

Border Children's Justice Project**B-2012-13 Biennium**

Effective date 09/01/2011

Latest Revision 09/01/2011

I. GRANT DESCRIPTION.

- A. The Border Children's Justice Project (BCJP) facilitates collaborative efforts by United States and foreign authorities involving juvenile courts, United States Immigration and Customs Enforcement (ICE), law enforcement, United States and other consulates, child protective agencies and correctional officials. The project is designed to improve the rehabilitative efforts of Texas and foreign authorities and provide a variety of services to offenders and their families. This grant does not apply to youth committed to a state secure facility.

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 BCJP 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 of the BCJP. The coordinator must be familiar with the laws, culture and resources of Mexico, Central America and South America.
- D. **State Secure Facility.** A secure facility created under Human Resources Code Chapter 201, Subtitle C.

III. PERFORMANCE MEASURES.

- A. **Goal.** The goal of the Border Children's Justice Project 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 BCJP is to return foreign national juvenile offenders to their respective communities after processing in the Texas juvenile justice system, to assist in the return of juveniles to their home communities who are citizens of the United States and who have committed offenses in Mexico, Central America or South America and to serve foreign nationals residing in the United States.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
1. Total number of foreign national citizens of referred to the BCJP;
 2. Total number of United States citizens of referred to the BCJP from foreign authorities; 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 BCJP shall include the following services provided by the Grantee:
1. Coordination of the return of foreign national juvenile offenders to their respective homes who have committed an offense in the county wherein the BCJP is located;
 2. Assist in the return of foreign national juvenile offenders who have committed an offense in a Texas county where there is no BCJP. The Texas county wherein the juvenile commits the offense may refer the juvenile to the BCJP in the Texas county closest to the juvenile's home;
 3. Coordination of the return of juveniles who have committed an offense in a foreign country and who are citizens of the United States to the appropriate authorities in the United States for further court-related proceedings;

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4. Provide juvenile probation services to foreign national juvenile offenders that are placed on probation and remain in the United States; and
5. Negotiation and formulation of agreements with the consulate's offices for the provision of necessary and appropriate services for juveniles and their families. The services may include:
 - a. Collection of restitution from juveniles to repay losses to victims in the United States;
 - b. Securing proper identification of foreign national juveniles, including birth verification, when possible and correct address;
 - c. Informing parents, guardians and custodians of their child's involvement with the juvenile court;
 - d. Provision of counseling services to juveniles and their families;
 - e. Securing supervision services of foreign national juveniles placed on probation; and
 - f. Returning children to their homes through the authority of the consulate's office.

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; and
 - b. Have been referred to the BCJP in a Texas border county.
2. Have United States citizenship and:
 - a. Have committed an offense in an applicable foreign country;
 - b. Have been referred to the BCJP in a Texas border county; and
 - c. The family resides in the United States.

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 involving juvenile courts, the United States Immigration and Customs Enforcement (ICE), law enforcement, United States or foreign consulate offices, child protective agencies and correctional officials.

D. State level secure correctional facilities. The policies and procedures applicable to the Border Children's Justice Project do not apply to youth committed to a state secure facility.**V. PROGRAMMATIC REPORTING.**

- A. **Annual Reports.** None.
- B. **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. The BCJP information must be reflected in the program table of the monthly extract.
- C. **Other Periodic Reports.** None.

VI. PROGRAMMATIC MONITORING.**Summary of Grant Requirements**

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- 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 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 – 359.**
 - 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 Non-offenders; 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.

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- B. **Unallowable Expenditure of Funds.** See General Grant Requirements.
 - 1. 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.** 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.** See General Grant Requirements.
 - B. **Quarterly Reports.** See General Grant Requirements.
 - C. **Monthly Reports.** None.
 - D. **Other Periodic Reports.**
 - 1. **Budget Adjustments.** See General Grant Requirements.
- X. **FINANCIAL MONITORING.**
 - A. **Annual Monitoring.** See General Grant Requirements.
 - B. **Periodic Monitoring.** See General Grant Requirements.

Summary of Grant Requirements