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# FAQs

## FY 2023 ADULT TREATMENT COURT DISCRETIONARY GRANT SOLICITATION

### DEADLINES

**Can you explain the two different due dates for Grants.gov and JustGrants.gov? Are both required to complete the application process?**

**Yes.** **Step 1** in Grants.gov requires that you submit the Application for Federal Assistance (SF-424) and Disclosure of Lobbying Activities (SF-LLL) forms. The due date for step 1 is April 11, 2023, 8:59 PM ET. **Step 2** in Justgrants.gov requires that you submit the proposal abstract, narrative, budget web-based form, indirect cost rate agreement, financial management and system of internal controls questionnaire, disclosure of process related to executive compensation, and additional attachments. The due date for step 2 is April 18, 2023, 8:59 PM ET. You should complete steps 1 and 2 by their due dates to include all the required documents.

### ELIGIBILITY

**Are 501(c)3 organizations eligible for grant funding under the Adult Treatment Court (ATC) solicitation?**

501(c)3 organizations are not eligible for funding under this solicitation. Per the solicitation, the following entities are eligible:

State governments; Special district governments; City or township governments; County governments; Public housing authorities/Indian housing authorities; and Native American tribal governments (Federally recognized) to include, public or private entities acting on behalf of a single treatment court through agreement with state, city, township, county, or tribal governments.

**Can two eligible entities apply as co-applicants under this solicitation?**

Per the solicitation, BJA will consider applications under which two or more entities would carry out the federal award;



however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees). For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

### **Can an eligible entity consisting of three counties apply for funding to support an adult treatment court program?**

Yes, an eligible entity consisting of two or more counties may apply for funding to implement or enhance adult treatment court services in their designate jurisdiction.

### **Are we eligible to apply to this grant if we currently have an open federal award with the Substance Abuse and Mental Health Administration (SAMHSA) or BJA?**

It depends. Yes, if the active award closes prior to the start of the new award (e.g., the active award closes September 30, 2023, and the new award starts October 1, 2023). In this scenario, it is not required that the proposed application be for a different project from the active award. **Note:** If the applicant receives the new award, a request for a no-cost extension for the active award may be denied if the new award proposes the same project as the active award. If the active award is not scheduled to close prior to the start of the new award, the applicant would still be eligible apply for a new award but will need to propose a different project in response to the solicitation.

### **If we apply for funding for the same project need through BJA and SAMHSA at the same time, if the project is scalable, is it possible to receive an award from both sources?**

To eliminate duplication of funding, BJA coordinates with SAMHSA to deconflict applications and awards. If an application was received by both federal agencies, the agency that first makes the award notifies the other agency which then eliminates that application for consideration. This is done to ensure effective stewardship of federal funds.

## **GRANT CATEGORY**

### **Can you apply for multiple existing adult treatment court programs in the same jurisdiction under this solicitation's Category 2: Enhancement?**

Yes. A single eligible entity can apply to support multiple existing adult treatment court programs in the same jurisdiction.

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

Under the Adult Treatment Court solicitation, you can submit one application to support an adult treatment court and a veterans treatment court. **Note:** if requesting to fund two types of adult treatment courts in one application and one of the courts is a VTC, you should include the dollar amount requested for each court type (i.e., VTC: \$500,000 and DUI: \$400,000).

### **What types of courts may apply to this solicitation?**

Under this solicitation an "adult treatment court" includes (1) adult drug courts, (2) driving while intoxicated (DWI)/driving under the influence (DUI) courts, (3) co-occurring disorder courts, and (4) tribal healing to wellness courts (THWCs). This solicitation also supports VTCs in combination with any of the four ATC types.

**Note:** Applicants requesting funding to support a standalone VTC program should apply to the [Veterans Treatment Court](#) solicitation.

**Note:** An applicant requesting funding to support a juvenile or family treatment court (FTC) should apply under a separate solicitation from the [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\)](#). An FTC may also be funded under [BJA's Comprehensive Opioid, Stimulant, and Substance Use Program \(COSSUP\)](#) solicitation.

## PROPOSAL NARRATIVE

### In the proposal narrative section of the application, do we need to include information regarding our partners and their roles in supporting our ATC program?

BJA encourages applicants to include information regarding key partners and their roles in supporting the ATC applicant, which may address potential gaps in the adult treatment court's capacity.

### Are the 20-page, double spaced, 12-point font, 1-inch margins specific to the proposal narrative or to the entire application (i.e., abstract, narrative, budget, and timeline)?

The guidelines are specific only to the proposal narrative.

### Do tables, charts, and graphs count against the 20-page limit of the proposal narrative?

Table, charts, and graphs will count against the 20-page limit of the proposal narrative unless you include them as an attachment. **Note:** tables, charts, and graphs must be in a legible font no smaller than 12-point font.

## BUDGET

### 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)?

Yes. The applicant should provide a budget and narrative for each year of the award and a summary for the full 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>.

### What is the Fiscal Agent Memorandum of Understanding (MOU) and is there a template available?

Per the solicitation, it is recommended that an eligible entity (i.e., unit of local government or county) applying to Category 1 or Category 2 on behalf of an adult treatment court attach a fiscal agent MOU. It should describe how the applicant will coordinate directly with the adult treatment 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 ATC program as well as show support for efforts to adhere to the evidence-based program principles included in the National Association of Drug Court Professionals [best practice standards](#) and the [key components of drug courts](#).

**Note:** Although BJA does not provide a standard template for the fiscal agent MOU, applicants can visit the National Drug Court Research Center at [NDCRC.org](http://NDCRC.org) for a variety of drug court resources.

### Is the disclosure of pending applications for any federal funding or just funding for this project?

It is only for this project. 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)."

### Can this grant be used for construction and renovations?

Grant funds may not be used to support construction and renovation costs associated with this grant program. See [2 C.F.R. § 200.1 \(Disallowed Costs\)](#).

## MATCH

### What are the types of matches?

There are two kinds of match—cash and in-kind. A **cash match** (hard) includes cash spent for project costs. An allowable cash match must include costs that are allowable with federal funds, except acquisition of land, when applicable. A third-party **in-kind match** (soft) includes, but is not limited to, the valuation of noncash contributions. “In-kind” may be in the form of services, supplies, real property, and equipment. For more information regarding matches, please visit <https://www.ojp.gov/funding/financialguidedoj/iii-postaward-requirements#k6897k>.

### Can match be in-kind alone or does it have to be a combination of in-kind and cash?

The 25 percent required match can be either in-kind or cash alone as well as a combination of both. There is no minimum required amount for a cash match.

### Can indirect costs be included in the match?

Per [2 CFR Part 200.306](#), unrecovered indirect costs, including indirect costs on cost sharing or matching, may be included as part of cost sharing or matching only with the prior approval of the federal awarding agency. An “unrecovered indirect cost” means the difference between the amount charged to the federal award and the amount which could have been charged to the federal award under the nonfederal entity’s approved negotiated indirect cost rate. If your agency is requesting to use unrecovered indirect costs, it should include this in the budget with justification in the narrative for this request. **Note:** unrecovered indirect costs based on the de minimis rate cannot be claimed as a match.

### Can the match under this solicitation be waived?

**Match Waiver:** The match may be waived for fiscal hardship upon request by a grantee. To be considered for a match

waiver, a letter of request defining the fiscal hardship and signed by the Authorized Representative must be submitted with the application. A “fiscal hardship” may be defined in terms related to reductions in overall treatment court budgets, furloughing or reductions in treatment court staff, or other similar documented actions which have resulted in severe budget reductions. The match waiver request must be submitted as a separate attachment to the application, titled as “Match Waiver,” and submitted through JustGrants.

**Note:** Per 34 U.S. Code § 10616, the federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the program described in the application submitted under section 10615 of this title for the fiscal year for which the program receives assistance under this subchapter, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section.

## DATA COLLECTION

### Where can I find a list of all the data points required for reporting?

A list of performance measure questions for this program can be found at: <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/TreatmentCourt-Measures.pdf>.

### Can our current court staff data person perform the data evaluation or must an outside evaluator be hired?

The solicitation does not preclude a current staff evaluator from serving as the evaluator for the grant program. Per the solicitation, all applicants must indicate their willingness and ability to report the data through BJA’s Performance Measurement Tool as well as **identify the person responsible for collecting the data**.

## ALLOWABLE USE OF FUNDS

### What is considered an allowable use of funds for this solicitation?

Treatment court services supported by BJA funding include, but are not limited to, the following:

Inpatient treatment slots	Recovery support services (RSS)
Outpatient treatment slots	Equipment
Case management or supervision services	Training and technical assistance (TTA)
Substance use disorder treatment services	Evaluation
Inpatient substance use disorder treatment	Management information system (MIS)
Aftercare support	Treatment court staffing position
Enhancing risk/needs assessment screening	Medication-assisted treatment (MAT) services
Drug testing services and supplies	Temporary housing support
Transportation	Peer support/peer mentors
Performance reporting	Electronic monitoring (e.g., SCRAM ankle monitors)

### Can you give some examples of recovery support services that have been funded under the grant program?

For a brief list of allowable use of funds for RSS, please visit: [https://ndcrc.org/wp-content/uploads/2022/01/Examples\\_and\\_Definitions\\_of\\_Recovery\\_Support\\_Services.pdf](https://ndcrc.org/wp-content/uploads/2022/01/Examples_and_Definitions_of_Recovery_Support_Services.pdf).

**Note:** Applicants may use **up to 40 percent** of the total budget for RSS and are encouraged to consider strategies to ensure access to U.S. Food and Drug Administration (FDA)-approved MAT, consistent housing, and peer and family support to include child care.

### 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 adult treatment court?

Yes. Grant funding of RSS may be used for short-term clean and sober housing assistance, including rental or utilities payments 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 adult treatment court program.

### Our Accountability Court (Specialty Court), run through our County Court, would like to apply for BJA FY 2023 Adult Treatment Court funding to support a court coordinator and case management software. Would this be eligible under Category 2: Enhancement?

Yes. A treatment court staffing position is an allowable use of funds under this solicitation.

### Does delivering training and technical assistance include a statewide conference?

BJA funds may be used to support statewide sponsored trainings or conferences that primarily focus on treatment courts.

## GRANT REQUIREMENTS: Medical Marijuana

### Can a BJA-funded adult treatment court program provide services to participants with a medical marijuana card?

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 adult treatment court program must ensure that program participants are tested periodically for the use of controlled substances, including medical marijuana.



## **Would the use of CBD/THC-A oil violate the Controlled Substances Act (CSA), 21 U.S.C. § 801, et seq.?**

No, CBD/THC-A oil is an FDA-approved drug. Please visit <https://www.fda.gov/> to determine which products are FDA approved.

## **In states that have marijuana laws that require treatment courts to allow participants with a medical marijuana card to use, can those treatment courts use BJA funds for participants who do not have a medical marijuana card and who are not allowed to use marijuana?**

BJA does not deny applicants from states that require treatment courts to allow participants with a medical marijuana card to use. Treatment courts in such states can still apply for treatment court funds; however, any grantees in these states would have to make sure that federal funding, and any matching funds, would not go to supporting participants who use marijuana for any purpose whatsoever, medical, or otherwise. Programs and activities supported by BJA funds must test for the use of controlled substances to include medical marijuana.

## **What process is BJA using to ensure programs are not using federal funds to support programs or activities that violate the CSA? Is BJA using the existence of states' medical marijuana laws as exclusionary criteria when reviewing applications and awarding federal BJA drug court grants?**

BJA conducts regular desk reviews and site visits to monitor grantees and determine compliance with their federal award and can refer them to the DOJ Office of the Inspector General for investigation if deemed necessary. BJA does not consider local or state medical marijuana laws when reviewing applications or making funding decisions.

### **ABOUT BJA**

BJA helps America's state, local, and tribal jurisdictions reduce and prevent crime, lower recidivism, and promote a fair and safe criminal justice system. BJA provides a wide range of resources—including grants, funding, and training and technical assistance—to law enforcement, courts and corrections agencies, treatment providers, reentry practitioners, justice information sharing professionals, and community-based partners to address chronic and emerging criminal justice challenges nationwide. To learn more about BJA, visit [bja.ojp.gov](http://bja.ojp.gov) or follow us on Facebook ([www.facebook.com/DOJBJA](https://www.facebook.com/DOJBJA)) and Twitter ([@DOJBJA](https://twitter.com/DOJBJA)). BJA is a component of the Department of Justice's Office of Justice Programs.

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