

<h1 style="font-size: 48px; margin: 0;">ACF</h1> <p style="font-size: 24px; margin: 10px 0;">Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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	4. Key Word: Children's Justice Act	
	5. 42 U.S.C. 5101 et seq.	

PROGRAM INSTRUCTION

TO: The State Office, Agency, or Organization Designated by the Governor to Apply for a Children's Justice Act Grant.

SUBJECT: Availability of FY 2003 Children's Justice Act Grants to States Under the Child Abuse Prevention and Treatment Act.

LEGAL REFERENCES:

Section 107(a), (b), (c), (d), (e) and (f) of the Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. 5101 et seq.); and the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601 et seq.).

CONTENTS: Table of Contents

PART I: BACKGROUND INFORMATION	2
SUMMARY	2
PURPOSE	3
INFORMATION	3
Three-Year Assessment Requirement.....	3
Reporting Requirements	3
Grant Administration Regulations	4
EXPENDITURE OF FUNDS	4
AVAILABILITY AND ALLOCATION OF FUNDS	5
PROJECTS AND ACTIVITIES	6
 PART II: APPLICATION INSTRUCTIONS	 7
FORMAT	7
APPLICANT INFORMATION	7

SIGNATURE	7
ACCOMPANYING DOCUMENTS	7
COPIES	7
DELIVERY	8
ELIGIBILITY INSTRUCTIONS	8
Eligibility Requirements	8
Documentation of Eligibility	8
Requirements for All States	
Establishment/Maintenance of a Task Force	9
Governor's Letter	9
Certifications.....	10
Additional requirements for States which have not previously established eligibility and for States which are <u>required to submit a three-year assessment with this application</u>	10
Recommendations of the Task Force.....	11
State Implementation of the Task Force Recommendations	11
PROGRAM DESCRIPTION INSTRUCTIONS.....	12
Performance Reporting Requirements and Program Content.....	12
PART III: ADDITIONAL INFORMATION	13
CLOSING DATE.....	13
INTERGOVERNMENTAL REVIEW	13
INQUIRIES.....	14
EFFECTIVE DATE	14
LIST OF ATTACHMENTS.....	15

PART I: BACKGROUND INFORMATION

SUMMARY: Section 107(a) of Title I of the Child Abuse Prevention and Treatment Act (the Act), as amended, authorizes grants to States for the purpose of assisting States in developing, establishing, and operating programs designed to improve (1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect related fatalities; and (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.

The term "State" as used in Section 111(5) of the Act includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands. In FY 2001, 48 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands were deemed eligible for grants from funds deposited in the Crime Victims Fund during FY 2000, for a total of \$ 8,500,000.

Since the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands may submit consolidated grant applications in accordance with 45 CFR Part 97, these

jurisdictions need not submit an application under this Program Instruction if they choose to have their allotments included in a consolidated grant and to expend these funds under the authority of another program that is available for consolidation.

Section 1402(d)(2) of the Victims of Crime Act of 1984 has required that the Department of Justice transfer to the Administration of Children and Families (ACF) \$8,500,000 annually to support activities carried out by ACF under the Children's Justice Act. The Child Abuse Prevention and Enforcement Act (CAPE) legislation, enacted in March 2000, revised the allocation formula. In FY 2001 and FY 2002, \$17,000,000 was available for distribution. In FY 2003, \$ 17,000,000 is available for distribution.

PURPOSE: The purposes of this Program Instruction are to set forth the eligibility requirements and the grant application procedures for FY 2003 Children's Justice Act (CJA) grants and to provide the tentative State allocation table.

INFORMATION:

Three-Year Assessment Requirement

Section 107(d) of the Act requires the State Task Force to undertake a comprehensive review and evaluation of law, policy and the investigative, administrative and judicial handling of cases of child abuse and neglect and to make training and policy recommendations in each of the three categories in Section 107(e)(1) (the three CJA categories). The State Task Force assessment (review, evaluation and recommendations) is required for an initial application and **at three-year intervals thereafter.**

Documentation of the assessment must include the report of the State Task Force study which includes its review, evaluation, and recommendations in all the areas required in Section 107(e) (1) (A), (B) and (C). See page 6.

States which established their eligibility and first received funding **in FY 2000** and States which completed the three-year assessment requirement and received funding **in FY 2000** must **include in their FY 2003 application** documentation that the State Task Force complied with the requirement for a State Task Force study at three-year intervals. Those States are:

Alabama	Kansas	New York
Arkansas	Kentucky	Ohio
Arizona	Louisiana	Oklahoma
Colorado	Massachusetts	Oregon
Connecticut	Minnesota	Rhode Island
Delaware	Mississippi	South Carolina
Florida	Montana	South Dakota
Georgia	North Carolina	Tennessee

Hawaii
Iowa
Idaho
Illinois

New Hampshire
New Jersey
New Mexico
Nevada

Texas
Utah
Vermont
Washington

Reporting Requirements

1. Fiscal Reports

Fiscal reports are required annually and are due 90 days after the close of each 12-month period within the two-year grant period. The reporting period runs 12 months from the date of issuance of the award.

Fiscal reports covering the first 12 months of a grant period are interim reports and reports covering the entire 24 months of a grant period are final reports.

Expenditures under the CJA are to be reported by the State, using a Standard Form 269 (SF-269), Financial Status Report and should be submitted directly to:

Administration for Children and Families
Office of Administration
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447
ATTENTION: Joanne Moore
Grants Officer

2. Program Performance Reports

Program Performance Reports are required once a year as part of the grant application. No other performance reports are required. (See instructions at C. on page 12.)

Grant Administration Regulations

The regulations which apply to the administration of these grants are contained in 45 CFR Part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," (See Attachment 1 for a copy of the 45 CFR Part 92 revised regulations.)

EXPENDITURE OF FUNDS:

A State must obligate and liquidate these Federal funds no later than two years after the end of the Federal fiscal year in which the funds are allotted. This means that FY 2003

funds must be expended by September 30, 2005. A negative grant award will be issued for any unobligated balances or unliquidated obligations reported as of September 30, 2005.

Extensions: The Administration on Children, Youth and Families may extend this period at the request of the State. A written request explaining the amount and the circumstances for such an extension must be received by Dr. Susan Orr, Ph.D., Associate Commissioner, Children's Bureau, Administration on Children, Youth and Families, 330 C Street, SW, Washington, D.C. 20447 **at least 60 days prior to the end of the funding period, but no later than August 1, 2005.**

AVAILABILITY AND ALLOCATION OF FUNDS:

The Victims of Crime Act of 1984, as amended by the CJA and the Violent Crime Control and Law Enforcement Act of 1994, provides that \$10,000,000 deposited in the Crime Victims Fund in any fiscal year will be made available to the Department of Health and Human Services for CJA grants to the States, except that 15% will be reserved by the Attorney General for CJA grants to Native American Indian tribes. However, with the enactment of the Child Abuse Prevention and Enforcement Act (CAPE) in March 2000, the amount transferred to ACF would increase up to a cap of \$17,000,000, when the amount of money deposited in the Trust Fund increased above the FY 1998 level. In FY 2003, the total funds available for the CJA grants will be \$17,000,000.

Funds have been allocated to States based on a formula similar to that used in distributing the basic child abuse and neglect State grants, i.e., a base amount of \$50,000 will be awarded to each State; an additional amount will be awarded bearing the same ratio to the total funds remaining as the number of children under the age of 18 in each State bears to the total number of children under 18 in all the States.

The tentative allocation for each State is shown in Attachment 2.

Excess Funds:

Any excess funds resulting from States not meeting the eligibility requirements will be awarded to eligible States on a pro rata share basis. **Supplemental information to explain the State's use of these additional funds should be submitted in the form of a letter to Ms. Joan E. Ohl, Commissioner, Administration on Children, Youth and Families, 330 C Street, S.W., Washington, D.C. 20447 no later than November 30, 2003.**

The use of excess funds must conform to the guidelines contained in the Program Instructions.

PROJECTS AND ACTIVITIES:

In accordance with Section 107(a) of the Act, grants awarded are to be used to develop, establish, and operate programs designed to improve:

1. the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;
2. the handling of cases of suspected child abuse or neglect related fatalities; and
3. the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.

In particular grant funds should be used to implement State Task Force recommendations in the following three categories (the three categories from Section 107 (e) (1)(A),(B) and(C)):

- (A) investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;
- (B) experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused; and
- (C) reform of State laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring fairness to all affected persons.

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, particularly 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 victim.

The ongoing activities of a State Task Force in monitoring implementation of its recommendations and continuing interagency collaboration in carrying out the intent of the Act may be supported with these funds. **Supporting child abuse prevention programs or treatment services is not an appropriate use of CJA funds.**

PART II: APPLICATION INSTRUCTIONS

A. SUBMISSION INSTRUCTIONS

FORMAT: States may apply in a format best suited to their needs. States are no longer required to submit a Standard Form 424, "Application for Financial Assistance," although a State may use this form if it so chooses.

To receive a grant, States must meet the eligibility requirements identified in this Program Instruction.

APPLICANT INFORMATION:

The application must clearly state:

- (1) name, address, and fax number of the applicant agency.
- (2) name, address, telephone number and Internet address of the program specialist responsible for the CJA program.
- (3) The applicant agency's Employer Identification Number (EIN).

SIGNATURE:

The application must be signed by the Governor or an individual authorized to act on behalf of the State office, agency, or organization designated by the Governor to apply for a CJA grant, and to assume for that agency the obligations imposed by the terms and conditions of the grant award.

ACCOMPANYING DOCUMENTS:

The application must be accompanied by the required certification, assurances and/or documentation. (See "Documentation of Eligibility" on page 9.)

COPIES:

One signed original and one copy of the grant application, including all attachments, are required.

DELIVERY: Applications sent by mail should be addressed to:

Children's Bureau
Office on Child Abuse and Neglect
Attention: Ms. Tanya R. Howell, Federal Project Officer
Mary E. Switzer Building, Room 2417
330 C Street, S.W.
Washington, D.C. 20447
(202) 205-8714

Applications delivered by hand or via a commercial delivery service should be addressed to:

Children's Bureau
Office on Child Abuse and Neglect
Attention: Ms. Tanya R. Howell, Federal Project Officer
Mary E. Switzer Building , Room 2417
330 C Street, S.W.
Washington, D.C. 20447
(202) 205-8714

B. ELIGIBILITY INSTRUCTIONS

1. Eligibility Requirements

Eligibility for a CJA grant is based on two sets of requirements:

- (1) States must be in compliance with the child abuse and neglect Basic State Grant requirements set forth in Section 106(b) at the time of the CJA award. States no longer eligible for a Basic State Grant will not be eligible for a FY 2003 CJA grant.

In making decisions about eligibility for CJA grants, the Children's Bureau will use the most recently rendered Federal decision concerning a State's compliance with the requirements for the Basic State Grant under Section 106(b).

- (2) States must fulfill the CJA requirements specified in Section 107. These requirements differ for (A) States which have never established eligibility to receive CJA funding, (B) States which met the three-year assessment requirement and received CJA funding in FY 2001, and (C) all other States. These requirements are specified in the "Documentation of Eligibility" section which follows.

2. Documentation of Eligibility

N.B. All States must complete part A below, and applicable sections of part C on page 13. Both States which have not previously established eligibility and States required to submit a three-year assessment with this application must complete the additional requirements in part B on page 11.

A. REQUIREMENTS FOR ALL STATES

All States must provide as part of the application:

1. Establishment/Maintenance of a Task Force (Sections 107(b)(2) and 107(c)(1))

Documentation that the State has established or designated and maintained a multidisciplinary Task Force on children's justice, composed of professionals with knowledge of and experience with the criminal justice system and the system handling child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities.

Documentation that the State Task Force includes members representing the following disciplines as specified in Section 107(c)(1):

- Law Enforcement Community
- Criminal Court Judge(s)
- Civil Court Judge(s)
- Prosecuting Attorney(s)
- Defense Attorney(s)
- Child Advocate(s) (Attorney(s) for Children)
- CASA Representative(s), where such programs are in operation
- Health Professional(s)
- Mental Health Professional(s)
- Child Protective Service Agencies
- Individual(s) experienced in working with children with disabilities
- Parent Group Representative(s)

The documentation must include the names, titles, and brief descriptions of the relevant professional experience of each Task Force member, and above designation of which professional category the task force member represents.

2. Governor's Letter

A letter addressed to **Ms. Joan E. Ohl, Commissioner, Administration on Children, Youth and Families, 330 C Street, S.W., Washington, D.C. 20447**, signed by the Governor certifying:

- (a) **the State received the FY 2001 child abuse and neglect Basic State Grant and continues to comply** with the requirements stipulated in Section 106(b) of the Act; or the State has received a recently rendered

Federal decision attesting to the State's current compliance with the requirements for the Basic State Grant under Section 106(b); **and**

- (b) **the State will maintain a State multidisciplinary task force on children's justice** (only for those States not currently receiving CJA funds); **or**
- (c) **the State has maintained a State multidisciplinary task force on children's justice** (only for those States currently receiving CJA funds); **and**
- (d) **the State has adopted or continues to progress in adopting recommendations of the State Task Force** or a comparable alternative to such recommendations; **and**
- (e) **the State will make such reports to the Secretary as may reasonably be required, including an annual report** on how assistance received under this program was expended throughout the State, with particular attention to the areas described in paragraphs (1) through (3) of Section 107(a); **and**
- (f) **the State will maintain and provide access to records relating to activities under CJA.**
- (g) **States will participate in at least one federally initiated CJA conference each year that the grant is in effect and are authorized to use grant funds to cover travel and per diem expenses for 2 CJA representatives (CJA Coordinator and Task Force Director) to attend the conference.**

3. **Certifications**

The following certifications are required at the time of application for Federal funds:

(a) **Certification Regarding Lobbying (Attachment 4)**

Pursuant to 45 CFR Part 93, the certification must be signed and submitted with the application. If applicable, a Standard Form LLL, which discloses lobbying payments, must be submitted.

A retyped certification or a State's own certification form **will not** be acceptable.

(b) **Certification Regarding Drug-Free Work Place (Attachment 5)**

Signature on the application by an authorized individual attests to the applicant's intent to comply with Drug-Free Work Place requirements. A signed form does not have to be returned with the application.

(c) **Debarment Certification (Attachment 6)**

Signature on the application by an authorized individual attests to the applicant's compliance with the Debarment requirements. A signed form does not have to be returned with the application.

(d) **Certification Regarding Environmental Tobacco Smoke (Attachment 7)**

Signature on the application by an authorized individual attests to the applicant's compliance with the Environmental Tobacco Smoke requirements. A signed form does not have to be returned with the application.

B. **ADDITIONAL REQUIREMENTS FOR STATES**

States which have not previously established eligibility and States which are required to submit a three-year assessment with this application must provide:

1. a statement of the task force's function/purpose; and
2. the date the task force was established.

Note: A commission or task force established after January 1, 1983 and presently maintained with substantially comparable membership and functions meets the Task Force requirements. See Section 107(c)(2)

States not previously eligible and States required to submit a three-year assessment with this application must also provide:

1. **Task Force Recommendations (Section 107(d))**

Documentation that the Task Force has comprehensively:

- (a) reviewed and evaluated State investigative, administrative, and civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal; and
- (b) made policy and training recommendations in **each** of the three CJA categories described in Section 107(e). (See page 6)

Documentation must include a report of the State Task Force study including its recommendations in all areas required in Section 107(e).

2. **State Implementation of the Task Force Recommendations (Section 107(e))**

Documentation that the State adopted the Task Force recommendations as stipulated in 1(b) above.

Note: As provided in Section 107(e)(2) of the Act, a State shall be considered to be in fulfillment of Section 107(e)(1) requirements if it:

- (a) adopts comparable alternatives to the recommendations of the Task Force in each of the categories for which the Task Force's recommendations are not adopted; or
- (b) is making substantial progress toward adopting the Task Force recommendations or comparable alternatives to such recommendations.

The documentation must identify all Task Force recommendations adopted and/or comparable alternatives designed to carry out the purposes of the Act; describe the actions yet to be taken and timetables for implementing each recommendation or comparable alternative; or be sufficient to support a showing that the State is making substantial progress in adopting Task Force recommendations or comparable alternatives.

C. **PROGRAM DESCRIPTION INSTRUCTIONS**

PROGRAM PERFORMANCE REPORTING REQUIREMENTS AND PROGRAM CONTENT:

Only one program performance report is required annually. The performance report is to be included as part of the application. The reporting period for a program performance report should include activities for the 12 month period preceding the date of submission of the application.

1. A program performance report should focus on the **outcomes** of CJA activities and projects:

- measure the impact of an activity or project on the system serving abused and neglected children;
- assess whether there has been significant change in the knowledge, attitudes, and/or behaviors of a program's participant population; and
- determine whether the activity resulted in the expected changes and improvements.

Applications from States currently receiving CJA funds must contain a performance report which describes project impact and/or progress in the following areas:

- (a) activities undertaken to improve the investigative, administrative and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, including a discussion of how these improvements have reduced or will reduce additional trauma to the child victim;
- (b) steps taken to establish experimental, model or demonstration programs to improve the prompt and successful resolution of civil and criminal court proceedings or to enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse and exploitation cases; and
- (c) activities undertaken to reform State laws, ordinances, regulations, protocols or procedures to protect children from abuse, particularly child sexual abuse and exploitation.

All applications must contain:

2. A description of the activities (as described in C.1. (a), (b) and (c) above) to be assisted with Children's Justice Act grant funds including:

- project objectives;
- the amount of funds for each proposed activity;
- the number and characteristics of the individuals to be targeted;
- approaches to be used;
- results expected; and
- the extent to which the activity contributes to the reform of State systems handling cases of child abuse and neglect.

3. A statement of how the activities proposed to be funded support implementation of State task force recommendations.

PART III: ADDITIONAL INFORMATION

CLOSING DATE FOR RECEIPT OF APPLICATIONS:

The closing date for receipt of applications is **45 days from the issuance date.**

**INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS
(EXECUTIVE ORDER 12372):**

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," for State plan consolidation and simplification only (See 45 CFR 100.12). The review and comment provisions of the Executive Order and Part 100 do not apply.

PAPERWORK REDUCTION ACT

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number.

Public reporting burden for this collection of information is estimated to average 60 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record-keeping requirements or program announcements. This program announcement meets all information collection requirements approved for ACF grant applications under OMB Control Number 0980-0196, which expires 04/30/2005.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) # 93.643

INQUIRIES TO:

Tanya R. Howell
Children's Bureau
Telephone: (202) 205-8714
Fax: (202) 401-5917
Internet address: thowell@acf.dhhs.gov

EFFECTIVE DATE: Upon Issuance.

Joan E. Ohl
Commissioner
Administration on Children, Youth and
Families

List of Attachments

- Attachment 1 - 45 CFR Part 92, revised as of October 1, 1996
- Attachment 2 - Tentative State Allocation Table
- Attachment 3 - Section 107 of the Child Abuse Prevention and Treatment Act, as Amended
- Attachment 4 - Certification Regarding Lobbying
- Attachment 5 - Drug-Free Work Place Certification
- Attachment 6 - Certification Regarding Debarment, Suspension, and Other
Responsibility Matters
- Attachment 7 - Certification Regarding Environmental Tobacco Smoke