



**Texas Juvenile Probation Commission
State Financial Assistance Contract
Biennium 2008 - 2009**

Amendment Number Eight

This is Amendment Number Eight to the State Financial Assistance Contract for the 2008 - 2009 Biennium between the State of Texas, represented by and through the Texas Juvenile Probation Commission, hereinafter called the "Commission", and the juvenile board of «**countyname**» hereinafter called the "Grantee". In consideration of the mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Commission and the Grantee, for the consideration hereinafter detailed, make the following amendment.

**Article I.
PURPOSE AND SCOPE OF AMENDMENT**

The purpose of Amendment Number Eight is to delineate the duties between the Commission and the Grant Recipient in regard to the Grantee's participation in the Title IV-E Federal Foster Care Reimbursement Program. The Commission, via an interagency agreement with the Texas Department of Family and Protective Services (TDFPS) has set up a system to allow juvenile boards to recoup federal monies for eligible juvenile probation children and for administrative costs related to administering the Title IV-E Program. The funds to be distributed pursuant to this contract originate with the United States Department of Health and Human Services as the federal department administering the CFDA # 93.658 program. All provisions in the 2008 - 2009 Biennium State Financial Assistance Contract and any fully executed amendments thereto that do not conflict with the provisions of Amendment Number Eight remain in full force and effect.

**Article II.
Amendments to Article II
INCORPORATED DOCUMENTS AND DOCUMENT INCORPORATED BY REFERENCE**

Article II, Section 2.1, Subsection 2.1.1 is amended by adding Paragraph 2.1.1.9 to read as follows:

2.1.1.9 Exhibit I. *Juvenile Board Resolution (Amendment Eight)*

**Article III.
Amendments to Article II
DOCUMENTS INCORPORATED BY REFERENCE**

Article II, Section 2.2, Subsection 2.2.1 regarding the Texas Juvenile Probation Commission Compliance Resource Manual, is amended to add Grant E –2008-2009 Biennium – Title IV-E Federal Foster Care Reimbursement Program. Any and all terms and conditions which may have been previously applicable under Grant E are hereby repealed in their entirety and replaced wholly with the following language:

I. GRANT DESCRIPTION.

- A. The Title IV-E Federal Foster Care Reimbursement Program (Title IV-E Program) was established via an interagency agreement between the Commission and the Texas Department of Family and Protective Service (DFPS) to allow juvenile boards to recoup federal funds for providing services to eligible children and for administrative costs related to administering the Title IV-E Program. The funds to be distributed under the terms of this grant originate with the United States Department of Health and Human Services (DHHS) as the federal department administering the Catalog of Federal Domestic Assistance (CFDA) #93.658.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Administrative Reimbursements.** Administrative reimbursements are reimbursements for those costs that are reasonable, properly allocated, and allowable under the Title IV-E Foster Care Reimbursement Program.
1. **Enhanced Administrative Reimbursements.** Reimbursements of expenditures for allowable Title IV-E activities performed by allowable staff for Title IV-E certified children and reasonable candidates for foster care. This reimbursement is based on a Cost Allocation Plan, a time study methodology, reasonable candidacy determinations, and the eligibility rate.
 2. **Direct Administrative Reimbursements.** Reimbursements for salaries and other expenditures directly related to providing services to Title IV-E certified children and reasonable candidates for foster care.
- B. **Certification Worksheet.** The form used by DFPS to notify juvenile probation departments, via the Commission, of the eligibility determination for children whose foster care assistance applications were submitted to DFPS.
- C. **DFPS Person Identification Number.** An eight-digit number assigned by DFPS to a child when they are determined to be eligible for Title IV-E benefits.
- D. **DFPS Budget for Purchase of Services.** Also referred to as the Budget Form 2030, this document is submitted by the Grantee at the start of each fiscal year of the biennium to estimate the total costs (i.e., administrative costs, foster care maintenance costs and supplemental child care costs) for which the Grantee will be seeking reimbursement.
- E. **Eligibility Rate.** The percentage of Title IV-E certified children placed in foster care. This rate is applied to administrative costs for reimbursement from the Title IV-E Program. This rate consists of the number of Title IV-E certified children each month divided by the number of children in foster care each month.
- F. **Federal Medical Assistance Percentage (FMAP).** The percentage of a state's Medicaid expenditures, other than administrative and selected other items of cost, which the federal government will pay. The percentage varies by state in accordance with a statutory formula. This rate is applied to foster care maintenance reimbursements.
- G. **Foster Care.** Twenty-four hour supervised care for children who have been removed from their normal place of residence (i.e., the home of their parent, legal guardian, managing conservator, custodian or relative) by an order of the juvenile court and placed in a foster care setting, and for whom the department has responsibility for care and placement.
- H. **Foster Care Assistance Application.** The application is submitted to the Commission to determine a child's Title IV-E eligibility for foster care maintenance reimbursement. This application must be submitted for all children meeting the eligibility requirements for Title IV-E benefits. The Commission reviews the application and forwards it to DFPS for eligibility determination.
- I. **Foster Care Maintenance Reimbursement.** Reimbursement for foster care costs incurred for Title IV-E certified children.
- J. **Foster Care Settings.** Foster family homes, non-secure residential facilities licensed by DFPS or other state licensing authority and child care institutions operated by a governmental entity up to twenty-five (25) beds approved by DFPS for foster care reimbursement, relative/kinship care (licensed or unlicensed).

Examples of foster care settings may include, but are not limited to:

- Emergency shelters
- Residential Treatment Centers
- Maternity homes
- Halfway houses
- Child Placing Agencies (CPAs)
- Therapeutic camps

- Basic Child Care facilities
- Substance abuse treatment facilities
- Non-secure county operated residential programs with no more than twenty-five (25) beds
- Foster family homes
- Foster group homes
- Therapeutic foster family homes
- Therapeutic foster group homes
- Kinship/relative care

Children are not considered to be in foster care if placed in secure facilities, hospitals, or public institutions with more than twenty-five (25) beds. Examples of facilities that are not considered foster care may include, but are not limited to:

- Psychiatric Hospitals
- Boot camps
- Pre-adjudication detention centers
- Post adjudication facilities
- County operated residential programs with more than twenty-five (25) beds

- K. **Juvenile Justice Services.** Juvenile justice services are services provided by or under the authority of the Grantee and provided by the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:
1. Protective services;
 2. Prevention of delinquent conduct and conduct indicating a need for supervision;
 3. Diversion;
 4. Deferred prosecution;
 5. Foster care;
 6. Counseling;
 7. Supervision;
 8. Diagnostic, correctional and educational services; and
 9. Services provided by a juvenile probation department that are related to placement in and/or the operation of a non-secure residential program or a juvenile justice alternative education program.
- L. **Kinship/Relative Care.** The placement of a child into the home of a relative or other caregiver by an order of a juvenile court order and for whom the department has responsibility for care and placement.
- M. **Level of Care.** A rating based on an assessment of the services a child will need while in foster care.

- N. **Level of Care Rate.** The per diem amount paid for a child's placement based on the child's level of care.
- O. **Reasonable Candidate.** A child on probation or court-ordered deferred prosecution who has been determined to be at imminent risk of removal from his/her home and placement into foster care, as documented in the case plan and/or case plan review. This determination must be based on safety issues in the home that currently place the child at imminent risk of removal and placement into foster care.
- P. **Supplemental Child Care Costs.** Allowable expenditures incurred by the Grantee for Title IV-E certified children for costs not covered by the placement per diem rate.
- Q. **Time Study Methodology.** A methodology used by the Grantee to determine the percentage of staff time used to perform Title IV-E allowable activities. The two approved time study methodologies are Random Moment Sampling (RMS) and the Continuous Time Reporting System.
- R. **Title IV-E Approved Facilities.** Facilities licensed and/or approved by DFPS for Title IV-E participation.
- S. **Title IV-E Certified Child.** A child who has been determined by DFPS to have met all Title IV-E eligibility requirements.
- T. **Title IV-E Fiscal Coordinator.** An employee of the Grantee's juvenile probation department designated to act as the Grantee's primary liaison between the Commission and the Grantee and all private consultants, providers, auditors and any federal or state agencies regarding the Grantee's Title IV-E reimbursements or other fiscal issues.
- U. **Title IV-E Program Coordinator.** An employee of the Grantee's juvenile probation department designated to act as the Grantee's primary liaison between the Commission and the Grantee and all private consultants, providers, auditors and any federal or state agencies regarding Title IV-E programmatic issues.

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Title IV-E Federal Foster Care Reimbursement Program grant is to increase services to children in foster care, reasonable candidates for foster care, and their families.
- B. **Program Objectives.** The objective of the Title IV-E program is to strengthen foster care services and ensure that children's needs for safety, permanency and well-being are met.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
 1. Standards compliance program monitoring score for Title 37, Texas Administrative Code (TAC) Chapter 347;
 2. The percent of children in non-secure placement reimbursed with Title IV-E foster care maintenance reimbursements; and
 3. The percentage that the total foster care maintenance reimbursements represents of the total amount of reimbursements received during the fiscal year (i.e., foster care maintenance reimbursements, administrative reimbursements and supplemental child care costs).

IV. PROGRAMMATIC COMPONENTS.

- A. **Programmatic Standards.** The Grantee shall maintain compliance with all programmatic standards as outlined in Title 37 Texas Administrative Code (TAC) Chapter 347. This includes requirements for the case plan and review system for Title IV-E certified children.
- B. **Training.** The Grantee shall ensure that appropriate personnel attend all mandatory Title IV-E trainings provided by the Commission. Reimbursements may not be processed if appropriate staff have not attended and completed all mandatory Title IV-E trainings.
 1. **Title IV-E Fiscal Coordinator Training.** The Title IV-E Fiscal Coordinator, or a designee approved by the Commission, shall attend all mandatory training provided by the Commission.
 2. **Title IV-E Program Coordinator Training.** The Title IV-E Program Coordinator, or a designee approved by the Commission, shall attend all mandatory training provided by the Commission.
 3. **Reasonable Candidate Training.** All staff whose duties include completing case plans shall receive annual case plan training, including determining reasonable candidates. This training shall be provided by the Title

- IV-E Fiscal Coordinator, a designee approved by the Commission, an approved consultant or the Commission.
4. **Time Code Training.** All staff who will be participating in an approved time study shall receive time code training prior to participation in the study and annually thereafter. This training shall be provided by the Title IV-E Fiscal Coordinator, a designee approved by the Commission, an approved consultant or the Commission.
- C. **Placement Screening.** The Grantee shall develop and implement a procedure to screen all children placed outside the home by the juvenile court to determine whether they meet the following Title IV-E eligibility criteria:
1. Whether court orders used to remove the child from the home contain language required by TAC 347.05;
 2. Whether the child would have been eligible for AFDC at the time of removal from a specified relative; and
 3. Whether the child has been placed in a Title IV-E approved facility
- D. **Foster Care Assistance Application.** The Grantee shall complete and submit to the Commission a Foster Care Assistance Application for all children who meet the requirements described above in Section IV (C). The application shall be submitted within thirty (30) calendar days of the child's actual placement date.
- E. **Foster Care Maintenance Reimbursements.** The Grantee shall not claim foster care maintenance reimbursements until the receipt of the Certification Worksheet from DFPS, via the Commission, indicating that the child is Title IV-E certified.
1. **Request for Reimbursement.** The Grantee shall use the *Request for Reimbursement/Corrections Form* [TJPC-FIS-01-09] to claim foster care maintenance reimbursements for Title IV-E certified children. The request shall be complete and accurate and shall be submitted to the Commission by the 10th of the month following the month in which services were provided. Any requests received after this date will be processed the following month. A separate form shall be completed for each month claimed.
- F. **Supplemental Child Care Costs.** The Grantee shall submit the *Supplemental Child Care Costs Form* [TJPC-FIS-27-04] to claim supplemental child care costs for Title IV-E certified children. This form shall be submitted within one quarter of the end of each state fiscal quarter for which the Grantee is seeking reimbursement.
- G. **DFPS Budget for Purchase of Services.** The Grantee shall submit to the Commission a *DFPS Budget for Purchase of Services* [TJPC-FIS-28-04], also referred to as Budget Form 2030, at the start of the fiscal year, with an estimate of the total costs (including administrative costs, foster care maintenance costs and supplemental child care costs) for which the Grantee will be seeking reimbursement. The Grantee shall not request Title IV-E reimbursement until this form is completed and submitted to the Commission.
1. The Budget Form 2030 shall be signed by the chief juvenile probation officer.
 2. All costs included shall be allowable and reasonable.
 3. The Grantee shall submit a revised budget if actual amounts received vary more than 20% from the projection.
- H. **Implementation Plan.** The Grantee shall submit an implementation plan to the Commission for approval at the beginning of each fiscal year detailing the methodologies that the department will use in implementing the Title IV-E program. The Grantee shall follow the procedures and requirements adopted in the Grantee's Implementation Plan incorporated by reference herein. The Grantee shall follow any procedures or requirements added to the Implementation Plan by the Grantee's own initiative if approved by the Commission. If the Grantee wishes to change to a different methodology for claiming during the fiscal year, a new implementation plan must be submitted to the Commission for approval. The Grantee may not change methodologies during the fiscal year without formal approval from the Commission. The *Title IV-E Implementation Plan* [TJPC-FIS-03-09] and transmittal letter [TJPC-FIS-04-09] are available on the TJPC website.
- I. **Cost Allocation Plan and Indirect Cost Rate Proposal.** The Grantee may use the Cost Allocation Plan (CAP) and Indirect Cost Rate Proposal used for FY 2008 for FY 2009 Title IV-E Administrative claims if there have been no substantive organizational or methodology changes. The Grantee's fiscal officer shall submit a written letter to the Commission attesting to this. The Grantee shall not be eligible to receive Title IV-E enhanced administrative reimbursements until this letter has been reviewed and accepted by the Commission.
1. **Cost Allocation Plan.** The Grantee may choose to submit a new Cost Allocation Plan and Indirect Cost Rate

Proposal for FY 2009. The plan and proposal shall be submitted at the beginning of each fiscal year. The Cost Allocation Plan must be prepared in compliance with Code of Federal Regulations (CFR) Title 45, Section 1356.60 et. seq. and Code of Federal Regulations (CFR) Title 2 Section 225. The Grantee shall not be eligible to receive Title IV-E enhanced administrative reimbursements until its CAP has been reviewed and accepted by the Commission. Any subsequent addendum or other proposed change to the CAP shall be submitted to the Commission for review. The CAP shall include:

- a. An organizational chart of the Grantee's juvenile probation department showing the structure of each division whose costs will be claimed for reimbursement under the Title IV-E Program;
 - b. A list of all federal and non-federal programs performed, operated, administered or serviced by each division of the Grantee's juvenile probation department;
 - c. A description of the activities performed by each division of the Grantee's juvenile probation department and the applicability to the Title IV-E Program;
 - d. The estimated cost increase or decrease resulting from proposed changes to the Grantee's previous fiscal year's CAP;
 - e. A certification by a duly authorized official no lower than the chief financial officer of the governmental unit that the plan:
 - i. Was prepared in accordance with 2 CFR Section 225;
 - ii. Provides an identification of the unit rendering the service and the operating agencies receiving the service;
 - iii. Includes the items of expense included in the cost of the service;
 - iv. Designates the method used to distribute the cost of the service to benefited agencies; and
 - v. Contains a summary schedule showing the allocation of each service to the specific agencies supported by the last audited comprehensive annual financial report. The comprehensive annual financial report shall be made available for review upon request by the Commission.
2. **Indirect Cost Rate Proposal.** The Grantee may choose to submit a new Indirect Cost Rate Proposal to the Commission for FY 2009. The accurate county-certified Indirect Cost Rate Proposal must be based on the information contained in the Grantee's CAP and in accordance with 2 CFR Section 225 and 45 CFR Section 1356.60 et. seq. If the Grantee does not wish to claim indirect costs, the Grantee shall submit a letter signed by the chief juvenile probation officer attesting to this fact. The Grantee shall not be eligible to receive Title IV-E enhanced administrative reimbursements until its Indirect Cost Rate Proposal has been reviewed and accepted by the Commission or documentation of a decision not to claim these costs has been received. The Grantee shall include in its Indirect Cost Rate Proposal the following documentation:
- a. Any worksheets and other relevant data, cross-referenced and reconciled that is used by the Grantee to establish the indirect cost rate;
 - b. The approximate amount of direct-based costs, as direct-based costs are defined by 2 CFR Section 225; and
 - c. A certification by a duly authorized official at a level no lower than chief financial officer of the governmental unit that submits the proposal that the plan has been prepared in accordance with 2 CFR Section 225 and 45 CFR Section 1356.60 et. seq.
- J. **Title IV-E Enhanced Administrative Claim.** The Grantee shall submit an approved Title IV-E enhanced administrative claim form within one quarter of the end of each state fiscal quarter for which the Grantee is seeking reimbursement. Claims not received within seven quarters of the quarter for which the Grantee is seeking reimbursement shall not be paid. The Grantee shall include in its Title IV-E enhanced administrative claim the following documentation:
1. **Cover Letter.** The Grantee shall include an original cover letter signed by the chief juvenile probation officer with the current date and contains the following mandatory language, "To the best of my knowledge, the enclosed Title IV-E enhanced administrative claim is true, correct, and an accurate reflection of allowable costs as incurred by the [Grantee's] juvenile probation department for the quarter being claimed."
 2. **Indirect Cost Rate.** The Title IV-E enhanced administrative claim shall include the indirect cost rate as

documented in the Cost Allocation Plan.

3. **Eligibility Rate for Title IV-E Certified Children.** The Title IV-E enhanced administrative claim shall include an eligibility rate determined by using the methodology described in the Grantee's Implementation Plan and approved by the Commission. The eligibility rate shall be accurately recorded on the Title IV-E enhanced administrative claim. To determine this rate:
 - a. The Grantee shall use the number of Title IV-E certified children as determined by DFPS for each month of the quarter;
 - b. The Grantee shall determine the total number of children placed in foster care each month of the quarter;
 - c. The Grantee shall determine a rate each month of the quarter by dividing the number of Title IV-E certified children by the total number of children in foster care;
 - d. The eligibility rates for each month of the quarter will be averaged to determine an average eligibility rate for the quarter; and
 - e. The Grantee shall document in the claim the list of all children in foster care for each month of quarter, with the name of the placement and dates of placement for each child listed.
 4. **Eligibility Rate for Reasonable Candidates.** The Grantee shall include in the Title IV-E enhanced administrative claim the numbers of reasonable candidates and non-candidates per quarter. The resulting rate is reported by the Commission to DFPS.
 5. **Time Study Methodology.** The Grantee shall use the approved time study methodology included in the Implementation Plan and approved by the Commission. The Grantee shall ensure that staff are accurately and correctly recording their time according to Commission guidelines. The results of the time study shall be accurately documented on the Title IV-E enhanced administrative claim.
 6. **Administrative Costs.** The Grantee shall ensure that all costs documented on the Title IV-E enhanced administrative claim are reasonable, allowable and properly allocated and that sufficient documentation is available to substantiate all costs.
- K. **Reasonable Candidate Determination.** The Grantee shall document reasonable candidate determinations in the *Child/Family Case Plan* [TJPC-FS-01-08] and in the *Review of Child/Family Case Plan* [TJPC-FS-02-08]. Reasonable candidates are children on court-ordered probation or court-ordered deferred prosecution who have been determined to be at imminent risk of removal from the home and placement into foster care. The Grantee shall document on the case plan and reviews the source of documentation used to support a reasonable candidate determination. The *Foster Care Risk Assessment* [TJPC-FIS-18-08] shall be completed prior to completing each case plan and review. The risk assessment is currently being validated and shall not be the sole source of documentation. Social history reports, psychological reports, and other case plan documentation may be used to support the reasonable candidate determination. Additional requirements for documenting reasonable candidacy are found below in Sections L and M.
- L. **Field Supervision Case Plans.** The Grantee shall ensure that field supervision case plans meet the following requirements:
1. **Reasonable Candidates.** For a child to be considered a reasonable candidate for foster care, the case plan shall document the following:
 - a. the tool or documentation used, in addition to the risk assessment, to determine if the child is a candidate for foster care;
 - b. that the child is at imminent risk of removal from the home and placement into foster care absent preventative, pre-placement intervention services;
 - c. the circumstances in the home which place the child at imminent risk of removal and placement into foster care. The circumstances must be based on safety issues that place the child at risk of harm;
 - d. goals to address the safety issues that place the child at imminent risk of removal and placement into foster care; and
 - e. the date the determination of candidacy was made. This date shall be the date of the juvenile probation officer's signature on the case plan.

2. **Non-Candidates.** The case plan shall document that a child is not a reasonable candidate and the date the determination was made.
 3. **Additional Requirements.** All case plans must:
 - a. be completed within thirty (30) calendar days from the child's disposition, using the FY 2009, TJPC field supervision *Child/Family Case Plan* [TJPC-FS-01-08]. The date of completion will be documented by the date of the juvenile probation officer's signature;
 - b. contain written documentation acknowledging the plan was developed with input from the child, parent or custodian, and supervising juvenile probation officer;
 - c. document identified needs of the child and family;
 - d. contain goals, and interventions to address identified needs of the child and family;
 - e. document the plan of contact for the child and family to include, at a minimum, monthly contact with the child and family;
 - f. be signed and dated by the child, parent or custodian, juvenile probation officer and supervisor. If any party refuses to sign or is unable to sign the case plan an explanation must be provided; and
 - g. document that the child and family were provided a copy of the case plan.
- M. **Field Supervision Case Plan Reviews.** The Grantee shall ensure that field supervision case plan reviews meet the following requirements:
1. **Reasonable Candidates.** For a child to be considered a reasonable candidate for foster care, the case plan review shall document the following:
 - a. the tool or documentation used, in addition to the risk assessment, to determine if the child is currently a candidate for foster care;
 - b. that the child is currently at imminent risk of removal from the home and placement into foster care absent preventative, pre-placement intervention services;
 - c. the circumstances in the home which currently place the child at imminent risk of removal and placement into foster care. The circumstances must be based on safety issues that place the child at risk of harm;
 - d. a review of the goals contained in the case plan to address the safety issues that place the child at imminent risk of removal and placement into foster care;
 - e. the date the determination of candidacy was made. This date shall be the date of the juvenile probation officer's signature on the case plan review.
 2. **Non-Candidates.** The case plan review shall document that a child is not a reasonable candidate and the date the determination was made.
 3. **Additional Requirements.** All case plan reviews must:
 - a. be reviewed six (6) months from the date of the initial case plan and every six (6) months thereafter; using the FY 2009, TJPC field supervision *Review of Child/Family Case Plan* [TJPC-FS-02-08].
 - b. contain written documentation acknowledging the case plan review was developed with input from the child, parent or custodian, and supervising juvenile probation officer;
 - c. update the plan of contact for the child and family to include, at a minimum, monthly contact with the child and family;
 - d. discuss the extent of progress made by the child and family in achieving the goals identified in the previous case plan or case plan review;
 - e. document newly identified needs, goals, and interventions for the child and family as appropriate;
 - f. be signed and dated by the child, parent or custodian, juvenile probation officer and supervisor. If any party refuses to sign or is unable to sign the case plan review an explanation must be provided;

- g. document that the child and family were provided a copy of the case plan review; and
- h. be completed no later than thirty (30) calendar days from the date of a court ordered modifying the terms and conditions of probation.

N. Level of Supervision.

- 1. The juvenile probation department shall adopt written criteria to determine the child's level of supervision, and the frequency and method of contact while under field supervision.
- 2. A minimum of one face-to-face contact per month shall be mandatory.

O. Interim Supervision Case Plans.

- 1. The initial case plan shall be completed by the county with original jurisdiction over the child (i.e. sending county) in accordance with Section IV (L), Field Supervision Case Plans.
- 2. If the sending county fails to provide an initial case plan, the receiving county shall complete an initial case plan no later than thirty (30) calendar days from the first face-to-face contact with the child and family.

P. Interim Supervision Case Plan Reviews.

- 1. If the sending county has completed the initial case plan, the receiving county shall complete a case plan review no later than thirty (30) calendar days from the first face-to-face contact with the child and family.
- 2. The case plan shall be reviewed six (6) months from the child's first face-to-face contact with the child and family and every six (6) months thereafter and shall contain all required elements outlined in Section IV (M), Field Supervision Case Plan Reviews.

Q. Non-secure Residential Case Plans.

- 1. For IV-E certified children, the Grantee shall comply with all case plan requirements in accordance with Texas Administrative Code, Chapter 347.
- 2. For non-IV-E certified children placed in non-secure residential placements:
 - a. The initial case plans for non IV-E children placed in non-secure residential placements shall:
 - i. be completed within thirty (30) calendar days of the initial date of placement using the FY 2009, TJPC residential placement *Child/Family Case Plan* [TJPC-FED-12-04]. The date of completion will be documented by the date of the juvenile probation officer's signature;
 - ii. contain written documentation acknowledging the plan was developed with input from the child, parent or custodian, and supervising juvenile probation officer;
 - iii. document identified needs of the child and family;
 - iv. contain goals, and interventions to address identified needs of the child and family;
 - v. document the plan of contact for the child and family to include, at a minimum, monthly contact with the child and family;
 - vi. be signed and dated by the child, parent or custodian, juvenile probation officer and supervisor. If any party refuses to sign or is unable to sign the case plan an explanation must be provided; and
 - vii. document that the child and family were provided a copy of the case plan.

R. Non-secure Residential Case Plan Reviews. The Grantee shall ensure that non-secure residential case plan reviews meet the following requirements:

- 1. Non-secure residential case plans shall be reviewed six months from initial date of placement and every six (6) months thereafter using the FY 2009, TJPC residential placement *Review of Child/Family Case Plan* [TJPC-FED-15-04].
- 2. Contain written documentation acknowledging the plan review was developed with input from the child,

parent or custodian, and supervising juvenile probation officer;

3. Update the plan of contact for the child and family to include, at a minimum, monthly contact with the child and family;
4. Discuss the extent of progress made by the child and family in achieving the goals identified in the previous case plan or case plan review;
5. Document newly identified needs, goals, and interventions for the child and family as appropriate;
6. Be signed and dated by the child, parent or custodian, juvenile probation officer and supervisor. If any party refuses to sign or is unable to sign the case plan review an explanation must be provided; and
7. Document that the child and family were provided a copy of the case plan review.

S. Post-Placement Case Plan Requirements.

1. An initial case plan shall be developed for all children released from a residential placement facility within thirty (30) calendar days of their release .and shall contain all elements outlined in Section IV (L), Field Supervision Case Plans.
2. Case plans shall be reviewed periodically but no less than once every six (6) months from the date of release from placement .and shall contain all elements outlined in Section IV (M), Field Supervision Case Plan Reviews.

T. Direct Administrative Reimbursements. The Grantee shall submit a Title IV-E direct administrative claim within one quarter of the end of each state fiscal quarter for which the Grantee is seeking reimbursement. Claims not received within seven quarters of the quarter in which the Grantee is seeking reimbursement shall not be paid. The Grantee shall include in its Title IV-E direct administrative claim the following documentation:

1. **Cover Letter.** The Grantee shall include an original cover letter signed by the chief juvenile probation officer with the current date that contains the following mandatory language, "To the best of my knowledge, the enclosed Title IV-E direct administrative claim is true, correct, and an accurate reflection of allowable costs as incurred by the [Grantee's] juvenile probation department for the quarter being claimed."
2. **Administrative Costs.** The Grantee shall ensure that all costs included in the Title IV-E direct administrative claim are reasonable, allowable, and properly allocated and that sufficient documentation is available to substantiate all costs.

U. Reimbursable Costs. The Grantee may request reimbursement for services that include foster care maintenance expenses, training expenses that are directly related to allowable Title IV-E activities and for administrative and other expenses necessary for the administration of the Title IV-E Program. The Grantee shall ensure that any flat fees charged for reimbursement under the Title IV-E Program shall be reasonable and based upon a cost or price analysis made and documented in the Grantee's procurement files in accordance with 45 CFR Section 74.46. All claims under this grant shall only be made for expenditures made or incurred during the term of this grant. The Grantee shall be reimbursed only for allowable costs.

V. Non-Reimbursable Costs. The Grantee is not eligible to claim reimbursements if the basis of the claim has funding from any other federal source. In addition, the Grantee shall not request reimbursement for the following unallowable costs:

1. Any unallowable costs in 2 CFR Section 225;;
2. Any unallowable costs in 45 CFR Section 1356.60;
3. Any unallowable costs in Title 40 TAC Chapter 732;
4. Social service costs;
5. Medical expenses, including physical and mental examinations;
6. Medications;
7. Counseling;
8. Testing/evaluation, including substance abuse testing;
9. Homemaker or housekeeping services;
10. Education expenses;
11. Electronic monitoring costs;
12. Detention costs or any associated costs;
13. Cost of secure placement or any associated costs;
14. Contingency fees; and

15. Recreational expenses.

- W. **Unallowable Reimbursements.** The Grantee shall repay the Commission all funds paid to the Grantee for ineligible administrative and foster care maintenance claims retroactive to the earliest date of ineligibility. The Grantee shall notify the Commission immediately when it is discovered a child has become ineligible for Title IV-E funding. In the event the Grantee shall repay funds, the Commission may exercise the following options:
1. The Commission may deduct the amount of federal recoupment from the next scheduled Title IV-E payment from the Commission to the Grantee;
 2. If the next scheduled payment is insufficient to satisfy the federal recoupment or all payments during a fiscal year have been made, the Grantee shall pay the Commission the required amount within forty-five (45) calendar days of the date of written notice from the Commission; or
 3. If the Grantee fails to reimburse the Commission for ineligible claims as detailed above, the Commission may withhold funds from any or all state grant programs funded by the Commission in which the Grantee participates until the arrearage is paid.
- X. **Documentation.** The Grantee shall retain sufficient documentation to substantiate that all expenditures included in all claims for reimbursement are allowable, reasonable and properly allocated. This documentation shall be retained and available for review for five (5) years.
- Y. **Official Communications/Assistance.** The Grantee shall forward all inquiries, comments and correspondence regarding the Title IV-E Program directly to the Commission and to no other persons, entities, state or federal agencies. If the Grantee utilizes any private vendors to perform services related to submitting Title IV-E maintenance and administrative claims, all official communications with the Commission, both formal and informal, shall be initiated by the either the Title IV-E Fiscal Coordinator or the Title IV-E Program Coordinator. The coordinators shall also act as the Grantee's primary representative in any meetings related to Title IV-E programmatic/fiscal issues and provide assistance as needed to Commission staff related to program or fiscal monitoring by any federal or state governmental entity or its designee.
- Z. **Privatization and Subcontracts.**
1. **Subcontracts for Title IV-E Administration.** All subcontracts entered into by the Grantee or the Grantee's county shall be in writing stating that all subcontractors shall be subject to the General Grant Requirements and/or requirements specified herein as well as applicable Commission standards. The Grantee shall accept financial responsibility for the performance, nonperformance, errors and omissions of a subcontractor who entered into a contract for the provision of Title IV-E Federal Foster Care Program management.
 2. **Title IV-E Eligibility for Facilities Not Under Contract with the DFPS.** In the event the Grantee seeks to assist a facility not currently under contract with DFPS in obtaining IV-E participation approval from DFPS, the Grantee shall provide or ensure that its subcontractor provides all the information required by the Commission's Title IV-E Program rules and regulations.
 - a. Residential programs operated by a juvenile board and administered by a juvenile probation department shall:
 - i. Complete any and all cost reports as requested by or on behalf of the Texas Health and Human Services Commission (HHSC) in the manner and time frame specified;
 - ii. Implement procedures to ensure compliance with DFPS licensing standards;
 - iii. Provide placement services at the service levels and rates determined by the review of the program's compliance with service level indicators to be monitored by the Commission. Information relating to service indicators and rates are contained in the *Level of Care Descriptions* [TJPC-FED-28-04] and the *Level of Care Rates* [TJPC-FED-27-04].
 - b. The juvenile board shall ensure that private facilities not under contract with DFPS shall:
 - i. Complete any and all cost reports as requested by or on behalf of the Texas Health and Human Services Commission (HHSC) in the manner and time frame specified;
 - ii. Implement procedures to ensure compliance with DFPS licensing standards;
 - iii. Provide placement services at the service levels and rates determined by the review of the program's compliance with service level indicators to be monitored by an independent party. The

provider shall be responsible for contracting directly with the independent party for provision of these monitoring services. Information relating to service indicators and rates are contained in the *Level of Care Descriptions* [TJPC-FED-28-04] and the *Level of Care Rates* [TJPC-FED-27-04].

AA. **Certification and Disclosures Regarding Lobbying.** The Grantee shall comply with the provisions applicable to any federal contract, grant or award covered by 31 U.S.C. 1352. The Grantee shall submit to the Commission along with the signed Amendment Eight for the 2008-2009 Biennium, the DFPS *Certification Regarding Federal Lobbying* Form 2047e. The Grantee shall require all subrecipients of federal funds under this grant to submit to the Grantee the Form 2047e or include the language of this certification to be contained in the award documents for all subawards at all tiers, including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements.

V. **PROGRAMMATIC REPORTING.**

A. **Annual Reports.** None.

B. **Quarterly Reports.** None.

C. **Monthly Reports.** None.

1. Grantee shall submit the *Periodic Case Review Monthly Summary* [TJPC-FED-20-04] to the Commission no later than the 10th calendar day of the month for all administrative reviews conducted during the previous month.

D. **Other Periodic Reports.** See Also General Grant Requirements.

1. **Placement Information Discharge.** The Grantee shall submit the *Placement Information Discharge Form* (PID) [TJPC-FED-21-04] when any change occurs regarding a Title IV-E certified child's eligibility status, level of care rate or location within five (5) calendar days of the change.

VI. **PROGRAMMATIC MONITORING.**

A. **On-Site Monitoring Visits.** See General Grant Requirements.

B. **Unannounced On-Site Monitoring Visits.** See General Grant Requirements.

C. **Desk Audits.** See General Grant Requirements.

D. **Other.** None.

VII. **APPLICABLE LAW, POLICY AND PROCEDURE.** The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended, revised or enacted during the term of this grant:

A. **Applicable Standards.**

1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections.**

- a. Chapter 341 – Texas Juvenile Probation Commission.
- b. Chapter 347 – Title IV-E Federal Foster Care Programs.
- c. Chapter 349 – General Administrative Standards.

2. **Texas Administrative Code (TAC) Title 40, Part 19 Department of Family and Protective Services.**

- a. Chapter 732, Sections 732.240-256 – Contracted Services.

B. **General Statutes.** See General Grant Requirements.

1. **Federal Law.**

- a. Code of Federal Regulations (CFR) Title 45 – Public Welfare, *as amended*.
 - i. Title 45 Code of Federal Regulations Section 1356.60 –Requirements Applicable to Title IV-E.

- b. Code of Federal Regulations (CFR) Title 2 - Office of Management and Budget.
 - i. Title 2 Code of Federal Regulations Section 225 - Cost Principles for State, Local and Indian Tribal Governments.
 - c. Office of Management and Budget (OMB) Circular A-102, *as amended*.
 - i. Office of Management and Budget (OMB) Circular A-102 – Grants and Cooperative Agreements with State and Local Governments.
 - d. Office of Management and Budget (OMB) Circular A-133, *as amended*.
 - i. Office of Management and Budget (OMB) Circular A-133 – Audits of States, Local Governments and Non-Profit Organizations.
 - e. Social Security Act of 1935, *as amended*.
 - i. Title 42 United States Code 670 et. seq. – Social Security Act, Title IV-E.
2. **State Law.**
- a. Texas General Appropriations Act.
 - b. Texas Government Code, Title 7, Uniform Grant and Contract Management.
 - i. Chapter 783 - Uniform Grant and Contract Management Act.

C. **Policy and Procedure.**

- 1. Texas Juvenile Probation Compliance Resource Manual, Volumes 1 - 2.
- 2. State of Texas Governmental Title IV-B and PAL (Title IV-B and IV-E) Purchased Services Contract.

VIII. **FINANCIAL COMPONENTS.**

- A. **Allowable Expenditure of Funds.** The Grantee shall expend all funds received under this grant for allowable expenditures as they are detailed herein.
- 1. The Grantee shall use any and all financial reimbursement received through the Title IV-E Program under this grant for juvenile justice services.
 - 2. The Grantee may expend grant funds for the purchase of equipment, renovation or construction with prior authorization by the Commission. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00.
- B. **Unallowable Expenditure of Funds.** See Also General Grant Requirements.
- 1. The Grantee shall not expend, obligate or utilize Title IV-E funds for any purpose other than those authorized in Section VIII (A) above.
 - 2. The Grantee shall not use reimbursement funds received through this grant for placement of children in secure pre-adjudication detention facilities, short-term detention facilities (i.e., holdover) or secure post-adjudication correctional facilities or any related costs.
 - 3. The Grantee shall not expend more than fifteen percent (15%) of any federal funds received pursuant to the Title IV-E Program for any flat or contingency fees paid to private service providers for Title IV-E administrative claiming.
- C. **Financial Match Requirements.** None.
- D. **Funding Adjustments.**
- 1. **Reduction of Grant Payments.** See General Grant Requirements.

2. **Unexpended Balances.** None.
3. **Overpayments.** See General Grant Requirements.
4. **Refunds Due.** See General Grant Requirements.

E. **Timely Expenditure of Grant Funds.** None.

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

1. The Grantee shall be responsible for determining applicability and ensuring compliance with the Single Audit Act of 1984, Public Law 98-502, and as amended by the Single Audit Act Amendments of 1996, Public Law 104-156 as it relates to reimbursements received under this grant. The Grantee shall have a Single Audit performed if applicable and retain copies for future review by federal and state officials. Per OMB Circular A-133, Section 320(e), the Grantee shall submit one copy of the reporting package, when *Schedule of Findings and Questioned Costs* discloses an audit finding relating to Title IV-E funding.

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

1. The receipt and expenditure of Title IV-E federal reimbursements received by the Grantee pursuant to this grant are accounted for separately and expended according to the grant requirements.
2. Prior written authorization from the Commission is received for the purchase of equipment, renovation or construction. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00.
3. No more than fifteen percent (15%) of any federal funds received pursuant to the Title IV-E Program are used for any flat or contingency fees paid to private service providers for administrative claiming.
4. Grantee did not use reimbursement funds received through this grant for secure placement or detention or any related costs.
5. Idle funds are invested in an account that provides a reasonable interest rate and provides necessary protection of principal. Interest generated as a result of Title IV-E funds deposited from the Commission is credited to the account for enhancing juvenile justice services.
6. Salary expenses reported on Title IV-E administrative reimbursement claims do not include travel allowances or emoluments.
7. Title IV-E-specific training and general training costs reported on Title IV-E administrative claims are an accurate representation of costs.
8. Direct and indirect costs reported on Title IV-E administrative claims are an accurate representation of allowable expenses incurred on behalf of the Title IV-E Program.
9. Any and all findings related to the Title IV-E Program noted in the annual Single Audit for the Grantee, if applicable, are disclosed in the Schedule of Findings and Questioned Costs in the Grantee's Annual Independent Audit and a reporting package is submitted to the Commission as prescribed by OMB A-133.
10. The Grantee's policies on compensatory time and overtime pay are consistently applied to employees of the Grantee's juvenile probation department for all state and federal programs.

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

IX. FINANCIAL REPORTING.

A. **Annual Reports.**

1. **Designation of Key Personnel Spreadsheet.** The Grantee shall designate a Title IV-E Program Coordinator and a Title IV-E Fiscal Coordinator on the *Designation of Key Personnel Spreadsheet* [TJPC-FIS-31-05] as required in the General Grant Requirements.

B. **Quarterly Reports.** None.

C. **Monthly Reports.** None.

D. **Other Periodic Reports.** None.

X. **FINANCIAL MONITORING.**

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

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

End of Grant E

Article IV.

**Amendment to State Financial Assistance Contract Article IV
OBLIGATIONS AND RESPONSIBILITIES OF THE COMMISSION**

Article IV, section 4.1, subsection 4.1.4 is amended by adding the following subparagraph after paragraph 4.1.4.1. to read as follows:

4.1.4.1.1 **Scope of Grant E for FY 2008 – 2009.** The requirements contained in Grant E shall apply only to Title IV-E administrative claims submitted for 4th quarter, FY 2008 and 1st through 4th quarters, FY 2009. Title IV-E administrative claims submitted for 1st, 2nd and 3rd quarters, FY 2008 will follow the requirements set forth in the E-Grant for FY 2006-2007.

For the faithful performance of the terms of this Contract, the parties hereto in their capacities as stated, execute this Contract, affix their signatures and bind themselves.

THE STATE OF TEXAS, Acting By and Through The Texas Juvenile Probation Commission

By: _____ Typed Name: _____ Judy Ybarbo

Title: _____ Contract Administrator _____ Date: _____

GRANTEE, The Juvenile Board of «countyname»

By: _____ Typed Name: _____
(Juvenile Board Chairperson)

Title: _____ Date: _____

By: _____ Typed Name: _____
(Chief Administrative Officer)

Title: _____ Date: _____

By: _____ Typed Name: _____
(Fiscal Officer)

Title: _____ Date: _____

EXHIBIT "I"
JUVENILE BOARD RESOLUTION

STATE OF TEXAS

Know All Men By These Present

COUNTY OF «countyname»

On this the _____ day of _____, 20____, a duly called and lawfully convened meeting of the Juvenile Board of _____ County, Texas was held in the City of _____, pursuant to the Texas Open Meetings Act. A quorum of the Members were present, to wit:

[Insert Names of Juvenile Board Members Present]

where, among other matters, came up for consideration and adoption the following Resolution:

Whereas, the Juvenile Board of _____ County/Judicial District voluntarily wishes to participate in the aforementioned state financial assistance grants and agrees to the binding terms in this Contract, which has been incorporated into this Contract by reference; and

Whereas, the Juvenile Board believes that execution of Amendment Number Eight to the 2008 - 2009 Biennium State Financial Assistance Contract will further the interests of juvenile justice in this county and are in support of this resolution;

Therefore Be It Resolved that the Juvenile Board of _____ County, Texas does hereby formally authorize and approve execution of Amendment Number Eight to the State Financial Assistance Contract for 2008 - 2009 Biennium with the Texas Juvenile Probation Commission.

Further Be It Resolved that the current Juvenile Board Chairman, _____ be, and is hereby, authorized to sign this Resolution and execute the above referenced Contract as the act and deed of the Juvenile Board of _____ County.

The foregoing Resolution was lawfully moved by _____, duly seconded by _____, and duly adopted by the Juvenile Board on a vote of _____ members for the motion and _____ opposed.

Printed Name of Juvenile Board Chair

Signature of Juvenile Board Chair

Date Signed