



United States Department of
Health & Human Services

ADMINISTRATION FOR CHILDREN AND FAMILIES
ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES

STATE COURT IMPROVEMENT PROGRAM – BASIC GRANT
STATE COURT IMPROVEMENT PROGRAM – DATA ANALYSIS GRANT
STATE COURT IMPROVEMENT PROGRAM – TRAINING GRANT

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.586

TERMS AND CONDITIONS
FISCAL YEAR 2009

October 1, 2008 – September 30, 2009

By acceptance of any of these awards, the State or Territory agrees to comply with the terms and conditions detailed below. 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 one or more of these grants.

PROGRAM STANDARDS

1. The administration of this program is based on:

- the provisions of Part B of Title IV of the Social Security Act (specifically, §438 of the Act);
- the approved State application and plan, including all assurances, approved amendments or revisions
- applicable Federal regulations, program policies and instructions

ADMINISTRATIVE REQUIREMENTS

2. This program is governed by the following Federal regulations:

- 2 CFR Part 225 – Cost Principles for State, Local and Indian Tribal Governments
- 45 CFR Part 16 – Procedures of the Departmental Grant Appeals Board;
- 45 CFR Part 30 – Claims Collection;
- 45 CFR Part 76 – Debarment and Suspension from Eligibility for Financial Assistance (Nonprocurement);
- 45 CFR Part 80 - Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title VI of the Civil Rights Act of 1964;
- 45 CFR Part 81 - Practice and Procedure for Hearings Under Part 80 of this Title;
- 45 CFR Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance;
- 45 CFR Part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance;
- 45 CFR Part 87 – Equal Treatment for Faith-Based Organizations;
- 45 CFR Part 91 – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance;

- **45 CFR Part 92** – Uniform Administrative Requirements for Grants and Cooperative Agreements to State, and Local, and Tribal Governments;
 - **45 CFR Part 93** – New Restrictions on Lobbying;
 - **45 CFR Part 95, Subpart E** – Cost Allocation Plans;
 - **45 CFR 100.12** – How may a State simplify... Federally required State plans?
3. This program is also governed by Office of Management and Budget **Circular A-133 - Audits of States, Local Governments and Non-Profit Organizations**, including the audit requirements of the **Single Audit Act of 1984** (Public Law 98-502).
 4. 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 these awards:

Section 507: "Purchase of American-Made Equipment and Products - It is the sense of the 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. 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 either directly or through State or local governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The above language must be included in any subawards that contain provisions for children's services and all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

6. Direct Federal grants, sub-awards, 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. (See 45 CFR Part 87.)
7. Federal grant funds provided under these awards may not be used by the grantee or any sub-grantee 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.)

8. These awards are subject to the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 USC 7104). The full text of this requirement is found at http://www.acf.gov/grants/award_terms.html.

SUB-RECIPIENTS UNDER GRANTS

9. The State is required to determine recipient type when sub-granting or contracting using Federal funds. In accordance with the standards set in OMB Circular A-133, the determination is based on the substance of the relationship with the State, rather than the form of the agreement.

The presence of one or more of the following conditions would indicate that the recipient should be considered a sub-grantee and is subject to the provisions of OMB Circular A-133:

- a. Determines who is eligible to receive what Federal financial assistance;
- b. Has its performance measured against whether the objectives of the Federal program are met;
- c. Has responsibility for programmatic decision making;
- d. Has responsibility for adherence to applicable Federal program compliance requirements;
- e. Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity;

The presence of one or more of the following conditions would indicate that the recipient should be considered a vendor and is not subject to the provisions of OMB Circular A-133:

- a. Provides the goods and services within normal business operations;
 - b. Provides similar goods or services to many different purchasers;
 - c. Operates in a competitive environment;
 - d. Provides goods or services that are ancillary to the operation of the Federal program;
 - e. Is not subject to compliance requirements of the Federal program.
10. No organization may participate in this program in any capacity or be a recipient of Federal funds designated for this program 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.) The State must include a similar term and/or condition for all sub-awards or contracts awarded under this program. Prior to issuing subawards or contracts under these grants, the state must consult the ineligible parties list to ensure that organizations under funding consideration are not ineligible. The list is available on the Web at <http://www.epls.gov>.
11. The State is responsible for monitoring grant, sub-grant/sub-recipient and contract supported activities to assure compliance with Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function and activity. (See 45 CFR 92.40.)
12. The State is required to advise sub-grantees/sub-recipients of requirements imposed on them by Federal laws, regulations, and the provisions of grant agreements or contracts as well as any supplemental requirements imposed by the State. These include grant

administrative requirements under 45 CFR Part 92, audit requirements under OMB Circular A-133 and cost principles according to recipient type:

- Non-Profit Organizations: 2 CFR Part 230;
- Educational Institutions: 2 CFR Part 220;
- Commercial Vendors or Subcontractors: 48 CFR Part 31.

FINANCIAL MANAGEMENT

13. Federal funds awarded under this grant program must constitute no more than **75 percent** of total program expenditures. The remaining **25 percent** of program expenditures must be derived from non-Federal sources, including State funds, local funds or cash or in-kind contributions.
14. Federal funds awarded under this program must not be used for construction or the purchase of land.
15. Federal funds awarded through these grants must be expended for the purposes for which they were awarded and within the time period allotted, in accordance with the deadlines discussed below.
16. Project Period, Obligation Period, Liquidation Period
 - a. The "project periods" and "obligation periods" for these awards are synonymous: from the first day of the current fiscal year through the last day of the following fiscal year.
 - b. The Federal funds awarded under these grants must be obligated by the end of **FY 2011** (i.e., **no later than September 30, 2011**). Any funds not obligated by that date will be recouped by this Department.
 - c. In accordance with Federal regulations at 45 CFR 92.23, Federal funds awarded under these grants must be liquidated "not later than 90 days after the end of the (project) period" (i.e., **no later than December 30, 2011**). Any funds not liquidated by that date will be recouped by this Department.

17. Financial Reports

In accordance with the requirements at 45 CFR 92.41, the State is required to file separate annual expenditure reports for each grant received, indicating the amount of Federal funds that have been obligated, liquidated and remain unobligated. Standard OMB Form SF-269A (Short Form) "Financial Status Report" is used for this purpose.

- a. The State is requested to file these reports electronically through the ACF On-Line Data Collection (OLDC) system. OLDC requires electronic signatures from the appropriate State official. (See Action Transmittal OA-ACF-AT-01-05, issued January 24, 2005.) When electronic reports are completed and submitted, no paper submission is required.
- b. For States that elect to submit paper copies of the required expenditure reports, send one (1) copy with an original signature of each submission of Form SF-269A (Short Form) to the financial office. Send an additional copy of each submission to the program office. (See "Important Addresses," below.)

- c. A "fillable" copy of Form SF-269A (Short Form) is available on the OMB web site at <http://www.whitehouse.gov/omb/grants/sf269a.pdf>
- d. Regardless of the method of submission, the State must adhere to the following submission schedule:
- The periodic financial reports must be submitted no later than 90 days following the end of each Federal fiscal year (i.e., **no later than December 30, 2009 and 2010**).
 - The final report must be submitted no later than the last day of the liquidation period (i.e., **no later than December 30, 2011**).

PROGRAM MANAGEMENT

18. In accordance with the requirements at 45 CFR 92.40, the State is required to submit an annual program assessment report for each grant, assessing the effectiveness of the activities supported with these grant funds and in conformance with the requirements for submission found in Program Instruction ACYF-CB-PI-06-05 and Program Instruction ACYF-CB-PI-07-09.

One copy of this report is to be submitted to the appropriate ACF Regional Program Manager. A second copy of this report is to be submitted to:

The National Child Welfare Resource Center on Legal and Judicial Issues
% ABA Center on Children and the Law
740 15th Street, NW
Washington, DC 20005-1022

Attn: Ms. Shante Bullock
E-mail: bullocks@staff.abanet.org

GRANT PAYMENTS

19. Payments under these grants will be made by Letter of Credit through the Department of Health and Human Services' Payment Management System (PMS) and *Smartlink*. The State must comply with requirements imposed by the PMS on-line system. Please direct any questions (include phone number) concerning grant payments to the payment office. (See "Important Addresses," below).

GRANTEE ADDRESS CHANGES

20. Grant award letters will be sent to the address in our records. Please send address changes or corrections to the financial office. (See "Important Addresses," below.) Addresses should not include individuals' names and, if possible, should be limited to four or five lines of text.

IMPORTANT ADDRESSES

- o Program Office: Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau
Att'n: State Court Improvement Program
1250 Maryland Ave., S.W., Room 8108

Washington, D.C. 20024

Contact: Emily Cooke
e-mail: emily.cooke@acf.hhs.gov
phone: (202) 205-8709
fax: (202) 260-9345

- o Financial Office: Administration for Children and Families
Office of Grants Management
Division of Mandatory Grants
Att'n: State Court Improvement Program
370 L'Enfant Promenade, S.W., 6th Floor East
Washington, D.C. 20447

Contact: Michael Bratt
e-mail: mbratt@acf.hhs.gov
phone: (202) 401-4629
fax: (202) 401-5644

- o Payment Office: U.S. Department of Health and Human Services
Division of Payment Management
Payment Management System (PMS)
P.O. Box 6021
Rockville, Maryland 20852

Contact: PMS Help Desk
phone: (877) 614-5533
Internet site: <http://www.dpm.psc.gov>

IMPORTANT NOTE

The U.S. Government Accountability Office (GAO) maintains **FraudNET**, a system for reporting allegations of fraud, waste and abuse under Federal grants and cooperative agreements. Reports are kept confidential; you need not provide your name. Information provided through the Internet web site is secure and all information is safeguarded against unauthorized disclosure.

Report the possible misuse of federal funds, through one of the following methods:

Phone: (800) 424-5454;
Fax: (202) 512-3086;
E-mail: fraudnet@gao.gov ;
Mail: GAO FraudNET
441 G Street N.W.
Washington, D.C. 20548

Please provide as much detailed information as possible in your report.