



TEXAS INDIGENT DEFENSE COMMISSION

## **FY2013 Discretionary Grant Program**

### **Requests for Applications (RFA)**

December 7, 2011

#### **Competitive Grant Fund Categories**

##### **New Single-Year Discretionary Grants—Fiscal Year 2013**

**Minimum:** \$5,000 per application.

*The purpose of these grants is to provide funding for software and process developments to improve indigent defense. The single-year discretionary grant pays up to 100% of an awarded activity on a reimbursement basis.*

##### **New Multi-Year Discretionary Grants—Fiscal Year 2013**

**Minimum:** \$50,000 per application.

*The purpose of these grants is to provide funding for direct client service programs that represent indigent defendants. These grants require a cash match as described below. A county will be required under this grant to re-apply for continued funding each grant year. The multi-year discretionary grant fund will pay up to a rate of 80% of total project costs for the first year; 60% for the second year; 40% for the third year; and 20% for the fourth year. Awarded activities are funded yearly on a reimbursement basis.*

#### **Eligibility**

- Only counties are eligible to apply for grant funds. Counties may apply jointly for funding but must designate one county as the grant recipient.
- The Countywide Indigent Defense Plans submitted must be in compliance with applicable statutes and rules and must meet the minimum requirements for each plan section as outlined in the Countywide Plan Submission Instructions.

#### **Due Dates for Submission Process (Two Tier Process)**

**Tier One:** Counties must complete Intent to Submit Applications (ISA) on-line by **5:00 PM on February 24, 2012**. The ISA is an abbreviated application described later in this document.

**Tier Two:** After a review by the grant administrator, a county may be invited to submit a full application. The final application is due by **5:00 PM on April 27, 2012**. Late submissions will not be accepted.

#### **Method of Application**

On-line submission at <http://tidc.tamu.edu>

#### **Period for Funding and Program Operation**

Grants are awarded for one-year periods from October 1 to September 30. The Commission will consider funding multi-year projects on an annual basis.

## Legislative Purpose

The Commission on Indigent Defense was established to: 1) provide technical support to assist counties in improving their indigent defense systems; 2) distribute funds in the form of grants to counties to provide indigent defense services in the county; 3) monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant; 4) develop policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings; and 5) develop a plan that establishes statewide requirements for counties relating to reporting indigent defense information. To fully understand the use of these funds, please review the Texas Indigent Defense Commission's Strategic Plan: (<http://www.courts.state.tx.us/tidc/pdf/strategicplanfinal.pdf>).

## Applicable Authority and Rules

All Texas Indigent Defense Commission (Commission) grant programs are governed by one or more of the following statutes, rules, and standards. These documents are available at the Commission website: <http://www.courts.state.tx.us/oca/tidc>.

- Texas Government Code Sections 79 & 81.054
- Texas Administrative Code Title 1 Chapter 173 and Chapter 174
- Uniform Grant Management Standards(UGMS) as promulgated by the Office of the Governor

## Section I. Submission Information

### Submission Requirements (Two Tier Process)

All counties that submit new grant applications must complete an online Intent to Submit Application (ISA). ISAs must be submitted on-line by **5:00 PM on February 24, 2012**. If invited to submit a full application, the County must complete the online application by **5:00 PM on April 27, 2012**. All court commitment documents, supporting documents, and resolution/internet submission form supporting the grant applications must be completed entirely and submitted together. *Incomplete submissions will not be considered. Late submissions will not be considered.* Additional requirements are reviewed below.

### Tier One– Intent to Submit Application (ISA) Requirements

- Abbreviated Description of Program**– Counties will submit a short and succinct description of an **indigent defense** improvement the courts or county want to implement. This description will be written into the on-line system (<http://tidc.tamu.edu/>).
- Internet Submission Required**– All county judges, local administrative district judges, local administrative statutory county judges, and county fiscal officers have been assigned a unique user name and password for grant application, plan submissions, and expense report submissions in the Commission's Grant and Plan Management Website. Please contact the Commission Grants Administrator if other persons need access to the system or if the access information was misplaced.
- Court Commitment**– The ISA must contain a letter of support from at least one judge who will be affected by or participate in the proposed program. Please scan and email these documents to the Grants Administrator ([bwilson@txcourts.gov](mailto:bwilson@txcourts.gov)), or mail them to 209 West 14<sup>th</sup> Street, Suite 200, Austin, Texas 78701.
- Due Date for ISA**– All ISAs and supporting documents must be submitted by **5:00 PM on February 24, 2012**, on the website (<http://tidc.tamu.edu>). A confirmation number will be assigned to all online ISA submissions.

## **Tier Two– Full Application Requirements**

- a. **Notice to Proceed with Application**– The Grants Administrator will review all ISAs and provide a written **Notice to Proceed with Application** to those counties that best demonstrate that they meet the priority funding and other requirements contained in this RFA.
- b. **Internet Submission Required**– As with the ISA, all applications must be submitted using the Commission’s Grant and Plan Management Website.
- c. **Resolution/Internet Submission Form**– The Resolution/Internet Submission Form (See Attachment A) must also be submitted in order for Commission staff to consider the full application. This form should be printed from the Commission’s site, adopted by the County Commissioners Court, and signed by the applicant’s authorized official before the deadline for applications.
  - i. The adopted resolution (available online) is the official authorization from the Commissioners Court for the grant request. It names the grant officials required in Texas Administrative Code Chapter §173.301. It is also a pledge to take legal responsibility for the appropriate expenditure of the funds, if they are awarded. Finally, it certifies that the information submitted in the application material is true and correct and that the county will abide by all relevant rules, policies, and procedures if awarded the grant funds by the Commission.
  - ii. The Internet Submission Form is a separate form contained on the bottom of the Resolution Form. The Internet Submission Form must contain a confirmation number that will be generated when the application is submitted. The confirmation number may be completed by hand after the Resolution Form is approved by Commissioners Court and the application is submitted.
  - iii. The complete Resolution/Internet Submission Form must be scanned and emailed or mailed to the Commission.
- d. **Court Commitment**– The judiciary is responsible for implementing indigent defense procedures within counties. Applications must include letter(s) of support from the affected judges who will participate in or implement the program (see Attachment B). Attachment B is a **sample form** and must be edited to describe the level and type of commitment the judges provide to the specific program in the application. All documents should be scanned and emailed or mailed together and be clearly labeled.
- e. **Supporting Documents**– Additional material such as timelines, data collection cooperation agreements, general letters of support, or other documents that the county uses to support its application must be submitted to the Grants Administrator at the time of the final application. All supporting documents should be scanned and emailed or mailed together.
- f. **Due Date for Full Application**– All **full applications, court commitments, and supporting documents** must be submitted by **5:00 PM on April 27, 2012**, on the website (<http://tidc.tamu.edu>). A confirmation number will be generated by the system for all online submissions. This is the number that needs to be entered in the Internet Submission Form portion (bottom) of the Resolution.

## **Submission Requirements**

### **General Submission Requirements**

- a. **New Programs and Positions**– Only new programs and/or positions will be funded. This may include adding new positions or elements to existing programs. The county must make a clear distinction in the application narrative of how the requested positions perform work that is not currently done.
- b. **Maximum Applications**– A county may submit only one new single-year and one new multi-year application per fiscal year. The county shall indicate if it seeks funding for a single-year or multi-year program.

- c. **Grant Officials**– Each grant must have the following designated to serve as grant officials:
  - i. Program director. This person must be the officer or employee responsible for program operation or monitoring or implementation of the indigent defense plan and will serve as the point-of-contact regarding the program's day-to-day operations.
  - ii. Financial officer. This person must be the county auditor or county treasurer if the county does not have a county auditor.
  - iii. Authorized official. This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official.
  - iv. The program director and the authorized official may be the same person. The financial officer may not serve as the program director or the authorized official.

**Fiscal Submission Requirements**

- a. **Multi-Year Funding**– Funding is available for multi-year programs to encourage innovative long-term programs to improve the delivery of indigent services. Generally, multi-year grant programs are awarded one year of funding that may be renewed for up to four total years of funding.
- b. **Equipment Costs**– Equipment and other one-time costs will only be funded in the first year of the grant unless permission is granted by the Commission in writing. The Commission’s portion of the grant and the cash match after the first year of funding will be calculated based on the total project costs less the equipment expenses from the first year.
- c. **Calculating the Cash Match**–
  - i. **Formulas:**
    - 1. Total Project Cost multiplied by percent of match required = Total Match Required
    - 2. Total Project Cost minus Total Match Required = Total Commission Grant Request
  - ii. **Match Requirements:**
    - 1. **Single-Year Grant Funded Positions**– Applicants for all single-year discretionary grants that request full time equivalent positions (FTE) must provide a fifty percent (50%) cash match.
    - 2. **Single-Year Videoconferencing**– Applications for videoconferencing equipment require a fifty percent (50%) cash match. Upon completion of the implementation stage the county must demonstrate that it is able to connect to one other funded or previously funded county. Counties may use the videoconferencing system for any hearings authorized under Texas Code of Criminal Procedure Chapter 46B.
    - 3. **Multi-year Requests**– Counties must indicate a cash match from county or other funds of 20% of total project costs in the first funding year, 40% the second funding year, 60% the third funding year, and 80% the fourth funding year. An applicant's use of matching funds must comply with the same statutes, rules, regulations, and guidelines applicable to the use of the Commission funded portion of a grant project.
    - 4. **Use of Program Income**– Applicants may use funds received through program income to fulfill the matching funds requirement, if applicable.

## Section II. Program Information

### Priority Program Funding

The Commission may provide grant funds to any program that improves the provision of indigent defense services. See Attachment C for a list of the types of programs that have been funded in the past and requirements by program type.

#### Program Priorities

Applications for the following programs shall be given funding priority:

- Regional indigent defense services
- Specialized (mental health, juvenile, capital, etc.) indigent defense services
- Programs that serve rural areas
- Programs that measure the quality of representation for indigent defendants
- Online indigent defense management systems

**Preferred Applications** will have the following characteristics:

- Demonstrate a good likelihood the proposed activity will be a model program or can be duplicated in other jurisdictions.
- Involve coordinated multi-county submissions.
- Demonstrate a county's(ies') long term commitment to the program. For instance a seed program that requests funds from the Commission to start a program the county will maintain over time.
- Contain cash match from the county or other non-governmental source.
- Have minimal or no indirect costs requirements.
- Come from small counties (less than 50,000 population) or mid-sized counties (50,000 to 250,000 population).

### Program Requirements

Counties that fulfill most of the program requirements and develop programs consistent with the Commission's standards, related statutes, and above listed priorities are most likely to receive funding.

#### Commission Fund Guidelines

- a. **Right of Refusal**– The Commission reserves the right to reject any or all of the applications submitted.
- b. **State Funds Availability**– All commitments are subject to availability of state funds.
- c. **Awards**– Publishing the RFA does not obligate the Commission to fund any programs.
- d. **Partial Funding**– The Commission may choose to offer funds for all or any portion of a program submitted in the application.
- e. **Substitution**– The Commission may offer alternative funding sources, special conditions or alternative program elements in response to submitted applications.
- f. **Competitive Grants**– Receipt of a notice to proceed with application does not guarantee funding by the Commission or remove the competitive nature of these funds. The advance review of the ISA assists the Commission to provide feedback to counties and assists the county in knowing what types of programs best meet the Commission's priorities and strategic plan elements.
- g. **Review Criteria**– This is a competitive grant program. Commission staff will review each grant using objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Commission.
- h. **Final Selection**– The Commission may select and award programs that reflect geographic diversity, demographic diversity, and/or distinctive program elements at its own discretion.

- i. **Future Funding on Multi-Year Projects**– The Commission will commit funding for only the current grant year. Future funding will be based on the county’s submission of a new application to continue funding in subsequent years, submission of progress reports, a demonstration of successful progress made in implementing the program, and future availability of funds.
- j. **Impact of Formula Grant**– Counties that receive multi-year discretionary grants from the Commission are encouraged to continue to apply for the Formula Grant. Formula Grant payments will be made as scheduled. The county will submit its Indigent Defense Expenditure Report on or before November 1 of each year. If the impact of the Multi-Year funded program results in an overall reduction of the county’s indigent defense expenses below the baseline period, then all or a portion of the formula grant may need to be returned to the Commission as directed by the Commission.
- k. **Delayed Start**– For multi-year grants, counties often begin program expenditures after the beginning of the initial grant year. The Commission will provide the 80% of funding based on twelve months of expenditures if the county spends at a reasonable level consistent with the funding plan. The county must have an unexpended balance for the delayed period to carry forward into the new period of within 10% less any start-up costs. The county may purchase start-up items at the beginning of the initial grant period. The program will be determined to start when the first program position is hired. The one-year percentage of funding amounts will be calculated from the first month of program operation rather than the first day of the initial grant period. If approved, the county will enter into the succeeding grant period with the previous match funding for the length of the delayed funding. The remainder of the renewed grant period will be the current fiscal year match. This process will carry forward each year that the program is renewed until the final (fourth) year. The final contract will be written for the length of time to complete the funding schedule transaction at the appropriate percent match.

**Example:** *ABC County receives an initial \$100,000 four-year grant beginning October 1, 2012, with the Commission reimbursement percentages equaling 80% in the first grant year, 60% in the second, 40% in the third, and 20% in the fourth. However, ABC County does not begin spending for the program until April 1, 2013. The county applies and is approved to receive continued funding for the grant year beginning October 1, 2013. The county may receive 80% funding through March 31, 2014, which is eighteen months from the beginning of the initial grant period but only one year from the beginning of the program start date.*

### **Program Eligibility Requirements**

#### **a. Compliance with Commission Requirements:**

- i. All counties are statutorily required to submit an Indigent Defense Expenditure Report each year on November 1 in the form and manner prescribed by the Commission. In accordance with TAC §173.109, the report will be made through the internet.
- ii. Local Administrative District Judges, Local Statutory County Court Judges (or County Judge as applicable) and the Chairs of Juvenile Boards must submit a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure (Countywide Plans) to the Office of Court Administration as required in Government Code §79.036. The Countywide Plans must be submitted by November 1st of each odd numbered year in the form and manner prescribed by the Commission.

**b. Compliance with Monitoring Reports:** A county must respond within the required time, take corrective action for findings of non-compliance, and satisfactorily address all

recommendations in a Commission fiscal or policy monitoring report. Failure to comply with any of these requirements could result in the Commission imposing a remedy under TAC 173.307 or Texas Government Code §79.037.

### **Program Fiscal Requirements**

- a. **Fund Use**– Funds must be used to pay for the direct and/or administrative costs of providing and improving indigent defense services in the county(ies).
- b. **Supplanting Prohibited**– Because Commission funding can only be awarded for **new programs**, “A county may not reduce the amount of funds provided for [existing] indigent defense services in the county because of funds provided by this grant.”
- c. **Allowable Costs**– Grants provided under this chapter may be used by counties for:
  - i. Attorney fees for indigent defendants accused of crimes or juvenile offenses;
  - ii. Expenses for licensed investigators, experts, forensic specialists, or mental health experts related to the criminal defense of indigent defendants; and
  - iii. Other approved expenses allowed by this grant application or necessary for the operation of a funded program.
- d. **Unallowable Costs**– The Commission has adopted the Uniform Grant Management Standards (UGMS) to determine unallowable costs. See UGMS for a full list of unallowable costs. Specifically, in accordance with UGMS and/or the grant rules the following conditions apply to these grant funds:
  - i. General government costs are unallowable;
  - ii. Costs of law enforcement, prosecution, and incarceration are unallowable;
  - iii. Replacing existing county funding with grant funds is unallowable; and
  - iv. Funding positions that previously existed or currently exist in the county is unallowable
- e. **Failure to Begin**– Failure to begin operating the program by the grant application review period constitutes a failure to meet performance measures.
- f. **Dual Use**– If a county applies for an indigent defense program that may be tied to a general government process, the county must provide documentation and rationale to establish a basis of costs to determine the portion of a program/project attributable to indigent defense.

### **Program Reporting Requirements**

- a. **Maintain Official Contact Information**– All counties must maintain the grant and plan officials’ contact information on the counties’ home page on <http://tidc.tamu.edu>. Counties must advise the Commission of changes in the authorized official, program director, financial officer, local administrative district judge, local statutory county judge and county judge by updating this website contact information. This information will be used to provide notices for grant or plan submission information. Commission staff will use e-mail whenever possible to notify counties of required reports and funding opportunities.
- b. **Reports**– Online fiscal and program reports are required to be submitted each quarter. All grants will require at least one follow-up report outside of the grant period. If selected for funding, report periods will be provided in the Statement of Grant Award.
- c. **OCA Reporting**– The applicants’ county and district clerks must be in compliance with reporting requirements promulgated by the Texas Judicial Council. The district clerks and county clerks must submit their monthly court activity reports to OCA electronically.

### **Program Records Requirements**

- a. **Records Retention**– Counties must maintain records related to the funded activity for at least three years after the end of the grant period. Records may be stored electronically.
- b. **Monitoring and Auditing**– Records must be made available to the Commission or its designees upon request. (See Texas Administrative Code, Rule §173.401 for more details.)

## **Program Equipment, Purchasing and Contract Requirements**

- a. **Use DIR State Contract**– All technology equipment and software must be purchased from the DIR State Contract unless the County demonstrates in a written exception request good reason why the state contract cannot be used and the grants administrator has granted a written exception.
- b. **Inventory**– Equipment purchased with grant funds is the property of the county. The Commission requires each grantee to maintain an inventory report of all equipment purchased with grant funds. This report must comport with the final financial expenditure report. Within 90 days after the grant period expires, grantees must complete a physical inventory of all grant funded property and the grantee must reconcile the results with the existing property records.
- c. **Equipment and Software Maintenance**– All equipment and software purchased with grant funds shall include at least three (3) years and no more than five (5) years of maintenance to ensure the equipment and software will operate as intended during and beyond the grant period. For multi-year grants, the cost of the actual equipment and other one-time costs will only be funded the first year of the grant and will not factor into the overall project costs in subsequent years of funding.
- d. **Technology Standards**– Applications that include purchase of information technology products must document how the projects meet technology standards adopted by the Texas Department of Information Resources (DIR) and Judicial Committee on Information Technology (JCIT) as applicable. If no standards are available from DIR or JCIT, then the county must meet commonly accepted technology standards such as Open Data Base Compliant (ODBC) or Transmission Control Protocol/Internet Protocol (TCP/IP) as applicable.
- e. **Interconnectivity of Communications Technology**– In the purchase of communication equipment, the County will connect to at least one site previously funded by the Commission to demonstrate its connectivity.
- f. **Professional and Contractual Services**– Any contract or agreement entered into by a grantee that obligates grant funds must be in writing and consistent with Texas contract law. Grantees must establish a contract administration system to regularly and consistently ensure that contract deliverables are provided as specified in the contracts. Grantees must regularly and consistently document the results of their contract monitoring reviews and must maintain the files and results of all contract monitoring reviews in accordance with the record retention requirements described in this section of the RFA. A grantee's failure to monitor its contracts may result in disallowed costs and/or disallowed match.
- g. **Limit on Equipment for Third Party Contracting of Legal Services**– Counties that contract with third parties to provide direct client indigent defense services may have included one-time purchase of equipment in the grant application. Counties may not include in the contract with the third party the full costs of the equipment line item into future funding years.

## Section III. Writing the Grant

### Writing the Intent to Submit an Application (Tier One)

Applicants must complete an online Intent to Submit an Application (ISA) before developing a full application. The ISA will allow counties to name the grant officials, provide a title to the program and state the estimated total project costs, keeping in mind that the amount may change in the full application. The ISA will include four parts: problem statement, program goals, activity and evaluation. The ISA must be limited to one program and will be a short and succinct description of an **indigent defense** improvement the courts or county want to implement. The ISA may not exceed the space provided in the on-line submission boxes. Any text beyond the word limit will be discarded.

After review of the ISAs, the grant administrator will provide a Notice to Proceed in writing to those counties that best meet the stated Priority Funding and Program Requirements sections. Improvements and suggestions may be included with the Notice to Proceed from the grant administrator.

### Writing the Full Application (Tier Two)

If the Grant Administrator provides a Notice to Proceed with the final application, the county may log into the system and complete the other portions of the application. Each application must have a narrative section that describes to the Commission the proposed activity. The narrative portion of the application consists of seven sections that must be addressed by each county. Additionally, an online budget form must be completed. Each of these elements must be completed for the application to receive full consideration. An incomplete or blank section decreases the likelihood of the program receiving funding because no score will be assigned to missing information. The online system will accept basic formatting and simple tables. The submission requirements above provide instructions on how to submit additional information if it is necessary. The sections are:

- a. **Introduction (Executive Summary):** In one hundred (100) words or less, describe the program and the main goals to be addressed. This **paragraph will be the abstract** of the project. Clearly state what the program will do and the broad goals that will be met if the program is funded. The summary will be most useful if it is prepared after the application has been developed in order to encompass all the key summary points necessary to communicate the project.
- b. **Problem Statement:** Describe the issue or problem the proposed activity is intended to improve or correct. Make a clear, concise, and well-supported statement of the problem to be addressed. Provide any formal or informal data related to the problem. Include information about the affected populations, social and economic costs of the issue, and resources currently used.
- c. **Objectives:** Develop clear targets and goals for the program to accomplish. State how the objectives address the problem stated above.
  - i. Objectives must be related to the program in this application and the funds requested.
  - ii. Objectives must be time/date specific and measurable.
  - iii. Objectives are the basis for the evaluation and progress reports.
  - iv. Objectives must be consistent with the Problem Statement
- d. **Activities:** Describe the specific activity the county will conduct if funded. The activities should support the objectives.
  - i. Include detailed instructions of step by step procedures that will take place to implement the program and the resources needed to complete each task.
  - ii. Make sure to incorporate the required elements for the types of programs listed on Attachment C.
  - iii. Include **startup tasks** and the **ongoing program activities** that staff will perform to implement the program.

- iv. Write this section so that outsiders know exactly what the county plans to do.
  - v. Provide justification related to effectiveness and/or economy of the activity proposed. Include supporting research on this activity if available.
  - vi. Describe whether the existing staff and/or contractors will perform tasks, reports, etc. or if new persons will need to be hired. If contract, include information on selection process.
  - vii. If the proposed program implements a new component into an existing process or program, clarify how the new process is different.
- e. Evaluation:** Develop reporting methods on how the proposed activities and objectives are measured.
- i. Evaluation must be linked directly to the objectives and activities. The evaluation must measure both the progress you make toward implementing the grant-funded activity and the effect of the program once it is in operation.
  - ii. Measure the attainment of objectives in a specific and tangible manner (e.g., applications of indigency and requests for appointed counsel will be accepted electronically and maintained in an online data management system);
  - iii. Measures must be quantifiable (e.g., count the number of requests for counsel received);
  - iv. Measures must be time specific (e.g., requests for counsel will be counted from February to January and reported monthly);
  - v. Measures must identify the manner in which they will be recorded for future review (e.g., a report or screenshot of the programming results, affidavit of acceptance of work, or summary database). Data collection cooperation agreements with other county offices and departments are strongly recommended so that the county can demonstrate it will be able to meet data collection and evaluation goals.
  - vi. The evaluation provides meaning to the program objectives. The measure of success is determined by the goals and objectives of the proposed activity. Write the method that milestones, accomplishments, and timelines will be tracked and recorded, including: Who will record, What will they record, and When will they record?
  - vii. Evaluations must demonstrate how the program impacts other county processes when applicable. The evaluation reports are submitted during and after the implementation phase and in accordance with UGMS. Evaluations are both fiscal and programmatic. Process evaluations may also be included.
- f. Future Funding:** Include information on how the proposed activity fits into the county's long-term indigent defense financial systems.
- g. Budget Narrative and Budget Form (a narrative is required in addition to completing the form):** Counties will submit the online budget form. Budgets must clearly state the costs to execute the program. The budget narrative justifies all expenses and must be consistent with the activities and objectives.
- i. Include all costs necessary to implement the proposed activity.
  - ii. Provide a narrative to detail and justify all budgeted expenses. This narrative must correspond to the activities sections. Items in the budget not stated in the activity will be removed.
  - iii. Indicate in the budget and narrative the start-up costs or non-reoccurring for multi-year grants.
  - iv. Indirect costs are allowable but will not be considered competitive if above 10%.
  - v. The equipment line requires a list of equipment to be purchased. All equipment must be purchased in the first year of the grant unless permission is granted from the Commission in writing. Otherwise, the equipment costs will not factor into the total project cost in subsequent years of funding.
  - vi. Do not budget expense items that are not part of the application.

**Attachment A**

**SAMPLE Required Resolution/Internet Submission Form DO NOT USE  
THIS IS A SAMPLE AND MUST BE PRINTED FROM ON-LINE SYSTEM**

**Indigent Defense Discretionary Grant Program**

**SAMPLE OF THE ON-LINE FORM GENERATED BY SYSTEM**

WHEREAS, under the provisions of the Texas Government Code Section 71.062 and Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the county; and

WHEREAS, the commissioners court authorizes this grant program and application to assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

MUST BE PRINTED FROM ON-LINE SYSTEM

WHEREAS, \_\_\_\_\_ County Commissioners Court has agreed that in the event of loss or misuse of the funds, \_\_\_\_\_ County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the **OFFICIAL DESIGNATED BY THE COMMISSIONERS' COURT** of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Discretionary Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the **OFFICIAL DESIGNATED BY THE COMMISSIONERS' COURT** is designated as the Program Director for this grant and the **County Auditor or County Treasurer if the county does not have an auditor (per TAC §173.301(a)(2))** is designated as the Financial Officer for this grant.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**This is a Sample and MUST BE PRINTED FROM ON-LINE SYSTEM**

County Judge

Attest:

\_\_\_\_\_  
County Clerk

SAMPLE – MUST BE PRINTED FROM ONLINE SYSTEM– Do not use this form.

**INTERNET SUBMISSION FORM**

After submitting the discretionary application on-line, the following Internet submission confirmation number was received # \_\_\_\_\_ . This grant application submission was in accordance with the Commissioners' Court Resolution above.

\_\_\_\_\_  
Authorized Official

**SAMPLE -MUST BE PRINTED FROM ONLINE SYSTEM**

**Attachment B**  
Sample

**INDIGENT DEFENSE MULTI-YEAR DISCRETIONARY GRANT PROGRAM  
COOPERATION AGREEMENT**

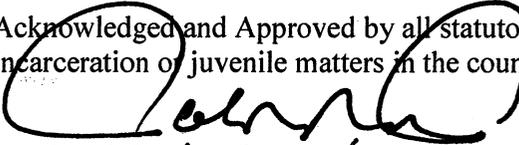
PLEASE EDIT THIS SAMPLE AGREEMENT TO INDICATE THE LEVEL OF SUPPORT OR PARTICIPATION THE COURTS WILL HAVE WITH THE PROGRAM.

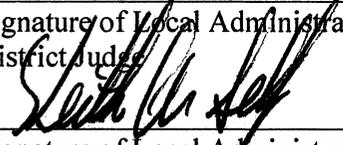
YOU DO NOT NEED TO HAVE ALL JUDGES SIGN IF THEY TOOK OFFICIAL "BOARD OF JUDGES" ACTION TO APPROVE PROGRAM SUPPORT.

\_\_\_\_\_ County has applied for a discretionary grant from the Texas Indigent Defense Commission (Commission) to assist in funding \_\_\_\_\_ program. Implementation of this program will affect the courts below. The undersigned judges agree to support and/or participate with the program pursuant to the county's discretionary grant application to the Commission and any special conditions of the grant award to the county. This commitment includes participating in the data collection efforts required in the program, as well as utilization of the services to be provided by the program.

To be considered for funding this program cooperation agreement must be signed by the judges of all of the statutory county / district courts hearing criminal matters punishable by incarceration or juvenile matters in the county.

Acknowledged and Approved by all statutory county / district courts hearing criminal matters punishable by incarceration or juvenile matters in the county:

 4/26/12 JOHN A. ROSHELL, JR. LOCAL ADM. J. SWPLC  
Signature of Local Administrative District Judge Date Printed Name and Title

 4/25/12 Keith Self, County Judge  
Signature of Local Administrative Statutory County Judge Date Printed Name and Title

\_\_\_\_\_  
Signature of Judge serving as Chair of the Juvenile Board Date Printed Name and Title

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## **Attachment C Required Program Elements**

The Commission has funded several programs in the categories listed below. In addition to general program requirements above, these specific types of programs must contain the following required program elements to be considered for funding. Please incorporate these elements in the application that you write.

- 1) **Indigent Defense Coordinators (IDC):** IDCs have been funded to institutionalize indigent defense processes into the courts of a county or region. They are dedicated to improving the appointment process and providing documentation that a county is in compliance with the Fair Defense Act. IDCs reduce administrative time of judges spent on appointments. They can also enhance processes for fair, neutral and non-discriminatory appointment practices. A clear and objective standard of indigence with a timely appeal process to the courts in case of denial by the IDC ensures success of these programs. IDCs are not to be confused with court administrators, secretaries, or court docket managers.

### **Required Program Elements**

- a) Must perform all appointments (in and out of court) as the designee of the judge or judges
- b) Must maintain the rotation default system on assigned counsel systems and monitor the frequency and reasons of exception for off list appointments
- c) Must report summary of appointment data to judges at least monthly
- d) Must manage the graduated list of court appointed attorneys for judges and receive applications for advancements or adjustments as higher qualifications are met by attorneys
- e) Must monitor appointment list and attorneys' completion of continuing legal education (CLE) to meet minimum requirements of local plan and Commission rules
- f) Must review invoices submitted by attorneys and compare to appointment schedule prior to judicial approval
- g) Perform training for law enforcement, magistrates, local bar, and other stakeholders on indigent defense plan(s) adopted by courts
- h) Report directly to the judges (rural) or board of judges (mid-size or urban)
- i) Develop procedures to track attorney contact with client, which includes tracking, investigating and reporting allegations of attorneys not meeting their clients within statutory or plan requirements
- j) Must involve all courts in the jurisdiction (rural and mid-sized) or all of the judges of a type of court (urban)

- 2) **Videoconferencing:** The Commission has funded programs that use technology to provide better representation or promote prompt appointment requirements. The courts can use the technology to remediate the effects of geography or volume on court processes. An acceptable VC system will focus on improving indigent defendants' access to effective assistance of counsel. It also may also help the county meet prompt appointment or prompt attorney contact requirements of the Fair Defense Act. Currently, there are three known types of videoconference indigent defense grants:
- A. Attorney/Client meetings - The videoconference system is used to promote clients' contact with their attorneys as soon as practical but certainly prior to a court appearance.
  - B. Magistrations - The prompt appointment requirements in the Fair Defense Act can be met by using the videoconference system to bring isolated magistrates to the defendants via technology.
  - C. Indigency determinations and applications for court appointed counsel - The court may use the technology to conduct the interview to determine indigency or to hear defendants' request for court appointed counsel

### **Required Program Elements**

- a) Must meet the needs of local attorneys on the appointment list and involve the local defense bar in the planning stages

- b) Must be used by all judges in the jurisdiction involved in the specific aspect of the program (e.g., includes a countywide process change in magistration, attorney/client meetings, etc)
- c) Must be used to meet a specific element of the Fair Defense Act (e.g., indigency determination, magistration, attorney contact, etc)
- d) Must involve sheriff, jail administrator and other law enforcement as applicable
- e) Must be purchased from the DIR contract (see program requirements)
- f) Must include the price of at least three years of maintenance
- g) Must demonstrate that it is able to connect to one other funded or previously funded county
- h) Must be able to communicate with other court systems (open or shared technology)

- 3) **Purchase of Information Technology Products:** Many IT products may be considered for funding only in relation to how they improve local indigent defense processes. Any project allowed under this type of purchase must clearly focus on improving indigent defendants' access to effective assistance of counsel. These projects often reduce administrative time of judges and court staff involved in the appointment or payment process.

**Required Program Elements**

- a) Must meet the needs of local attorneys on the appointment list and involve the local defense bar in the planning stages
- b) Software programming must be portable to other jurisdictions
- c) The IT product may not be a common business practice that is expected to be found in any county (e.g., fax machine, telephone, etc.)
- d) The product must have clearly defined activity, summary, and management reports
- e) Must avoid use for general court processes

- 4) **Public Defender Offices and Direct Client Services:** Establishing public defenders, regional public defenders, mental health defender and juvenile defender services are major priorities of the Commission. Direct client services are the most likely to receive funding.

**Required Program Elements**

- a) Must focus on serving people
- b) Must demonstrate broad-based support of the local judiciary
- c) Must involve the local defense bar in the planning stages
- d) Must involve a clear appointment/referral and intake processes
- e) Public defender offices must demonstrate the use of the *Blueprint for Establishing a Public Defender Office in Texas (second edition June 2008)*
- f) Must include adequate access to support services including secretaries, paralegals, and investigators (lawyer to support staff ratio)
- g) Must have defined caseload/workload standards
- h) Must have internal case management/tracking controls sufficient to monitor attorney caseload/workload
- i) Must have ability to produce other reports that enable the office to evaluate its own performance and demonstrate its cost-effectiveness to other local defense systems
- j) Emphasis on staff training/supervision/evaluation to continually improve office performance

- 5) **Mental Health Direct Client Services:** Establishing Mental Health indigent defense programs has been a priority of the Commission for many years.

**Required Program Elements**

- a) A written plan must be developed how the program will interface with and not duplicate existing resources (MHMR, TDCJ Reintegration, CSCD, etc.) available to people with mental health issues
- b) Must involve the local defense bar in the planning stages

# Final Checklist for Submitting a Grant Application

## (Two Tier Process)

Please verify that you have completed the following steps:

### Tier One

- Develop and research an idea or procedure that would directly serve clients or improve provision of indigent defense services in the county, courts, or jurisdiction(s).
- Log onto <http://tidc.tamu.edu> (Follow on-line page instructions if log-in information is needed).
- Look at the online screen and verify that the appropriate judicial officials have submitted county-wide plans and that their plans meet the grant eligibility requirements.\*
- Select type of grant. The application must indicate if you are applying for a single-year or new multi-year discretionary grant.
- Complete the abbreviated Intent to Submit an Application (ISA) that includes problem statement, objectives, activities and evaluation. ISA must be submitted on-line by **5:00 PM on February 24, 2012**.
- Secure a letter of support from at least one judge involved in the indigent defense process. Mail or fax the letter of support on or before **5:00 PM on February 24, 2012\*\***. **Resolutions are not required by the Commission until Tier Two but local rules may require Commissioners' Court approval.**

### Tier Two

- After review by the grant administrator, the county may be asked to submit a full application, or a letter will be sent to indicate that the program does not adequately meet priorities and program requirements for these funds.
- If the Grant Administrator provides a Notice to Proceed with Application: Type or copy/paste your written information into each required section. All full applications must be submitted on-line by **5:00 PM on April 27, 2012**.
- Secure written documentation of support from courts, commissioners (resolution), or other parties involved in or affected by the process.
- Submit the Resolution/Internet Submission Form and court commitments/support along with any other supporting documents to certify the application complete. All supporting documents should be scanned and emailed or mailed together\*\*. These documents must be submitted on or before **April 27, 2012**.

\*Counties that do not meet plan eligibility requirements should contact the Commission Special Counsel to resolve any compliance issues immediately.

\*\* The preferred method of submission is scanned and e-mailed. If documents are mailed then they must be postmarked by the submission date.