Strengthen Capacity and Better Leverage Existing Resources

1. Background

Several disciplines vital to the successful assessment, investigation, and prosecution of child abuse cases face shortages in rural areas, including medical and behavioral health professionals, attorneys, and law enforcement. Rural areas also struggle with decreasing populations and decreasing county budgets with which to provide services to residents. Urban areas face burgeoning populations and inadequate resource distribution, particularly in areas with low income residents. In the foreseeable future, these resource and capacity gaps are not likely to be resolved with easy solutions. The challenge is to evaluate local, regional, and statewide needs and look for creative responses that have the potential to create lasting solutions.

The Task Force defines "strengthening capacity" as a process intended to increase a system's potential to be responsive and effective. The Task Force seeks out initiatives to create systems linkages that align resources, enhance collaboration, and increase knowledge in order to improve the front-end of the child welfare system.

Recommendations:

The CJA Task Force recommends supporting creative solutions to address the unequal access to the

necessary resources to investigate, assess, and prosecute suspected cases of child abuse and neglect in various regions of the state. Additionally, the Task Force supports the

Examples of strategies supported by CJA may include:

- Development of pilot projects or programs that creatively use technology to enhance education, collaboration and resource sharing.
- Projects to leverage the capacity of existing resources for improved service delivery to underserved areas of the state.
- Innovative projects to strengthen regional and/or cross-discipline collaboration for enhanced capacity and resource sharing.
- Development of pilot projects to test creative solutions to resolve capacity challenges in various disciplines (law enforcement, attorneys, health professionals, etc.).
- Dissemination and adoption of research, tools, materials, and best practices to improve the assessment, investigation and prosecution of suspected cases of child abuse across disciplines and regions
- Research projects to identify and assess system gaps/needs/challenges or evaluation projects to assess the effectiveness of a current program or intervention related to the front-end of the child welfare system

Priority 2

Emergency Preparedness: Keeping Children Safe During and After A Natural Disaster

1. Background

Texas has the largest number of federally declared disasters in the United States. Planning for the specific needs of children and families in response to disasters is vital to overall child safety. An estimated 3 million children were affected by Hurricane Harvey and roughly 1 million people across Texas's Gulf Coast Region were displaced. Save the Children worked with FEMA, U.S. Department of Health and Human Services and the American Red Cross to assess and meet the needs of children and families in the immediate aftermath of the storm. Save the Children issued a report examining the challenges faced following the storm and noted that there was insufficient training or knowledge among shelter managers on issues related to child protection and safety.

Additionally, violence is an important issue facing communities affected by natural disasters though it is one that has not been thoroughly studied. Both anecdotal evidence and systemic studies indicate that rates of domestic violence, child abuse and sexual violence increase in the aftermath of a natural disaster. Additional evidence suggests that the long-term effects of disaster can lead to increased levels of crime and community violence. Reports on the impacts of Harvey paint pictures of individuals, families and communities struggling with the types of extreme stressors likely to increase vulnerability to violence. Community networks and stakeholders involved in addressing child abuse and neglect need

to be aware of the potential for increased rates of interpersonal violence after a disaster and the risk to children. Violence should also be included in any injury surveillance system and disaster workers should be trained in abuse recognition and reporting.

Recommendations:

The CJA Task Force recommends supporting policies and programs to improve state and local progress regarding child safety during and after a natural disaster or other emergency event. Additionally, the Task Force recommends research into the needs of a community following a natural disaster – whether child abuse reports increase, if confirmed cases of physical abuse, sexual abuse, or neglect increase, and what are the increased burdens on the stakeholder systems, if any.

Examples of strategies supported by CJA may include:

- Resources and training on child abuse, child safety and disaster response both during and in the immediate aftermath of a disaster for emergency shelters;
- Research on the impact on child safety in the aftermath of the disaster in communities in Texas, including child abuse, accidental injury or injury due to neglectful supervision, medical neglect, witnessing violence, as well as the impact on resources and increased workloads for stakeholder systems;
- Support for the development of policies or protocols to improve state and local response to child safety and emergency preparedness.

Priority 3

Improving the Response to Internet Crimes Against Children & Use of Digital Evidence

1. Background

Many law enforcement agencies do not have the training, tools or staff needed to effectively conduct crime investigations with a digital component. The growth in internet crimes against children has outstripped the resources of law enforcement agencies to fight them. More than a third of small police departments surveyed have no forensic specialists on staff, and even larger, well-resourced departments and agencies often haven't limited resources to meet their digital evidence needs internally. There are three broad categories of types of resources needed: knowledge and expertise, facilities and equipment, and analytical tools to understand the data that has been obtained.

Beyond law enforcement, problems may arise when prosecutors and judges do not have the necessary understanding of digital evidence. Even if officers are properly handling digital evidence and complete a thorough investigation, prosecuting attorneys must be able to effectively present the evidence in court for the case to achieve a successful resolution. Judges need to know enough to be able to issue appropriately tailored warrants and court orders, address issues such as evidence handling and privacy interests and respond to legal challenges.

Recommendations:

The CJA Task Force recommends supporting policies and programs to improve the collection and use of digital evidence in child abuse cases as well as training and resources for law enforcement, prosecutors and judges on digital evidence in child abuse cases as well as the nature of child pornography offenses.

Examples of strategies supported by CJA may include:

- Support for training needs for law enforcement on technology and digital evidence in child abuse case, prioritizing projects that can most effectively address the need to disseminate training and resources to reach the broadest possible audience;
- Support for training and technical assistance for law enforcement, prosecutors and judges on internet crimes against children and digital evidence issues related to child abuse cases;
- Support for pilot projects that improve the capacity for digital evidence processing for small to mid-sized law enforcement agencies with budget and personnel limitations.

PART II – APPLICATION SUBMISSION REQUIREMENTS

CJA is accepting applications for projects that address the following CJA Task Force Priorities:

- Strengthen Capacity and Better Leverage Existing Resources
- Emergency Preparedness: Keeping Children Safe During and After A Natural Disaster
- Improving the Response to Internet Crimes Against Children & Use of Digital Evidence

Application Process

Projects should be designed to develop and strengthen the state's capacity to investigate, assess and prosecute child abuse and neglect cases. Examples of types of activities supported include:

- Pilot or demonstration projects that test innovative strategies to improve the capacity of local or regional law enforcement, health care professionals, courts and legal professionals, etc., to respond to cases of suspected child abuse and neglect and manage caseloads;
- Projects that provide support for and/or facilitate access to services and resources that contribute to the improved handling of cases of child abuse;
- Projects that leverage capacity of existing resources to improve service delivery or find creative ways to extend expertise and services to rural, underserved areas of the state;
- Projects that collect data to better understand current practices and needs throughout the state
- Projects that create and disseminate products that effectively transfer the information and ideas to relevant audiences across the state or provide technical assistance to facilitate the adaptation of effective programs and procedures;
- Projects that formulate new procedures and techniques or creatively enhance existing procedures and techniques.

Please note that CJA grants are **not** intended to be used as a source of ongoing, continuous funding. CJA funds should be used for programs to reform State systems and improve the processes by which States respond to cases of child abuse and neglect, including child sexual abuse and exploitation and cases of suspected child abuse or neglect related fatalities.

A. Preparing an Application

Please provide the following application components in the order listed below:

1. Application Coversheet
2. Contact Information
3. Project Narrative
4. Budget Narrative
5. Budget Workbook
6. Pre-Award Questionnaire
7. Additional Attachments as listed below

B. Application Coversheet

The Application Coversheet form is provided as an attachment to this request and is also available on the CJA website. Fully complete the information as indicated on the form. The authorized official must read and initial certifications. Include the coversheet with the application submission.

C. Contact Information

The Contact Information form is provided as an attachment to this request. Complete the information as indicated on the form and include as part of application submission.

D. Project/Program Description (60 Points)

The project narrative is the main body of information describing the problem to be addressed, the plan to address the identified problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the plan. The project narrative should not exceed eight (8) pages. Pages should be single spaced. Please use 12-point font with 1-inch margins.

The Project Narrative should be organized as follows:

- (a) Project Summary/Abstract – Summarize the purpose and anticipated outcomes of the project that could be shared separately from the application. **(5 points)**
- (b) Target Population & Statement of Need – Describe the opportunity, challenge or unmet need that your proposed project addresses. Please include relevant, current research and data to support your statements. Detail your current and anticipated partners on this project as well as the roles and responsibilities of any partners with whom you plan to collaborate. Describe key national and/or local policies you aim to address, if relevant. **(15 points)**
- (c) Proposed Activities and Rationale– Describe the proposed project *in detail* including goals, outcomes and a schedule describing the major activities to be carried out and the rationale for choosing the selected activities. Be sure that the proposed activities can be directly tied to the project goals and outcomes. **(30 points)**
- (d) Organization – Describe why your organization is ideally qualified to lead the proposed scope of work. Please include successes you have had with similar projects and how you would apply lessons learned from past work to the proposed project. **(10 points)**

E. Evaluation (15 points)

Define your measures of success and describe how you will evaluate your progress towards those measure throughout the proposed grant period and at the end of the project.

- What is expected to change as a result of this project?
- How will the proposed activities lead to this change?
- What baseline information do you have now and what new information will be collected and reported to demonstrate progress toward and achievement of these outcomes and activities

- (refer to your statement of need and your proposed activities)?
- What methods will be used to gather data?
 - How will the evaluations results be used?

Please be thoughtful about what success will look like for this project and how this can be measured.

F. Sustainable Outcomes (10 points)

What is your sustainability plan for this project/program? Which of your outcomes will be sustained beyond the grant period?

G. Project Budget (15 Points)

The purpose of the project budget is to demonstrate how the applicant will implement the plan with the funds available through this program. Project costs must be directly related to the objectives and activities of the project. The project budget must include a budget narrative and a budget workbook.

1. Budget Narrative

How does the project's budget support the activities described above? What are your assumptions and allocation or resources among objectives, partners and types of activities. Please make sure you provide explanations of any cost categories where you plan expenses and indicate assumptions that are the basis of cost calculation. ***Additional consideration with this section will help the proposal avoid unnecessary red flags.*** The narrative should include a description of anticipated program income, if applicable. For expenses shared between CJA and other funding sources, applicant should include the total expense, the percentage budgeted to CJA, and a description of the methodology used to allocate each shared expense.

2. Budget Workbook

A sample Excel Budget Workbook has been provided as part of this request. Budget Category definitions are also provided for your reference. The left column on each budget category worksheet requires line item detail including the calculation and justification for each expense. Enter the amount of each line item in the right column. Charges should be rounded up to the nearest whole dollar. The budget total should match the amount of funds requested on the Application Coversheet.

H. Pre Award Questionnaire (High Risk = -5 points; Medium Risk = -1 point; Low Risk = 0 points)

The Pre Award Questionnaire form is **required** and provided as an attachment to this request. Complete the information as indicated on the form and include the form as part of the application submission. The Pre Award Questionnaire will be used to conduct a grantee risk assessment. The results of the risk assessment will result in the addition/subtraction of points to the application score. CJA staff will also use an applicant's past performance as a CJA grantee (if relevant) to evaluate potential risk.

I. Additional Attachments

Please label and submit the following materials electronically with completed application:

1. Key staff list
2. List of current funders for this project and amount of support
3. List of pending requests for support for this project and amounts requested, if applicable
4. Organizational budget for current fiscal year
5. Most recent audited financial statement (if available)
6. Annual report (if available)
7. IRS determination letter, if applicable

PART III – POLICIES AND PROCEDURES**A. Review and Selection****a. Initial Screening**

CJA staff will conduct an initial screening to determine whether:

- i. The application is complete
- ii. The applicant is an eligible entity
- iii. The application is responsive to the RFP, appropriate for CJA, and does not request funding for prevention, treatment or direct services to child abuse victims and their families.

b. Application Scoring

Applications will be reviewed by the CJA Program Director and Grant Administrator to ensure that they meet the initial program criteria. All applications meeting the initial program criteria will be passed on to the Grants Committee for consideration. The Grants Committee will consider each application and either approve, revise, or reject the proposal. Grant applications that receive an average Committee score below 80 points will not be recommended for CJA funding. The final recommendations of the Grants Committee, along with summaries of the relevant applications, will be presented to the full Task Force for approval. The Grants Committee or the Task Force may request additional information from applicants in order to make funding decisions.

CJA may elect not to fund applicants with management or financial problems that would indicate an inability to successfully complete the proposed project. Applications may be funded in whole or in part. Successful applicants may be funded at an amount lower than that requested.

The Task Force will take following into consideration:

1. Importance of the issue to be addressed
2. Need: The grant will fill a need that cannot be met by other resources available
3. Sustainability: A short-term grant investment will spark improvements that endure after the funding ends
4. Partnerships: The proposed project will create or advance new and substantive partnerships that result in more efficient and effective use of resources, collaborations between organizations that may not typically work together, etc.
5. Focus on disparities: The proposed project will serve a region, population or group of stakeholders with high need, as measured by existence of poor access to services, staffing shortages, geographic remoteness or factors.
6. Feasibility and scale: There is a high probability that this investment will lead to success. The strongest proposals will also have a high potential for being successfully replicated.

c. Notification Process

Applicants will be notified of their application status by email after July 12, 2019.

B. Finalizing the Grant Award Agreement

1. **Approval of the Application** - This application is subject to approval by the Texas Children's Justice Act Task Force. All applications must first be approved by the CJA Task Force and the Grant Award Agreement must be fully executed before expenditures can be reimbursed. Expenditures incurred prior to authorization are made at the applicant's own risk and may be disallowed. When the fully executed grant agreement is received, the applicant may begin to submit monthly requests for reimbursement (RFRs).
2. **Grant Award Conditions** – TCJ may add grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, these will be discussed with the applicant and a copy of the conditions will be sent to the recipient.
3. **Grant Award Agreement** – An electronic copy of the executed Grant Award Agreement and pertinent attachments will be sent to the Project Director following its execution.

C. General Grant Terms and Conditions

The following requirements apply to projects selected for funding and are explained below for the recipients planning purposes. Failure to comply with these terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of the grant award.

1. Program Standards

Section 107(a),(b),(c),(d),(e), and (f) of the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5106c et seq.) as amended by Public Law (P.L.) 111-320 enacted December 20, 2010; and the Victims of Crime Act of 1984, as amended (42 U.S.C. 10603 et seq.).

2. Administrative Requirements:

The regulation which apply to the administration of this grant are contained in 45 CFR Part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments."

3. These programs are governed by the Office of Management and Budget **2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)**.

4. Public Law 103-333

In accordance with Public Law 103-333, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 1995," the following provisions are applicable to this grant award:

Section 507: "Purchase of American-Made Equipment and Products – It is the

sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.”

Section 508: “When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all States receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.”

5. Drug-Free Workplace Requirements

In accordance with provisions of Title V, Subtitle D of Public Law 100-690 (41 USC 701 et. seq.), the “Drug-Free of Workplace Act of 1988,” all grantees must maintain a drug-free workplace and must publish a statement informing employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and establishing the actions that will be taken against employees violating this prohibitions. The Grantee must notify ACF if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. (See 2 CFR Part 382)

6. Smoking Prohibitions

In accordance with Title XII of Public Law 103-227, the “PRO-KIDS Act of 1994”, smoking may not be permitted in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs whether directly or through State or local governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, and contracts.

7. Religious Activity Prohibitions

Direct Federal grants, subawards, or contracts under this program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program.

8. Prohibition Against Lobbying

Federal grant funds provided under this award may not be used by the grantee or any subgrantee to support lobbying activities to influence proposed or pending Federal or State legislation or appropriations. This prohibition is related to the use of Federal grant funds and is not intended to affect an individual's right or that of any organization, to petition Congress, or any other level of Government, through the use

of other resources. (See 45 CFR Part 93.)

9. Human Trafficking

These awards are subject to the requirements of Section 106(g) of the "Trafficking Victims Protection Act of 2000" (22 USC 7104).

10. Transparency Act Requirements

Awards under these programs are included under the provisions of the P.L. 109-282 of the "Federal Funds Accountability and Transparency Act of 2006" (FFATA). Under this statute, the State is required to report information regarding executive compensation and all subgrants, contracts, and subcontracts in excess of \$25,000 through the Federal Subaward Reporting System (<https://www.fsrs.gov/>) and in accordance with the terms found in the Federal regulations at 2 CFR Part 170, including Appendix A.

11. Construction Prohibitions

Unless superseded by program-specific regulations, these awards may not be used for construction of the purchase of land.

12. Debarment and Suspension

No organization may participate in this project in any capacity or be a recipient of Federal funds designated for this project if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." (See 45 CFR 92.35 and 45 CFR 74.13.)

13. Monitoring

CJA staff will monitor Subgrantee's compliance with the performance obligations and fiscal requirements of this Agreement using appropriate and necessary monitoring and inspections. If Subgrantee is designated as high-risk, Texas Center for the Judiciary (TCJ) reserves the right to impose additional monitoring requirements. TCJ has the right to examine all records, books, papers, or documents related to this Agreement.

14. Method of Payment

Payment under this Agreement will be on a reimbursement basis. Subgrantee agrees to submit monthly Requests for Reimbursement within thirty (30) days after the end of the billing period supported by appropriate source documentation. Subgrantee agrees to use the Request for Reimbursement form provided by staff. To be eligible for reimbursement under this Agreement, a cost must be incurred in accordance with the approved budget, applicable Cost Principles, and within the grant period.

15. Source Documentation

Subgrantee agrees to maintain all checks supported by appropriate documentation.

Documentation may include copies of contracts, invoices, purchase orders, canceled checks, etc. and must be kept in accordance with generally accepted accounting principles and state and federal procurement and purchasing requirements. Staff salaries and wages must be supported by personnel activity reports, as prescribed in the applicable Cost Principles.

16. Performance Reporting

Subgrantee shall submit quarterly performance reports. The first report will cover the first 3 months of funding, and is due no later than fifteen (15) days following the close of the reporting period. A final performance report covering all twelve months of funding must be submitted no later than thirty (30) days following the close of the grant period. TCJ reserves the right to require more frequent reporting. Subgrantee will use the Performance Report form provided.

17. Financial Reporting

Subgrantee shall submit a final Financial Status Report, covering all twelve months of funding must be submitted no later than thirty (30) days following the close of the grant period. TCJ reserves the right to require more frequent reporting. Subgrantee will use the Financial Status Report form provided.

18. Other Reporting

Subgrantee shall promptly advise CJA staff in writing of events that will have a significant impact upon this Agreement, including: (1) Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any TCJ or federal assistance needed to resolve the situation; and (2) Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

19. Logo Credit

Logo credit must be given to the Texas Children's Justice Act program in all promotional and educational materials distributed in association with any CJA-funded program, including brochures, pamphlets, flyers, postcards, etc.

20. Prior Approvals

Subgrantee will abide by the applicable federal administrative requirements and the terms and conditions of the Grant Award Agreement regarding prior approval requirements.

21. Audit Requirements

Subgrantees who expend \$750,000 or more in federal grant money annually shall engage an independent, licensed Certified Public Accountant to conduct an annual OMB Circular A-133 audit. Subgrantee shall submit a copy of the audit report no later than fifteen (15) days after receipt from the audit firm.

22. Disallowance

In the event Subgrantee claims and receives payment from TCJ for a service, reimbursement for which is later disallowed, Subgrantee shall promptly refund the disallowed amount to TCJ on request, or at its option, TCJ may offset the amount disallowed from any payment due or to become due to Subgrantee under this Agreement or any other agreement. Similarly, a disallowance under a prior agreement may be offset against this Agreement.

23. Withholding Payment

TCJ may withhold payment until reports required under the Grant Award Agreement are received and approved by TCJ. TCJ may also withhold payment if Subgrantee is not in compliance with this agreement.

24. Full Cost Recovery of Investigation and Audit Costs

Subgrantee shall reimburse TCJ for all direct and indirect expenditures incurred in conducting an audit/investigation when Subgrantee is found in violation of the terms of the contract. Reimbursement for such costs shall be withheld from any amounts due to Subgrantee pursuant to the payment terms of the grant, or from any other amounts due to Subgrantee from TCJ.

25. Amendments

The Grant Award Agreement may be amended by mutual written consent of both parties.

26. Records

Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed hereunder, for three (3) years from the date of final payment under this Agreement, or until completion of all audits or pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of TCJ, and their designees shall have access to the records. This right of access is not limited to the three (3) year period but shall last as long as the records are retained.

27. Indemnification

To the extent permitted by law, Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless TCJ and its officers and employees from all claims and liability due to the acts or omissions of Subgrantee, its agents, or employees.

Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless TCJ from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by TCJ in litigation or otherwise resisting such claims or liabilities as a result of any activities of Subgrantee, its agents, or employees.

Further, to the extent permitted by law, Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless TCJ from and against all claims, demands, and causes of action of every kind and character brought by any employee of Subgrantee against TCJ due to personal injuries or death to such employee resulting from any alleged negligent act, by either commission or omission on the part of Subgrantee.

If Subgrantee is a government entity, both parties to this Agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

28. Disputes and Remedies

The Grant Award Agreement supersedes any prior oral or written agreements. Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by Subgrantee in support of Agreement work. Disputes concerning performance or payment shall be submitted to TCJ for settlement, with the Executive Director or his or her designee acting as final referee.

29. Termination

The Grant Award Agreement shall remain in effect until Subgrantee has satisfactorily completed all services and obligations described herein and these have been accepted by TCJ, unless:

- a. This Agreement is terminated in writing with the mutual consent of both parties;
- b. There is a written thirty (30) day notice by either party; or
- c. TCJ determines that the performance of the project is not in the best interest of TCJ and informs Subgrantee that the project is terminated immediately.

Subgrantee shall neither incur nor be reimbursed for any new obligations after the effective date of termination.

30. Inspection of Work

TCJ or any authorized representative thereof, has the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed hereunder and the premises on which it is being performed.

31. Procurement and Property Management

Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by TCJ or purchased pursuant to this Agreement in accordance with its own property management procedures, provided that the procedures are not in conflict with applicable Federal administrative requirements.

32. Program Income

Program income earned during the grant period shall be reported and retained by the Subgrantee.