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Administration	4. Key Words: Children's Justice Act	
for Children	5. 42 U.S.C. 5101 et seq.	
and Families		

PROGRAM INSTRUCTION

TO: The State Office, Agency, or Organization Designated by the Governor to Apply

for a Children's Justice Act Grant (CJA).

SUBJECT: Availability of Fiscal Year (FY) 2008 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 (CAPTA) (42 U.S.C. 5106c et seq.) as amended by Public Law 108-36 enacted June 25, 2003; and the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601 et seq.).

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PART I: BACKGROUND INFORMATION

SUMMARY: On June 25, 2003, the President signed the Keeping Children and Families Safe Act of 2003, Public Law 108-36. The law reauthorizes and amends Section 107(a) of Title I of the Child Abuse Prevention and Treatment Act (the Act), that 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; (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and (4) the handling of cases involving children with disabilities or serious health-related problems who are the victims of abuse or neglect.

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 2007, 49 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 2006, for a total of \$17,000,000.

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 funds to the Administration for Children and Families (ACF) annually to support activities carried out by ACF under the CJA. The Child Abuse Prevention and Enforcement Act (CAPE) legislation, enacted in March 2000, revised the allocation formula. In FY 2004, FY 2005, FY 2006 and FY 2007 \$17,000,000 was available for distribution. In FY 2008, \$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 2008 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 (See description of Task Force at section A.1 on page 9) 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 <u>at three-year</u> 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 2005** and States which completed the three-year assessment requirement and received funding **in FY 2005** must **include in their FY 2008 application** documentation that the State Task Force complied with the requirement for a State Task Force study at three-year intervals. Those States are:

Alaska	California	Virginia
Wyoming		

Reporting Requirements

1. <u>Fiscal Reports</u>

Fiscal Reports Standard Form-269 (SF-269) are required annually and are due within 90 days after the close of each FY. First report is due on 12/30/2008 (Interim), second on 12/30/2009 (Interim), and Final Report is due on 12/30/2010.

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

Additional information will be provided on the Terms and Conditions issue for the FY 2008 Grants.

States are encouraged to submit their periodic financial reporting forms electronically, via the ACF On-Line Data Collection (OLDC) system. The Web address is https://extranet.acf.hhs.gov/oldcdocs/materials.html. To sign up for access to OLDC, send an e-mail request to Manolo.Salgueiro@acf.hhs.gov.

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

Administration for Children and Families Office of Grants Management 370 L'Enfant Promenade, S.W. 6th Floor Washington, D.C. 20447 ATTENTION: Manolo Salgueiro

Division of Mandatory Grants

2. <u>Program Performance Reports</u>

Program Performance Reports are required once a year as part of the grant application. No other performance reports are required. (See instructions under Section C, <u>PROGRAM DESCRIPTION INSTRUCTIONS</u> on page 13.)

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 website link on page 16 for a copy of 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 FY in which the funds are awarded. Grantees have until September 30, 2009 to obligate (establish binding contracts and sign them) and the second year to liquidate those obligations. A negative grant award will be issued for any unobligated balances or unliquidated obligations reported as of September 30, 2010, and returned to the Treasury.

Extensions: States unable to meet the above deadline to expend FY 2006 funds by September 30, 2008, must provide a written request explaining the amount and the circumstances for such an extension to: Christine M. Calpin, Associate

Commissioner, Children's Bureau, Administration on Children, Youth and Families,
1250 Maryland Avenue, S.W., 8th Floor Washington, D.C. 20024, at least 60 days prior to the end of the funding period, but no later than August 1, 2008. If a State has unexpended 2006 funds, a request for extension must be submitted, as noted, no later than August 1, 2008.

NOTE: Grantees should plan to obligate and liquidate all grant funds no later than two years after the end of the Federal fiscal year in which the funds are awarded. The Office of Grants Management is pleased to work with grantees needing guidance in the obligation and liquidation of funds according to the terms and conditions of their grant award. Although in years past there was considerable flexibility in granting extensions for both the obligation and liquidation of funds, current policy dictates that extensions for *obligating* funds will not be approved. In addition, only under extenuating circumstances will an extension for the *liquidation* of funds awarded under this announcement (FY 2008) be considered.

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 percent will be reserved by the Attorney General for CJA grants to Native American 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 2008, the total funds available for the CJA grants will be \$17,000,000.

Funds will be 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 Fiscal Year 2008 allocation for each State is shown in Attachment 1.

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. When a State receives more than their tentative allocation, 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, 1250 Maryland Avenue, S.W., 8th Floor, Washington, D.C. 20024 no later than November 30, 2008.

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

PROJECTS AND ACTIVITIES:

In accordance with Section 107(a) of the Child Abuse Prevention and Treatment Act, as amended by the Keeping Children and Families Safe Act of 2003, 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;
- 3. the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and
- 4. the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.
 - 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)) of the Act:
 - (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 are no longer <u>required</u> to submit a SF-424, "Application for Financial Assistance," although a State may use this form if it so chooses. States may apply in a format best suited to their needs. However, we recommend that States complete and submit the SF-424, because <u>all</u> of its content is required information for the applicant. In addition to the items specified in the SF-424, the application should include the Dun and Bradstreet Data Universal Numbering System (DUNS) number for the agency.

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

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:

The signed original and one copy (which maybe electronic) of the grant application, including all attachments is required.

DELIVERY:

Applications sent by mail should be addressed to:

Children's Bureau
Office on Child Abuse and Neglect
Portals Building, Room 8128
1250 Maryland Avenue, S.W.
Washington, D.C. 20024
Attention: Catherine Luby
(202) 205-8879

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

Children's Bureau
Office on Child Abuse and Neglect
Portals Building, Room 8128
1250 Maryland Avenue, S.W.
Washington, D.C. 20024
Attention: Catherine Luby
(202) 205-8879
Catherine.luby@acf.hhs.gov

Applications may be submitted electronically to the email listed above by the due date. Applications must be submitted in Microsoft Word or Adobe Acrobat format.

B. **ELIGIBILITY INSTRUCTIONS**

1. <u>Eligibility Requirements</u>

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) of the Act at the time of the CJA award.

States not eligible for a Basic State Grant will not be eligible for a FY 2008 CJA grant.

(2) States must fulfill the CJA requirements specified in Section 107 of the Act. 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 2005, 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 12-13. 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 <u>ADDITIONAL</u> <u>REQUIREMENTS FOR STATES</u> on page 11.

A. REQUIREMENTS FOR ALL STATES

All States **must provide** as part of the application:

1. <u>Establishment/Maintenance of a Task Force (Sections 107(b) (2) and 107(c) (1)) of the Act.</u>

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) of the Act:

- Law Enforcement Community
- Criminal Court Judge(s)
- Civil Court Judge(s)
- Prosecuting Attorney(s)
- Defense Attorney(s)
- Child Advocate(s) (Attorney(s) for Children)
- Court Appointed Special Advocate 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 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, 1250 Maryland Avenue, S.W., 8th Floor, Washington, D.C. 20024, signed by the Governor certifying:

- (a) the State received the FY 2007 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; and
- (g) the State will participate in at least one Federally initiated CJA meeting 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 Chairperson) to attend the meeting.

Please note that a **new** Governor's letter with the aforementioned assurances must be included every year as part of the CJA application.

3. <u>Certifications</u>

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

(a) <u>Certification Regarding Lobbying (See Website on Page 16)</u>

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

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

(b) <u>Certification Regarding Drug-Free Work Place (See Website on Page 16)</u>

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) <u>Debarment Certification (See Website on Page 16)</u>

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) <u>Certification Regarding Environmental Tobacco Smoke</u> (See Website on Page 16)

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

<u>States which have not previously established eligibility and States which are</u> 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 also must provide:

1. <u>Task Force Recommendations (Section 107(d))</u>

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) of the Act. (See page 6)

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

2. <u>State Implementation of the Task Force Recommendations (Section 107(e)) of the Act.</u>

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 signed original, including all attachments, must be submitted to the Federal Project Officer at the Office on Child Abuse and Neglect by May 30, 2008.

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 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 November 30, 2008.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) # 93.643

INQUIRIES TO:

Catherine E. Luby Children's Bureau Telephone: (202) 205-8879

Fax: (202) 205-7887

Internet address: Catherine.Luby@acf.hhs.gov

EFFECTIVE DATE: Upon Issuance.

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

Websites to CJA Resource Materials

Please visit the following websites listed below to download the relevant CJA resource materials for this Program Instruction:

http://www.access.gpo.gov/nara/cfr/waisidx_01/45cfr92_01.html 45 CFR Part 92, revised as of October 1, 1996:

http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2003/im0304a.pdf Keeping Children and Families Safe Act, 2003:

http://www.acf.hhs.gov/programs/ofs/forms.htm#rf
Certification Regarding Lobbying
Drug-Free Work Place Certification
Certification Regarding Debarment, Suspension, and Other
Responsibility Matters
Certification Regarding Environmental Tobacco Smoke

ATTACHMENT 1

TENTATIVE FISCAL YEAR 2008 STATE ALLOCATION TABLE

ESTIMATE ESTIMATE

ESTIMATE	ESTIMATE	
GRANTEE	2008 ESTIMATED ALLOCATION	
ALABAMA	\$266,227	
ALASKA	87,367	
ARIZONA	363,589	
ARKANSAS	184,056	
CALIFORNIA	1,975,033	
COLORADO	284,238	
CONNECTICUT	215,681	
DELAWARE	88,866	
DIST.OF COLUMBIA	72,389	
FLORIDA	857,143	
GEORGIA	518,809	
HAWAII	109,496	
IDAHO	124,244	
ILLINOIS	693,083	
INDIANA	368,035	
IOWA	183,100	
KANSAS	183,791	
KENTUCKY	244,483	
LOUISIANA	277,716	
MAINE	105,029	
MARYLAND	328,374	
MASSACHUSETTS	339,302	
MICHIGAN	550,863	
MINNESOTA	293,972	
MISSISSIPPI	198,525	
MISSOURI	323,467	
MONTANA	90,675	
NEBRASKA	135,643	
NEVADA	173,254	
NEW HAMPSHIRE	110,151	
NEW JERSEY	478,942	
NEW MEXICO	147,123	
NEW YORK	951,989	
NEW JERSEY NEW MEXICO	478,9 <i>4</i> 147,12	

474,823
77,088
597,460
219,318
218,645
98,682
253,816
87,356
325,906
1,305,254
197,338
76,314
412,029
344,527
125,894
307,150
72,684
55,067
60,884
53,518
254,789
56,803
\$17,000,000