

Level 5 Placement Fund

L-2008-09 Biennium

Effective date 09/01/2007

Latest Revision 09/01/2007

I. GRANT DESCRIPTION.

- A. The Level 5 Placement Fund is designed to provide secure post-adjudication correctional placement resources to local juvenile probation departments for the placement of approximately 283 offenders annually who have been assigned a Progressive Sanctions Model Guideline Level 5 or higher or who otherwise meet the offense eligibility criteria.

II. GRANT SPECIFIC DEFINITIONS.

- A. **After Care Services.** Identified goals and interventions to be addressed in the period following the release of the juvenile from the facility. These may include but are not limited to participation in programs and counseling, continued probation, regular contact with juvenile probation officers, attending school or attaining a high school diploma.
- B. **Aftercare Services Plan.** A plan designed by the juvenile probation department and/or the placement facility to identify the juvenile's needs and the intervention planned to address those needs during the aftercare period.
- C. **Eligible Placement Day.** A placement day that is eligible for payment under the Level 5 Placement Fund grant is defined as:
1. The day that a juvenile is admitted into a facility regardless of the time of day;
 2. Each day or partial day a juvenile is present in the facility at least during all or part of the non-program hours (e.g., sleeping hours); and
 3. The day a juvenile is discharged as long as the juvenile is discharged from the facility after 12:00 p.m. and was present at least during all or part of the non-program hours (e.g., sleeping hours).
- D. **Program Rates.** The Commission shall reimburse at a rate not to exceed \$90 per juvenile per day, unless the juvenile is eligible for a specialized treatment program rate.
- E. **Progressive Sanctions Model Assigned Level.** The Progressive Sanctions Model level that is actually given to the juvenile in a disposition event by the juvenile court, juvenile prosecutor or the juvenile probation department.
- F. **Progressive Sanctions Model Guideline Level.** The Progressive Sanctions Model level that is recommended for a juvenile offender in a disposition event based upon the offender's offense and criminal history according to the model guidelines.
- G. **Residential Services.** Residential services means the provision of services to a juvenile that has been placed in a secure post-adjudication correctional facility operated by or under the authority of the Grantee. This category also includes services contracted to a third-party service provider in any secure post-adjudication correctional facility.
- H. **Secure Post-Adjudication Correctional Facility.** A secure facility administered by a juvenile board or a privately operated facility certified by the juvenile board that includes construction and fixtures designed to physically restrict the movements and activities of the residents, and is intended for the treatment and rehabilitation of juvenile who have been adjudicated.
- I. **Specialized Treatment Program Rates.** The Commission shall reimburse at a rate not to exceed \$120 per juvenile per day for those juveniles who are placed in a post-adjudication specialized treatment program that has been approved by the Commission. Placement rate incentives as described in Section IV (F) may be available for specialized treatment programs that include substance abuse treatment, sex offender treatment and residential care for pregnant females.

Summary of Grant Requirements

Level 5 Placement Fund**L-2008-09 Biennium**

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III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Level 5 Placement Fund is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated, community-based juvenile probation system.
- B. **Program Objective.** The objective of the Level 5 Placement Fund is to increase the resources available for juvenile probation departments to place juveniles into secure post-adjudication correctional facilities thus reducing commitments to the Texas Youth Commission (TYC).
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measure:
 - 1. Total number of placements made utilizing funds from this grant.

IV. PROGRAMMATIC COMPONENTS.

- A. **Eligibility/Target Population.** The Grantee shall be eligible for Level 5 Placement Funds for a juvenile who has been court-ordered into a secure post-adjudication correctional facility and who meets at least one of the following criteria:
 - 1. Have a Progressive Sanction Model Guideline Level of 5 or higher;
 - 2. Have an adjudication for a felony offense that includes as an element of the offense, the possession, carrying, using, or exhibiting of a deadly weapon;
 - 3. Have an adjudication for a felony offense and used or exhibited a deadly weapon during the commission of the conduct; or
 - 4. Have an adjudication for a felony sex offense in which a juvenile court:
 - a. Requires registration under the Texas Sexual Offender Registration Program pursuant to Chapter 62 Texas Code of Criminal Procedure for all purposes;
 - b. Requires registration but provides that the registration information is not public information and is restricted to use by law enforcement and criminal justice agencies and public or private institutions of higher education; or
 - c. Defers the decision on requiring registration until the respondent has completed treatment for the respondent's sexual offense as a condition of probation or while committed to TYC.
- B. **Determination of Offense Eligibility.** If a juvenile meets the offense criteria or any of the statutory exceptions based on the most recent primary disposition offense, a departure from the guidelines shall not have been made that assigns a Progressive Sanctions Model Level 5.
- C. **Length of Placement.** The Grantee shall be eligible to receive payment for a placement for a period not to exceed 180 calendar days unless this timeframe is extended by prior written approval by the Commission based upon the special and reasonable circumstances of the case. The funding calculation of the length of placement regarding a juvenile whose probation supervision has been transferred shall relate to the length of placement of the juvenile who is the subject of the transfer, regardless of the change of location of the initial county of placement.
- D. **Aftercare Services.** The Grantee shall afford aftercare services to the juvenile for a minimum of 90 calendar days after the juvenile exits the facility.
- E. **Specialized Treatment Plan.** The secure post-adjudication facility providing the specialized treatment shall submit on an annual basis a specialized treatment plan to be approved by the Commission in order to receive a daily rate in excess of \$90 per juvenile per day. The plan shall be approved prior to reimbursement of funds.

Summary of Grant Requirements

Level 5 Placement Fund**L-2008-09 Biennium**

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- F. **Placement Incentive.** The Commission shall reimburse the Grantee at the specialized treatment program rate for juveniles placed in facilities that make at least 40% of their placement beds available on a regional and statewide basis.

V. **PROGRAMMATIC REPORTING.**

- A. **Annual Reports.** See General Grant Requirements.
- B. **Quarterly Reports.** None.
- C. **Monthly Reports.** None.
- D. **Other Periodic Reports.** See General Grant Requirements.

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 Contract:

A. **Applicable Standards.**

1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections.**
 - a. Chapter 341 – Texas Juvenile Probation Commission.
 - b. Chapter 342 – Housing Non-Texas Juveniles in Texas Detention and Correctional Facilities.
 - c. Chapter 343 – Standards For Secure Juvenile Pre-Adjudication Detention And Post-Adjudication Correctional Facilities.
 - d. Chapter 349 – General Administrative Standards.

B. **General Statutes.**

1. **Federal Law.** See General Grant Requirements.
2. **State Law.** See Also General Grant Requirements.
 - a. **Code of Criminal Procedure.**
 - i. Chapter 62 – Sex Offender Registration Program.
 - b. **Texas Family Code, Title III, Juvenile Justice Code.**
 - i. Chapter 59 – Progressive Sanctions Model.
 - c. **Texas General Appropriations Act.**

Summary of Grant Requirements

Level 5 Placement Fund**L-2008-09 Biennium**

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d. **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.**VIII. **FINANCIAL COMPONENTS.**A. **Allowable Expenditure of Funds.** Grant funds shall only be expended in the residential services category at a rate not to exceed \$90 per juvenile per day, unless a juvenile is eligible for a specialized treatment program rate.B. **Unallowable Expenditure of Funds.** All expenditures other than those listed in Section VIII (A) are unallowable.C. **Financial Match Requirements.** None.D. **Funding Adjustments.**1. **Reduction of Grant Payments.** None.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.** None.G. **Financial Assurances.** See General Grant Requirements.H. **Service Provider.** See General Grant Requirements.IX. **FINANCIAL REPORTING.**A. **Annual Reports.** None.B. **Quarterly Reports.** The Grantee shall report the expenditure of all funds received through this grant on the *Quarterly ISP and Residential Cost Report* [TJPC-FIS-49-04]. The report shall be received by the Commission no later than January 15, April 15, July 15 and October 15 of the current fiscal year of the biennium, respectively. Funds may be temporarily suspended if a *Quarterly ISP and Residential Cost Report* is not received by the due date.C. **Monthly Reports.**1. **Request for Payment Form.** The *Request for Payment Form* is generated by the Commission once the application has been approved and the funds have been encumbered for the Grantee. The Grantee shall submit on a monthly basis the *Request for Payment Form* along with the corresponding monthly invoice from the facility.a. **Final Claims.** All final claims for a fiscal year shall be submitted no later than 45 calendar days after the end of each fiscal year in the grant period (i.e., October 15th).2. **Submission of Invoices.** The Grantee shall submit to the Commission the monthly billing document or invoice from the facility concurrently with the *Request for Payment Form*.**Summary of Grant Requirements**

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D. Other Periodic Reports.

1. **Initial Application.** Prior to a placement, the Grantee shall submit an *Application for Placement Fund Program* [TJPC-FIS-12-04]. The Grantee shall also include the juvenile court order of placement and a copy of the most current Referral History from Caseworker or a similar referral history from the Grantee's computer system when Caseworker is not utilized.
 - a. **Approval of Application.** Upon approval of the Grantee's application for payment funding under this grant, the Commission will mail to the Grantee the *Application/Approval/Adjustment/Final Report Form*. This document shall serve as the approval for the placement payment, an adjustment form and the final report form that is required to be submitted with the last payment claim for that juvenile.
2. **Adjustment Form.** If under the terms or conditions of the placement, a change or adjustment (e.g., rate change, transfer from one facility to another facility) is required, the Grantee shall submit the *Application Approval/Adjustment/Final Report Form* detailing any necessary adjustments and the form shall be signed by the chief juvenile probation officer.
3. **Aftercare Services Plan.** No later than 15 calendar days after the date the juvenile exits the placement, the Grantee shall submit to the Commission the Aftercare Services Plan [TJPC-FIS-14-04] or one of its alternatives detailing the aftercare services to be provided for the juvenile and the juvenile's family.
4. **Specialized Treatment Plan.** The secure post-adjudication facility providing the specialized treatment shall submit on an annual basis a specialized treatment plan to be approved by the Commission in order to receive a daily rate in excess of \$90 per juvenile per day. The plan shall be approved prior to reimbursement of funds.
5. **Final Report Form.** The *Application Approval/Adjustment/Final Report Form* shall be submitted to the Commission along with the last payment claim for each placement.

X. FINANCIAL MONITORING.

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