



## FAMILY VIOLENCE JUSTICE FUND

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FISCAL YEAR 2024/25 GRANT RULES

GRANTS APPLICATIONS DUE: 5 p.m., April 30, 2024

PLEASE CONTACT THE OFFICE OF THE STATE COURT ADMINISTRATOR WITH QUESTIONS

[FAMILYVIOLENCEJUSTICEFUND@JUDICIAL.STATE.CO.US](mailto:FAMILYVIOLENCEJUSTICEFUND@JUDICIAL.STATE.CO.US)

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## 1-1 Definitions

- A. Direct Costs: Represent eligible legal service expenses that directly relate to the intent and furtherance of the FVJF and which can be specifically identified and directly substantiated with a high degree of accuracy. These include, but are not limited to, salaries, contracted legal services, travel expenses, equipment, and materials that directly support the grant objectives.
- B. Eligible Client: Clients served who meet the definition of indigent as defined below.
- C. Family Violence Justice Fund (FVJF): Fund created in Section 14-4-107, C.R.S.
- D. Indigent: As noted in Section 14-4-107(5)(d), C.R.S., for the purposes of this grant indigent refers to a person whose income does not exceed 125 percent of the family federal poverty guidelines, adjusted for family size, determined annually by the U.S. Department of Health and Human Services.
- E. Indirect Costs: Represent the expenses benefitting more than one cost center or activity within the organization and are not readily allocable to the FVJF grant because they support multiple cost centers or activities within the organization.
  - 1. *De minimus* indirect costs are calculated by multiplying the modified total direct costs by the indirect cost rate.
  - 2. The expenses excluded from the modified total direct costs for the FVJF grant include, but are not limited to, equipment, capital expenses, and rent/lease costs.

## 1-2 Authority and Basis


- A. The Family Violence Justice Fund was established by House Bill 99-1115 and is codified in Section 14-4-107, C.R.S. The Fund is intended to make grants to qualifying organizations to provide legal advice, counseling, and representation for indigent clients who are victims of family violence.

## 1-3 Purpose and Scope

- A. The purpose of these Rules is to define who may apply for grants from the Family Violence Justice Fund, how awarded funds may be used, basic application procedures, and the use of the Fund by the State Court Administrator.
- B. These Rules prescribe the procedures to be followed in making, filing, and evaluating grant applications, the criteria for evaluation, the compliance review process to ensure that organizations are using each grant award as specified, and guidelines necessary for administering the program.

## 1-4 Funding

- A. The Fund consists of any moneys appropriated by the General Assembly.
- B. The State Court Administrator may accept gifts, grants, or donations from any private or public source for the purpose of implementing the Fund.
- C. All moneys credited to the Fund shall be available for grants awarded by the State Court Administrator to organizations for the purposes described in these Rules.
- D. The State Court Administrator may use a portion of the moneys for administrative costs incurred through the implementation of the Family Violence Justice Fund.

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- E. Any unexpended or unencumbered moneys remaining in the Fund at the end of any fiscal year, along with any investment earnings derived from the deposit and investment of moneys in the Fund, shall remain in the Fund and shall not be credited or transferred to the general fund at the end of the year.
- F. The Office of the State Court Administrator will establish and publish the amounts available for funding grant applications depending on the appropriation from the General Assembly.
- G. This is a reimbursement grant for actual expenses incurred.
- H. The grant fiscal year is July 1, 2024, through June 30, 2025.

## 2-1 Who May Apply

- A. Per Section 14-4-107 (5)(f), C.R.S., a qualifying organization is one that:
  1. Has demonstrated experience and expertise in providing full-service civil legal services to indigent clients,
  2. Is based in Colorado,
  3. Is exempt from taxation pursuant to section 501(c)(3) of the federal "Internal Revenue Code of 1986," as amended, and
  4. Obtains more than 33 percent of its funding from sources other than grants from the Fund.

## 2-2 Use of Grant Funds

- A. Grants funds must be used to provide eligible services in covered proceedings for and on behalf of indigent clients who are victims of family violence.
- B. Covered proceedings include, but are not limited to:
  1. Any protection order proceeding.
  2. Action for dissolution of marriage, legal separation, or declaration of invalidity of marriage.
  3. Action for dissolution of a civil union, legal separation, or declaration of invalidity of a civil union.
  4. Paternity action.
  5. Child custody action.
  6. Proceeding to establish or enforce child support.
  7. Administrative hearings.
  8. Any other judicial actions in which family violence is an issue or in which legal representation is necessary to protect the interests of a victim of family violence.
- C. Eligible services include:
  1. Full/Direct Legal Representation: The attorney and the client sign an engagement agreement that includes the general process the attorney will perform and expectations for the attorney and the client. Full representation involves the attorney taking the lead in drafting and filing court documents, negotiating with opposing counsel, and appearing in court and mediation. Under a full representation arrangement, the attorney enters their appearance in the court record and all communication with the client from the court or opposing counsel must be made through the attorney.
  2. Other Legal Services:
    - a. Legal Advice: Advice and guidance provided to indigent clients by a licensed attorney related to their specific situation. This can include, but is not limited to, legal

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interpretation and research. Giving legal advice is prescribing or suggesting certain courses of action based on presumed legal knowledge.

- b. **Legal Information:** General information provided to indigent clients that can apply to anyone in the same situation. This can be done by staff other than a licensed attorney and does not establish an attorney-client relationship. Typically, this includes explaining the law and legal system in general terms, not tailored to a specific case.
- c. **Limited Legal Representation:** This is similar to a consulting agreement in which the client contacts the attorney for assistance with specific agreed-upon tasks. This service is fully defined in Rule 11(b) of the Colorado Rules of Civil Procedures.
  - In most situations, the client leads the case and represents themselves (*pro se*) during court appearances and mediation while the attorney only acts behind the scenes on an as-needed basis. It can also include a one-time appearance by an attorney in court proceedings.
  - Common tasks include answering questions, conducting legal research for a specific issue, reviewing, or drafting legal documents, and being available for consultation during mediation.
  - If the attorney drafts documents for the client, other than pre-printed and electronically published forms issued by the Judicial Department, the attorney must disclose to the court that drafting assistance was provided. This does not, however, mean that the attorney becomes the client’s attorney of record. The client remains *pro se*.
  - If the attorney does not provide drafting assistance, the court and the opposing party may never know the client has been working with an attorney.
3. **Educational Clinics:** Clinics designed to educate and assist indigent victims of family violence in covered proceedings, including providing information related to the rights and responsibilities of clients.
- D. Indirect costs are allowed at up to 10 percent of the grant expenses:
  1. If the organization has a federally negotiated indirect cost rate (NICR), the organization may charge that rate or 10 percent *de minimus*, whichever is lower.
  2. If the organization does not have a NICR, indirect costs are allowable using the 10 percent *de minimus* indirect cost rate.
  3. Administrative costs, calculated using a cost allocation plan, may be charged in lieu of indirect costs but may not exceed the 10 percent *de minimus* indirect cost amount.
- E. Grant funds shall not be used to reimburse expenses associated with the project that were incurred or contracted for prior to the effective date of the grant contract.
- F. Pursuant to Section 1-45-117, C.R.S., grant funds shall not be used for any advocacy-related services. For purposes of these rules, “advocacy-related services” means actions to urge electors to vote in favor of or against a current or future ballot issue or referred measure.

## 2-3 Grant Application Procedures

- A. Applications for grants from the Fund shall be submitted in the manner adopted by the State Court Administrator, in accordance with the timelines and guidelines as set forth in these Rules.

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- B. Applications shall be made to the Office of the State Court Administrator.
- C. Applications must be entered and submitted by the deadline of 5 p.m., April 30, 2024, using the online grant management system.
  - 1. All sections of the application must be completed.
  - 2. Applications will not be accepted by any method other than the online grant management system, including email, fax, post, or in person.
  - 3. The State Court Administrator will not review any applications until after the submission closing date for that award cycle.
- D. Potential applicants may contact the Office of the State Court Administrator at **FamilyViolenceJusticeFund@judicial.state.co.us** during the application process if they have questions about or need clarification related to these Rules or the grant application process.
- E. The Office of the State Court Administrator may contact and obtain clarifying information and materials after the application due date from an applicant that has submitted an application by the deadline to aid in reviewing the application. This may result in an applicant submitting a revised application and additional information.

### 3-1 Selection Criteria

- A. Per Section 14-4-107(3), C.R.S., grant awards from the Fund will be distributed to qualifying organizations for each county in proportion to the number of persons living below the poverty line in each county as determined by the most recent U.S. Census published. If there is more than one qualifying organization within a county, the awards will be distributed to each qualifying organization in proportion to the number of indigent family violence clients served by each or its predecessor in the preceding year.
- B. The State Court Administrator shall review the applications to ensure that they meet the required qualifications.
- C. Applications requesting funds for any use other than those approved under Section 2-2 are ineligible for a grant award and will not be considered.
- D. There is no minimum amount for grant applications or awards.

### 3-2 Consideration of Grant Applications

- A. The State Court Administrator will consider all completed applications from a qualified organization for possible funding based upon the criteria contained within these Rules and including, but not limited to, Section 14-4-107, C.R.S.
- B. The State Court Administrator may also consider the following aspects in reviewing grant applications:
  - 1. Where applicable, the organization's ability to meet all grant terms and conditions in the grant contract in the prior award period, including, but not limited to, grant reporting and payment requirements.
  - 2. Where applicable, the results of any programmatic and/or financial review or audit of the organization's performance in the prior grant award period.
  - 3. The State Court Administrator is satisfied that the organization does not have deficiencies related to the services to be provided or financial obligations to be undertaken through this grant.

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4. Preference will be given to organizations that serve indigent persons at no cost rather than reduced cost.

### 3-3 Grant Selection

- A. The State Court Administrator shall document its recommendations for selection.
- B. The State Court Administrator may expand the criteria used for evaluating grant applications beyond those explicitly stated in these Rules if such additional criteria are necessary for selection of a grant award recipient.
- C. The State Court Administrator is not obligated to award grants from the Fund during any grant cycle.

### 3-4 Grant Approval

- A. The State Court Administrator will issue a final approval of grant applications.
- B. The decision of the State Court Administrator shall be final and shall not be subject to any appeal.
- C. Upon final approval, the State Court Administrator will notify the grant recipients.

### 4-1 Award and Disbursement Process

- A. The Office of the State Court Administrator will provide notification of grant award to the organizations awarded.
- B. The Office of the State Court Administrator will provide a grant contract via the online contract management system. The organization must complete the grant contract process using the online system.
- C. The State Court Administrator will coordinate the disbursement of grant funds to the organization. Disbursements will be made solely for the reimbursement of actual expenses incurred by the organization and made in accordance with the grant contract.
- D. Payment requests must include detailed supporting documentation. The State Court Administrator shall review the sufficiency and appropriateness of all payment requests and supporting documentation. The State Court Administrator reserves the right to require additional supporting documentation prior to disbursement.

### 4-2 Grant Recipient Obligations

- A. The organization is responsible for preparing and submitting all programmatic reports, financial reports, and payment requests required by the Office of the State Court Administrator, including additional supporting documentation.
- B. The organization is responsible for quarterly programmatic reporting requirements using the method outlined by the State Court Administrator. Reports must be submitted in the online grant management system by the tenth of October, January, April, and July. The report includes, but is not limited to, a narrative description of the grant uses and the number of eligible clients served by county.
- C. The organization is responsible for all costs incurred in excess of the grant award that are associated with the grant.

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- D. Once an organization has signed the grant contract, the organization shall complete the objectives as designated and described in the grant award.
- E. The organization shall immediately notify the State Court Administrator in writing if the organization becomes aware that the grant funds awarded will exceed the total project costs for a specific project.

#### 4-3 Project Review and Compliance

- A. The purpose of the compliance review process is to determine if the organization is using grant funds as specified in the grant contract and in accordance with generally accepted accounting principles.
- B. Depending on the timeframe established in the grant contract or upon request by the State Court Administrator, the grant recipient shall submit the required reports and any additional items requested to the State Court Administrator detailing specifically how funds have been used.

#### 4-4 Denial or Termination of Funding

- A. The State Court Administrator may, in whole or in part, deny or terminate funding for, or impose another sanction on, a Recipient for any of the following reasons:
  1. Failure to comply substantially with the requirements and objectives of the Fund, grant contract issued thereunder, or other provisions of federal, state, or local law.
  2. Failure to adhere to the requirements, standard conditions, or special conditions of the State Court Administrator.
  3. Failure to adhere to the requirements and guidelines of the grant contract.
  4. Submitting a payment request for goods or services not included in the scope of the original application and the purpose of the Fund or submitting payment requests consistently late.
  5. Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding.
  6. Failure to submit reports as required by the grant contract.
  7. Filing a false certification or request for payment in the application or other report or document.
  8. Other good cause shown.