

FY 21 Adult Drug Court and Veterans Treatment Court Discretionary Grant Solicitation
Frequently Asked Questions
February 25, 2021

REVISIONS TO SOLICITATION

Q: What are the revised deadlines for the FY 21 Adult Drug Court (ADC) and Veterans Treatment Court (VTC) Discretionary Grant Solicitation?

A: Revised deadlines for the FY 21 ADC and VTC Discretionary Grant Solicitation are:

- Grants.gov Deadline: **March 31, 2021, 11:59 p.m. ET**
- JustGrants Application Deadline: **April 14, 2021, 11:59 p.m. ET**

Q: Are there any resources available to assist with applications using JustGrants?

A: Yes, please click on the JustGrant Training Application Submission website link below.
https://www.youtube.com/watch?v=uia57Jm0WXg&feature=emb_logo

Q: How many awards will BJA make in each category this year (FY 21)?

A: BJA received increases in appropriations for ADCs and VTCs under the FY 21 Omnibus Appropriations Bill after the solicitation was release. As a result, the number of awards BJA plans to make has increased from 91 to 99 total awards (Category 1: 12 awards, Category 2: 17 awards, Category 3: 58 awards, and Category 4: 12 awards).

GRANT CATEGORIES

Q: For Category 3, what does the term “ready to fully implement a drug court” mean?

A: This term means the court completed a substantial amount of planning and is ready to implement an evidence-based drug court program.

Q: Is there a requirement that a drug court operate for at least 1 year in order to apply for a BJA drug court grant?

A: No, a court must show in its application that it is ready and willing to operate at the time it applies and receives an award.

Q: We would like to expand drug court services to our VTC and driving under the influence (DUI) court. Do we need to submit two separate applications or one?

A: The applicant has the option to either submit one application or two separate applications to support two drug court types. **Note:** If requesting to fund two types of drug court dockets (i.e., VTC and DUI) in one application and one of the courts is a VTC, the applicant should include the percentage of funding requested for each court type (50 percent VTC and 50 percent DUI). Requesting funding to support two court types in one application is only allowable in Categories 3 and 4.

Q: What is considered an "adult drug court" in this solicitation?

A: Under this solicitation, an “adult drug court” is a program that is developed in conjunction with a criminal justice court and includes court types such as: driving while intoxicated (DWI)/driving under

the influence (DUI), co-occurring, and tribal healing to wellness courts (THWC). This solicitation also supports VTCs.

Programs which are associated with civil court dockets associated with family-related issues such as child custody, divorce, and child-in-need-of-assistance or supervision cases — family treatment courts (FTC) — are funded under a separate solicitation through the [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\)](#). FTCs may also be funded through [BJA's Comprehensive Opioid, Stimulant, and Substance Abuse \(COSSAP\)](#) Solicitation.

Programs which are associated with juvenile justice systems (juvenile drug courts) are funded under a separate solicitation through the [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\)](#).

APPLICATION

Q: Should an applicant submit a budget and narrative for each individual year of the award and a final summary for the entire period of performance (48 months)?

A: Yes, applicants should provide a budget and narrative for each year of the award and a summary to include 48 months. For a copy of the OJP Budget Detail Worksheet, please click on the following link: <https://www.ojp.gov/funding/apply/forms/ojp-budget-detail-worksheet>.

Q: What is the Fiscal Agent MOU, and is there a template available?

A: Per the solicitation, an entity other than a court agency (i.e., unit of local government or county) applying for funding on behalf of a drug court may attach a Fiscal Agent MOU that describes how the applicant will coordinate directly with the drug court for which funding is being sought and reflects an agreement that the applicant will serve as the fiscal agent. The MOU must address the overall objectives of the drug court program, as well as show support for efforts to adhere to the evidence-based program principles included in the NADCP drug court standards and the 10 key components.

Note: Although BJA does not provide a standard template for the Fiscal Agent MOU, applicants can visit the NDCRC.org website for a variety of drug court resources.

Q: Is the disclosure of pending applications for ANY federal funding or just funding for this project?

A: Yes, per the [OJP Grant Application Resource Guide](#), “Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under the solicitation, **and** (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under the solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward (‘subgrant’) federal funds).”

Q: Do attachments count against the page limit of the Proposal Narrative?

A: Attachments are not counted against the page limit of the Proposal Narrative.

ALLOWABLE USE OF FUNDS

Q: Where do you find a list of allowable use of funds for this solicitation?

- A:** Under each grant category in the solicitation (pages 7-8) there is a description of the allowable use of funds. **Note:** Funds related to program operations may not be used for prizes, rewards, entertainment, trinkets, or any other monetary incentives, client stipends, gift cards, vehicles, and/or food and beverages (page 12). In some cases, incentives may be an allowable cost related to research activities.
- Q:** Can grant funds be used to assist participants with housing costs, such as security deposits to get them set up in stable housing while they are still participating in the drug treatment court?
- A:** Yes, grant funds may be used for short-term clean and sober housing assistance, including rental or utilities payment assistance and assistance with related expenses such as payment of security deposits and other expenses incidental to relocation to transitional housing for persons actively participating in the drug court program.
- Q:** Can you give some examples of recovery support services (RSS) that have been funded under the grant program?
- A:** For a brief list of allowable use of funds for RSS, please click on the following link:
<https://ndcrc.org/grant-writing-resources/>.

MATCH

- Q:** Can indirect cost be included as match?
- A:** No, indirect cost may not be used as a match for this solicitation.
- Q:** Does soft match mean in-kind or does it include cash as well?
- A:** There are two kinds of match (cash and in-kind). Cash match (hard) includes cash spent for project-related costs. An allowable cash match must include costs that are allowable with federal funds, except acquisition of land, when applicable. Third-party in-kind match (soft) includes, but is not limited to, the valuation of non-cash contributions. "In-kind" may be in the form of services, supplies, real property, and equipment. For examples of in-kind (soft) matches, please visit:
<https://www.ojp.gov/financialguidedoj/iii-postaward-requirements#78fpp1i>.
- Q:** If we want to replace part-time positions with full-time positions, how should this be handled to avoid supplanting?
- A:** In general, if you are proposing to use federal funds to pay current employees to work on the grant-funded project, the previously budgeted local or state funds for those employees must be used to continue the previous duties (e.g., backfilling the positions). Supplanting would occur if the local funds for the positions were used for another purpose or as savings to the local budget, if federal funds took over payment of all/part of the position. See the OJP definition for supplanting: "A state or unit of local government reduces state or local funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to supplement existing state or local funds for program activities and may not replace state or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace state or local funding that is required by law. If a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in nonfederal resources occurred for reasons other than the receipt or expected receipt of federal funds."

Q: What are some examples of "soft" match other than salaries? For example, would in-state trainings or conferences be acceptable?

A: Salaries would only be considered an in-kind ("soft") match if contributed to the project by a third party. Salaries and any other cost currently paid through the award recipient's budgeted funds would be considered cash ("hard") match.

Q: For a veteran's treatment court, can the VA services provided be an in-kind match?

A: No, generally other federal funds cannot be used as match toward a BJA grant. However, federally recognized tribes may be able to use funds issued to that tribe from the Bureau of Indian Affairs (BIA) for performing law enforcement functions on tribal lands.

ELIGIBILITY

Q: Are 501(c)3 organizations eligible for grant funding under this solicitation?

A: No, 501(c)3 organizations are not eligible for funding under this solicitation.

Q: Can an ADC and VTC from the same county apply as co-applicants?

A: Only one entity may serve as the primary applicant; however, an entity may be proposed as a subrecipient (subgrantee) in more than one application.

Q: Can a state judicial circuit consisting of three counties apply for funding to support a VTC program?

A: Yes, an eligible jurisdiction may apply for funds to implement or expand veterans treatment court services to various locations within their jurisdiction.

Q: We currently have a SAMHSA grant that supports our DWI, VTC, and co-occurring courts. Are we eligible to apply for this grant if we request BJA funds to support a different court type and/or services not currently being supported by SAMHSA?

A: Yes, per the solicitation, an eligible applicant currently receiving federal funding for a part of its drug court program may apply to this solicitation.

MEDICAL MARIJUANA

Q: Can a BJA-funded drug court program provide services to participants with a medical marijuana card?

A: BJA grantees are prohibited from using federal funds to support programs or activities that violate the [Controlled Substances Act, 21 U.S.C. § 801, et seq.](#), regardless of local or state practices or laws. The drug court program must ensure that program participants are tested periodically for the use of controlled substances, including medical marijuana.

VIOLENT OFFENDER PROHIBITION

Q: How is the term "violent offender" defined?

A: For purposes of the ADC Program, a "violent offender" is defined as a person who is presently charged with or previously convicted of an offense that is punishable by a term of imprisonment exceeding 1 year, during the course of which offense or conduct: (A) the person carried, possessed, or

used a firearm or dangerous weapon; (B) there occurred the death of or serious bodily injury to any person; or (C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which the person is charged or convicted; or (D) the person has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

Note: An individual is not included as a “violent offender” if a charge is dropped or reduced to a nonviolent offense, or a charge or conviction is punishable by under 1 year and/or prior felony arrest, even if the offense involved the threat or use of force or illegal use, possession, or carrying of a firearm or dangerous weapon.

Q: Can a BJA drug court grantee serve a “violent offender” using non-BJA funds?

A: Under the ADC Program statutory authorization, BJA funds may not be used to serve persons who meet the definition of “violent offender.” This prohibition applies only to activities that are funded by the BJA grant award, including the match funds contributed by the grantee. Grantees who intend to serve “violent offenders” with non-BJA funds must track these expenses to ensure separation of funds. Such grantees must maintain documentation that demonstrates the separation of BJA-funded expenses and services from non-BJA funded expenses and services.

Q: Does the “violent offender” prohibition apply to the Veterans Treatment Court Program?

A: No, the “violent offender” prohibition does not apply to grants awarded with veterans treatment court funds. Grantees are required to follow the [10 Key Components](#), which include targeting the correct level of risk and need and considering safety and impact on treatment and interventions for all VTC participants.

PRIORITY CONSIDERATIONS

Q: How do you receive priority consideration?

A: OJP gives priority considerations to applicants that indicate a designation as a rural community, high-poverty area or persistent-poverty county, and/or a Qualified Opportunity Zone (QOZ). To determine if applicable, the applicant should submit an application that (1) addresses specific challenges that rural communities face, (2) demonstrates that the individuals who are intended to benefit from the requested grant reside in high-poverty areas or persistent-poverty counties, and (3) offer enhancements to public safety in economically distressed communities (Qualified Opportunity Zones).

Q: What source does BJA use to define a "high-poverty area"?

A: The term “high-poverty area” means any census tract with a poverty rate of at least 20 percent as measured by the 2013–2017 5-year data series available from the American Community Survey of the Census Bureau. For more information on determining poverty rates, please visit: <https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2017/>.

Q: What percentage of a population needs to be considered rural in order to be given priority consideration?

A: Per the solicitation, applicants should determine this via the U.S. Census or other appropriate government data. Applicants may refer to

<https://www.census.gov/programssurveys/geography/guidance/geo-areas/urban-rural.html>. The Census Bureau identifies two types of urban areas: Urbanized Areas of 50,000 or more people, and Urban Clusters of at least 2,500 and less than 50,000 people. The U.S. Census definition of “rural” is an area that encompasses all population, housing, and territory not included within an urban area.

Q: How do we determine if our selected area of service is designated as a Qualified Opportunity Zone (QOZ)?

A: To determine if your selected area of service is a designated as a QOZ, please visit:
<https://www.cdfifund.gov/opportunity-zones>.