

Border Children's Justice Project

B-2010-11 Biennium

Effective date 09/01/2009

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I. GRANT DESCRIPTION.

- A. The Border Children's Justice Project (BCJP) facilitates collaborative efforts by the United States and foreign authorities through juvenile courts, the United States Department of Homeland Security, law enforcement, foreign consulates, child protective agencies and corrections officials. The project is designed to improve the joint rehabilitative efforts of Texas and foreign authorities and provide a variety of services to offenders and their families.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Foreign Authorities.** Foreign authorities may include consulate offices as well as the respective law enforcement, children service, social service and immigration service agencies in the areas served by the Border Children's Justice Project outside the continental United States.
- B. **Foreign National.** A juvenile who is a citizen of Mexico or a country in Central or South America and not a United States citizen.
- C. **Project Coordinator.** A person that is responsible for coordinating the delivery and provision of services by the Border Children's Justice Project. The coordinator must be familiar with the laws, culture and resources of Mexico, Central America and South America.

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Border Children's Justice Project is to improve the joint rehabilitative efforts of Texas and foreign authorities regarding foreign national juvenile offenders.
- B. **Program Objective.** The objective of the Border Children's Justice Project is to return foreign national juvenile offenders to their respective communities after processing in the Texas juvenile justice system and to assist in the return of juveniles who are citizens of the United States who have committed offenses in Mexico, Central America or South America.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
1. Total number of juvenile foreign national citizens served by the Border Children's Justice Project;
 2. Total number of juvenile United States citizens served by the Border Children's Justice Project; and
 3. Average cost for juvenile served.

IV. PROGRAMMATIC COMPONENTS.

- A. **Program Requirements.** The Grantee shall provide services as established within the grant requirements and their respective proposals which are incorporated into this grant by reference. The Grantee shall have a program policy and procedure manual that details program requirements, eligibility and staff responsibilities. The Border Children's Justice Project shall include the following services provided by the Grantee:
1. Coordination of the return of foreign national juvenile offenders who have committed an offense in the county wherein the Border Children's Justice Project is located;
 2. Coordination of the return of foreign national juvenile offenders who have committed an offense in a Texas county where there is no Border Children's Justice Project. The Texas county wherein the juvenile commits the offense may refer the juvenile to the Border Children's Justice Project in the Texas county closest to the juvenile's home;
 3. Coordination of the return of juveniles who are United States citizens and have committed an offense in Mexico, Central America or South America to the appropriate authorities in the United States for further proceedings; and

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4. Negotiation and formulation of agreements with the appropriate foreign consulate's offices for the provision of necessary and appropriate services for juveniles and their families.

B. Eligibility Criteria. The Grantee shall ensure that juvenile offenders served by this grant:

1. Have citizenship in an applicable foreign country and:
 - a. Have committed an offense in the state of Texas;
 - b. Have been referred to the Border Children's Justice Project in a Texas border county; and
 - c. Have a foreign country of residence; or
2. Have United States citizenship and:
 - a. Have committed an offense in an applicable foreign country;
 - b. Have been referred to the Border Children's Justice Project in a Texas border county; and
 - c. Have the United States as their country of residence.

C. Staff Requirements and Responsibilities. The Grantee shall adhere to the following criteria:

1. The Grantee shall have a Project Coordinator; and
2. The Project Coordinator shall facilitate collaborative efforts between the United States and foreign authorities through juvenile courts, the United States Department of Homeland Security, law enforcement, foreign consulate offices, child protective agencies and corrections officials.

V. PROGRAMMATIC REPORTING.

- A. **Annual Reports.** See General Grant Requirements.
- B. **Quarterly Reports.** The *Border Children's Justice Project Quarterly Report* [TJPC-FIS-41-04] shall be submitted by the Grantee to the Commission quarterly. Reports shall be received by the Commission no later than January 1, April 1, July 1 and October 1 of the current fiscal year of the biennium, respectively. The report shall be submitted to the Commission using the electronic format provided to the Grantee.
- C. **Monthly Reports.** Grantee shall submit monthly extract data electronically to the Commission no later than the 10th calendar day of each month following the reporting period as required in Title 37, Texas Administrative Code, Sections 341.49 and 341.54 or successor provisions which become effective during the term of this Contract.
- D. The Border Children's Justice Project information must be reflected in the program table of the monthly extract.
- E. **Other Periodic Reports.** None.

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.

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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 or renumbered and enacted and effective during the term of this Contract:

A. Applicable Standards.

1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections, Chapters 341 – 358.**

B. General Statutes.**1. Federal Law.**

a. **Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended.**

- i. 42 United States Code 5601, et seq.
- ii. 28 Code of Federal Regulations Section 31.303, et seq.

b. **Prison Rape Elimination Act (PREA) of 2003, as amended.**

- i. 42 United States Code 15601, et.seq.

2. State Law.

a. **Texas Family Code, Title III, Juvenile Justice Code.**

- i. Chapter 54, Subsection 54.011(f) – Detention Hearings for Status Offenders and Nonoffenders; Penalty.
- ii. Chapter 60 – Uniform Interstate Compact for Juveniles.

b. **Texas General Appropriations Act.**

c. **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 (CRM), Volumes 1 - 2.**

VIII. FINANCIAL COMPONENTS.**A. Allowable Expenditure of Funds.**

- 1. Grant funds shall be expended in the amounts allocated in the budget categories of staff services, non-residential services and residential services in accordance with the approved *Annual Budget Application* submitted by the Grantee per fiscal year of the current grant period.
- 2. Grant funds may be expended under the residential services budget category for foreign national juveniles placed only in pre-adjudication secure detention facilities in the state of Texas.

B. Unallowable Expenditure of Funds. See Also General Grant Requirements.

- 1. All expenditures other than those listed in Section VIII (A) are unallowable.

C. Financial Match Requirements. None.

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D. Funding Adjustments.

1. **Reduction of Grant Payments.** See General Grant Requirements.
2. **Unexpended Balances.** See General Grant Requirements.
3. **Overpayments.** See General Grant Requirements.
4. **Refunds Due.** See General Grant Requirements.

E. Timely Expenditure of Grant Funds. See General Grant Requirements.**F. Audits.** See General Grant Requirements.**G. Financial Assurances.** See General Grant Requirements.**H. Service Provider.** See General Grant Requirements.**IX. FINANCIAL REPORTING.**

- A. **Annual Reports.** The Grantee shall submit a completed *Annual Budget Application* concurrent with the submission of the executed *State Financial Assistance Contract* for the Commission's approval. The *Annual Budget Application* shall be submitted electronically as specified by the Commission per fiscal year of the grant period.
- B. **Quarterly Reports.** The Grantee shall report the expenditure of all funds received through this grant on the *Quarterly Expenditure Report*. Reports shall be received by the Commission no later than January 1, April 1, July 1 and October 1 of the current fiscal year of the biennium, respectively. Funds may be temporarily suspended if a *Quarterly Expenditure Report* is not received by the due date.
- C. **Monthly Reports.** None.
- D. **Other Periodic Reports.**
 1. **Budget Adjustments.** The Grantee shall submit the *Budget Adjustment Request* [TJPC-FIS-03-04] to the Commission for any adjustment to the original budget. The Grantee shall receive written approval from the Commission prior to expending the funds.

X. FINANCIAL MONITORING.

- A. **Annual Monitoring.** See General Grant Requirements.
- B. **Periodic Monitoring.** See General Grant Requirements.