
REQUEST FOR APPLICATIONS



Community Diversion Coordinator Pilot Program

PLEASE COMPLETE THIS APPLICATION IN ITS ENTIRETY TO ENSURE THAT WE HAVE ACCURATE INFORMATION FROM YOUR COMMUNITY AND THAT THE APPROPRIATE LEVEL OF COMMITMENT AMONG KEY STAKEHOLDERS IS DEMONSTRATED.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.

THE APPLICATION MUST BE SUBMITTED BY JUNE 30, 2021

Judicial Commission on Mental Health
PO Box 12248
Austin, Texas 78711

Questions may be submitted to Patrick Passmore, Grant Administrator
Phone: 512.463.4924
E-mail: patrick.passmore@txcourts.gov

OVERVIEW

The Judicial Commission on Mental Health (JCMH) was established by joint order of the Supreme Court of Texas and the Texas Court of Criminal Appeals to develop, implement, and coordinate policy initiatives designed to improve the courts' interaction with—and the administration of justice for—children, adults, and families with mental health needs or intellectual and developmental disabilities (IDD).

The JCMH has partnered with the Texas Health and Human Services Commission (HHSC) to develop a pilot project focused on enhancing coordination between courts and behavioral health providers. The Community Diversion Coordinator Pilot Program is intended to divert defendants with mental illness who are charged with nonviolent misdemeanor offenses from the criminal justice system.

The JCMH requests applications from counties to participate in the pilot project. Two counties will be selected and will be provided funding for a Community Diversion Coordinator to be employed by either (i) a lead criminal court judge in partnership with a probate judge; or (ii) the Local Mental Health Authority (LMHA). The Community Diversion Coordinator will (i) report to the lead judge, (ii) work with judges, lawyers, defendants, LMHA/LBHA and providers, and (iii) have access to jails, courts, and LMHA/LBHAs, including electronic health records, court records, case files, and 16.22 reports, as necessary to assist on the case.

FUNDING & AUTHORITY

The JCMH is funded by the 86th Texas Legislature Regular Session H.B.1, General Appropriations Act, Supreme Court of Texas, Strategy B.1.2, Court Improvement Projects. The JCMH is authorized to develop and administer grants by TEX. GOV'T CODE § 22.017. The JCMH has authorized \$342,000.00 for the Community Diversion Coordinator Pilot Program (Pilot Program). Funding in the amount of \$171,000 will be awarded to two Counties to employ a Community Diversion Coordinator for a period of two years (September 1, 2021 – August 30, 2023). Subject to program progression during the two-year period, the JCMH will provide step-down funding for years three and four at 80% and 60%, respectively (September 1, 2023 – August 30, 2025).

COMMUNITY DIVERSION COORDINATOR PROGRAM

Defendants with mental illness often languish in jail while on the forensic wait list for inpatient competency restoration services at a state hospital. The goal is for the Pilot Program to increase the judiciary's connection to diversionary resources and to treatment with the benefit of reducing the use of competency restoration services and stalling the growth of the forensic waitlist. The Pilot Program will also focus on an innovative pathway that would place a stronger emphasis on public safety and prevention of deterioration, with more restrictions, quicker interventions, and a greater emphasis on maintaining outpatient compliance with treatment.

In Texas, the Code of Criminal Procedure sets forth a pathway for criminal courts to transfer cases to courts with probate jurisdiction with or without dismissing charges.¹ Outpatient treatment would be similar to mandatory outpatient treatment available in many states currently. In the event of mental health deterioration or reoffending in the community, the defendant may undergo a period of inpatient commitment for reassessment and problem-solving discharge planning. The expectation is that under this new civil pathway, many of the individuals with serious mental illness now in jail would be diverted from the criminal process.

¹A national model of this pathway recommends expedited termination of criminal proceedings (i.e., it would not constitute a conditional disposition under which the charges could be resurrected based on noncompliance). S.K. Hoge & R.J. Bonnie, *A New Commitment Pathway for Offenders with Serious Mental Illness: Expedited Diversion to Court-Ordered Treatment*, PSYCHIATRYONLINE.ORG, <https://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.202000436> (last visited April 7, 2021).

The Community Diversion Coordinator will:

- Develop and foster collaborative relationships with and between LMHA/LBHAs, State Hospitals (SH), State Supported Living Centers (SSLC), courts, community providers, contract providers, probation/community supervision and corrections department, sheriffs' office, police department, district attorney and county attorney offices, public defender's office, and defense bar.
- Engage stakeholders in education on the many diversion opportunities across the Sequential Intercept Model, including the process of transferring appropriate cases from the criminal court to probate court, local mental health crisis and diversion programs, mental health and substance use treatment resources and community-based supports, competency restoration processes, waitlist procedures, and available diversions and services.
- Assist the court and attorneys in evaluating cases and defendants to determine if a pathway other than jail would better serve the defendant and the community. Work to facilitate a defendant case management/care/transition plan for that alternative pathway.
- Refer cases to the probate court, connect to community services, or connect to a bond officer as appropriate, if competency is not an issue, but mental health needs are apparent.
- Monitor defendants awaiting inpatient competency restoration services in jail in collaboration with the SH system and maintain communication with jails, courts, and LMHAs. Host status meetings to apprise the attorneys and court of changes in defendant, and if appropriate, recommend competency re-evaluation or alternatives to inpatient competency restoration services.
- Assist the jail and defendants in jail to ensure proper in-custody treatment, medication management, and utilization of diversion programs.
- Monitor defendant's position for competency restoration services in the community for outpatient competency restoration (OCR), jail-based competency restoration (JBCR), or in an inpatient facility at a state hospital or SSLC; communicate with appropriate organizations to ensure proper coordination of transportation, paperwork, medication, continuity of care, and docketing.
- Collaborate with and facilitate stakeholders, including pretrial services, probation, LMHA/LBHA/SH/SSLC to create a plan for defendant's transition back to community, civil commitment, or jail and continued services.
- Assist, as needed, in preparation of case plan for post-adjudication services (probation plans) and assist stakeholders with transition to field probation services.
- Document systemic changes as they progress in the community and judicial systems and create a blueprint so other counties may replicate a successful pilot program.

SITE SELECTION

The Coordinator position will be funded by JCMH for at least two years, and JCMH will have the project evaluated by a third party. Two test sites will be selected.

Preference will be given to Applicants who:

- Do not currently have a comparable program in place;
- Currently have a wait list for competency restoration; and
- Can convene the target community stakeholders (see Target Stakeholders/Partners in next section).

All applications must be received by June 30, 2021.

TARGET STAKEHOLDERS/PARTNERS

It is required that each applicant identify leaders within their community who support this project and are dedicated to allocating staff time to participate in the technical assistance activities.

Support must be illustrated by written letters of support from diverse community partners. These letters must acknowledge commitment to participate in the planning and implementation phases of the Community Diversion Coordinator Pilot Program.

Please consider letters of support from the following:

- Local law enforcement agency(ies)
- Hospital emergency departments
- Local Mental Health Authority
- Probate Judge
- Criminal Judge
- District Attorney
- County Attorney
- County Commissioner or Judge
- Defense Bar or Public Defender
- Community Supervision Corrections Department

In addition, please include letters of support from additional stakeholder groups, if appropriate, to demonstrate commitment to work collaboratively for the Community Diversion Coordinator Pilot Program.

DATA COLLECTION & DELIVERABLES

The Community Diversion Coordinator grant awardees will be required to create a blueprint of the program. The blueprint will be distributed to other communities interested in implementing the Community Diversion Coordinator Program.

The JCMH will provide funding to a third-party organization to conduct a formal evaluation. Grantees will be required to assist the evaluator with the collection of data elements such as the number of jail bookings, the length of stay, connections to treatment, recidivism, and the number of transfers from criminal court to civil court.

APPLICATION INSTRUCTIONS

A link to the online Community Diversion Coordinator Pilot Program grant application can be found below. Applications must be completed and submitted online. Incomplete applications will not be considered.

The online application will identify the applicant's Internet Protocol (IP) address once information has been entered into the application. This will allow you to return at a later date if needed. To return to application that has been started, follow the link below from the same computer initially used to start the application.

<https://www.surveymonkey.com/r/CommunityDiversionCoordinator>

For your reference, a list of the questions found in the application can be viewed below.

1. Provide a brief description of your community including demographics, population, available resources, and any other information that you think gives us a good "picture" of your jurisdiction.
2. Describe your community's current activities focused on diverting individuals with mental illnesses from the criminal justice system at Intercepts 0-3 on the [Sequential Intercept Model](#). Please detail formal programs,

partnerships, and collaborations between your local mental health authority/local behavioral health authority and the judiciary.

3. Discuss why it is important for your community to participate in this opportunity right now.
4. Please discuss your ability to meet the required activities (i.e., transfer of individuals from trial court to civil/probate) of this pilot. Identify policies that may need to be developed/modified, stakeholders to be consulted, and known obstacles to these plans/goals.
5. Discuss any obstacles or hurdles you anticipate regarding adhering to the schedule or expectations of this opportunity.

GRANT GUIDELINES

Grantee Review, Selection, & Notification

1. Available Funds: The JCMH has allocated \$342,000 for the Community Diversion Coordinator Pilot Program. Only one application per County will be considered. The maximum award amount per County is \$171,000.
2. Review Criteria: At the conclusion of the application period, the JCMH staff will review each application for eligibility, need, and impact. The JCMH staff will draft recommendations based on the criteria above.
3. Past Performance: The JCMH staff will review applicants' performance, implementation, and evaluation of past grants (if applicable).
4. Final Selection: Grant applications, past performance reports (if available), and JCMH staff recommendations will be presented for vote to the JCMH executive committee. The JCMH staff may recommend to the JCMH that a program not be funded.

General Grant Rules

1. Compliance with Laws: The applicant shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules, and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of this program, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. Applicant shall adhere to the applicable Uniform Grant Management Standards (UGMS) for state agencies which are linked here: <https://comptroller.texas.gov/purchasing/grant-management/> and are incorporated herein by reference. Grants awarded after January 1, 2022 shall adhere to the applicable Texas Grant Management Standards (TxGMS) linked here: <https://comptroller.texas.gov/purchasing/grant-management/>. When required, the applicant shall furnish JCMH with satisfactory proof of its compliance.
2. Single Contract: A partnership, multi-county region, or other conglomerate entity requesting funds must appoint one entity to be the administrator. If selected, the JCMH will only contract with one entity for the program. Only one county or agency may be designated as the administrative county in partnerships or regions.
3. Disclosure: Applicants must disclose if any members of the Supreme Court of Texas, Texas Court of Criminal Appeals, JCMH, a JCMH Committee, or JCMH Collaborative Council serve on the applicant's governing or advisory board, or if such a member has been retained by the applicant for a profit—a fee which exceeds the actual expenses to participate in funded activities.
4. Grant Officials: Each grant must have the following designated to serve as grant officials:
 - a. Financial officer. This person must be a fiscal officer of a governmental, educational institution, or non-profit organization such as an accountant, bookkeeper, director, county auditor, or county treasurer.
 - b. Authorized official. This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant. A judge or a designee authorized by the governing body in its resolution may serve as the authorized official.
 - c. Note: The financial officer may not serve as the authorized official.
5. Maintain Official Contact Information: Applicants must advise the JCMH of changes in the authorized official, program director, or financial officer. This information will be used to provide notices for grant information. The JCMH will use e-mail whenever possible to notify grant recipients of required reports and funding opportunities.
6. 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. Computer equipment and software maintenance for the

purpose of this grant is defined as performing regular updates to operating system, software, and security programs.

7. Inventory: Property records must be maintained by applicants for any equipment and capital expenses incurred consistent with the applicants' written property control policy and procedures. In the event an applicant does not have such property control measures then the equipment must be maintained in such a way to protect the asset from damage or loss in accordance with Uniform Grant Management Standards (UGMS). Grants awarded after January 1, 2022 shall adhere to the applicable Texas Grant Management Standards (TxGMS) linked here: <https://comptroller.texas.gov/purchasing/grant-management/>. If the JCMH is discontinued prior to the expiration of the useful life, then the applicant may continue to use the property to support similar programs or notify the JCMH to discuss procedures for return or transfer of the property. Grantees may choose useful life attribution for inventory items in accordance with UGMS.
8. Records Retention: Grant recipients 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.
9. Monitoring and Auditing: Records must be made available to the JCMH or its designees upon request. JCMH staff or their designees must have access to funded events or be allowed to conduct on-site inspections.
10. Professional and Contractual Services: Any contract or agreement entered 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 being provided as specified in the contracts. A grantee's failure to monitor its contracts may result in disallowed costs.
11. Grant Management Standards: All programs and funds awarded by the JCMH shall be managed in accordance with the Texas Uniform Grant Management Standards (UGMS), which can be linked to here: <http://www.governor.state.tx.us/files/state-grants/UGMS062004.doc>. Grants awarded after January 1, 2022 Texas Grant Management Standards (TxGMS) linked here: <https://comptroller.texas.gov/purchasing/grant-management/>.

Financial Provisions

1. Funds Availability: All commitments are subject to availability of funds.
2. Fund Use: Funds must be used to pay for the direct and/or administrative costs of providing court improvement projects consistent with the JCMH strategic plan.
3. Budget (Narrative required): Applicants will complete the budget form. Budget narrative must clearly state the costs of executing the program. Budget categories are Personnel, Fringe, Travel, Equipment, Supplies, Contractual, and Other.
 - a. Include all costs necessary to implement the proposed activity.
 - b. The narrative must justify all budgeted expenses.
 - c. The narrative must correspond to the activities' sections.
 - d. Identify in the narrative the start-up costs or non-reoccurring.
4. Timeframe for Expenses: Expenses must be incurred by the end of the grant period, August 30, 2023.
5. Program Related Costs: Only costs directly related to the project are allowable. See the Texas Uniform Grant Management Standards (UGMS), which can be linked to here: www.governor.state.tx.us/files/state-grants/UGMS062004.doc. Grants awarded after January 1, 2022 Texas Grant Management Standards (TxGMS) linked here: <https://comptroller.texas.gov/purchasing/grant-management/>.
6. Unallowable Costs: Specifically, in accordance with the UGMS and/or the grant rules the following conditions apply to these grant funds:
 - a. General government costs are unallowable;
 - b. Costs of law enforcement, prosecution, and incarceration are unallowable; and
 - c. Replacing existing funding with grant funds is unallowable;(Note: See Texas Uniform Grant Management Standards (UGMS), which can be linked to here: www.governor.state.tx.us/files/state-grants/UGMS062004.doc. Grants awarded after January 1, 2022: <https://comptroller.texas.gov/purchasing/grant-management/>.)
7. Reallocation of Funds: The JCMH permits up to 10% of funds to be reallocated within budget line-item categories without prior approval however, all reallocations must be approved by the JCMH Grants Administrator. Please send all reallocation requests via email to the Grants Administrator at Patrick.passmore@txcourts.gov for review and approval.

8. Unobligated Balances: At the end of a budget period any unspent funds will be returned to the JCMH. Fund carryover and no-cost extensions must be approved by the JCMH Grant Administrator in writing prior to the end of a budget period.
9. Supplanting Prohibited: Applicants may not reduce the amount of funds provided to courts or local mental health stakeholders because of funds provided by this grant. Supplanting is defined as the withdrawal of local, private, or other public funds for services that were available during previous years of funding for the same program purpose in the same manner.
10. Use of Program Income: Applicants may use funds received through program income to fulfill the matching funds requirement, if applicable.
11. Awards: Publishing these guidelines and instructions do not obligate the JCMH to fund any programs.
12. Partial Funding: The JCMH may recommend funding for all or any portion of a program submitted in the application.
13. Substitution: The JCMH may recommend alternative funding sources, special conditions, or alternative program elements in response to submitted applications.
14. Reporting Requirements: Grantees may be required to submit two reports during the grant period: an interim and a final program progress report.
 - a. The final progress report is due at the completion of the grant period. The deadline is prescribed in the Notice of Award under "Reporting Requirements." The JCMH will provide a template for both reports on its website at <http://texasjcmh.gov>. The JCMH may also require that each grant recipient provide a copy of any independent or required audit completed by a grantee to help ensure adequate accountability of organizations expending JCMH funds. A copy of the audit must be submitted to the JCMH Grant Administrator within 30 days after completion of the audit. Grantees should take note that failure to submit reports within the recommended timeframe may result in delay in final payments and hold on future funding. The JCMH reserves the right to require additional reports or submission of backup for auditing purposes at any time during the grant year.
15. Future Funding on Continued Projects: The JCMH reserves the right to recommend funding for the current grant year only. Future funding will be based on the applicant submitting a new application to continue funding in subsequent years, submission of progress reports, a demonstration of successful progress made in implementing the program evidenced by a formal evaluation, and future availability of funds.