

# News: Federal Funding Streams That Could Support Expanded Self-Help Services and Bolster Court COVID-19 Responses (SRLN 2020)



With COVID-19 leaving many courts in need of funds to ensure Self-Represented Litigant (SRL) and self-help services are remotely accessible, SRLN consulted with Karen Lash, from the [Justice in Government Project](#) at American University, to generate this memo about state-administered federal funds that can include court grantees. State-administered federal funds can support a range of court-based services, including supported self-help including court navigators, online legal information and plain language fillable forms, and the development of document assembly or guided interview tools. Many can also be used for technology tools, critical during COVID, that improve remote access to the courts and the delivery of

civil legal services or legal information. Karen recently joined Danielle Hirsch and Zach Zarnow of the National Center for State Courts for a "[Tiny Chat](#)" on the topic that's worth watching for those exploring these funds. She shares that "this pandemic makes vividly clear that self-help and remote service delivery are absolutely essential parts of a functioning justice system."

This memo focuses on those funds where federally-established amounts and parameters allow states certain flexibilities to tailor the use of the funds to meet local needs. Each of the federal funding sources noted has its own authorizing statute, regulations, formulas, sub-regulatory guidance, and degrees of flexibility. A series of OMB memoranda regarding federal financial assistance flexibilities related to COVID-19 give agencies and departments authority to make some exceptions to the administration of certain grants. It is essential to check with specific federal and state administering agencies regarding how the OMB guidance memos may impact specific funding streams.

This memo covers the five programs most amenable to self-help. Please contact [info@srln.org](mailto:info@srln.org) with further questions.

- Americorps
- STOP Violence Against Women Formula Grant
- Title IV-B Court Improvement Program
- Title IV-D Child Support + Access and Visitation program funds
- Victims of Crime Act Victim Assistance Formula Grants

## **AmeriCorps**

[Nonlawyer navigator programs](#) leverage AmeriCorps members in state courts including those in Montana, California, Hawaii, Illinois, and Arizona. These programs use primarily undergraduates or recent college graduates whose commitment ranges from part-time at 300 hours over an academic year or a semester to full-time at 1,700 hours. Some Americorps members provide full-time service for two years. Americorps members can perform many types of tasks including help with legal and social services referrals, support with forms completion, provide language assistance, and offer court accompaniment.

Members are often recruited from college campuses. JusticeCorps in California, the largest and oldest of court programs leveraging AmeriCorps members in state courts, maintains a formal partnership with 16 universities. California's JusticeCorps has hundreds of minimum time members and dozens of fellows who work in three regions across 27 sites. Arizona's Maricopa County program has over fifty minimum time members, while the Illinois JusticeCorps has fellows and members working in 13 courthouses.

The Justice for Montanans for example, hosts Americorps members not only in court-sponsored self-help centers, but also those serving at Montana Services Association, the Montana Attorney General's Office of Consumer Protection and Victim Services, and the State Bar of Montana's Modest Means Program. With COVID-19, these self-help center services are now being offered remotely via phone, email, and Facebook chat. AmeriCorps members are also developing self-help videos and form guides. SRLN has [more information available here on non-lawyer navigator programs](#), including those utilizing Americorps members.

**Proposal Ideas for COVID Response:** Brainstorm three ways you could use AmeriCorps members such as developing new online content, training volunteers, and staffing self-help center LiveChat, conduct remote intake. Then reach out to your [State Service Commission contact](#) to find out what is possible in the short- and long-term. Ask about potential partnerships with any current AmeriCorps host sites in your state the contact may know about with extra members or slots they can't fill. Information on COVID specific CARES Act changes for Americorps members can be found [here](#).

**How do you apply?** Legal aid organizations and courts seeking funding for a single-state program apply through the state commission that then forwards it to the Corporation for National and Community Service (CNCS). Organizations seeking funding for a multi-state program apply directly to CNCS. Organizations that propose to operate in only one state must apply through its [state commission](#). Organizations should contact their state commissions to receive the appropriate application materials and to learn about state-specific deadlines.

**How do you find your state administrator?** CNCS provides contact information for commissions and [state-specific websites here](#).

**How much funding is available?** CNCS has a list of all the grantees by state and year, [linked here](#). The [formula allocations are linked here](#).

## **STOP Violence Against Women Formula Grant**

**Basics:** [STOP](#) (Services, Training, Officers, and Prosecutors) Violence Against Women Formula grants are awarded to states to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. STOP grants are authorized by VAWA and subsequent legislation to support communities, including American Indian tribes and Alaska Native villages, in their efforts to develop and strengthen effective responses to sexual assault, domestic violence, dating violence, and stalking.

Eight of the purpose areas specifically reference courts including allowing funds for: training court personnel; developing and implementing more effective court policies, protocols, orders, and services; developing, installing, or expanding data collection and communication systems,

including computerized systems for courts; domestic violence court advocates; formal and informal statewide, multidisciplinary efforts that include courts; and developing, enlarging, or strengthening programs to assist courts addressing the needs of older and disabled women. The fifth purpose area specifically addresses legal assistance: "Developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, dating violence, and stalking programs."

**Examples:** In addition to the five percent for courts, states have funded legal aid organizations that support victims of domestic violence, dating violence, sexual assault, and stalking. STOP rules also allow courts to use their funds to partner with legal aid programs, an approach Kentucky and Maine have both taken.

**Proposal Ideas for COVID Response:** Find out how your courts have been using their 5% share. If the funds are not being used for remote services, would they consider a modification that could help enhance remote services and/or collaborate with a local legal aid provider to develop new technology tools? STOP funds can be used to support/create technology tools to improve services to victims. OVW COVID-19 guidance can be found [here](#). OVW guidance on waiving the 25% match: "OVW

has determined that the COVID-19 national emergency has created sufficient financial need for all states and territories. Therefore, for your Fiscal Year (FY) 2018, 2019, and 2020 awards, if your program is in need of a match waiver, please submit a letter, signed by the authorized representative for the STOP Program award, explaining that your state is experiencing financial need as a result of COVID- 19 and request a waiver. Please include the amount of waiver you are requesting. This letter will be considered sufficient documentation of need and OVW will waive the amount of match requested."

**How do you apply?** A recent STOP Formula Grant program solicitation for state administrators can be found [here](#).

**How do you find your state administrator?** OVW has a [STOP Administrator contact list](#), for each state's primary and secondary contact for STOP grants.

**How much funding is available?** Go [here](#) to see each state's FY2019 STOP Formula Grant amount.

## **Title IV-B Court Improvement Program**

**Basics:** [Title IV-B Part 2](#) of the Social Security Act (Title IV-B) includes a set-aside program that provides three grant opportunities to state courts to improve court efficiency and the quality of legal representation: 1) a basic grant for assessment work; 2) a grant for data collection and analysis; and 3) a grant to increase training of court personnel, including cross-training with agency staff. The program provides state courts flexibility to design assessments that identify barriers to timely and effective decision-making, highlight practices that are not fully successful, examine areas they find to be in need of correction or added attention, and then implement reforms that address the state courts specific needs. State courts are required to collaborate with the state child welfare agency and tribes in this work. The program also provides funds annually for a Tribal Court Improvement Program. Funding is expressly for courts.

**Proposal Ideas for COVID Response:** The U.S. Department of Health & Human Services Children's Bureau has issued a series of Letters and Guidance located [here](#) that encourage the use of technology to ensure the safety, health, and well-being of children and families in the child welfare system. Consider teaming up with your

state's CIP contacts Title IV-E administering agency to take full advantage of funding flexibilities that facilitate participation in remote court hearings and to facilitate and maintain visitation with a child.

**How do you apply?** The highest state court of appeal applies to the CB for these funds. The CB issued [a Program Instruction memorandum](#) on Instructions for State Courts Applying for CIP Funds for Fiscal Years 2017-2021.

**How do you find your state administrator?** See above.

**How much funding is available?** For each grant, each state court with an approved application will be allotted \$85,000, and, after the sum of all states' base amounts is subtracted from the total appropriation, a percentage of the remainder based on the state's proportionate share of children under age 21.

## **Title IV-D Child Support + Access and Visitation program funds**

**Basics:** The [Title IV-D](#) of the Social Security Act (Title IV) establishes a state-federal partnership to provide child support services. States must have a single statewide agency that receives federal funding and administers the program. In December 2016, changes were made to the grant program to [include language that enables states to use Title IV-D funding for self-help services](#) which can include educational and outreach activities. To be eligible for Title IV-D reimbursement, [self-help services](#)--with the exception of allowable education and outreach costs--must be for paternity establishment and child support. This can include assistance with paternity acknowledgment forms, providing information to litigants about relevant court procedures, help with child support order establishment and modifications when circumstances change affecting amounts that should be paid, enforcement processes, or assisting with domestic violence protection orders if the order is necessary to safely obtain child support. Also noteworthy is that the separate OCSE Grants to States for Access and Visitation Programs have included legal aid and court partners' work on [technology tools](#).

**Examples:** Several states including Maryland, Michigan, California, Alaska, Minnesota, Texas, and Oregon have experience using Title IV-D funds for self-help services. The Office of the Attorney General - the entity that acts as the Texas Access and Visitation (AV) fund administrator - passes through its AV allocation to

the Supreme Court of Texas that in turn subcontracts with Texas Legal Services Center (TLSC) to provide two Shared Parenting Programs. TLSC's Access & Visitation Hotline (AV Hotline) is a statewide toll-free hotline staffed by non-attorney staff who provide information and referrals to callers about child custody and visitation, and limited information concerning paternity and child support. TLSC also runs the statewide Parenting Order Legal Line (POLL). POLL takes AV Hotline referrals and is staffed by attorneys who offer low-income and non-custodial parents, limited legal representation that can include legal advice, offer settlement negotiation, draft documents to enforce or modify visitation, and help locating a missing custodial parent.

**Proposal Ideas for COVID Response:** Now is the time to propose partnering with your state's Title IV-D administrator a range of remote access and technology tools to enable expanded self-help services. Perhaps the time is ripe for online child support modification document assembly tools or informational videos for parents? Online calculators that help determine a noncustodial parent's ability to pay when income and other circumstances change? Consider an informational hotline or online dispute resolution of parenting time disputes?

**How do you apply?** See below.

**How do you find your state administrator?** To find the agency in your state that handles child support and paternity establishment, the National Conference of State Legislatures [has a resource listing](#) all the entities that oversee child support in states as well as which committees in the state legislature pass new policies. Once that entity is identified, each website should list an executive director and staff. HHS OCSE also [has a map](#) with state contacts.

**How much funding is available?** Title IV-D is a federal-state matching grant program under which states must spend money in order to receive federal funding. For every \$3 the state spends on eligible expenses, it generally is reimbursed for \$2 from the federal government.

This reimbursement requirement is "open ended," in that there is no upper limit or ceiling on the federal government's match of those expenditures. In addition to matching funds, states receive child support enforcement incentive payments from the federal government. States will sometimes publish their budget requests online.

## **Victims of Crime Act Victim Assistance Formula Grants**

**Basics:** The Victims of Crime Act (VOCA) of 1984 established the Crime Victims Fund (CVF), the nation's primary funding source to help victims of all types of crimes. CVF is a repository of federal criminal fines, forfeitures, and special assessments. Among the VOCA-authorized grant programs is the state-administered victim assistance formula grants. It provides funding to groups and direct services for victims, such as domestic violence shelters, legal support, faith-based organizations, and child abuse organizations. The DOJ OVC – the federal CVF administrator – awards the VOCA Victim Assistance Formula Grant Program in accordance with VOCA and the Victim Assistance Rule and related guidance. The states, in turn, provide sub-grants to local public agencies and community service providers (referred to as the “subgrantee” or “sub-recipient”) that help individuals, families and communities recover from both the initial trauma and the long-term effects of victimization.

The DOJ OVC VOCA Assistance Rule, effective in August of 2016, included clarification that state VOCA administrators have the freedom and flexibility to use their funds for a broad array of legal needs beyond the immediate aftermath of the crime. The document included a non-exhaustive list of legal services state VOCA victim assistance administrators could fund that included family, custody, housing, and dependency matters; divorce; intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud; Intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person's victimization; and allowing victims to file a motion to vacate and/or expunge certain convictions based on their status of being a victim.

**Examples:** Almost all states now use VOCA funds for legal aid for crime victims including a number that have launched statewide VOCA-funded legal aid programs. The statewide models show great promise to raise the overall standard of care through joint provider training, data-sharing to better identify statewide patterns and trends, improved collaboration among legal aid providers, and importantly, to get legal aid to rural areas.

In 2016, the Washington State Office of Civil Legal Aid (OCLA) established the [Integrated Civil Legal Aid to Crime Victims Program](#). The effort was informed by findings in the 2015 Civil Legal Needs Study which found that victims of crime experience civil legal problems at substantially higher rates than the general public and focus groups that the state's VOCA administering agency held throughout the state. OCLA is the grantee intermediary that coordinates the statewide effort and subcontracts, supports, and oversees the delivery of civil legal aid services.

[Other innovative uses of VOCA](#) since the 2016 rule change include an online automated court-approved Petition for Order of Protection Forms in South Carolina, a Human Trafficking Prevention Project at the University of Baltimore School of Law, and an Economic Exploitation and Fraud Prevention Project at Washington DC's Tzedek DC.

**Proposal Ideas for COVID Response:** Any technology tools that can improve the delivery of crime victim legal services are a fit for these funds. VOCA funds can be used to develop/expand technology tools to improve crime victim services. OJP COVID-19 guidance including allowability of certain costs and possible alternatives or changes to the scope of projects can be found [here](#). This could potentially include budget modifications for technology costs to improve victim services. Current VOCA recipients should speak to their grant administrators if interested.

**How do you apply?** The OVC offers an application guide [here](#).

**How do you find your state administrator?** Generally, the governor decides which office or department administers VOCA. Consequently, where VOCA sits in the state executive branch varies state-to-state. [This DOJ OVC US Resource Map](#) of Crime Victim Services & Information site shows the specifics by state.

**How much funding is available?** DOJ OVC posts formula grant allocations by year [here](#) (look for "assistance" allocations).

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**Regions**

[United States](#)

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Table of Contents

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