

REQUEST FOR APPLICATIONS

For Grants from the
FAMILY VIOLENCE JUSTICE FUND

April 2000

Applications to Be Returned To:

State Court Administrator's Office
1301 Pennsylvania, Suite 300
Denver, Colorado 80203
Attention: Sherry Kester

by 5:00 p.m.-May 1, 2000

FAMILY VIOLENCE JUSTICE FUND REQUEST FOR APPLICATIONS

I. GENERAL INFORMATION

On June 2, 1999, pursuant to House Bill 99-1115 *Concerning Domestic Violence*, the Colorado Legislature enacted the funding of a Family Violence Justice Fund ("Fund"). The Fund has been allocated to the State Court Administrator's Office ("SCAO") to award grants to qualifying applicant organizations providing civil legal services to indigent victims of family violence who are residents of Colorado. Through this Request for Applications, the SCAO shall set forth the process that will be utilized in awarding the funds to qualifying organizations for the Fiscal Year 2001.

House Bill 99-1115, Section 9(b), provided for an appropriation of \$400,000 for the fiscal year beginning July 1, 2000 (FY 2001). This amount, less administration costs of three percent is available for distribution to qualifying agencies. Funds are available in a specific amount to each county, as will be explained further, below.

II. PURPOSE

The purpose of the Fund is to improve civil legal assistance to indigent victims of family violence. Because of the costs of private legal services, indigent victims of family violence often depend on non-profit legal aid organizations for representation and assistance. The organizations that provide civil legal services to indigent clients have relied on funding from various public and private sources. Reductions in federal funding reduced the limited funds these organizations receive. To address these needs, the legislature created the Fund to allocate funding to organizations that provide full service legal services to indigent victims of family violence.

III. BACKGROUND

House Bill 99-1115 provides a number of provisions designed to help address the on-going needs of victims of domestic or family violence. The Bill also extended for seven years the voluntary tax check off for domestic abuse programs. The Bill exempted persons seeking a name change from the statutory publication requirement if such person was a victim of a domestic violence-related crime, a victim of child abuse, or a victim of domestic abuse. Additionally, the Bill provided for an appropriation of \$250,000 to the Department of Human Services, for allocation to the Colorado domestic abuse program fund for the fiscal year beginning July 1, 1999, established pursuant to C.R.S. § 39-22-802. Finally, the Bill provides for the creation of the Fund.

IV. OBJECTIVE

The SCAO requests applications for grants from qualifying organizations throughout Colorado that provide full service legal services to indigent victims of family violence. The SCAO shall administer the distribution of the Fund within the parameters of House Bill 99-1115, ensuring that the moneys are expediently granted to qualifying organizations with a minimum of expense.

V. QUALIFYING ORGANIZATIONS

Pursuant to C.R.S. § 14-4-107, grants from the Fund shall be used to fund qualifying organizations to provide legal advice, representation and advocacy for and on behalf of indigent clients who are victims of family violence. A “qualifying organization” is defined within the Bill as an organization that (I) provides full service civil legal services to indigent clients; (II) is based in Colorado; (III) is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code; and (IV) obtains more than thirty-three percent of its funding from sources other than grants from the Fund. C.R.S. § 14-4-107(5)(e).

Addressing first the requirement that qualifying organizations provide services to indigent clients, “indigent” is statutorily defined as a person whose income does not exceed one hundred twenty-five percent of the current federal poverty guidelines determined annually by the United States Department of Health and Human Services. C.R.S. § 14-4-107(5)(d). See Attachment A. “Family violence” is defined as any act or threatened act of violence that is committed by any person against another person with whom the actor is a current or former relation, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. This definition of family violence is identical to the definition of “domestic abuse” as set forth in C.R.S. § 14-4-101(2). C.R.S. § 14-4-107(5)(b).

Grants from the Fund are limited to organizations that provide “full service civil legal services.” What constitutes “full service civil legal services” is not specifically defined within the Bill or elsewhere in the statutes. However, C.R.S. § 14-4-107(2) provides guidance by stating that moneys from the Fund may be provided for services that include direct legal representation to victims of family violence in resolving their civil legal matters and removing impediments to the elimination of family violence. C.R.S. § 14-4-107(2). Such representation may include, but need not be limited to, representation in any restraining order¹ proceeding, action for dissolution of marriage, legal separation, or declaration of invalidity of marriage, paternity action, child custody action, proceeding to establish or enforce child support, administrative hearings, or any other judicial actions in which family violence is an issue or in which legal representation is necessary to protect the interests of a victim of family violence (collectively “Proceedings”). C.R.S. § 14-4-107(2)(a). Such other services may also include the provision of clinics designed to educate and assist indigent victims of family violence in the Proceedings. C.R.S. § 14-4-

¹ “Restraining order” has the same meaning as set forth in C.R.S. § 18-6-803.7(1)(e); 13-14-102; 14-10-108.

107(2)(b). Additionally, such representation may include providing legal information and advice to victims of family violence, referrals to appropriate persons or agencies, and emergency assistance in appropriate cases by telephone, electronic communication, or other appropriate means. C.R.S. § 14-4-107(2)(c).

In accordance with these provisions, the SCAO shall evaluate the scope of civil legal services provided by each applicant. To the extent an applicant does not provide “full service legal services,” it does not meet the requirement for a qualifying organization set forth in C.R.S. § 14-4-107(5)(e) and is not eligible to receive a grant from the Fund.

After addressing a variety of issues in the distribution of funds for FY 2000, the SCAO has established some guidelines to better enable Agencies to determine that they fall within the “qualifying agency” category. A successful applicant will demonstrate the ability to provide direct legal services by having at least one part-time on-staff attorney providing direct representation to clients. This would include the willingness and ability to represent clients in court and non-court matters. Direct legal representation alone satisfies the definition of “full service legal services.” Additional legal services from attorneys such as legal counseling, forms assistance clinical legal advice and procedural advice shall enhance the application, however, the absence of these services shall not disqualify the applicant. Agencies that do not have at least one part-time on-staff attorney providing direct representation to clients shall be disqualified. Utilization of private pro bono attorneys who provide direct representation to clients shall be considered to satisfy the on-staff requirement. Utilization of attorneys from another agency shall not satisfy the on-staff requirement.

VI. GRANT PROCESS

Qualifying organizations seeking to receive a grant from the Fund must submit an application to the SCAO. The application form is attached as Attachment B or is available from the State Judicial Website at www.courts.state.co.us. Commencing July 1, 2000, and quarterly thereafter, the SCAO shall distribute grants from the Fund, subject to available appropriations, to qualifying organizations based upon the criteria set forth in the Bill. The SCAO shall request quarterly reports from successful applicants.

VII. DISTRIBUTION OF THE FUNDS

The total moneys shall be disbursed in proportion to the number of persons living below the poverty level in each county or city and county as determined by the most recent census published by the Bureau of the Census of the United States Department of Commerce. See Attachment C. Thus, funds are available to qualifying organizations in every county and city and county in Colorado.

If there is more than one qualifying organization within any county or city and county, the proportionate share of the Fund for such county or city and county disbursed to each such qualifying organization shall be allocated in proportion to the number of

indigent family violence clients served by each qualifying organization in the preceding year. In allocating funds, the SCA shall determine the number of client's served as follows:

“Clients served” shall be limited to clients assisted through direct representation and clinics. In addition, direct representations shall be weighted because (1) direct representation of a client typically requires significantly more attorney/staff time than provision of a clinic to a group; and (2) direct representation more fully achieves the definition of “full service legal services” than clinical advice.

Any weighting of direct representation figures is somewhat arbitrary and imprecise. Nevertheless, a “2:1” ratio of direct representation to clinical advice shall be utilized. Thus, the SCA shall double count clients served through direct representation while counting singularly those clients receiving clinical advice. The following example shows how the weighting system would be applied.

Agency A, serving 10 clients with direct representation and 30 clients with clinical advice (40 “actual” clients) would receive a credit of 50 clients served, based on the following computation:

$$10 \times 2 = 20 \text{ direct service plus } 30 \text{ clinical} = 50 \text{ total}$$

Agency B, serving 5 clients with direct representation and 40 clients with clinical advice (45 “actual” clients) would also receive a credit of 50 clients served, based on the following computation:

$$5 \times 2 = 10 \text{ direct service plus } 40 \text{ clinical} = 50 \text{ total}$$

In determining the number of clients served in each county, the client's residence, not the count in which a case was filed, will be the determining factor.

VIII. ADMINISTRATION

Within the SCAO, grants shall be approved by the State Court Administrator, Gerald Marroney. Management of the application and grant process shall be conducted within the Division of Planning and Analysis by Dan Hall, Director, and Sherry Kester, Management Analyst.

The amount expended for indirect costs associated with the administration of the Fund shall not exceed three percent of the moneys appropriated to the Fund in any fiscal year.

IX. POSSIBLE ADDITIONAL FUNDING

All investment earnings derived from the deposit and investment of the moneys in the Fund shall be credited to the Fund. Further, in addition to any appropriation from the state's general fund, the SCAO is authorized to accept on behalf of the state any funds, grants, gifts, or donations from any private or public source to add to the Fund. All private and public funds received through grants, gifts, or donations will be transmitted to the State Treasurer who shall credit the same to the Fund. Presently, no additional funds have been received.

X. FUNDING IN FUTURE YEARS

Qualifying agencies must submit an annual application to the SCAO. The moneys in the Fund are subject to annual appropriation by the General Assembly. Any moneys not appropriated shall remain in the Fund and will not be transferred or revert to the general fund of the state at the end of any fiscal year.

Attachment A

| | Total Persons Living in Poverty (1989) [1] | Percent of State Total in Poverty | FY 2001 Funding Allocation [2] |
|--------------------|---|--|---|
| Adams County | 27,267 | 7.27% | \$ 28,207.60 |
| Alamosa County | 3,127 | 0.83% | \$ 3,220.40 |
| Arapahoe County | 22,973 | 6.12% | \$ 23,745.60 |
| Archuleta County | 903 | 0.24% | \$ 931.20 |
| Baca County | 853 | 0.23% | \$ 892.40 |
| Bent County | 957 | 0.26% | \$ 1,008.80 |
| Boulder County | 23,738 | 6.33% | \$ 24,560.40 |
| Chaffee County | 1,649 | 0.44% | \$ 1,707.20 |
| Cheyenne County | 273 | 0.07% | \$ 271.60 |
| Clear Creek County | 718 | 0.19% | \$ 737.20 |
| Conejos County | 2,510 | 0.67% | \$ 2,599.60 |
| Costilla County | 1,101 | 0.29% | \$ 1,125.20 |
| Crowley County | 693 | 0.18% | \$ 698.40 |
| Custer County | 352 | 0.09% | \$ 349.20 |
| Delta County | 3,647 | 0.97% | \$ 3,763.60 |
| Denver County | 78,515 | 20.93% | \$ 81,208.40 |
| Dolores County | 217 | 0.06% | \$ 232.80 |
| Douglas County | 1,895 | 0.51% | \$ 1,978.80 |
| Eagle County | 1,643 | 0.44% | \$ 1,707.20 |
| Elbert County | 654 | 0.17% | \$ 659.60 |
| El Paso County | 39,519 | 10.53% | \$ 40,856.40 |
| Fremont County | 4,577 | 1.22% | \$ 4,733.60 |
| Garfield County | 2,720 | 0.72% | \$ 2,793.60 |
| Gilpin County | 321 | 0.09% | \$ 349.20 |
| Grand County | 735 | 0.20% | \$ 776.00 |
| Gunnison County | 1,497 | 0.40% | \$ 1,552.00 |
| Hinsdale County | 65 | 0.02% | \$ 77.60 |
| Huerfano County | 1,511 | 0.40% | \$ 1,552.00 |
| Jackson County | 160 | 0.04% | \$ 155.20 |
| Jefferson County | 24,926 | 6.64% | \$ 25,763.20 |
| Kiowa County | 228 | 0.06% | \$ 232.80 |
| Kit Carson County | 1,076 | 0.29% | \$ 1,125.20 |
| Lake County | 737 | 0.20% | \$ 776.00 |
| La Plata County | 4,804 | 1.28% | \$ 4,966.40 |
| Larimer County | 21,466 | 5.72% | \$ 22,193.60 |
| Las Animas County | 3,498 | 0.93% | \$ 3,608.40 |
| Lincoln County | 789 | 0.21% | \$ 814.80 |
| Logan County | 2,555 | 0.68% | \$ 2,638.40 |
| Mesa County | 13,792 | 3.68% | \$ 14,278.40 |
| Mineral County | 73 | 0.02% | \$ 77.60 |
| Moffat County | 1,236 | 0.33% | \$ 1,280.40 |
| Montezuma County | 3,735 | 1.00% | \$ 3,880.00 |
| Montrose County | 3,412 | 0.91% | \$ 3,530.80 |
| Morgan County | 3,414 | 0.91% | \$ 3,530.80 |
| Otero County | 4,698 | 1.25% | \$ 4,850.00 |

| | | | | |
|-------------------|--------|-------|----|-----------|
| Ouray County | 220 | 0.06% | \$ | 232.80 |
| Park County | 669 | 0.18% | \$ | 698.40 |
| Phillips County | 579 | 0.15% | \$ | 582.00 |
| Pitkin County | 794 | 0.21% | \$ | 814.80 |
| Prowers County | 2,756 | 0.73% | \$ | 2,832.40 |
| Pueblo County | 24,318 | 6.48% | \$ | 25,142.40 |
| Rio Blanco County | 787 | 0.21% | \$ | 814.80 |
| Rio Grande County | 2,516 | 0.67% | \$ | 2,599.60 |
| Routt County | 1,362 | 0.36% | \$ | 1,396.80 |
| Saguache County | 1,399 | 0.37% | \$ | 1,435.60 |
| San Juan County | 96 | 0.03% | \$ | 116.40 |
| San Miguel County | 416 | 0.11% | \$ | 426.80 |
| Sedgwick County | 305 | 0.08% | \$ | 310.40 |
| Summit County | 1,004 | 0.27% | \$ | 1,047.60 |
| Teller County | 1,251 | 0.33% | \$ | 1,280.40 |
| Washington County | 748 | 0.20% | \$ | 776.00 |
| Weld County | 19,594 | 5.22% | \$ | 20,253.60 |
| Yuma County | 1,171 | 0.31% | \$ | 1,202.80 |
| | 375214 | 100% | | \$388,000 |

[1] U.S. Census Bureau (1989 data)

[2] Funds available are dependent upon moneys available in the Family Violence Justice Fund

Attachment B

Date Received _____
Approved _____ Denied _____
Application Number _____ Amount Awarded _____
Date of Review _____

FAMILY VIOLENCE JUSTICE FUND
GRANT APPLICATION

State Court Administrator's Office
1301 Pennsylvania, Suite 300
Denver, Colorado 80203
(303) 861-1111

All applications shall be reviewed by the State Court Administrator's Office ("SCAO"). Please be advised that any grant may be revoked by the SCA if used inappropriately. Application must be typed or printed in black or blue ink. **All application pages must be numbered. Please submit four copies of your application to the address listed above, by 5:00 p.m., May 1, 2000 – attention Sherry Kester.**

APPLICANT AGENCY _____

AGENCY DIRECTOR _____

Phone _____

Address _____

NAME AND TELEPHONE NUMBER OF CONTACT PERSON: _____

NON-PROFIT STATUS: _____ YES _____ NO _____ IN PROGRESS

TAX ID NUMBER _____

GOVERNMENT AGENCY _____ YES _____ NO

IS THE AGENCY BASED IN COLORADO? _____ YES _____ NO

(if no, please explain) _____

REQUIRED ATTACHMENTS (Include with all copies):

Budgets

Total Agency Budget

Itemized Project Budget (i.e., proposed use of grant funds).

Copy of I.R.C. § 501(c)(3) IRS Tax Ruling (if applicable)

Listing of Board of Directors and Key Officers

Copy of Current Financial Statement and Audit Report

Management Letter from Auditor

Letters of Support, if applicable (Optional)

4. Please indicate the Agency's number of on-staff attorneys and indicate whether the attorney or attorneys are full-time or part-time. If the Agency utilizes private pro-bono attorneys, please include that information in detail.

5. Does the Agency provide direct representation of Clients **through an on-staff attorney or attorneys?** "Direct representation" includes representation of Clients in both court and non-court matters in which an attorney acts on behalf of a Client. "Direct representation" does not include instances where an attorney provides a Client solely with information, advice or guidance (either in a clinic or individual basis). "Direct representation" does not include non-attorney advice or assistance (including instances where a non-attorney accompanies a Client to court).

6. How many Clients were provided direct representation by an on-staff attorney during the past calendar year? When setting forth figures, please break out figures by the county of residence of the Client served and then total (e.g., "20 (Denver); 10 (Arapahoe); 15 (Adams) = 45).

7. How many Clients received clinical advice or information during the past calendar year. When setting forth figures, please break out figures by the county of residence of the Client served and then total (e.g., "20 (Denver); 10 (Arapahoe); 15 (Adams) = 45).

SECTION B: BUDGET SUMMARY/FINANCIAL INFORMATION

1. Current annual budget, not including amount requested:_____
2. Please sign here to attest that the amount of the grant, if awarded, will not exceed 33% of the Agency's total annual budget for FY 2001 (please see attachment setting forth grant funds available per county for FY 2001).

3. Please identify and quantify how the funds provided by a grant from the Fund would be utilized to enhance the provision of "full service" legal services to Clients. If the Agency serves individuals who are either are not indigent or are not victims of family violence, please specify how the funds will be utilized so that qualifying Clients receive maximum benefit.

Attachment C

1999 HHS Poverty Guidelines

| Size of Family | Allowable Annual Income |
|---------------------------------|-------------------------|
| 1 | \$8,240 |
| 2 | \$11,060 |
| 3 | \$13,880 |
| 4 | \$16,700 |
| 5 | \$19,520 |
| 6 | \$22,340 |
| 7 | \$25,160 |
| 8 | \$27,980 |
| For each additional person add: | \$2,820 |

Source: Federal Register, Vol. 64, No. 52, March 18, 1999, pp. 13428-13430

1. ATTACHMENT A: Number of persons living below the poverty level in each county or city and county as determined by the most recent census published by the Bureau of the Census of the United States Department of Commerce.
2. ATTACHMENT B: Application
3. ATTACHMENT C: Poverty Guidelines Published by the Department of Health and Human Services