

Adult Drug Court Discretionary Grant Program FY 2018 Competitive Grant Announcement

Frequently Asked Questions

The following are adapted from questions submitted by potential grant applicants and answers composed by BJA during a live webinar.

1. Page 19 of the RFP states that the Abstract be 800 words or less, single spaced, and one page. However, Page 21 indicates that the Abstract needs to follow the detailed template provided in a hyperlink. The template is 3 pages long and only gives a textbox for 400 words. Which set of instructions should we follow?

BJA recommends that applicants use the provided abstract template. If an applicant needs to include more words beyond the 400 limit, the applicant may submit an attachment labeled abstract with the application.

2. Pages 24-25: The County (unit of local government) is applying for the grant and has chosen a service provider for treatment. We are assuming this is a sub-award based on the definitions in the RFP. Consequently, the instructions indicate that a sub-award needs prior OJP approval. How do we go about obtaining OJP approval?

For the BJA Adult Drug Court program grant, if the sub-award information is included and sufficiently justified in an application and the application subsequently receives a grant award, the sub-award will be considered approved by BJA's issuance of an award. There is no other approval process for a sub-award that is included in the application.

3. Page 28, Item 9(c): "Fiscal Agent MOU between Applicant and Drug Court Administrator." What is the definition of the Drug Court Administrator?

A Drug Court Administrator is an identified member of the court program that has authority to make decisions on behalf of the court (i.e., Judge, Court Coordinator, etc.).

4. What is the definition of treatment provider providing services?

Treatment providers are defined as substance abuse and mental health providers and/or entities that are licensed to provide behavioral health services in the state of the applicant.

5. What should the Fiscal Agent MOU between Applicant and Drug Court Administrator address?

The MOU must address the overall objectives (see page 9) of the drug court program as well as support efforts to adhere to the evidence-based program principles included in the NADCP Adult Drug Court Best Practice Standards and the 10 key components (see pages 10-11) .

6. Page 38: The Drug Court Discretionary Grant Program authorizing statute requires participant payments for treatment and restitution, however, it does not allow drug court programs to impose a fee on a client that would interfere with the client's rehabilitation. Should grant applicants include provisions for determining how imposed costs would not interfere with a client's rehabilitation or graduation?

BJA allows drug courts to use discretion in determining their method of collecting drug court fees for services (e.g., sliding scale, etc.).

7. If the drug court program is the applicant and grantee, does the application need to include the "Fiscal Agent MOU Signed by Applicant and Drug Court Administrator"?

No, this applies only to entities (i.e., unit of local government or county) that are applying for funding on behalf of a drug court.

8. How should clinicians who provide treatment services be identified in the grant? Should they be listed out individually and included in the budget?

The applicant has the discretion to identify the treatment provider that will support their drug court program. If the treatment provider is identified prior to the application being submitted, the treatment provider should be included in the project narrative, budget, and listed on the "MOU Signed by Key Drug Court Team Members or by a Designated Agency Representative."

9. The solicitation states that recovery support services are limited to 25 percent of the grant funding request. Does this refer to the *combined* cost of recovery services or for each one?

No more than 25 percent of the overall budget may be used to fund one individual recovery support service (RSS) (see page 49 for examples and definitions of RSS). If awarded, the applicant may submit a request to their BJA Grant Manager for approval to increase the budget of a RSS beyond 25 percent of the budget.

10. How should applicants determine the definition of a felony?

BJA recommends applicants refer to their state's statute to determine the definition of a felony.

- 11.** Does a prior conviction always exclude a participant from drug court, even in cases in which the conviction is over 20 years old?

The statute (34 U.S.C 10613) on “violent offenders” do not reference a time frame related to a conviction that may exclude a person from the drug court. The drug court has the discretion to determine whether to accept or deny a participant access into their drug court based on the period of time since the conviction. A drug court may accept a participant that has been accused of a violent offense, but if convicted, the drug court will need to terminate the participant immediately.

- 12.** Are applicants allowed to include the cost of mental health evaluations and treatment under primary and behavioral healthcare in the budget for this grant?

Yes, behavioral health services are an allowable use of BJA Drug Court funds.

- 13.** Is there a requirement for an applicant to increase program capacity to be awarded enhancement funding?

No, an applicant is not required to increase program capacity with enhancement funding. Please refer to allowable use of funds for enhancement grants indicated on page 7 of the solicitation.

- 14.** Does the Adult Drug Court Discretionary Grant Program allow funds to be used for a family drug treatment court component attached to a currently funded adult drug court?

No, the BJA Adult Drug Court Discretionary Grant Program provides financial and technical assistance to the following types of courts; Adult Drug Courts, Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Court, Co-Occurring Substance Abuse and Mental Health Court, Veterans Treatment Courts, and Tribal Healing to Wellness Court (refer to page 20 of solicitation).

- 15.** Should courts apply for the SAMHSA grant in addition to the BJA Adult Drug Court Discretionary Grant Program?

The applicant must make the determination whether to apply for either the BJA Adult Drug Court Discretionary Grant Program or the SAMHSA Drug Court grant. BJA and SAMHSA coordinate efforts to ensure that there is no duplication of funding (i.e., dually funding a court with a similar focus area and/or court type). Note the requirement to disclose other applications on page 29

16. Can an application request funding for two different courts or should each court have an individual application?

The applicant may determine whether to apply for funds for two separate courts in either one application or two applications.

17. Can a single person submit two proposals on behalf of a drug court and a veterans treatment court?

Yes, a fiscal agent may submit two proposals that have two separate focus areas and/or court types (e.g., veterans treatment court and co-occurring court).

18. Are drug courts that have received BJA grants in the past, but are not currently funded by BJA, eligible to apply for this grant?

Yes, all drug courts that meet the eligibility requirements indicated on page 1 of the solicitation may apply.

19. Is the funding maximum indicated in the solicitation for a year or for the entire 48-month period of performance?

The grant maximum for each of the three grant categories (Implementation, Enhancement, and Statewide) has a period of performance up to 48 months.

20. If a court is currently funding part of their work through another BJA or SAMSHA grant, is the court disqualified from applying for the BJA Adult Drug Court Discretionary Grant Program?

An applicant is eligible for BJA Adult Drug Court Discretionary Grant Program even if they are currently receiving funding from either BJA or SAMHSA for a part of their program. An applicant is disqualified from the BJA Adult Drug Court Discretionary Grant Program if they request funds for the same focus area and/or court type as an active BJA adult drug court grant.

21. Are grantees that are awarded implementation grants required to open drug court services by a certain date?

The 2018 Adult Drug Court Discretionary Grant solicitation does not reference a threshold date by which drug court services must commence, but they are required to start services within a

reasonable time to show progress with the grant implementation. The solicitation does indicate a start date of January 1, 2019.

22. Can funding be used to assist with transportation needs for those in rural settings?

Yes, BJA Drug Court funds may be used to support transportation needs of drug court participants in rural settings. Use of funds must be aligned with the goals and objectives of the grant.

23. Can court administration or a state department of corrections be the fiscal agent for a grant application?

Eligible applicants are states, state and local courts, counties, units of local government, and federally recognized Indian tribal governments (as determined by the Secretary of the Interior) on behalf of a single jurisdiction drug court.

24. What is the maximum amount of funds applicants can request for the 48-month performance period?

The maximum amount is dependent on the application category. Category 1. \$500,000, Category 2. \$500,000, Category 3. Statewide A. \$500,000, Statewide B. \$1,500,000, and Statewide A & B. \$2,000,000.

25. Can a nonprofit agency that operates a drug court be the fiscal agent?

No, eligible applicants are states, state and local courts, counties, units of local government, and federally recognized Indian tribal governments (as determined by the Secretary of the Interior) on behalf of a single jurisdiction drug court.

26. Under Category 2, can an applicant apply for an enhancement that spans several drug court programs? For example, this enhancement would support the addition of recovery services to an adult drug court, DUI court, and veterans court.

Yes, the fiscal agent may apply for BJA drug court funds to provide recovery support services to eligible drug court participants in various drug court types as specified on page 20 of the solicitation.

27. Can this funding be used to supplant existing state/local funding?

BJA drug court funds may not be used to replace (supplant) non-federal funds that they have appropriated for the same purpose.

28. Our adult drug court currently has a BJA Implementation grant set to expire December 2019. Can we apply for an Enhancement grant this year?

No, courts that are currently receiving funding under a BJA Implementation grant cannot apply for an BJA Enhancement grant during this funding cycle (FY2018).

29. Can a drug court charge clients a participation fee in an effort to provide them with incentive awards?

BJA does not allow federal or non-federal matching funds committed to the project to be used for monetary incentives or the other items specifically prohibited by the solicitation. This includes any program income from a participation fee. However, the drug court can use any other source of funds for incentives, including a participation fee, if these funds are not connected to the BJA project budget as either a federal or non-federal cost item.

30. Can BJA funding be used to create a new data management system for state treatment courts?

Yes, BJA funding can be used to create a new data management system for state treatment courts.

31. How do you define urban city or population? *BJA does not have a standard definition for urban city or population. BJA recommends that applicants refer to their census data to define their community or jurisdiction and population.*

32. Page 14 states that award funds cannot be used to purchase various types of prizes unless they are associated with approved program activities. Incentives are a standard part of drug court. Can such items be purchased if they are used as incentives?

No. BJA has determined that these costs are not allowed using federal or committed non-federal matching funds related to the BJA-funded grant project, even if used as incentives. Drug courts may use any other source of funds for incentives if these funds are not connected to the BJA project budget as either a federal or non-federal cost item.

33. Are applicants applying for Cat-2 eligible to enhance their program by using funds to obtain a data/case management system? If yes, do applicants need to write cost/vendor specifically into application or are they eligible to pursue a vendor after receiving the award?

Yes, this is an eligible enhancement activity if the applicant justifies the need and the system's benefit in the application. No, the applicant does not need to list a specific vendor in the application. Instead, list the vendor as "to be determined" with an estimated total contract amount. Grantees are eligible to pursue a vendor after an award. Please make sure to review the DOJ Grant Financial Guide for information related to procurement contracts made with federal grant funds.

34. Can a county and state district court co-apply for the grant and co-manage the funds?

No, the solicitation only allows one fiscal agent.

35. If a drug court charges participant fees, can those funds be used to provide incentive awards?

BJA does not allow federal or non-federal matching funds committed to the project to be used for monetary incentives or the other items specifically prohibited by the solicitation. This includes any program income from a participation fee. However, the drug court can use any other source of funds for incentives, including a participation fee, if these funds are not connected to the BJA project budget as either a federal or non-federal cost item.

36. If a drug court was started without any federal funding and it has been operating for less than 12 months which grant can it apply for? Implementation or Enhancement?

To be eligible for an Enhancement grant, the court must have been operating for at least one year as of September 30, 2018. To be eligible for an Implementation grant, the court must have been operating less than one year as of September 30, 2018.

37. Does a co-occurring disorder specialty court count as a drug court?

Yes, BJA drug court funding supports the following types of court: adult drug courts, driving while intoxicated (DWI)/driving under the influence (DUI) court, co-occurring substance abuse and mental health court, veterans treatment courts, and tribal healing to wellness court (refer to page 20 of solicitation).

38. If awarded an implementation grant, are extensions available past the 48 months of funding in case it takes longer to start the court?

A grant cannot last for more than five years. A grantee, however, can discuss an extension with its grant manager and request a no-cost extension if justified.

39. Can an operational drug court apply for implementation funding for a DWI court track?

Yes, BJA drug court funding allows for an operational drug court to support the implementation of a DWI court track using implementation funding.

40. May funds be used to increase judicial time in drug court?

Yes, BJA drug court funds may be used to increase judicial time in drug court.

41. We have a pass-through grant from NHTSA, which supports our core court. Can we apply for the BJA grant as well to enhance our services to that same court funded by NHTSA?

Yes, NHTSA funding may be used to support a BJA-funded drug court.

42. Our county has both superior and district court therapeutic specialty courts, which are totally separate entities. The superior court currently has a BJA grant. Does that prevent the district court from applying?

No, the district court is a separate fiscal agent from the superior court, which means it is eligible to apply.