



REQUEST FOR PROPOSALS FOR FUNDING LEGAL AID FOR VICTIMS OF SEXUAL ASSAULT

Application Deadline: August 3, 2015

PLEASE READ CAREFULLY

The Texas Access to Justice Foundation (“TAJF”) is pleased to announce the availability of funds from the Texas Supreme Court for Legal Aid for Victims of Sexual Assault. Available funding has been appropriated by the 84th Texas Legislature in the amount of \$10,000,000 for the 2015-2016 Biennium.

This funding opportunity is for a 24-month grant term that begins on October 1, 2015 and ends on September 30, 2017. **Organizations are eligible to submit an application in response to this Request for Proposals (“RFP”) ONLY after the applicant has attended the mandatory pre-application convening on July 23, 2015** (*see details below*). Applications must be submitted online, via TAJF’s online grants management system at <http://grants.tajf.org>. **Applications can be submitted no sooner than July 24, 2015 and no later than August 3, 2015.**

Mandatory Pre-Application Convening

In order to be eligible to apply for funding, each applicant or potential project partner **MUST** attend the Pre-Application Convening organized by the Texas Access to Justice Foundation.

Required Pre-Application Convening

July 23, 2015

9:00 a.m.—3:00 p.m.

Emily Sloan Room

South Texas College of Law

1303 San Jacinto Street

Houston, TX 77002

This pre-application convening is designed to provide examples of program models from Texas and across the country to legal aid providers interested in applying for funds for the expanded delivery of civil legal aid to victims of sexual assault. Each potential applicant must be represented by an attorney who is a member of the organization’s Senior Management Team and has the authority to direct project design. This IS a convening for key decision makers who are

already versed in designing delivery systems within a program. This is NOT a convening for grant writers, resource development staff or non-advocates.

Any organization that has questions concerning the application should contact Jonathan Vickery at jvickery@teajf.org or at 1.800.253.3401 Ext. 110. Assistance over the phone or in person will be available before and after the convening on July 23, 2015.

We look forward to the receipt of your application.

**LEGAL AID FOR VICTIMS OF SEXUAL ASSAULT
REQUEST FOR PROPOSAL
CALENDAR
FY 2015-2016**

June 29, 2015	Release Notice of Request for Proposals, including Notice of Pre-Application Convening
July 2, 2015	Request for Proposals Posted
July 23, 2015	Mandatory Pre-Application Convening on Legal Aid for Victims of Sexual Assault 9:00 a.m.—3:30 p.m. South Texas College of Law 1303 San Jacinto Street Houston, TX 77002
July 24, 2015	Applications available in WebGrants
August 3, 2015	Deadline to submit proposals
Late August, 2015	TAJF Board Decision
Early September, 2015	Award notices sent to applicants
October 1, 2015	Award period begins
May 1, 2016	Six-Month Program Report Due to TAJF
November 1, 2016	Six-Month Program Report Due to TAJF
May 1, 2017	Six-Month Program Report Due to TAJF
September 30, 2017	Award period ends
November 1, 2017	Final Six-Month Program Report Due to TAJF

REQUEST FOR PROPOSALS

Sexual Assault Legal Services Grant Program

The Texas Access to Justice Foundation (TAJF) is charged with allocating, administering and monitoring funds appropriated specifically to support legal services for victims of sexual assault. TAJF undertakes this role on behalf of the Texas Supreme Court. As outlined in Texas Gov. Code §420.008, these funds (and other like appropriations from the same source) will “promote the development throughout the state of locally based and supported nonprofit programs for survivors of sexual assault and to standardize the quality of services provided.”

TAJF seeks to strengthen the quality and expand the reach and scope of civil legal services available for sexual assault victims through the provision of grants to local legal services programs.

TAJF intends for funded programs to actively network with each other and with hotlines, shelters and other community-based organizations that provide counseling and social services to victims of sexual assault. The goal is to provide a comprehensive statewide delivery system to handle the civil legal problems that result from sexual assault, including but not limited to: provision of civil protective orders, assistance with lease terminations and relocation-related matters, help in obtaining victim compensation and available privacy protections, and other issues impacting victims’ rights and recovery.

Legislative Authority

In 2007, the 80th Texas Legislature passed the **Restriction on Owners, Operators, Managers, or Employees of Sexually Oriented Businesses**. The intent of this legislation was to tax “sexually oriented businesses” to generate revenue that would, in part, underwrite sexual assault programs. Monies generated from per-visitor fee, in pertinent part, fund:

the supreme court . . . to provide victim-related legal services to sexual assault victims, including legal assistance with protective orders, relocation-related matters, victim compensation, and actions to secure privacy protections available to victims under law.

Club owners and other opponents immediately and repeatedly challenged the constitutionality of the underlying legislation. While these challenges were pending in the appellate courts, the tax was being continually collected, with the resulting funds held on deposit by the Controller pending the outcome of the litigation. All pending litigation has been successfully resolved, and so the long-anticipated disbursement of funds is now possible.

Consequently, the 84th Texas Legislature recently appropriated \$10,000,000 (for the biennium) to the Supreme Court of Texas to provide basic civil legal services to victims of sexual assault consistent with the purposes established for the Court in Tex Gov. Code §420.008 Sexual Assault Program Fund, which are “... *to provide victim-related legal services to sexual assault victims, including legal assistance with protective orders, relocation-related matters, victim compensation, and actions to secure privacy protections available to victims under law.*” All \$10,000,000 must be disbursed by the end of the state Fiscal Year 2016.

Overview of TAJF

The Texas Access to Justice Foundation is a 501(c)(3) nonprofit corporation created by the Supreme Court of Texas in 1984 to administer the funds that support the provision of free civil legal aid for low-income persons in Texas. TAJF is committed to the vision that all Texans will have equal access to justice, regardless of their ability to pay.

The Foundation administers funds from various sources, including Interest on Lawyers Trust Accounts (IOLTA), Basic Civil Legal Services (BCLS), and Crime Victims Civil Legal Services (CVCLS) as well as funds from foundations and private donations. These diverse funding sources make it possible for the Texas Access to Justice Foundation to award millions of dollars each year to local programs for the provision of legal aid to low-income Texans.

Basic Civil Legal Services (BCLS) Restrictions

The funds appropriated by the Legislature for the Sexual Assault Legal Services Grant Program are considered part of the Basic Civil Legal Services (BCLS) and thus are subject to all statutory restrictions incumbent on BCLS funds. The BCLS restrictions are available at <http://www.teajf.org/grants> and as Attachment X. **All applicants are required to certify that they have read Attachment IX (TAJF Funds Restrictions) and Attachment X (BCLS Court Order) and will comply with all BCLS restrictions if funded.**

BCLS funds may NOT be used to: directly or indirectly support a class-action lawsuit; to directly or indirectly support a lawsuit against a government entity (except by groups or individuals to gain benefits authorized by statute or regulation); political party or candidate, to directly or indirectly support lobbying for or against a candidate or issue; to directly or indirectly support abortion litigation; to directly or indirectly represent an individual who is confined to jail or prison; to directly or indirectly provide legal services to an individual who is not legally in this country unless necessary to protect the physical safety of the individual; and in matters that might be reasonably expected to result in a fee from public funds or from an opposing party unless appropriate attempts have been made to obtain representation from an attorney in private practice.

Civil Legal Needs of Sexual Assault Survivors

The number of sexual assault victims living among us is startling. In Texas, **1 in 5 women**, and **1 in 20 men** will be sexually assaulted during their lifetime, according to the Texas Association Against Sexual Assault (TAASA). Over 80% of Texans who were sexually assaulted did not report the assault to law enforcement. Said another way, the Texas Department of Public Safety reports that one rape was committed in Texas for each hour of 2013. Some 18,612 sexual assaults were reported to Texas law enforcement agencies in 2013.

As a review of DPS's 2013 *Crime in Texas* statistics show, the perpetrator can be a stranger (15.86%) or, more likely, a romantic partner (11%), a parent (15.3%) or other family member (19%) or an acquaintance (39.04%). The age group with the highest number of reported victims was the 10-to-14 year old bracket, followed by the 15-to-19 year old bracket. (The full report is at [www.http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm](http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm).)

There is significant overlap between sexual assault and family violence. According to a landmark 2011 report by the University of Texas School of Social Work, **one in three** adult Texans—a total of 5,353,424 adult Texans—has experienced intimate partner violence in his or her lifetime. Some 13% of Texas women reported both being victims of both physical and sexual violence.¹

Texas is also seeing an increase in **human trafficking**, in which many of the victims are also sexual assault survivors (including through forced participation in commercial sex trade) and need help with the legal issues involved in rebuilding their lives. According to the National Human Trafficking Resource Center tip line, **Texas ranks second** in the number of calls received regarding human trafficking. In 2013, then-Attorney General Greg Abbott estimated that 20% of ALL trafficking victims in the United States travel through Texas, usually on the Interstate-10 corridor. The U.S. Department of Justice has named Houston as the #1 trafficking hub in the nation.

Sexual assault rips through a victim's life. In addition to the inherent physical and emotional trauma, rape can have a long-term impact on a victim's privacy, education, housing, employment, immigration status, and financial security.

There are legal remedies that can greatly promote victim safety and wellbeing such as obtaining protective and restraining orders, assistance in accessing medical and psychological aid, advocacy with law enforcement and prosecution, resolving housing and employment issues related to their victimization, obtaining divorce and child custody/support, and helping establish eligibility for victim compensation and crime-related public benefits.

In particular, civil protective orders offer a measure of justice and improved safety for the many sexual assault victims whose cases will never be prosecuted. For the victims whose cases do go

¹ Busch-Armendariz, Noel Bridge et al., *Statewide Prevalence of Intimate Partner Violence in Texas*, June 2011, Institute on Domestic Violence and Sexual Assault Center for Social Work Research, The University of Texas at Austin.

to trial, there are strong arguments that protective orders offer more and better protection than the bond conditions that prosecutors use to protect victims during an active criminal case.

Unfortunately, the availability of free civil legal aid for sexual assault victims is extremely limited. Waiting lists for legal aid programs are often overwhelming. In addition, the variety of civil legal issues facing sexual assault clients is not well understood. Finding attorneys who are knowledgeable in sexual assault issues is difficult. While there are multiple avenues for victims of domestic violence to seek civil legal aid in Texas, there are no clear avenues for victims of sexual assault. This new Sexual Assault Legal Services Grant Program has as its goal to provide sexual assault victims across Texas with a clear avenue—and ready access—to knowledgeable and competent legal assistance.

These funds will create and support a legion of lawyers and paralegals who are trained to address the myriad legal issues that arise for survivors with understanding and sensitivity.

Mandatory Pre-Application Convening

On July 23, 2015, the Texas Access to Justice Foundation will host a day of presentations centering on the structure and scope of legal aid programs representing victims of sexual assault and showcasing model legal aid programs from Texas and across the country. Experts in sexual assault will offer insights that should assist interested parties in project design and the development of comprehensive proposals.

Attendance is mandatory, with each applicant required to send a member of Senior Management, i.e. an attorney with authority to make project design decisions. If, after reviewing the application requirements below, your organization is interested in submitting an application for funds, you can register for the convening by contacting Lisa Ayotte at layotte@teajf.org by **July 13, 2015**.

Grant Applicant Eligibility Requirements

Before you register for the convening, please review the criteria below.

- Must be a tax-exempt 501(c)(3) organization that has as its primary purpose the delivery of free legal aid to low-income persons.
- Must demonstrate a genuine sensitivity to the dynamics of sexual violence and the ability to inculcate a deep understanding of these dynamics into all aspects of its program.
- Must show a level of commitment to addressing sexual assault as part of the rationale for why the organization should be selected for funding.
- Must have at least one in-house full-time staff attorney employed prior to submitting an application.

- Must utilize a case management system and procedures that ensure that data necessary for the effective case management is accurately and timely recorded in the system and can be provided as data reports requested by TAJF. (*See Attachments II-V*).
- Program management must routinely monitor data for timely case handling, lack of duplication and the capacity to meet funding sources' full reporting requirements.
- Must have in place screening and intake procedures that include instructions to solicit sufficient data from applicants to determine the total amount of household income for eligibility.
- Must be able to demonstrate that staff practice and follow these screening and intake protocols uniformly and consistently.
- Must also be able to provide quarterly financial and programmatic reports to TAJF including actual expenditures as well as programmatic and case statistical information on the legal services provided.

Client Eligibility Requirements

- Clients must be victims of sexual assault. For the purposes of this grant, sexual assault is defined as “any forced, coerced, unwanted sexual contact.”

The Texas Association Against Sexual Assault provides this expanded definition of sexual assault on its website, www.taasa.org.

“Sexual assault is any forced, coerced, unwanted sexual contact.

While there are specific legal definitions of rape and sexual assault in the Texas Penal Code, sexual violence is best understood as a broader continuum of unwanted non-mutual sexual activities that range from subtle to extremely violent. Sexual assault can include, but is not limited to, rape, sexual threats and intimidation, incest, sexual assault by intimate partners, child sexual abuse, human sexual trafficking, sexual harassment, street harassment and other forms of unwelcome, coerced or non-consensual activity. The term “sexual abuse” is also often used to describe the wide range of activities that constitute sexual assault.”

- Civil legal services to be provided must relate directly to the sexual assault and/or to helping survivors recover from harm and injuries sustained and to seek justice, protection and safety.
- Clients to be served using TAJF funds must meet household income eligibility limits of 125% of the Federal Poverty Guidelines (*see Attachment VII*) and having qualified using one of the two asset eligibility tests outlined in Attachment VII.

- Only clients and cases eligible that are eligible under the criteria outlined above may be supported with Sexual Assault Legal Services Grant Program funding.

Geographic Service Area To Be Served

Legal-aid programs can apply for funding to support civil legal services for victims of sexual assault to be offered in one of the three regions as defined in Attachment I. Projects can only serve all or part of one region unless the proposal is to offer statewide service. Note: If an eligible client from outside of the region applies for services, then the grantee must locate and make a referral to a Sexual Assault Legal Services Program grantee where the client resides.

All programs that receive funds under the Sexual Assault Legal Services Grant Program must agree to receive—and to assist, if at all possible—any and all victims who were determined eligible for services by a TAJF-funded legal aid provider in another region. This requirement does not preclude, nor is it intended to interfere with, any lawyer from exercising his or her ethical and professional responsibilities.

New Grant Applicants

If the program is not a current TAJF grantee (“new applicant”), then the following documents must be uploaded into the online grants system *in addition to the grant application*:

1. IRS 501(c)(3) determination letter
2. Articles of Incorporation
3. Current Bylaws
4. Current Board of Directors roster with terms of service
5. Most recent 12 months of Board Minutes
6. Most recent independent Financial Audit and Form 990
7. 2015 Organization budget
8. Any monitoring/audit /desk or site review report issued within the last 24 months
9. Certificate of professional liability and malpractice coverage. (Only need summary page)
10. Case Acceptance policies and Program Priorities
11. Current Client Financial Eligibility Guidelines
12. List by position of all paid staff of organization
13. List of all Texas attorneys employed by organization to provide free civil legal aid. If the Executive Director is not a licensed attorney, please note Managing Attorney.
14. If Organization has multiple offices, list of offices and their locations
15. If fees are charged clients, most recent fee schedule with explanation as to when fees are required and when they are waived
16. Current Client Grievance & Appeal Policy
17. Program’s Board-approved Non-Discrimination Policy

Note: Applications submitted without ALL of the requested documentation uploaded may not be considered for funding. If a particular document is requested that the program does not have,

please attach a separate page stating the name of the document and that it is unavailable or is not applicable.

Online Grants System

Grant applications will **only** be accepted through the [online grants system](#). You must be registered before you can submit an online application. If new to the system, click on “Register” and enter the applicable information. Once approved, you will be able to access the Sexual Assault Legal Services Grant Program materials by selecting *Funding Opportunities* from the *Main Menu*.

The online grant application consists of narrative questions about the proposed project, the number of persons projected to receive legal services and the geographic region to be served as well as the submission of a proposed budget. Budget categories can be found in Attachment VI.

Examples of Permitted Uses of Funds

Funding to be provided under this RFP can be used for:

- Staff Attorney representation of individual clients
- Appropriate direct program support for individual representation
- Know Your Rights, Education seminars and presentations to partner agencies on legal services offered by the grantee
- Preparation of informational materials regarding the services the grantee will provide
- Creation of—or participation in—a collaboratively developed legal advice/legal information hotline

Non-allowable Activities

Activities or areas that **will not** be considered as an allowable use of funds include:

- Activities that are not in direct support of the provision of free legal services to sexual assault survivors; and
- Projects or services which duplicate training, education or services that already exist in the geographic area.

In order to be eligible for legal services, there must be a demonstrated relationship between the harm or injury suffered as a result of the sexual assault and the legal service to be rendered.

Available Funds

All awards and disbursement of funds under this RFP are contingent upon the availability of funds dedicated to this purpose to the Comptroller of the State of Texas.

- TAJF reserves the right to reallocate any awarded funds that may be unobligated and returned by the award recipient under this RFP. Reallocation to established priority areas is completely at TAJF's discretion.
- All project targets and benchmarks **must be completed by August 31, 2017.**
-

Content of Application

Proposals for Sexual Assault Legal Services Grant Program must answer contain information addressing each of the application requirements set forth by TAJF. These requirements are:

1. Overview of Applicant Organization [New Applicants Only]
2. Experience in Representing Victims of Sexual Assault [For All]
3. Snapshot of Accomplishments
4. Screening Clients for Eligibility [New Applicants Only]
5. Project Narrative
 - a. Problem Statement
 - b. Target Population and Outreach
 - c. Goals and Objectives
6. Project Evaluation Plan
 - a. Staff responsible
 - b. Process evaluation
 - c. Outcome evaluation
7. Organizational Capacity
 - a. Management Structure
 - b. Community Collaborations
 - c. Job Description(s), Salaries and Resumes of Key Persons
 - d. Cooperative Agreements
 - e. Assurances
8. Projected Levels of Legal Services
9. Pro Bono Projections
10. Budget
 - a. Summary
 - b. Narrative

Failure to complete all required fields will prevent consideration of your request for funds.

Project Narrative

This section should provide an overview of the problem or challenge that needs to be addressed, the target population, target community, goals and objectives for overcoming the identified problem(s), a timeline for implementation and an impact statement. The project narrative should include the following information:

- a. **Problem Statement:** Describe the problem that gives rise to the proposed project. Provide statistical data regarding the nature and extent of the identified problem. *The identified problem must be related to the project's goals and objectives.*
- b. **Target Population & Outreach:** Indicate the target population that your project will serve, e.g. child abuse victims, underserved area. Describe the target community, including its location (list all counties), population, geographic nature (i.e., rural, urban or combination) and any other relevant demographic and geographic information. **Note:** A critical component of each proposal is how potential clients will be made aware of the availability of proposed services, particularly those hard-to-reach populations being targeted.
- c. **Goals and Objectives:** This section should clearly illustrate what the applicant proposes to do and to accomplish. Applicants should describe major goals and **measurable** objectives for the project and the specific methods that will be used to achieve those goals and objectives. *Note: Applicants must also provide a timeline for implementing the project that details the activities that will occur during each quarter of the grant period. All PROJECT TARGETS AND BENCHMARKS MUST BE COMPLETE BY SEPTEMBER 30, 2017.*

Project Evaluation

TAJF is committed to funding organizations whose goals are to provide comprehensive, high-quality legal advocacy. With the Sexual Assault Legal Services Grant Program, TAJF is also committed to the creation of a state-wide infrastructure sufficient to ensure that survivors of sexual assault can rapidly, easily and confidentially obtain access needed legal services. In this section, outline how the program will assess and evaluate the project if funded. In order to assess the progress in developing this network of sexual assault advocates, all funded projects are **required to conduct both a Process Evaluation and an Outcome Evaluation during the second year** of the grant term. **Reminder:** Job descriptions should reflect an appropriate percentage of staff time to be devoted to program evaluation.

- a. **Staff Responsible:** Applicants should provide the title(s) of the staff member(s) who will be responsible for designing and implementing the evaluation plan, for collecting data and analyzing results, and for recommending program improvements based on evaluation results.
- b. **Process Evaluation:** Grantees will be required to complete Quarterly Reports that describe progress towards goals and objectives, including the number and type of activities completed. Funded programs should also utilize tools—such as client interviews upon case closing, follow-up interviews 90 days after closing, client satisfaction surveys—to determine needed program improvements and/or enhancements.

- c. **Outcome Evaluation:** Funded projects are also expected to plan and implement an outcome evaluation for proposed design and development activities. Grantees will be responsible for analyzing and reporting on results at the end of the calendar year 2016.

Example of Outcome Evaluation Planning:

Goal: Design and implement a unified referral system from sexual assault crisis centers/shelters to regional provider of legal services.

Survey: Send each agency a link to electronic survey that solicits feedback on the referral process.

Follow-up Interviews: If a survey response indicated issues or suggestions regarding the referral strategy, contact the partner agency for additional information.

Data Analysis: To ferret out issues that the above strategies did not detect, analyze client geographic distribution and follow up with collaborating sexual assault crisis centers in areas where referrals are low as compared to original expectations, peer agencies or like communities.

Outcome-Based Revisions: All project partners meet to revisit the referral system based upon above feedback and develop a plan to fully implement the new referral system.

In this section of the proposal please include the following for **all** proposed collaborative or network-building activities:

- **Name of Activity/Strategy:** Brief description of activity, intensity (length or duration), target audience, number of clients reached and key strategies to accomplish goals.
- **Target Outcomes:** List anticipated results from undertaking the activity.
- **Tools & Instruments:** Include type of information gathered, methodology (interview, survey, etc.), the instrument (script or form), when it is to be administered, who is evaluated, and any possible consent issues.

If applicants have conducted similar kinds of evaluations in the past and wish to use existing evaluation protocols, please describe the evaluation design (methods, sample, and data collection procedures) and provide a copy of the specific survey or instrument to be used.

Organizational Capacity

This section should illustrate the applicant organization's capacity, most notably its ability to provide legal services to sexual assault victims and implement the project as proposed. The following information must be included:

- a. **Management Structure:** Applicants should outline the management structure and organizational capability for this specific proposed program implementation. *Please include an organization chart with names and titles.*

- b. Community Collaboration:** Identify and describe the role of any partner organization or joint efforts with other agencies necessary to the completion of the project. Address how the project will incorporate victim and stakeholder involvement.
- c. Sample Job Descriptions and Salaries of Key Persons:** Provide the job description and salary range for each of the key positions necessary to complete the project.
- d. Cooperative Agreements:** Should a TAJF-funded program share a service area (city, county) with another TAJF-funded program for the purpose of providing these services, a current Cooperative Agreement must be in place. If there is no Cooperative Agreement in effect, then grant awards will be made on a competitive basis, with consideration given to past performance and compliance history. **Note:** “Current” Cooperative Agreement is defined as one dated within 60 days of the RFP deadline. TAJF staff can confirm if there is a program that shares your intended project area.
- e. BCLS Grant Assurances:** The attached BCLS Grant Assurances form must be signed by the applicant’s Authorized Representative and downloaded as part of the application.

Projected Levels of Sexual Assault Legal Services

In this section, project the estimated numbers of clients who will receive the following levels of legal services as a result of the project. Give a projected number for each year—2015-2016 *and* 2016-2017—of the grant term.

- a. Brief Advice and/or Counsel
- b. Assistance in Completing Forms or Applications or other limited service
- c. Representation in Court and/or Administrative Proceedings
- d. Representation in Appeals or Other Complex Matters

Pro Bono

In this section, project the number of private attorneys who will be directly involved in providing legal services to sexual assault victims. Give a projected number for each year—2015-2016 *and* 2016-2017—of the grant term.

- a. Number of New Volunteer Attorneys Recruited
- b. Number of Clients who were successfully referred to a volunteer attorney, i.e. where the attorney accepted the case

Budget Summary

- All funds budgeted in the grant must be supported by the Project Description.
- Include any donations or in-kind services that will be used for this project.
- Other limitations and requirements are addressed in the TAJF Funds Restrictions and BCLS Grant Assurances (*see Attachments IX—X*) included in this application package.

Submission of Application

Applicants can access the online grants system by going to <http://grants.tajf.org>. You must register before you can submit an online application. If new to the system click on “register” and enter applicable information. Once approved, you will be able to access funding opportunities. To access the new funding opportunities, select *Funding Opportunities* from the *Main Menu*.

This system offers convenient features such as:

- Previewing & printing application before starting & at any point before submission
- Ability to copy previous applications and use as source document for new application(s)
- Ability to save work and return to it later
- Easy editing of forms
- **Note:** The fields for narrative responses hold a maximum of 3,500 characters.
- Copying and pasting text from word-processed documents into Web forms
- Required fields to help make sure that all necessary data was included
- Error alerts when a required field is empty or when incorrect data types (such as text in a numeric field) are entered.
- Simple file attachments
- Convenient & informative drop-down lists and check boxes

Prior to submitting an application, please reference the formal grant application protocol listed on <http://grants.tajf.org>.

Data Collection

Continued funding by the Texas Legislature hinges on TAJF’s ability to demonstrate the positive impact that this first appropriation for Sexual Assault Legal Services Grant Program had on the lives of victims of sexual assault provide throughout the state.

In order to do this, each grantee will need to record and capture a set of metrics (*See Attachments II-V*) that have been developed by TAJF. This data will then be aggregated and reported out to establish the tremendous positive impact that these funds had for their intended purpose.

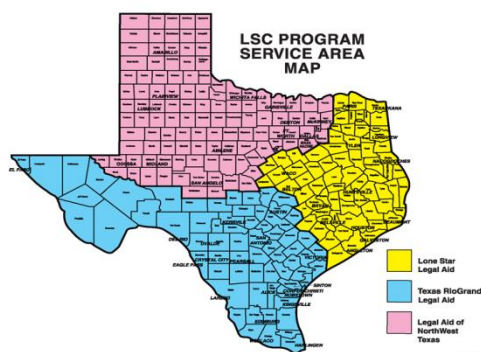
Attachments II and Attachment V provide some of the client profile data and legal outcomes that awardees will be required to track and to record.

Review Process

All applications will be reviewed by TAJF grants staff. All decisions will be made by the TAJF Board. Award determination letters will be e-mailed to applicants in mid-September.

LIST OF ATTACHMENTS

Attachment I	TAJF Service Areas by Counties in Region
Attachment II	Client Profile for Required Data Collection
Attachment III	Key Definitions for Tracking, Recording & Reporting on TAJF-Funded Cases
Attachment IV	Legal Problem Codes
Attachment V	Legal Outcomes to be Tracked & Reported
Attachment VI	Budget Definitions & Budget Form
Attachment VII	Financial Income Guidelines
Attachment VIII	Grant Assurances
Attachment IX	TAJF Funds Restrictions
Attachment X	Court Order Approving BCLS



ATTACHMENT I

TAJF Service Areas by Counties in Region

Southwest Texas

Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Llano, Mason, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, Refugio, San Patricio, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, Zavala

Northwest Texas

Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Brown, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Cottle, Crane, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Grayson, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reagan, Roberts, Rockwall, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Yoakum, Young

East/Gulf Coast Texas

Anderson, Angelina, Austin, Bell, Bosque, Bowie, Brazoria, Brazos, Burleson, Camp, Cass, Chambers, Cherokee, Colorado, Coryell, Delta, Falls, Fayette, Fort Bend, Franklin, Freestone, Galveston, Gregg, Grimes, Hamilton, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Jasper, Jefferson, Lamar, Lampasas, Lee, Leon, Liberty, Limestone, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Rains, Red River, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington, Wharton, Wood.

ATTACHMENT II

Client Profile Data to be Collected & Reported

- Elderly
- Children/youth
- Victims of Crime (including domestic violence)
- Persons with disabilities
- Migrant workers
- Homeless persons
- Persons with AIDS
- If serving one distinct client population other than those listed above, please specify:

ATTACHMENT III

Key Definitions Used for Tracking, Recording & Reporting on TAJF-Funded Cases

Case: *A "case" is a distinct legal problem or a set of closely related legal problems of a client, and legal activities or processes used in resolving those problems. The case must have been accepted by the program and includes advice, counsel and limited action, as well as other types of legal representation. A client with two or more closely related problems will be considered as presenting a single case if all of the problems will be resolved through a single legal process or forum. The provision of legal information does not, by itself, constitute a case.*

Legal Information: *Legal information is defined as the provision of substantive information not tailored to address a person's specific legal problem. As such, it is general, and does not involve applying legal judgment and does not recommend a specific course of action. For example, providing only a pamphlet or brochure is legal information and not legal assistance. The provision of legal information does not create an attorney-client relationship. Legal information alone is not legal assistance and the provision of legal information may not be reported as a Case Service Report number. However, this activity should be tracked and documented so as to be available for other non-case reports.*

NOT REPORTABLE AS CASE

Major Reason Case Closed Definitions

Counsel and Advice: *A case closed as a result of the provision and receipt of legal advice to an eligible client, e.g., the review of relevant facts, the exercise of judgment in interpreting the particular facts presented and in applying the relevant law to the facts, and the counseling of the client on actions to take to address the problem(s).*

Limited Action: *A case closed through limited action(s) on behalf of an eligible client that addressed the client's legal problem but that is not as complex or extended as to meet the requirements for "extensive service." Examples include: communications by letter, telephone or other means to a third party; preparation of a simple legal document such as a routine will or power of attorney; or legal assistance to a pro se client that involves preparation of court or other legal documents.*

Negotiated Settlement without Litigation: *A case closed through negotiation where an actual settlement was reached on behalf of a client without any court or administrative actions pending. This category should be reserved for cases in which the advocate conferred with another party so as to reach a resolution of the client's legal problem.*

Negotiated Settlement with Litigation:

A case closed through negotiations where settlement was reached while a court or administrative action was pending. This is reserved for cases in which the advocate conferred with another party to resolve client's problem and where an appearance has been entered as counsel. Assisting a pro se client does not fall into this category.

Administrative Agency Decision:

A case closed because of representation of a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, after a hearing or other formal administrative process. This category does not include settlements made during the course of litigation that are then approved by the administrative agency, voluntary dismissals or the grant of a motion to withdraw as counsel.

Court Decision:

A case closed in which the advocate represented a client in a court proceeding that resulted in a case-dispositive decision made by the judge or jury should be closed as a Court Decision. This category is divided into the following three subcategories:

(a) Uncontested Court Decisions

When there is no adverse party or else the adverse party does not contest the case;

(b) Contested Court Decisions

When there is an adverse party and that party contests the case;

(c) Appeals

When an appeal is taken to an appellate court from a final decision of any court or tribunal

Other:

A closed case that does not fit any of the preceding case closure categories. Cases which fit two or more CSR categories may not be closed in this category, but should be closed in the category that best reflects the highest level of service provided.

Extensive Service (not resulting in Settlement or Court or Administrative Action)

A case closed in which the program undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or else provided extensive on-going assistance to clients who are proceeding pro se. Some examples are preparation of complex advance directives, wills, contracts, real estate documents or other legal documents, or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party which do not result in a negotiated settlement. In addition, cases closed after the start of litigation where the program appears as counsel of record but that does not result in a negotiated settlement, administrative agency or court decision, or in which an order of withdrawal or voluntary dismissal is entered should be closed in this category.

ATTACHMENT IV

Legal Problem Codes

That Must be Recorded for Each Client's Case

Clients' legal problems are to be categorized and tracked using ONLY ONE of the below:

CONSUMER/FINANCE

- 01 – Bankruptcy/Debtor Relief
- 02 – Collection (Including Repossession/Deficiency/Garnishment)
- 03 – Contracts/Warranties
- 04 – Collection Practices/Creditor Harassment
- 05 – Predatory Lending Practices (Not Mortgages)
- 06 – Loans/Installment Purchase (Not Collections)
- 07 – Public Utilities
- 08 – Unfair and Deceptive Sales and Practices (Not Real Property)
- 09 – Other Consumer/Finance

EDUCATION

- 11 – Reserved
- 12 – Discipline (Including Expulsion and Suspension)
- 13 – Special Education/Learning Disabilities
- 14 – Access (Including Bilingual, Residency, Testing)
- 15 – Vocational Education
- 16 – Student Financial Aid
- 19 – Other Education

EMPLOYMENT

- 21 – Employment Discrimination
- 22 – Wage Claims and other FLSA (Fair Labor Standards Act) Issues
- 23 – EITC (Earned Income Tax Credit)
- 24 – Taxes (Not EITC)
- 25 – Employee Rights
- 26 – Agricultural Worker Issues (Not Wage Claims/FLSA Issues)
- 29 – Other Employment

FAMILY

- 30 – Adoption
- 31 – Custody/Visitation
- 32 – Divorce/Separation/Annulment
- 33 – Adult Guardian/Conservatorship
- 34 – Name Change
- 35 – Parental Rights Termination
- 36 – Paternity

37 – Domestic Abuse

38 – Support

39 – Other Family

JUVENILE

41 – Delinquent

42 – Neglected/Abused/Dependent

43 – Emancipation

44 – Minor Guardian/Conservatorship

49 – Other Juvenile

HEALTH

51 – Medicaid

52 – Medicare

53 – Government Children’s Health Insurance Programs

54 – Home and Community Based Care

55 – Private Health Insurance

56 – Long Term Health Care Facilities

57 – State and Local Health

59 – Other Health

HOUSING

61 – Federally Subsidized Housing

62 – Homeownership/Real Property (Not Foreclosure)

63 – Private Landlord/Tenant

64 – Public Housing

65 – Mobile Homes

66 – Housing Discrimination

67 – Mortgage Foreclosures (Not Predatory Lending/Practices)

68 – Mortgage Predatory Lending/Practices

69 – Other Housing

INCOME MAINTENANCE

71 – TANF

72 – Social Security (Not SSDI)

73 – Food Stamps

74 – SSDI

75 – SSI

76 – Unemployment Compensation

77 – Veterans Benefits

78 – State and Local Income Maintenance

79 – Other Income Maintenance

INDIVIDUAL RIGHTS

81 – Immigration/Naturalization

82 – Mental Health

84 – Disability Rights

- 85 – Civil Rights
- 86 – Human Trafficking
- 87 – Sexual Assault
- 89 – Other Individual Rights

MISCELLANEOUS

- 91 – Legal Assistance to Non-Profit Organization or Group (Including Incorporation/Dissolution)
 - 92 – Indian/Tribal Law
 - 93 – Licenses (Drivers, Occupational, and Others)
 - 94 – Torts
 - 95 – Wills/Estates
 - 96 – Advance Directives/Powers of Attorney
 - 97 – Municipal Legal Needs
 - 99 – Other Miscellaneous
-

ATTACHMENT V

Legal Outcomes To Be Tracked & Reported To TAJF

1. Consumer/Finance

- 101 Obtained federal bankruptcy protection
- 201 Stopped or reduced debt collection activity
- 202 Averted repossession
- 203 Avoided or reduced deficiency judgments
- 204 Avoided, ended or reduced garnishment or levy
- 205 Stopped or avoided predatory lending practices
- 301 Overcame unfair or illegal sales contracts or fraudulent sales practices
- 302 Enforced sales contracts and/or warranties
- 303 Obtained life insurance benefits for spouse or beneficiary of deceased person
- 401 Obtained or preserved credit or resolved credit reporting errors
- 701 Avoided or delayed utility termination, or secured utility services
- 702 Obtained waiver or reduction of utility arrearage (including phone)
- 991 Obtained advice & counsel on a Consumer/Finance matter
- 992 Obtained non-litigation advocacy services on a Consumer/Finance matter
- 993 Obtained adverse decision in a Consumer/Finance matter
- 999 Obtained other benefit on a Consumer/Finance matter, none of the above

2. Education

- 1100 Avoided fraudulent student financial aid practices
- 1101 Avoided corporal punishment or delayed suspension or expulsion
- 1106 Avoided barriers to educational services
- 1103 Avoided inappropriate special education classification
- 1104 Obtained individualized educational program and/or appropriate services consistent with the special education law
- 1105 Obtained correction of school records
- 1191 Obtained advice & counsel on an Education matter
- 1192 Obtained non-litigation advocacy services on an Education matter
- 1193 Obtained adverse decision in an Education matter
- 1199 Obtained other benefit on an Education matter, none of the above

3. Employment

- 2101 Overcame, or obtained redress for, job discrimination based on race, gender, disability, age, sexual orientation, national origin, immigration status, or other factors not related to job
- 2201 Obtained wages, back (or equal) pay or overtime due
- 2301 Obtained assistance in applying for EITC
- 2401 Obtained taxpayer advocacy assistance with Federal income taxes
- 2501 Enforced employee rights under state or federal law
- 2601 Addressed issues adversely impacting agricultural workers

- 2901 Avoided, or obtained redress for, wrongful discharge
- 2902 Delayed discharge
- 2904 Obtained job training
- 2905 Resolved on-the-job issues such as safety or grievance procedures
- 2906 Resolved minimum wage dispute
- 2907 Enforced employment contract
- 2908 Overcame, or obtained redress for, violation of protective statutes
- 2909 Asserted collective rights in employment
- 2991 Obtained advice & counsel on an Employment matter
- 2992 Obtained non-litigation advocacy services on an Employment matter
- 2993 Obtained adverse decision in an Employment matter
- 2999 Obtained other benefit on an Employment matter, none of the above

4. Family

- 3001 Obtained adoption
- 3101 Obtained or maintained custody of children
- 3102 Obtained or preserved right to visitation/possession
- 3103 Avoided removal of children
- 3201 Obtained a divorce
- 3202 Obtained a divorce, including custody and support
- 3203 Obtained ex parte/temporary orders prior to client/attorney withdrawing
- 3204 Obtained annulment
- 3301 Obtained guardianship (adult)
- 3302 Prevented guardianship (adult)
- 3304 Prevented guardianship
- 3401 Obtained name change
- 3502 Avoided termination of parental rights
- 3503 Obtained family reunification
- 3601 Established paternity for child
- 3602 Established paternity and obtained support
- 3701 Obtained a divorce in a case involving domestic violence
- 3702 Obtained a divorce with Protective Order in a case involving domestic violence
- 3703 Obtained a divorce with Protective Order, including custody, support (child and/or spousal) and appropriate terms of possession in a case involving domestic violence
- 3704 Obtained divorce, including custody, support and appropriate terms of possession in a case involving domestic violence
- 3705 Obtained temporary orders prior to client/attorney withdrawing in a case involving domestic violence
- 3720 Obtained Protective Order from domestic violence
- 3721 Obtained Protective Order, Custody and Support (child and/or spousal) in a case involving domestic violence
- 3722 Obtained protection from elder abuse or neglect
- 3723 Obtained assistance with safety planning

- 3791 Obtained advice & counsel on a domestic violence matter
- 3792 Obtained non-litigation advocacy services on a domestic violence matter
- 3801 Obtained, preserved or increased child support
- 3802 Obtained modification of child support
- 3803 Obtained, preserved or increased spousal support
- 3901 Obtained foster care services
- 3902 Improved terms of foster care plan
- 3991 Obtained advice & counsel on a Family matter not involving domestic violence
- 3992 Obtained non-litigation advocacy services on a Family matter not involving domestic violence
- 3993 Obtained adverse decision in a Family matter
- 3999 Obtained other benefit on a Family matter, none of the above

5. Juvenile

- 4301 Obtained emancipation of minor
- 4401 Obtained protection of rights by representing minor in guardianship or conservatorship
- 4991 Obtained advice and counsel on a Juvenile matter
- 4992 Obtained non-litigation advocacy services on a Juvenile matter
- 4993 Obtained adverse decision on a Juvenile matter
- 4999 Obtained other benefit on a Juvenile matter, none of the above

6. Health

- 5101 Obtained, preserved or increased Medicaid or Medicare benefits/rights
- 5102 Obtained assistance with Medicaid planning
- 5301 Obtained, preserved or increased Children's Health Insurance Program benefits
- 5901 Obtained, preserved or increased individual access to health care
- 5902 Prevented abuse or premature discharge, or assured quality care, in nursing home or mental treatment facility
- 5903 Obtained discharge from nursing home or mental treatment facility
- 5401 Obtained preserved or increased home and/or community based care benefits
- 5501 Obtained, preserved or increased private health insurance benefits
- 5601 Obtained, preserved or increased access to long term health care facilities
- 5701 Obtained, preserved or increased Crime Victim's Compensation benefit
- 5904 Stopped, or obtained redress for, harmful medical treatment
- 5905 Obtained, or enforced terms of, health or disability insurance
- 5991 Obtained advice & counsel in a Health matter
- 5992 Obtained non-litigation advocacy services in a Health matter
- 5993 Obtained adverse decision in a Health matter
- 5999 Obtained other benefit on a Health matter, none of the above

7. Housing

- 6101 Obtained access to Section 8 housing
- 6102 Obtained access to housing under applicable law
- 6201 Obtained assistance in homeownership
- 6202 Obtained clear title to property
- 6203 Had fraudulent mortgage rescinded
- 6301 Prevented eviction from private housing
- 6302 Delayed eviction providing time to seek alternative housing
- 6304 Avoided, or obtained redress for, charges by landlord
- 6305 Overcame denial of tenant's rights under lease
- 6306 Obtained repairs or otherwise enforced rights to decent, habitable housing
- 6307 Preserved or restored access to personal property
- 6401 Prevented denial of public housing tenant's rights
- 6402 Prevented eviction from public housing
- 6501 Prevented loss of /or eviction of mobile home
- 6601 Overcame, or obtained redress for, discrimination in obtaining or keeping housing
- 6701 Avoided or delayed foreclosure or other loss of home
- 6801 Rescinded, modified and/or avoided mortgage because of predatory lending practices
- 6901 Overcame, or obtained redress for, discrimination in obtaining housing
- 6902 Obtained assistance in development/renovation of affordable housing
- 6991 Obtained advice & counsel in a Housing matter
- 6992 Obtained non-litigation advocacy services in a Housing matter
- 6993 Obtained adverse decision in a Housing matter
- 6999 Obtained other benefit on a Housing matter, none of the above

8. Income Maintenance

- 7101 Obtained, preserved or increased general public assistance or TANF benefits/rights
- 7102 Overcame denial of emergency assistance by DHS
- 7103 Overcame illegal or unfair application of welfare work requirement
- 7104 Avoided wrongful placement or term of training
- 7201 Obtained, preserved or increased Black Lung benefits/rights
- 7301 Obtained, preserved or increased food stamps eligibility/right
- 7401 Obtained, preserved or increased SSA benefit/right
- 7402 Obtained, preserved or increased SSD benefit/right
- 7501 Obtained, preserved or increased SSI benefit/right
- 7601 Obtained, preserved or increased unemployment insurance benefits/rights
- 7701 Obtained, preserved or increased Veterans benefits/rights
- 7702 Obtained, preserved or increased other military benefits/rights
- 7801 Obtained Workmen's Compensation benefits/rights
- 7802 Obtained, preserved or increased Crime Victim's Compensation benefit
- 7902 Obtained, preserved or increased civil service retirement or disability benefits/rights
- 7903 Obtained, preserved or increased railroad retirement benefits/rights

- 7904 Obtained identification
- 7991 Obtained advice & counsel in an Income Maintenance matter
- 7992 Obtained non-litigation advocacy services in an Income Maintenance matter
- 7993 Obtained adverse decision in an Income Maintenance matter
- 7999 Obtained other benefit on an Income Maintenance matter, none of the above

9. Immigration

- 8101 Obtained relief from deportation
- 8102 Obtained citizenship
- 8103 Obtained asylum or relief under convention against torture
- 8104 Obtained release from INS custody
- 8105 Obtained adjustment of legal status
- 8106 Obtained employment authorization or obtained/replaced Green Card
- 8107 Family kept intact
- 8108 Obtained tort relief under civil rights claim
- 8109 Obtained relief or redress from constitutional violation
- 8110 Obtained administration relief from misconduct
- 8111 Undocumented minor obtained declaration as abused, neglected or abandoned
- 8191 Obtained advice & counsel in an Immigration matter
- 8192 Obtained non-litigation advocacy services in an Immigration matter
- 8193 Obtained adverse decision in an Immigration matter
- 8199 Obtained other benefit on an Immigration matter, none of the above

10. Disability

- 8401 Obtained discharge from institutional setting (i.e., state schools, state hospitals, nursing homes, ICF-MRs)
- 8402 Secured appropriate treatment plans in institutional setting
- 8403 Obtained investigation of abuse or neglect in institutional setting
- 8404 Obtained validation of abuse or neglect in institutional setting
- 8405 Secured vocational rehabilitation (i.e., employment) training services
- 8406 Secured, maintained or advanced in employment
- 8407 Secured access to or maintained housing
- 8408 Secured access to or maintained health care
- 8409 Secured or maintained financial benefits or entitlements
- 8410 Secured an appropriate public education
- 8411 Secured appropriate educational services in an inclusive and integrated setting
- 8412 Secured transition services as part of their IEP
- 8413 Obtained reversal of illegal suspension/expulsion from school
- 8414 Secured or maintained assistive technology devices/services
- 8415 Secured community residential and support services
- 8491 Obtained advice & counsel in a Disability-Related matter

- 8492 Obtained non-litigation advocacy services in a Disability-Related matter
- 8493 Obtained an adverse decision in a Disability-Related matter
- 8499 Obtained other benefit related to rights of disabled persons

11. Other Individual Rights

- 8601 Prevented and/or obtained relief from, the battery or cruelty, sexual assault or trafficking, or related crimes, for victims of trafficking or victim family members
- 8701 Obtained a Protective Order for victims of sexual assault or victim family members
- 8702 Obtained or preserved educational rights of victims of sexual assault or sexual abuse
- 8703 Obtained or preserved employment rights of victims of sexual assault or sexual abuse
- 8704 Obtained or preserved housing rights of victims of sexual assault or sexual abuse
- 8705 Obtained or preserved privacy protections for victims of sexual assault or sexual abuse
- 8705 Obtained, preserved or increased victims compensation or victim-related public benefits for victims of sexual assault or sexual abuse
- 8706 Provided legal advocacy with law enforcement and/or prosecutors for victims of sexual assault or sexual abuse
- 8902 Obtained or preserved rights of community residence facility resident(s)
- 8903 Obtained or preserved rights of other institutionalized person(s)
- 8904 Obtained, preserved or increased access to public facilities/ accommodations
- 8991 Obtained advice & counsel in an Individual Rights matter
- 8992 Obtained non-litigation advocacy services in an Individual Rights matter
- 8993 Obtained adverse decision in an Individual Rights matter
- 8999 Obtained other benefit on an Individual Rights matter, none of the above

12. Miscellaneous Outcomes

- 9101 Obtained incorporation
- 9102 Obtained dissolution of corporation
- 9103 Obtained tax exempt status
- 9104 Obtained judicial relief
- 9301 Overcame taking of or restriction to a driver's license
- 9302 Obtained occupational license
- 9401 Avoided or reduced tort judgment
- 9501 Obtained a will
- 9502 Settled estate
- 9503 Obtained a living will and/or health proxy/health care power of attorney
- 9504 Obtained a special needs trust
- 9505 Obtained a financial power of attorney
- 9506 Obtained assistance with estate planning / living trusts
- 9507 Obtained major estate planning packet, without execution
- 9508 Obtained major estate planning packet, with execution

- 9601 Obtained assistance in filing for Crime Victim's Compensation
- 9701 Obtained assistance with Federal income taxes
- 9702 Obtained assistance in filing for Earned Income Tax Credits
- 9799 Solved other tax problem
- 9903 Obtained assistance with business start/development
- 9999 Other Outcome/None of the Above - Specify:

ATTACHMENT VI

Project Budget Definitions

1. Line Item Expenditure Categories Definitions

Personnel:

Lawyers: *This category should include all salaries and wages paid to program attorneys, whether employed directly or supervised by the program, and whether full-time, part-time, or temporary.*

Paralegals: *This category should include salaries and wages paid to program paralegals (non-attorney case handlers), whether employed directly or supervised by the program, and whether full-time, part-time, or temporary. Paralegals are persons whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation in administrative matters, and outreach and community work.*

Other Staff: *This category should include salaries and wages paid to all other program staff, whether employed directly or supervised by the program, whether administrative/clerical staff, students, or others, and whether full-time, part-time or temporary.*

Employee Benefits: *This category should include the typical fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, worker's compensation, unemployment insurance, and other payroll-related costs.*

Non-Personnel:

Space: *This category includes rent, debt service, utility payments, maintenance and janitorial expenses.*

Equipment Rental: *This category includes lease or rental expenses for office furniture, fixtures, and equipment (except telephone). It also includes maintenance costs for that equipment whether pursuant to a service contract or individual repair bills.*

Supplies: *This category includes all basic office accessories and supplies, including material used in copiers. Printing and postage are included in this category. All equipment purchases under \$100 may be placed under this line item.*

Telephone: *This category includes rental of telephone equipment (including cellular phones), monthly telephone service, and tolls for long distance calls. Similar and related expenses such as fax or other telecommunications should be included as well.*

Travel: *This category includes travel expenses directly related to specific client matters, circuit riding, administration of the program, etc. While most travel expenses will be local or intra-state, interstate travel may also be included here.*

Training: *All non-personnel costs, to be paid out of program operating funds, associated with training or continuing education of staff members should be included here. Examples would be: travel to/from training events, per diem, conference registration fees or tuition, purchase of training materials, rent for facilities used in a training event, etc. Materials or equipment purchased for training with a value in excess of \$100 should be reported under "Capital Additions." No program personnel costs should be included here.*

Library: *This category includes expenses for the maintenance of office libraries, including subscriptions to periodicals, books, reference materials, and multiple-volume sets of law books. Additions to the library holdings over \$100 should be included under "Capital Additions."*

- Insurance:** *This category includes professional liability insurance, bonding, property insurance (fire and theft), and liability insurance for property and automobiles.*
- Audit:** *This category includes expenses for auditors. Outside bookkeeping and accounting services should be reported in "Contract Services."*
- Litigation:** *This category includes court costs, witness fees, expert witness expenses, service of process, sheriff fees, copying and other expenses incurred but not recovered in litigation on behalf of eligible clients.*
- Capital Additions:** *This category includes equipment and library purchases over \$100 per item and other major expenses which occur infrequently (e.g. major renovation). A separate footnote is required for any purchase in excess of \$500.*
- Contract Services:** *This category covers two types of expenditures, namely payments to others who provide legal services for clients as well as for services to the program itself, such as legal counsel for program management, consultant fees exclusive of those paid for training, payments to computer service bureau, bookkeeping or other accounting services, etc. If the total in this category exceeds \$2,000, then individual costs in excess of \$250 must be itemized.*
- Other:** *This category includes all program expenses not included above. Specify each cost included in "Other."*

2. Definition of "Direct or Program" and "Indirect or Administrative" Costs

Program or Direct Costs: *This category consists of expenditures that are identified specifically with the direct delivery of civil legal services. Program Costs are typically Direct Costs. Typical Program Costs include the following:*

- (1) Compensation of attorneys, paralegals, law clerks, law students and direct support staff for time and effort devoted specifically to the provision of basic civil legal services.*
- (2) Cost of materials acquired, consumed or expended specifically for the purposes of the grant.*
- (3) Equipment and other approved capital acquisitions necessary to accomplish the purposes of the Grant.*
- (4) All other items of expense incurred specifically to carry out the purposes of the grant.*

Indirect or Administrative Costs: *This category consists of costs incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results achieved. Administrative Costs are typically Indirect Costs. Charges for Administrative Costs normally will include items such as occupancy, utilities, telephone, office supplies or administrative salaries incurred for the benefit of the Program as a whole, as well as other activities of the Grantee.*

3. Other Financial Definitions

Expenditures: *Money spent on your organizations legal services program.*

Revenue: *Money received for your organization's legal services program, i.e. cash receipts. Revenue and Expenditures will not inherently be equal.*

2015-17 GRANT AWARD BUDGET FORM

Grant Term for this Budget October 1, 2015—September 30, 2017

Organization: _____	Date: _____
Project: _____	Grant ID #: _____
Prepared by: _____	e-mail: _____
Phone: _____	ext.: _____

<u>Cost Category*</u>	Proposed Budget Funds		
	<u>Proposed Program Budget*</u>	<u>Proposed Administrative Budget*</u>	<u>Total Proposed Budget</u>
<u>Personnel:</u> # = 1, 1.25, 1.5 ...			
1. Lawyers (#= _____ FTE)	_____	+	_____ = _____ 0
2. Paralegals (#= _____ FTE)	_____	+	_____ = _____ 0
3. Others (#= _____ FTE)	_____	+	_____ = _____ 0
Salary Subtotal	0	+	0 = 0
4. Employee Benefits	_____	+	_____ = _____ 0
Total Personnel	0	+	0 = 0
<u>Non-Personnel:</u>			
5. Space	_____	+	_____ = _____ 0
6. Equipment Rental	_____	+	_____ = _____ 0
7. Supplies	_____	+	_____ = _____ 0
8. Telephone	_____	+	_____ = _____ 0
9. Travel	_____	+	_____ = _____ 0
10. Training	_____	+	_____ = _____ 0
11. Library	_____	+	_____ = _____ 0
12. Insurance	_____	+	_____ = _____ 0
13. Audit	_____	+	_____ = _____ 0
14. Litigation	_____	+	_____ = _____ 0
15. Capital Additions (Specify)	_____	+	_____ = _____ 0
16. Contract Services (Specify)	_____	+	_____ = _____ 0
17. Other (Specify)	_____	+	_____ = _____ 0

BUDGET NARRATIVE FORM

Please use the space provided for a brief, but specific explanation of description of intended expenditures for each items for which funds have been requested.

Note: For the salary line items, TAJF requests two different numbers: the percentage of FTE to be funded (budget page) AND the number of positions (narrative below) that will be funded with TAJF funds.

Example: Program requests \$75,000 in funds to pay for lawyers salaries but you are going to allocate the funds to three different attorney positions. One is fully funded at \$45,000 which is 1 FTE; one is funded with \$10,000 which (if full salary is \$45,000) is FTE .22 and the third attorney position (if full salary is \$45,000) is funded with \$5,000 which is FTE .11. Adding up the FTEs would equal 1.44 FTE while three separate positions are funded.

1. Lawyers: include # of positions to be funded.

2. Paralegals: include # of positions to be funded.

3. Other Staff: include # of positions to be funded.

4. Employee Benefits:

5. Space:

6. Equipment Rental:

7. Supplies:

8. Telephone:

9. Travel:

10. Training:

11. Library:

12. Insurance:

13. Audit:

14. Litigation:

15. Capital additions:

16. Contract services:

17. Other:



ATTACHMENT VII

FINANCIAL INCOME GUIDELINES

Each year, the Texas Access to Justice Foundation (TAJF) adopts criteria relating to income, assets and liabilities defining the indigent persons eligible to benefit from Foundation grants. Income-eligibility standards are based on the federal poverty guidelines issued by Department of Health and Human Services (DHHS) and published each year in the Federal Register by DHHS. Below are the TAJF Guidelines that incorporate the 2015 federal poverty data.

These guidelines establish maximum income levels for individuals and families eligible for assistance from TAJF-funded legal aid programs such as sexual assault fund. The purpose of the criteria for income, assets, and liabilities is to determine whether an individual seeking legal assistance, funded in part or whole with TAJF funds, has insufficient income and assets to make private legal assistance unavailable and therefore is eligible under one of TAJF's grant programs.

Organizations receiving funds from the Sexual Assault Legal Services Grant Program must use such funds to provide free civil legal services to victims of sexual assault who are eligible for services under these guidelines and under the enacting rules of the source of funds (see <http://tajf.org/grants/applications.aspx>). Grantees must adopt and utilize this criteria relating to income, assets, and liabilities defining the indigent persons eligible to benefit from TAJF grants.

For individuals served via the Sexual Assault Legal Services Grant Program, TAJF defines low-income households as having an annual income at or below 125% of the federal poverty level and whose assets cannot exceed certain limits established by the grantee.

Grantees must have written asset and liabilities criteria in place for defining indigent persons eligible for TAJF-funded free civil legal services. See section on "**Assets Limitations.**"

DEFINITIONS

1. **Family:** Includes only those persons related by blood or by law to the applicant and for whom the applicant has a legal responsibility of support.
2. **Income:** Actual current annual total cash receipts before taxes of all persons who are resident members of and contribute to support of the family to the extent that such funds are legally and actually available to the family.

3. **Liquid Assets:** Those assets that can readily and promptly be converted to cash by the individual seeking assistance, prior to the time that the assistance is required. Only net liquid assets, i.e. what remains after subtracting all expenses of conversion and taxes, are considered.
4. **Non-Liquid Assets:** All assets other than liquid assets.
5. **Available:** Assets to which the individual seeking assistance has legal and actual access without having to obtain the consent or cooperation of another person over whom the individual does not have control and who does not, in fact, consent or cooperate

No Exceptions to Income Guidelines

Unlike Legal Services Corporation funds, there are **no** provisions to allow household incomes to exceed the TAJF maximum household income caps. No deductions or expenses are to be considered when calculating whether the household income meets TAJF income guidelines.

Intake and Screening of Applicants

Grantees' screening and intake procedures must include instructions to solicit sufficient data from the applicant to determine the total amount of household income, and grantees must be able to reasonably demonstrate that staff follows procedures uniformly and consistently. The total amount of the applicant's household income must be recorded even if the total is zero. Records of TAJF client eligibility must be retained and be available for inspection in a manner consistent with attorney-client confidentiality.

To determine monthly income, divide annual income by 12. For weekly income, divide annual income by 52, or divide monthly income by 4.2. Your approach must be in writing and used consistently. Income received twice a month should be multiplied by 2 to establish monthly income. If the applicant is a seasonal employee, consideration can be based on previous year. Applicants must be informed of their duty to report changes in income that occur after their case is accepted.

If an applicant's total household income is derived solely from a means-tested government program for low-income individuals or families, then the TAJF grantee may determine that the applicant is financially eligible based solely on the receipt of those benefits; however, the grantee must record household size, household income, and the specific identity of the government program.

ASSET LIMITATIONS

Grantees must have an Assets & Liabilities Policy that caps the amount of assets for eligibility determinations regarding TAJF-funded cases and clients. Grantees may select one of the below options **OR** develop an alternative asset policy that is consistent with the intent to provide free civil legal services to indigent individuals. The policy must be adhered to uniformly and consistently by staff and volunteers in determining eligibility for free civil legal services. The policy must be approved by their Board of Directors/ Board of Trustees or governing body. If

the legal program is a component of a larger non-legal aid institution such as religious organization, then the Chief Executive Officer may approve the policy. In the case of law school clinical program or bar association *pro bono* grantees, another designated authorized body or individual beyond the manager/director of the legal aid program must approve policy. The asset policy regarding TAJF eligibility must be in writing and available upon request.

OPTION 1

- 1) In general, an individual client may have up to \$10,000 in liquid assets (plus \$5,000 for each additional family member) and \$15,000 in non-liquid assets (plus \$5,000 for each additional family member).
- 2) Exempted from the asset limit are the client's principal residence, first car, personal and household goods, tools or equipment essential to employment, trusts restricted to educational or medical purposes, interest in IRA or Keogh plans, assets not counted by public assistance programs, and burial plots or trusts.
- 3) Where a client owns property, each asset must be identified (e.g., *savings account*), and its value must be entered into the client's financial eligibility field in their case-management system or paper application. The client's home, household goods, one car, or checking and/or savings account whose combined value is less than \$2,000 need not be listed. If the client has no countable assets, the grantee will report "*None*" in the appropriate area of the financial eligibility field.

OPTION 2

- 1) An individual seeking assistance may not have total family assets disregarding exclusions, if in excess of the following:
 - a) Liquid assets of \$2,500 or non-liquid assets of \$20,000 OR
 - b) \$5,000 in liquid assets or \$40,000 in non-liquid assets if a member of the applicant's family is elderly, handicapped, or institutionalized.
- 2) An individual seeking assistance may not have total family assets, disregarding exclusions, in excess of the following:
 - a) Liquid assets in excess of two times—or non-liquid assets in excess of four times—the estimated cost of obtaining private legal assistance for the matter on which assistance is sought OR
 - b) Liquid assets in excess of three times the estimated cost of obtaining private legal assistance for the matter on which assistance is sought, IF a member of the applicant's family is elderly, handicapped, or institutionalized, in which case non-liquid assets may be disregarded.
- 3) Where a client owns property, each asset must be identified (e.g., *savings account*), and its value must be entered into the client's financial eligibility field in their case-

management system or paper application. The client's home, household goods, one car, or checking and/or savings account whose combined value is less than \$2,000 need not be listed. If the client has no countable assets, the grantee will report "None" in the appropriate area of the financial eligibility field.

- 4) **Exclusions:** The following items are to be excluded from consideration in determining whether an individual seeking assistance has assets in excess of those permitted:
- The principal residence of an individual seeking assistance or of any member of the applicant's family.
 - The reasonable equity value in work-related equipment that is essential to the employment (or self-employment) of an applicant or members of an applicant's family.
 - Any assets which are exempted from execution by Texas or Federal Law.

TAJF 2015 FINANCIAL INCOME GUIDELINES

	2015 Sexual Assault Grant Financial Eligibility Guidelines <i>125% of Federal Poverty Guidelines</i>
People in Household	<u>Annual</u> Household Income 125% of Poverty Guideline
1	\$14,713
2	\$19,913
3	\$25,113
4	\$30,313
5	\$35,513
6	\$40,713
7	\$45,913
8	\$51,113
For each additional household member in excess of 8, ADD:	\$5,200

ATTACHMENT VIII

BASIC CIVIL LEGAL SERVICES GRANT ASSURANCES

Assurances Given by Applicant as Conditions for Receipt of Sexual Assault Grant

Instructions: This form must be signed by the organization's Authorized Representative. Scan the document with signatures and attach to electronic application. The electronic component in the application then may be completed by electronic signatures. An application is considered incomplete *regardless of any correspondence with TAJF* if this form is not signed and uploaded into the applicant's WebGrants folder.

By executing these assurances the applicant organization agrees that any award under this RFP will be administered, and activities or services provided, in accordance with the BCLS Grant Assurances and any other applicable state and federal laws and regulations. This organization agrees to use any funds awarded under this RFP only for those activities described in this application.

The applicant organization provides assurances that none of the funds will be used to:

1. Duplicate training, education, or services already existing in a geographic area;
2. Purchase any improvement(s) to real estate;
3. Make any cash payment to, or on behalf of, clients for items or services such as clothing, food, shelter or health services;
4. Satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds;
5. Supplant any funds that were previously budgeted and/or funded, or
6. Support administrative costs in excess of the percentage that these specific grant funds constitute of the organization's overall budget.

The applicant organization agrees to the following:

1. To maintain records that document the nature and outcomes of its activities, including records necessary for the appropriate accounting of all funds received and disbursed.
2. To make available to TAJF all records or documents related to the activities funded under this RFP.
3. To make such financial and programmatic reports available to TAJF as may reasonably be required.
4. To protect the confidentiality of victims and to prevent the inappropriate disclosure of information related to victims of sexual assault.
5. That no person shall, on the basis of sex, race, primary language, disability, or religion, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or part by awarded funds. Applicable laws include (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendments of 1972, (3) Section 504 of the Rehabilitation Act of 1973, and (4) the Age Discrimination Act of 1975.

6. To initiate proposed project activities promptly on October 1, 2015 unless prior written approval of a delay is obtained.
7. To make available for replication statewide any educational or programmatic materials developed in whole or in part using Sexual Assault Legal Services Grant Program funds.
8. To collaborate locally, regionally and statewide in pursuit of the goals of the Sexual Assault Legal Services Grant Program. This collaboration requirement includes sharing of any relevant program information with other organizations.
9. To attend periodic trainings sponsored by TAJF in cooperation with the Texas Association against Sexual Assault.
10. To use funds from the Sexual Assault Legal Services Grant Program exclusively to provide direct legal services to survivors of sexual assault and for coalition-building activities.
11. To submit completed Quarterly Reports.
12. To provide TAJF with a copy of all brochures, pamphlets or other educational materials funded for printing under this grant.

Applicant further assures that:

1. Applicant certifies that it is currently a 501(c)(3) non-profit corporation and will restrict the use of TAJF funds to law-related activities or purposes that are charitable or educational within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954, and will not use TAJF grant funds for any prohibited purposes.
2. It will restrict the use of TAJF funds to permissible activities and legal services to permissible eligible clients in accordance with the specific TAJF fund requirements. Applicant understands that fees by the organization may not be charged to a TAJF-funded client in whole or in part, including fees such as appointment or consultation fees. This does not include fees to be paid to a third party by the client such as filing fees and court fees and costs. Applicant also understands and agrees that TAJF clients must be income eligible according to the specific TAJF rules outlined in Attachment VII, Financial Eligibility Guidelines. In executing these Grant Assurances, the program's Authorized Representative acknowledges that he or she has reviewed TAJF's Financial Eligibility Guidelines and that the program will strictly comply with these restrictions.
3. Except for matters involving limited advice and brief services (e.g. clinics, hotlines, and similar services), applicants shall execute a written retainer agreement, or letter of engagement, with each client who receives legal services from the grantee. For cases that are referred by applicants to *pro bono* private attorneys, applicants shall make available to the accepting attorney a standard form retainer agreement that may be modified based on agreement between the *pro bono* attorney and client.
4. Applicant acknowledges that it is responsible for compliance with TAJF grant requirements including specific grant manual provisions that can be accessed at www.teajf.org. Applicant acknowledges that it will, upon request, cooperate with all data collection and evaluation activities undertaken by TAJF and give any authorized

representative of TAJF access to any copies of all financial records, books, papers, or documents, provided that TAJF shall not have access to any reports, records, or information subject to the attorney-client privilege. Applicant will provide, upon request, periodic written reports detailing the use of TAJF funds in light of the proposed use described in the grant application.

5. Applicant understands and agrees that the TAJF may, in its sole discretion, grant funds in greater or lesser amounts and/or for greater or lesser periods of time than requested in this application. It also understands and agrees that TAJF may award funds but limit the amount allocated to non-personnel or indirect costs. It further understands that there are no assurances that TAJF will fund the proposal submitted.
6. Applicant understands and agrees that the application, once received by TAJF, becomes the property of TAJF.
7. Applicant will promptly notify TAJF of any organizational or programmatic changes that mean that the information contained in its grant application and budget is no longer accurate or that would render the organization ineligible for a TAJF grant.
8. **TexasLawHelp Participation Certification:** Applicants understand that they must be listed in the TexasLawHelp directory of legal services located at www.TexasLawHelp.org. If grantee is listed in the TexasLawHelp directory, grantee assures that its listing on TexasLawHelp is accurate and up-to-date as of the date of this application. Applicant further agrees to provide a link to www.Texaslawhelp.org on their own organization web site and that the link will be prominently displayed. Applicant further agrees that if funded for the 2015-2017 grant term, the applicant will (1) contribute to a substantive law folder on www.Texaslawhelp.org and (2) collaborate and consult with Texas Legal Services Center as to what content or materials are needed for the site that the applicant can provide, create or update. Applicant agrees to continue to contribute to the website in a reasonable and good faith manner throughout the grant term.

I have read the TAJF Funds Restriction (Attachment IX) and BCLS Court Order (Attachment X) as well as these BCLS Grant Assurances and understand that if this application is approved for funding, the grant will be subject to these assurances. I certify that the Applicant will comply with these assurances if the application is approved. To the best of my knowledge and belief, all data and information in this application are true and correct and the applicant will comply with all assurances and requirements if this project is awarded funding

Executive/Program Director:

Board Chairperson:

Signature: _____

Signature: _____

Date: _____

Date: _____

ATTACHMENT IX

TAJF FUNDS RESTRICTIONS

TAJF Sexual Assault Legal Services Grant Program funds may NOT be used:

- To directly or indirectly support a class action lawsuit;
- To directly or indirectly support a lawsuit against a governmental entity (except by groups or individuals to gain benefits authorized by statute or regulation as outlined below in section titled "Suits against Government"), political party or candidate;
- To directly or indirectly support lobbying for or against a candidate or issue;
- To directly or indirectly support abortion litigation;
- To directly represent an individual who is confined to jail or prison;
- To directly provide legal services to an individual who is not legally in this country unless necessary to protect the physical safety of the individual and
- May not be used for any case or matter that, if undertaken on behalf of an indigent individual by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to an individual client from public funds or from an opposing party, unless appropriate attempts have been made to obtain representation from an attorney in private practice (SEE BELOW ATTORNEY FEE CASES).
- SUITS AGAINST GOVERNMENT - Funds may be used to support a lawsuit brought by an individual, solely on behalf of the individual or the individual's dependent or ward, to compel a governmental entity to provide benefits that the individual or the individual's dependent or ward is expressly eligible to receive, by statute or regulation, including social security benefits, aid to families with dependent children, financial assistance under Chapter 31, Human Resources Code, food stamps, special education for persons with disabilities, Medicare, Medicaid, subsidized or public housing, and other economic, shelter or medical benefits provided by a government directly to an indigent individual, **but not to support a claim for actual or punitive damages.**

ATTORNEY FEE CASES - The prohibition of handling cases involving attorney fees shall not be applicable in any case where the organization determines in good faith that the indigent person seeking legal assistance has made reasonable efforts to obtain the services of an attorney in private practice for the particular matter (including contacting attorneys in private practice in

the county of residence of the indigent person who normally accept cases of a similar nature), and has been unable to obtain such services because the potential fee is inadequate, is likely to be uncollectible, would substantially consume any recovery by the client, or because of any other reason which the organization, acting in good faith, believes prevents the client from obtaining the services of a private attorney.

A TAJF Sexual Assault Legal Services Program grantee who is awarded attorney's fees shall send the attorney's fees to the Comptroller of the State of Texas if any attorney representing any party involved in the case was paid in that case directly from funds from a TAJF Sexual Assault Legal Services Program grant. The Comptroller shall deposit the fees to the credit of the Account for use in the Basic Civil Legal Services Program.

ATTACHMENT X

BCLS Court Order

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 98- **9001**

ORDER OF THE COURT APPROVING RULES AND PROCEDURES GOVERNING THE
ADMINISTRATION OF THE BASIC CIVIL LEGAL SERVICES PROGRAM, INCLUDING
THE DISTRIBUTION OF AND SANCTIONS WITH RESPECT TO THE FUNDS

WHEREAS, by an Act effective September 1, 1997, the legislature enacted Chapter 51, Government Code, Subchapter J ("Act"), relating to additional court filing fees to provide basic civil legal services to the indigent ("Basic Civil Legal Services Program"), a copy of the Act being attached as Exhibit A; and

WHEREAS, the Act requires the Supreme Court of Texas to adopt rules and procedures for the distribution of funds and the imposition of sanctions;

Now, therefore, pursuant to the Act, the Court adopts the following rules and procedures governing the administration of the Basic Civil Legal Services Program, including the distribution of and sanctions with respect to the funds ("Rules"):

1. Appointment of the Texas Equal Access to Justice Foundation

The Court hereby appoints the Texas Equal Access to Justice Foundation ("Foundation") to administer the Basic Civil Legal Services Program on behalf of the Court, including but not limited to, the application process, the recommendation to the Court of grant recipients, the distribution of funds by vouchers approved by the Court ("Funds"), the monitoring of grant recipients, the recommendation to the Court of sanctions, and the recommendation to the Court of appropriate reports.

2. Funds for the Basic Civil Legal Services Program

Pursuant to Section 51.901 of the Act, the clerk of each court shall collect the appropriate filing fees specified in Subsection (a) in the manner provided in Subsection (b), and shall remit the fees collected as provided in the applicable Subsection (c) or (d).

3. Funds to be Maintained in the Basic Civil Legal Services Account of the Judicial Fund Administered by the Court

Funds received by the Comptroller shall be credited to the basic civil legal services account of the judicial fund administered by the Court ("Account") for use in programs recommended by the Foundation and approved by the Court that provide basic civil legal services to the indigent. The Comptroller may pay money from the Account only on vouchers recommended by the Foundation and approved by the Court. Since the purpose of the Act is to increase the funds available for basic civil legal services to the indigent, Funds from the Account may be supplemented by local or federal funds and private or public grants.

4. Organizations Eligible and Criteria for Grants

The Foundation shall recommend and the Court shall approve grants to organizations, not individuals. To qualify for a grant, an organization must be a nonprofit organization exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code, as amended, or corresponding provisions of any subsequent United States Internal Revenue law or laws, and must provide basic civil legal services to indigent persons meeting the income eligibility requirements defined by the Act, and must be current in all filings required to be made by it with any governmental authority, maintain open records and conduct open meetings (subject to reasonable limitations for an organization of its type), be an equal employment opportunity employer, and be able to demonstrate that it can utilize any funds granted to it in a manner consistent with these Rules and policies adopted by the Foundation. No grantee shall subgrant any Funds to any other organization unless it is approved by the Foundation. The organization receiving a subgrant must read, understand, comply with, and agree in writing to be subject to and bound by the Act, Rules, grant provisions, and other policies of the Foundation. The organization providing the subgrant shall be responsible for monitoring the recipient organization to determine compliance. The organization receiving a subgrant also may be monitored by the Foundation.

5. Persons Eligible to Benefit from Grants

Organizations receiving Funds granted under the Basic Civil Legal Services Program shall use the Funds to provide basic civil legal services to individual indigent persons. "Indigent" means an individual who earns not more than 125% of the federal poverty guidelines published by the United States Department of Health and Human Services.

6. Use of Funds Limited to Cases Which Cannot Generate Fees

6.1 Funds granted under the Basic Civil Legal Services Program to organizations to provide legal services to the indigent in civil matters may not be used for any case or matter that, if undertaken on behalf of an indigent individual by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to an individual client from public funds or from an opposing party.

6.2 The provisions of Rule 6.1 shall not be applicable in any case where the organization receiving Funds determines in good faith that the indigent person seeking legal assistance made a reasonable effort to obtain legal services from an attorney in private practice for the particular legal matter, including contacting attorneys who practice law in the judicial district that is the residence of the indigent individual and who normally accept cases of a similar nature, and the indigent individual has been unable to obtain legal services.

6.3 A grantee awarded attorney's fees shall send the attorney's fees to the Comptroller if any attorney representing any party involved in the case was paid in that case directly from funds from a grant made out of the Account. The Comptroller shall deposit the fees to the credit of the Account for use in the Basic Civil Legal Services Program.

6.4 To the extent feasible in its recommendation of grants, the Foundation shall attempt to allocate attorney's fees deposited to the Account pursuant to Rule 6.2 generally to the service area in which they were awarded. A grantee with a federal statutory mandate pursuant to 42 U.S.C. 6041, 6042, 10801, and 10802 to use attorney's fees for a specific purpose and which remits attorney's fees to the Comptroller pursuant to Rule 6.3 shall be awarded a like amount for that specific purpose at the time of the next grant awards.

7. Certain Activities of Grantees

7.1 In addition to all other requirements and not by way of limitation, to be eligible to receive funds:

(i) Grantees will cooperate and collaborate in their service areas with (a) all other organizations providing civil legal services to the indigent, (b) the local organized bar, (c) relevant social and human service organizations, and (d) relevant governmental agencies in the establishment and use of reasonable procedures and processes to effect the referral of potentially fee generating cases to private attorneys. The procedures and processes shall provide reasonable complaint mechanisms for private attorneys.

(ii) In accepting and pursuing matters for clients, grantees shall adhere to the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure and any other code or rules of professional responsibility adopted by this state for attorneys and should exercise reasonable prudent judgment and consider all relevant factors, including the legal merits and the economic and practical value of the matter.

(iii) Except for matters involving limited advice and brief services (e.g. clinics, hotlines, and similar services), each grantee shall execute a written retainer agreement, or letter of engagement, containing appropriate provisions for withdrawal of representation, with each client who receives legal services from the grantee. For cases that are referred by grantees to private attorneys, the grantee shall make available to the accepting attorney a standard form retainer agreement which may be modified based on agreement between the attorney and client.

7.2 In addition to all other matters monitored by the Foundation and not by way of limitation, the Foundation shall monitor the foregoing activities of Grantees.

8. Funding of Certain Suits and Activities Not Permitted

Funds from the Account may not be used to directly or indirectly support a class action lawsuit, abortion-related litigation, or a lawsuit against a governmental entity, political party, candidate, or officeholder for an action taken in the individual's official capacity or for lobbying for or against a candidate or issue. Notwithstanding any provision of law to the contrary, funds from the Account may not be used for the representation of an individual who is confined to a local, state, or federal jail or prison. For the purposes of the Basic Civil Legal Services Program, a person is considered to be confined to a jail or prison if that person is so confined as a result of a determination of criminal responsibility by a court of competent jurisdiction or is being held under suspicion of a crime.

Order of the Court Approving Rules
and Procedures Governing the Administration
of the Basic Civil Legal Services Program,
Including the Distribution of and Sanctions
with respect to the Funds
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Funds from the Account may not be used to provide legal services to an individual who is not legally in this country, unless necessary to protect the physical safety of the individual. Funds from the Account may be used to support a lawsuit brought by an individual, solely on behalf of the individual or the individual's dependent or ward, to compel a governmental entity to provide benefits that the individual or the individual's dependent or ward is expressly eligible to receive, by statute or regulation, including social security benefits, aid to families with dependent children, financial assistance under Chapter 31, Human Resources Code, food stamps, special education for persons with disabilities, Medicare, Medicaid, subsidized or public housing, and other economic, shelter or medical benefits provided by a government directly to an indigent individual, but not to support a claim for actual or punitive damages.

9. Records and Reports of Grantees

9.1 As a condition to the award of a grant to any organization or program, the Court requires the grantee to acquire and maintain certain financial, program and other information and to submit periodic and special reports to assist the Foundation and the Court in monitoring compliance with the Act, these Rules, grant provisions, grant agreement, and other policies of the Foundation.

9.2 The required information is intended, among other matters, to provide the basis for the required reports; to facilitate review of the actual use of the funds granted; to evaluate programs; and to provide statistical data with respect to the level of need for basic civil legal services, the level of legal services provided by the grantee, and the remaining level of unmet need. All such information shall be as required by these Rules and as reasonably required by the Foundation pursuant to its policies, grant application, grant provisions, and grant agreement.

9.3 Each grantee shall keep its financial records in accordance with generally accepted accounting principles or other comprehensive basis of accounting approved by the Foundation for grantees of its type.

(i) Grantees must account for Funds as restricted funds, which specifically requires that any donor-imposed restrictions be met before Funds are expended.

(ii) Accounting records shall be supported by source documentation such as cancelled checks, paid invoices, time cards, time sheets, payrolls or similar data. The Foundation may disallow unsupported expenditures and may require that funds expended for unsupported expenditures be returned.

9.4 Grantees shall submit financial, program activity and other reports to the Foundation at least quarterly during the grant period and at such other times as shall be directed by the Foundation. These reports will be in the form and contain the information specified in these Rules and by the Foundation.

(i) The reports shall be in formats determined by the Foundation and designed to provide reasonable assurance that the restricted funds were spent in compliance with the purposes for which the grant was awarded, the Act and these Rules. Grantees will disclose any facts or events which would make the grantee ineligible for funding if applying for a grant as of the date of the report. Grantees will certify (i) at the commencement of the grant year that no Funds will be used for any activities prohibited by the Act and these Rules and (ii) quarterly during the grant year that no Funds have been used for such prohibited activities.

(ii) The financial report will detail the expenditure of the grant to date and compare those expenditures against the approved budget.

(iii) Grantees shall submit an annual financial statement within 120 days of the close of their fiscal year. The financial statement shall be prepared in conformity with FASB Statement No. 117, Financial Statements of Not-for-Profit Organizations. The financial statement shall include a supplemental schedule showing revenue and expenses from the grant by natural classification. This schedule will report actual expenses and compare them to the final amended approved budget, noting all differences. The financial statement shall be audited by an independent certified public accountant. The audit must be conducted in compliance with the Basic Civil Legal Services Program Compliance Supplement dealing exclusively with restrictions imposed on the Funds. All grantees must be audited regardless of size of the grant award unless the Foundation recommends and the Court approves an exception to this requirement. On receipt of a justified request from the Grantee, the Foundation may recommend and the Court may approve (1) a waiver of the requirement for an audited financial statement, (2) a grant audit in lieu of an audited financial statement, or (3) any other procedure or action as the Foundation may recommend to the Court or the Court may deem appropriate. Each request will be evaluated on a case-by-case basis.

9.5 Visits to one or more of a grantee's places of business by Foundation representatives may be made as determined by the Foundation to inspect the physical facilities, and to review financial and program records, operational policies and procedures, including but not limited to, observation of grantee's delivery of basic civil legal services, and such other aspects of a grantee's program as may be reasonably necessary to ensure compliance with the Act, these Rules, grant provisions, grant agreement, and other policies of the Foundation. Such monitoring visits will be conducted in reliance upon the practices and principles articulated by the American Bar Association in its Standards for the Monitoring and Evaluation of Providers of Legal Services to the Poor, adopted in 1991, and Standards for Providers of Civil Legal Services to the Poor, adopted in 1966 and revised in 1970.

9.6 The Foundation may not require that confidential information be divulged in breach of the attorney/client relationship.

9.7 Funds may be used for expenses as follows:

(i) Funds may be used for direct expenses incurred while engaging in activities that are not prohibited by the Rules. Direct expenses are those identified specifically with the provision of basic civil legal services including compensation, employee benefits and other employment costs, of attorneys, paralegals, law clerks, law students and direct support staff for time and effort devoted specifically to the provision of basic civil legal services, as well as, travel, training, litigation support functions, litigation costs, contractual services, and any other costs directly traceable to and incurred for the sole benefit of the provision of permitted basic civil legal services. With regard to personnel-related direct expenses: Funds may be used only if the person for which the Funds are being used engages in no prohibited activities while working for the funded organization, regardless of the amount or percentage of compensation supplied by these Funds. The restriction of all activities of a person compensated even partially by these Funds does not apply to a person employed by a grantee which has a federal statutory mandate pursuant to 42 U.S.C. 6041, 6042, 10801, and 10802 to conduct activities otherwise prohibited by these Rules. In such instances, Funds may be used to the extent that the person's time spent on permitted activities is equal to or greater than the percentage of compensation paid from the Funds.

(ii) Funds may be used for indirect expenses only if the organization, as a whole, does not engage in any prohibited activities. Prohibited activities for the purposes of this Rule 9.7(ii) do not include the provisions of Rule 5, which specify that funds from the Basic Civil Legal Services Account shall be used to provide basic civil legal services to individual indigent persons who earn not more than 125% of the federal poverty guidelines. Indirect expenses are those that are fungible in nature in that they cannot be separately identified as having been incurred for a specific purpose. Examples of indirect expenses are occupancy, office supplies, utilities, telephone, and other equipment.

10. Default

A grantee shall be deemed in default of the grant conditions upon the occurrence of any of the following:

- (i) Any material violation by the grantee of the Act, these Rules, grant provisions, the policies of the Foundation, or the grant agreement;
- (ii) Any use of grant funds not in substantial compliance with the approved budget and grant agreement including approved budget revisions for that grant period;
- (iii) The occurrence of any event which would make the grantee ineligible to receive a grant if applying for one at that time;
- (iv) The submission of any materially false or misleading information to the Foundation as a part of the grant application, approved budget, financial report, financial statements, or otherwise; or
- (v) Any failure to return unused grant funds at the end of a grant period.

11. Sanctions

The Board of Directors of the Foundation shall adopt appropriate procedures to be followed by the Foundation in deciding to recommend sanctions, including reasonable notice to the organization involved, an opportunity to correct any deficiency (if reasonably possible to do so) and, if deemed appropriate by the Executive Committee of the Foundation, a hearing before the Executive Committee or the Board of Directors. The Foundation may recommend to the Court sanctioning an organization that is deemed by the Foundation to be in default, as defined above in Rule 10. In the

event of a default by a grantee, the Court shall have the right, among others, but not by way of limitation, to implement any of the following sanctions: reduce the grant; terminate the grant; withhold payment of an installment; demand repayment of a portion or all of the grant funds; institute legal action to recover funds; adopt a monthly grant disbursement schedule (including demanding a return of grant funds already disbursed in excess of the pro rata current month's installment); condition payment of subsequent installments on the grantee's cure of the default; or other remedies as the Foundation may recommend to the Court or the Court may deem appropriate.

12. Administrative Costs to the Foundation

The Foundation may expend funds for administrative costs of the Basic Civil Legal Services Program and shall be reimbursed periodically upon application to the Court from the judicial fund in the amount of 3.5% of the funds deposited to the Account.

13. Records of the Foundation

The records of the Foundation with respect to the Basic Civil Legal Services Program, including applications for Funds, whether or not granted, shall be open for public inspection at reasonable times and subject to reasonable restrictions dictated by the operational needs of the Foundation. The Foundation shall maintain its books of account in accordance with generally accepted accounting principles for organizations of its type and shall maintain written minutes of meetings of its Board of Directors and committees. It shall also maintain such other records as are within reasonable policies established by its Board of Directors.

14. Reports of the Foundation

The Foundation shall file a report with the Court at the end of each fiscal year showing disbursements from the Account and the purpose for each disbursement and the sanctions imposed, if any, and shall recommend an appropriate report for filing with the Legislative Budget Board.

15. Audits of Funds Received by Grantees

Funds received by grantees from the Court are subject to audit by the supreme court, the comptroller, and the state auditor. The Foundation will recommend the appropriate procedures for an audit on behalf of the Court.

Order of the Court Approving Rules
and Procedures Governing the Administration
of the Basic Civil Legal Services Program,
Including the Distribution of and Sanctions
with respect to the Funds
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16. Initial Recommendation for Distribution of Funds by the Foundation

The recommendation for initial distribution of funds shall be made at a time when, in the determination of the Board of Directors of the Foundation, there are sufficient funds to provide an adequate distribution for a viable Basic Civil Legal Services Program.

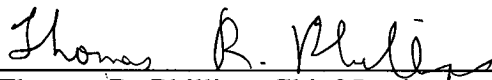
17. Appeals

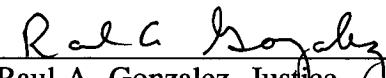
Grant awards and denials are not subject to appeals by applicants to the Foundation or the Court.

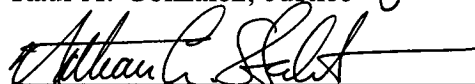
It is further ORDERED that the Texas Equal Access to Justice Foundation proceed immediately with the implementation of the Basic Civil Legal Services Program pursuant to the Rules herein adopted.

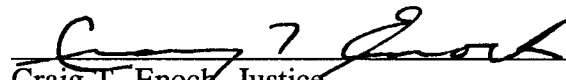
In accordance with the Act, the Rules shall become effective as of January 15, 1998.


By the Court, in open Court, this 7th day of January, 1998.


Thomas R. Phillips, Chief Justice

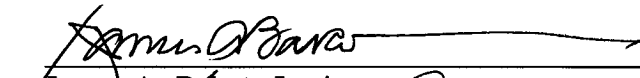

Raul A. Gonzalez, Justice

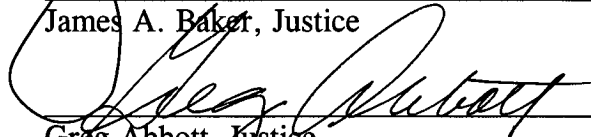

Nathan L. Hecht, Justice

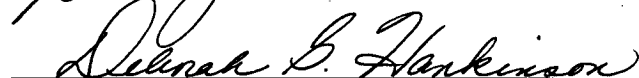

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

ENROLLED

EXHIBIT "A"

AN ACT

relating to additional court filing fees to provide basic civil legal services to the indigent.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ADDITIONAL FILING FEE FOR BASIC

CIVIL LEGAL SERVICES FOR INDIGENTS

Sec. 51.901. ADDITIONAL FILING FEE FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS. (a) In addition to other fees authorized or required by law, the clerk of each court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) supreme court and courts of appeals \$25;

(2) district courts, for other than divorce and other family law matters \$10;

(3) district courts, divorce and other family law matters \$5;

(4) statutory and constitutional county courts ... \$5;

(5) justice of the peace courts \$2.

(b) Court fees under this subchapter shall be collected in the same manner as other fees, fines, or costs in the case.

1 (c) The clerk shall send the fees collected under Subsection
2 (a) (1) to the comptroller not later than the 10th day after the end
3 of each quarter.

4 (d) The clerk shall remit the fees collected under
5 Subsections (a) (2) - (5) at least as frequently as monthly to the
6 county treasurer or the person who performs the duties of the
7 county treasurer. The county treasurer or the person performing
8 the duties of the county treasurer shall keep a record of the
9 amount of money received under this subsection. The county
10 treasurer or the person who performs the duties of the county
11 treasurer shall remit the fees collected, minus an amount ordered
12 retained by the county commissioners court as provided by
13 Subsection (e), to the comptroller not later than the 10th day
14 after the end of each quarter.

15 (e) The commissioners court by order may require the county
16 treasurer or the person who performs the duties of the county
17 treasurer to deposit in the county's general revenue account five
18 percent of the fees collected under Subsections (a) (2) - (5) to
19 reimburse the county for the expense of collecting and remitting
20 the fees collected under Subsections (a) (2) - (5).

21 (f) The comptroller shall deposit the fees received under
22 this section to the credit of the basic civil legal services
23 account of the judicial fund for use in programs approved by the
24 supreme court that provide basic civil legal services to the
25 indigent.

26 (g) In this section:

27 (1) "Family law matters" has the meaning assigned

1 "family law cases and proceedings" by Section 25.0002.

2 (2) "Indigent" means an individual who earns not more
3 than 125 percent of the income standard established by applicable
4 federal poverty guidelines.

5 Sec. 51.902. RULES. (a) The supreme court shall adopt:

6 (1) rules and procedures for the distribution of funds
7 under this subchapter; and

8 (2) rules and procedures for imposing sanctions,
9 including the reduction or cancellation of funding.

10 (b) Funds may be distributed only to nonprofit organizations
11 that provide basic civil legal services to persons meeting the
12 income eligibility requirements established by the supreme court.

13 Sec. 51.903. BASIC CIVIL LEGAL SERVICES ACCOUNT. (a) The
14 basic civil legal services account is an account in the judicial
15 fund administered by the supreme court.

16 (b) Funds in the basic civil legal services account may be
17 used only for the support of programs approved by the supreme court
18 that provide basic civil legal services to the indigent. The
19 comptroller may pay money from the account only on vouchers
20 approved by the supreme court.

21 (c) Except as provided by this subsection, funds from the
22 basic civil legal services account may not be used to directly or
23 indirectly support a class action lawsuit, abortion-related
24 litigation, or a lawsuit against a governmental entity, political
25 party, candidate, or officeholder for an action taken in the
26 individual's official capacity or for lobbying for or against a
27 candidate or issue. Notwithstanding any provision of law to the

1 contrary, funds from the basic civil legal services account may not
2 be used for the representation of an individual who is confined to
3 a local, state, or federal jail or prison. Funds from the basic
4 civil legal services account may not be used to provide legal
5 services to an individual who is not legally in this country,
6 unless necessary to protect the physical safety of the individual.
7 Funds from the basic civil legal services account may be used to
8 support a lawsuit brought by an individual, solely on behalf of the
9 individual or the individual's dependent or ward, to compel a
10 governmental entity to provide benefits that the individual or the
11 individual's dependent or ward is expressly eligible to receive, by
12 statute or regulation, including social security benefits, aid to
13 families with dependent children, financial assistance under
14 Chapter 31, Human Resources Code, food stamps, special education
15 for the handicapped, Medicare, Medicaid, subsidized or public
16 housing, and other economic, shelter, or medical benefits provided
17 by a government directly to an indigent individual, but not to
18 support a claim for actual or punitive damages.

19 (d) Except as provided by this subsection, funds from the
20 basic civil legal services account may not be used for a lawsuit or
21 other legal matter that if undertaken on behalf of an indigent
22 individual by an attorney in private practice might reasonably be
23 expected to result in payment of a fee for legal services from an
24 award to the individual client from public funds or from an
25 opposing party. Funds from the basic civil legal services account
26 may be used to support a lawsuit if the indigent individual seeking
27 legal assistance made a reasonable effort to obtain legal services

1 from an attorney in private practice for the particular legal
2 matter, including contacting attorneys who practice law in the
3 judicial district that is the residence of the indigent individual
4 and who normally accept cases of a similar nature, and the indigent
5 individual has been unable to obtain legal services.

6 (e) The supreme court shall file a report with the
7 Legislative Budget Board at the end of each fiscal year showing
8 disbursements from the account and the purpose for each
9 disbursement and the sanctions imposed, if any. All funds expended
10 are subject to audit by the supreme court, the comptroller, and the
11 state auditor.

12 (f) The purpose of this subchapter is to increase the funds
13 available for basic civil legal services to the indigent. Funds
14 available from the basic civil legal services account may be
15 supplemented by local or federal funds and private or public
16 grants.

17 (g) A legal aid society or legal services program that is
18 awarded attorney's fees in a case shall send the attorney's fees to
19 the comptroller if any attorney representing any party involved in
20 the case was paid in that case directly from funds from a grant
21 made under this subchapter. The comptroller shall deposit the fees
22 to the credit of the basic civil legal services account of the
23 judicial fund for use in programs approved by the supreme court
24 that provide basic civil legal services to the indigent.

25 SECTION 2. This Act takes effect September 1, 1997, and
26 applies only to fees for appeals, suits, counterclaims,
27 cross-actions, interventions, interpleaders, or third-party actions

1 filed on or after that date.

2 SECTION 3. The importance of this legislation and the
3 crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended.

7 _____
8 President of the Senate

Speaker of the House

9 I hereby certify that S.B. No. 1534 passed the Senate on
10 May 1, 1997, by a viva-voce vote; and that the Senate concurred in
11 House amendments on May 20, 1997, by a viva-voce vote.

12 _____
13 Secretary of the Senate

14 I hereby certify that S.B. No. 1534 passed the House, with
15 amendments, on May 14, 1997, by a non-record vote.

16 _____
17 Chief Clerk of the House

18 Approved:

19 _____
20 Date

21 _____
22 Governor



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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AUSTIN, TEXAS 78711

TEL. (512) 463-1312

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CRAIG ENOCH
ROSE SPECTOR
PRICILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

January 8, 1998

The Honorable George W. Bush
Governor of the State of Texas
Capitol Building
Austin, Texas 78701

RE: Rules and Procedures Governing the Administration of the Basic
Civil Legal Services Program.

Dear Governor Bush,

Enclosed, you will find an order of January 7, 1998 regarding the
above subject.

Copies are being sent as indicated below. Please call on us if you
have questions.

Sincerely,

SIGNED
John T. Adams
Clerk

Encl.

cc: Mr. John Sharp
Comptroller of Public Accounts

Mr. Lawrence F. Alwin
State Auditor

Mr. John Keel, Director
Legislative Budget Board

Mr. Jerry Benedict, Director
Office of Court Administration