



THE PEW CHARITABLE TRUSTS

# Funding to support courts during & after COVID-19 pandemic

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# Panelists

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# Webinar agenda

- (1) Pew's work in modernizing the civil legal system
- (2) Federal pass-through funding and legal services
- (3) State examples
  - New Mexico – Exploring funding
  - New Hampshire – CARES Act funding
- (4) Wrap-up and key resources
- (5) Moderated Q & A
  - Send your questions to Casey/host in the chat

# About Pew's work

1. **Research** ways to make courts more accessible and efficient, especially for people navigating courts without attorneys
2. **Build partnerships** with the private sector, policymakers, and other stakeholders
3. **Modernize** the civil legal system

[Link to recent article:](#) State Courts Seek Resources to Support Operations During COVID-19 Pandemic

# Federal pass-through overview

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# How state and local governments administer federal block/formula grants



Federal agencies



State agencies



**Ohio Courts**  
**UTAH COURTS**

CALIFORNIA COURTS  
THE JUDICIAL BRANCH OF CALIFORNIA

Local governments,  
service providers,  
and... courts



# State-administered federal funds that can fund ATJ in the Courts:

## 1. Coronavirus Relief Fund

- U.S. Department of the Treasury

## 2. Coronavirus Emergency Supplemental Fund

- U.S. Department of Justice Bureau of Justice Assistance (think Byrne JAG)

## 3. Community Development Block Grant (CDBG)

- U.S. Department of Housing and Urban Development (HUD)





# 1. CARES Act Coronavirus Relief Fund

- State and local government Coronavirus Relief Fund recipients have broad discretion to “cover costs that:
  - (1) are necessary expenditures incurred due to the public health emergency with respect to [COVID-19];
  - (2) were not accounted for in the budget most recently approved as of [March 27, 2020] for the State or government; and
  - (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.”
- Every state received at least \$1.25 Billion.





## 2. Coronavirus Emergency Supplemental Funding Program (CESF)

- Administered by state administrator of Edward Byrne Memorial Justice Assistance Grant (Byrne JAG)
- Byrne JAG is the primary source of federal criminal justice funding to states and units of local government.
- CESF assists “states, local units of governments, and tribes in preventing, preparing for, and responding to the coronavirus.”
- Total distributed nationally: \$850 Million.





### 3. Community Development Block Grant (CDBG)

CDBG's purpose: housing, jobs, and related services

- CDBG funds go directly to larger cities (70% of state's share and state administers funds for smaller cities (30%)<sup>1</sup>
- HUD's chapter on eligible public services explains<sup>2</sup>

Public services include<sup>3</sup> ... :

- Services for homeless persons
- Services for victims of domestic violence, and
- “Legal services (including walk-in legal counseling, foreclosure mitigation and prevention, landlord/tenant matters, veterans and public benefit appeals, child support orders, reasonable accommodations for persons with disabilities, and consumer protection).”



# AVOIDING THE WILD GOOSE CHASE: A COURT MANGER'S GUIDE TO EXPLORING FEDERAL FUNDING

AJA BROOKS, DIRECTOR,  
SECOND JUDICIAL DISTRICT COURT  
CENTER FOR SELF-HELP AND DISPUTE  
RESOLUTION

# DO YOUR RESEARCH

- **Watch NCSC's Tiny Chat 3 on Federal Pass-Through Funding**
- **Review "A Tiny Chat Companion: Civil State-Administered Federal Pass-Through Funding Opportunities"**
- **Sign up for free 30 minute "The Doctor is In" consultation with Tiny Chat Staff**
- **Check out the Grants Matrix on State-Administered Federal Funds and NLADA's Matrix on Non-LSC Federal Funding that can Support Legal Service Providers and Courts**
- **Be Creative!**

# COMMUNICATE WITH YOUR COURT

- **Meet with Court stakeholders to discuss feasibility of pursuing the funding:**
  - **Do you need permission to move forward?**
  - **Has your Court pursued federal funding before?**
  - **What is the Court's procedure for applying for federal funding?**
  - **Who will apply?**

MAKE  
CONTACT  
WITH  
FUNDING  
DECISION  
MAKERS

- **Google it!**
- **Email & call**
- **Obtain as much detailed information as you can:**
  - **Who is the “pass-through” entity?**
  - **How much money is available?**
  - **Are there any requirements/restrictions?**
  - **Typical grant amounts**
  - **Prior grantees/partnerships**
  - **Application process**
  - **When are the deadlines?**
- **Keep your options open**

# EVALUATE AND EXECUTE

- **Decide whether to Apply:**
  - **Notify Court stakeholders**
    - **Administration, CEO, General Counsel, Presiding Judge(s), Program Staff**
  - **Compare Court needs with funding requirements**
    - **Budgeting; Tracking**
  - **Partnerships?**
    - **Legal Service Providers**
  - **Assemble your team**
- **Apply!**

# CARES Act Coronavirus Relief Fund Grant Award



**CONTINUING COURT OPERATIONS AND THE  
ADMINISTRATION OF JUSTICE IN THE  
“VIRTUAL AND NOT-SO-VIRTUAL” COURTHOUSE**

**NEW HAMPSHIRE JUDICIAL BRANCH**

# Select the Right Funding Source

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- National Center for State Courts – Rapid Response Team and Tiny Chats: “Knowledge Aggregators” shorten the learning curve
- Reach out to other state agency partners for guidance
  - FEMA: NH Homeland Security and Emergency Management
  - Bryne-JAG: NH Department of Justice Grants Management Unit
  - CARES Act/Coronavirus Relief Fund: NH Governor’s Budget Director
- Lesson Learned: Use your network of contacts to quickly locate the information necessary to select the right funding source for the need

# Anticipate Qualifying Expenses

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- **Brainstorm:** Gather court administrators, Information Technology, Fiscal, Operations, Human Resources, etc. and compile all current and anticipated expenses related to coronavirus pandemic emergency response plans
  - PPE; Equip a Remote Workforce; Conduct Jury Trials; Transition to Tele and Video Conferencing Court Proceedings; Address impacts to Drug Court, Contract cleaning services; Add Contracted Support Staff; etc.
- Draft a preliminary grant request budget
- Vet the draft budget with knowledgeable resources to identify potential issues that will cause budget/request to be denied (e.g., non-qualified expenses)
  - NHJB's Fiscal Manager
  - Governor's Budget Director
- **Lesson Learned:** Don't let an extreme sense of urgency drive "shortcutting" this important step

# Develop an Implementation Plan

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- Process moves quickly; Detailed pre-planning is difficult/impossible
- Must Do: Have accounting systems/practices in place to track grant-funded expenditures to ensure full reimbursement
- While waiting for funding approval/notice of award, develop more detailed implementation plans for the soon-to-be-funded projects
- Lesson Learned: Do not wait for funding notification to begin planning; Advance planning aids faster implementations
  - ❖ Coronavirus Relief Fund has a 12/30/20 deadline

# Establish an Approval Process for Incurring Expenses

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- Ensure proper accounting procedures are followed that will pass scrutiny in an audit
- Funding agency (Governor's Office for Emergency Relief and Recovery – GOFERR) will only approve budget items and expenses that will pass the federal audit requirements
- Lesson Learned: Adapt current processes, procedures, and protocols to align with new emergency response activities

# When Qualifying Expenses are Overlooked...

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- The process moves quickly during hectic times; Mistakes will be made
  - Example: Cost to sanitize a court facility when a COVID-positive case has been identified was overlooked in the approved budget
  - To mitigate this risk, understand the limits of re-allocating funds for different uses after the grant has been awarded (e.g., Transfer \$50k from one “bucket” to another approved “bucket” but do not add new “buckets” to the budget.
- Recommendation: Continue planning; Identify additional qualifying expenses and submit for future consideration
  - Funds may be available toward the end of the grant period; be “first in line” for those funds
  - Negotiate with vendors to reduce sudden increases in expenses (e.g., Teleconferencing expenses went from a few hundred dollars to several thousand dollars/month)
- Lesson Learned: Reevaluate budget planning assumptions, factor in new information and submit one additional request that satisfies all criteria

# Summary

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1. Use your networks to identify funding SMEs in your jurisdiction
  - a) To selecting the right grant(s)
  - b) To understanding qualifying expenses under the grant
2. Work quickly but avoid “shortcuts” that could cause future problems:
  - a) Develop plans for using funds iteratively
  - b) Understand where you have flexibility for allocating funds as plans develop
  - c) Submit one follow-up request for overlooked items
3. Avoid “audit snags”
  - a) Understand audit requirements; Adapt funds management processes to match current realities (e.g., who approves PPE expenditures?)

# Thank you!

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## Wrap-up Key Resources:

- **Tiny Chats:** Tiny Chats are bite-sized annotated videos that touch on specific access to justice topics and court operations. To sign up to get notification of any future Tiny Chats, please [register here](#). Hosted by National Center for State Courts
  - Tiny Chat 3, [Federal Pass-Through Funding](#)
- **Grants matrix:** Summarizes federal block/formula/open-end reimbursement funds (AKA pass-through funds) administered by state (and sometimes local) agency decisionmakers that can include court recipients
- **NCSC [website](#)**



# Key Resources – even more...



## Grants Matrix: State-Administered Federal Funds that can Support Legal Aid

The Justice in Government Project (JGP) searches for opportunities to connect good government with access to justice. This includes identifying state and local government policies, programs, and priorities where evidence shows including legal services alongside other supportive services can improve outcomes, effectiveness, and cost efficiencies for the people government seeks to serve.

States receive a significant influx of federal grants to implement many public policies and programs including those to enable access to health care, income security, education, employment, social services, and housing, and improve family stability and public safety. Federal grants account for about [one-third of state government funding](#) and more than half of state government funding for health care and public assistance.

Many opportunities to financially support civil legal aid flow from states' powers to administer some of those federal funding sources. Avoiding here the technical differences among the [different grant mechanisms](#), this matrix focuses on those [block](#), [formula](#), and [open-end reimbursement grants](#) where the federally-established amounts and spending parameters give states flexibility to tailor spending to local priorities and allow state spending on civil legal aid – whether to support self-represented litigants, brief counsel and advice, or limited and/or full representation. Each of the federal funding sources in the matrix have their own authorizing statute, regulations, formulas, sub-regulatory guidance and degrees of flexibility.

The matrix is intended as an introduction to the possibilities for partnering with state and local governments to address the need for civil legal help that advances government priorities involving low-income and other underserved populations. It provides an overview of those state-administered federal funds that can support legal aid and examples of how states have used these funds to advance their goals with legal aid. It also gives helpful tips, like how to find your state's administrator, how much funding is available, and where to find state-specific plans and reports. For an abbreviated overview of this resource, please see JGP's [Grants Matrix At-a-Glance](#).

This matrix features:

- AmeriCorps [State and National](#), [VISTA](#), [NCCC](#), and [Senior Corps](#)
- [Community Development Block Grant \(CDBG\)](#)
- [Community Services Block Grant \(CSBG\)](#)
- [Family Violence Prevention and Services Formula Grants \(FVPSA\)](#)
- [Older Americans Act \(OAA\), Title III-B](#)
- [Ryan White HIV/AIDS Program](#)
- [Social Services Block Grant \(SSBG\)](#)
- [State Opioid Response grants \(SOR\)](#)
- [STOP \(Services, Training, Officers, and Prosecutors\) Violence Against Women Formula Grant](#)
- [Substance Abuse Prevention and Treatment Block Grant \(SABG\) and the Community Mental Health Services Block Grant \(MHBG\)](#)
- [Temporary Assistance for Needy Families \(TANF\)](#)
- [Title IV-D – Child Support and Establishment of Paternity](#)
- [Title IV-E – Federal Payments for Foster Care and Adoption Assistance](#)
- [Title IV-E – Support and Prevention Services](#)
- [Victims of Crime Act \(VOCA\) Victim Assistance Formula Grants](#)
- [Workforce Innovation and Opportunity Act \(WIOA\) State Formula Funding](#)



## Take special note:

1. Victims of Crime Act (VOCA) Victim Assistance Formula Grant
  - U.S. Department of Justice Office for Victims of Crime (OVC)
2. STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant
  - U.S. Department of Justice Office on Violence against Women (OVW)
3. Title IV-D Child Support
  - U.S. Health & Human Services Office for Child Support Enforcement (OCSE)
4. Title IV-E Child Welfare/Foster Care
  - U.S. Health & Human Services Office for Child Support Enforcement (OCSE)
5. AmeriCorps
  - Corporation for National & Community Service (CNCS)



# Finally, the last one...

## Websites for federal discretionary grants

- **State Justice Institute funding toolkit:** The toolkit is designed to support local courts, state courts, and their justice system partners as they pursue federal and philanthropic funding opportunities. It includes resources that encompass the entire grant seeking, writing and management process, such as planning checklists, sample documents, frequently asked questions and fact sheets.
  - <https://fundingtoolkit.sji.gov/>
- **National Legal Aid & Defender Association's federal grants center:** Provides a curated, up-to-date listing of funding opportunities offered by federal agencies. It is regularly updated with new solicitations for grants for which civil legal aid and/or public defense providers may be eligible to apply.
  - <http://www.nlada.org/federalgrantscenter>



# Q & A

**Send your questions to Casey/host in chat**

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# Thank you!

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