

Understanding How Federal Block Grants Support Legal Aid

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Roadmap

- Block grants overview
- OVCA (DOJ OVC, MLAC, MAP, Wisc.)
- CDBG (WH-LAIR, MAP, Wisc.)
- TANF (WH-LAIR, Wisc.)
- STOP (WH-LAIR)
- Tips/ Strategies



Grants overview

“a different balance between the interests of the Federal grant-making agency that funds be used efficiently and effectively to meet national objectives, and the interests of the recipient to use the funds to meet local priorities and to minimize the administrative burdens associated with accepting the grant.”

Source: Grant Program Consolidations, GAO-15-125 (Dec. 2014).



Block Grants overview

- Block grants are generally awarded on a formula basis, with some flexibility for recipients to define the uses of the funding.
- States and local governments may provide services directly or act as a pass-through.
- Themes:
 - Place-based approach – look at a community’s specific assets and challenges
 - Coordination and collaboration
 - Working across agencies and program silos



Block or Formula Grants

Federal Funds Granted to and Administered by
State and Local Governments



federal agencies



state and local
governments



community groups, social service
providers, and civil legal aid



How to be competitive

- Provide the details of expected outcomes for your proposals. Show what you would accomplish with the funding and connect that to the mission of the program.
- Demonstrate what you are achieving now with your current funding, as relevant to the program you are now applying for.
- Show how your proposals will help address specific problems, not just a general problem.
- Use the WH-LAIR Toolkit:
<https://www.justice.gov/lair/toolkit>



Block/Formula Grants and Legal Aid

- Community Services Block Grant (HHS ACJ OCS):
<http://www.acf.hhs.gov/programs/ocs/programs/csbg>
- Social Services Block Grant (HHS ACF OCS):
<http://www.acf.hhs.gov/programs/ocs/programs/ssbg>
- Family Violence and Services Block Grant (HHS ACF FYSB):
<http://www.acf.hhs.gov/programs/fysb/programs/family-violence-prevention-services>
- Community-Based Grants for the Prevention of Child Abuse and Neglect (HHS ACF CB):
<http://www.acf.hhs.gov/programs/cb/resource/cbcap-state-grants>
- Maternal and Child Health Services Block Grant Program (HHS HRSA MCH): <http://mchb.hrsa.gov/programs/titlevgrants/>
- Title II Formula Grants Program (DOJ Office for Juvenile Justice & Delinquency Prevention):
<http://www.ojjdp.gov/programs/ProgSummary.asp?pi=16>



Office for Victims of Crime (OVC)

Crime Victims Fund:

- 2014: \$745M
- 2015: \$2.361B
- 2016: \$3.042B - Victim Assistance share = \$2.252B

Vision 21 Final Report:

- Vision 21 Final Report, Chapter 2, “Meeting the Holistic Legal Needs of Crime Victims,” pp. 9-15;
http://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf



VOCA

Victims of Crime Act (VOCA):

- **VOCA Victim Assistance and Compensation programs.**
- **3 years plus the year of the award to disburse and spend funds.**
- **10% of award to services for: (1) child abuse, (2) domestic violence, (3) sexual assault, and (4) underserved.**



VOCA Victim Assistance Rule:

Legal Assistance - Legal assistance services (including, but not limited to, those provided on an emergency basis), are allowable where reasonable and where the need for such services arises as a direct result of the victimization.

- Such services include, but are not limited to:
 - (1) Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding;
 - (2) Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and
 - (3) Those actions (other than tort actions) that, in the civil context, are reasonably necessary.

The [New] Rule 😊 - 28 CFR Part 94.119(f) - <https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16085.pdf>

Rule side-by-side: <http://www.ovc.gov/pubs/comparison-VOCA-victim-assistance-guidelines-and-final-rule.pdf>

VOCA

- **Massachusetts Office of Victims Assistance**
- **MOVA's 2014 Needs Assessment**
 - Affordable legal assistance was top priority for victim services
 - Surveyed organizations routinely collaborated with legal aid programs
- **Issued RFP to MLAC**
- **Proposed *Civil Legal Aid Initiative for Victims of Crime* - Statewide virtual law firm**
- **Total \$10.3 million and 30 attorneys**
- **Still in discussion with MOVA, no final decisions but optimistic**

VOCA

- **MLAC:** quasi-state entity providing funding for civil legal assistance to eligible clients statewide; fiscal agent for and overseer of the requested grant
- **Massachusetts Law Reform Institute:** state support center will provide substantive law and project management for grant
- **Coordinated delivery of legal services,** maximized efficiency, assured quality, coordinated outreach, organized essential training, expertise developed and provided, with uniform administrative standards and a unified delivery system.
- **Regional and Statewide civil legal aid programs, Victims' Rights Center, Disability Law Center and domestic violence network partners**
- **Extending the reach of services:** pro bono and "low-bono" panels, promoting limited-assistance representation, improving self-help materials on MassLegalHelp.org, and providing training and resources for non-lawyer advocates at the partner agencies

VOCA

- Two new Statewide Programs – one focused on domestic violence survivors and one on elder abuse
- Staff in all the federally funded regional legal aid programs.
- 14 dv attorneys, including one doing VAWA/Uvisa cases for immigrant survivors of crime and 10 elder abuse attorneys.

VOCA – ELDER ABUSE

- 20 Year old project – one county
- VOCA Expansion – Doubled Project (\$100,000 increase)
- VOCA Competitive Expansion –
 - Create Statewide Project
 - Legal Action of WI & Judicare Complimentary Proposals
 - Eleven Lawyers – 7 offices



Find your state VOCA Administrator:

<http://ojp.gov/ovc/map.html>

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Providers/Community Leaders

U.S. Resource Map of Crime Victim Services & Information

If you are a victim of crime, click on your state or territory to find—

- Victim compensation and assistance.
- Victim notification programs.
- Other victim assistance programs through the Online Directory.
- Information on reporting crime victim' rights violations.

If you are a provider/community leader, click on your state or territory to find—

- Conferences and events.
- Victims' rights legal provisions.
- Statistics.
- Statewide performance reports.

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Access the Office on Violence Against Women Local Resources Map for state [sexual assault, domestic violence, and tribal coalitions.](#)



Community Development Block Grant (CDBG)

HUD Community Planning and Development

- The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation. The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities respectively.
- A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. ..



State CDBG Guide to National Objectives and Eligible Activities

<https://www.hudexchange.info/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Chapter-2.pdf>

Public services include, but are not limited to:

- *Child care,*
- *Health care,*
- *...*
- *Fair housing activities (see Program Administration category),*
- *Services for senior citizens,*
- *Services for homeless persons, and victims of domestic violence (See also categories of supportive services under the Continuum of Care and Emergency Solutions Grants programs),*
- *...*
- *Legal services (including walk-in legal counseling, foreclosure mitigation and prevention, landlord/tenant matters, veterans and public benefit appeals, child support orders, reasonable accommodations for persons with disabilities, and consumer protection).*

CDBG

- **Michigan Advocacy Program:** has received CDBG funding in medium-sized cities for years, but a few years ago started receiving new CDBG funding from a rural community.
- Funds homeless prevention work – evictions, public benefits and domestic violence.

CDBG

- **Legal Action of Wisconsin:** together with Wisconsin Community Services, CDBG funds support a driver's license restoration project in Milwaukee



Temporary Assistance for Needy Families(TANF)

HHS ACF Office of Family Assistance

TANF program is designed to help needy families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program.

Four purposes of the TANF program:

1. Provide assistance to needy families so that children can be cared for in their own homes
2. Reduce the dependency of needy parents by promoting job preparation, work and marriage
3. Prevent and reduce the incidence of out-of-wedlock pregnancies
4. Encourage the formation and maintenance of two-parent families

<http://www.acf.hhs.gov/programs/ofa/programs/tanf/about>



TANF <http://www.acf.hhs.gov/programs/ofa/resource/q-a-use-of-funds?page=2>

Q&A: Use of Funds

TANF Program Policy Questions and Answers

Q19: May States use TANF funds for costs associated with providing **legal representation to members of needy families who are pursuing SSI benefits?**

A19: Yes, States may use TANF funds in connection with legal representation for members of needy families who are pursuing SSI benefits. Receipt of SSI benefits can further purpose one of TANF by helping needy families care for children in their own home. Further, although OMB Circular A-87, which applies to Federal expenditures under the TANF program, prohibits the use of Federal funds for "prosecution of claims against the Federal government", under the Circular's definition of "claims," this prohibition would not restrict the provision of legal support in connection with an SSI application (from pre-filing through the administrative appeals process).

Q20: May States use TANF and MOE funds to help resolve personal or family **legal problems?**

A20: Yes, States may use their funds in this way as long as such expenditures are consistent with the purposes of the program (e.g., where legal problems are a threat to family stability or undermine the employment of needy parents).

Q21: May States use TANF and MOE funds to help needy families resolve bad debt and credit problems?

A21: Yes, States may use TANF and/or MOE funds for these purposes. Even under prior law, States helped needy families avoid eviction by providing them with funds to cover their rent arrearages. **Likewise, clearing up other kinds of debt (e.g., credit, car payments, etc.) would be consistent** with the goals of TANF.



Find your state TANF Administrator:

<http://www.acf.hhs.gov/programs/ofa/help>

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Looking for help for yourself or your family? ACF provides states with block grants to design and operate programs to meet Temporary Assistance for Needy Families (TANF) goals. Select your state or territory from the list below for local TANF and Tribal TANF help.

For specific Tribal TANF explore the links below or view our list of [Program Contacts](#).

Select Your State

Help in Wisconsin

Wisconsin Works (W-2) Program [↗](#)

General Information:
(608) 266-6886

State Office:
Department of Children and Families
201 E. Washington Avenue 2nd Floor
P.O. Box 8916
Madison, WI 53707-7935
(608) 267-3905

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Letter from a Participant with the Ridge Project

Ohio

TANF

The Accidental Source of State Funding or Leave No Stone Unturned

- TANF can be used for legal services
- Legal services can be incorporated into the state TANF budget or pulled from unexpended TANF funds
- It could come from the state TANF administrator or through the legislature.

Sometimes you have to be creative.

The Search For State Funding

1. Convincing the legislature to fund legal services
2. Identifying a source of funds – Unspent TANF
3. Creating a funding framework in the legislature

The Funding Framework

1. TANF unspent funds
2. TANF domestic violence victims
3. Broad definition of legal services
4. \$500,000 each of two years
5. \$75,000 per organization
6. Administered by IOLTA

Implementation

1. IOLTA negotiated agreement with DCF
2. IOLTA issued RFP
3. Legal Action submitted one proposal
4. Legal Action partnered with 3 DV organizations
5. Four proposals = \$142,500

LEGISLATIVE STUDY COMMITTEE

- State process to study specific problem and propose legislation
- WI Supreme Court Requested
- Limited Scope
- Possible proposals:
 - Set aside % of surplus TANF funds
 - Require that if a federal block grant permissively allows for legal aid, the state must provide for legal aid.



TANF: Alternative to Wisconsin legislative branch story → consider the executive branch

- **Atlanta Legal Aid Society**

- Receives “maintenance-of-effort” (MOE) state agency funds (states are required – based on a formula – to maintain a certain level of spending on needy families and children)

- **Legal Aid of West Virginia**

- Direct from state TANF administrator for nearly 15 years
- More than \$1.5M in both federal and state MOE funds
- More than 20 FTEs
- Domestic violence, SSI, drivers license revocation, expungement, fines/fees, family law (divorce, adoption, custody, guardianship), IEP and 504



STOP

(Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants

DOJ Office on Violence Against Women

The STOP 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. Each state and territory must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, 5 percent to courts, and 30 percent to victim services. The remaining 15 percent is discretionary within the parameters of the Violence Against Women Act (VAWA). Grant awards are made to state governments, and interested tribes and organizations should contact their respective State Administrative Agency for information about obtaining funding from this program.



Frequently Asked Questions About STOP Formula Grants

<https://www.justice.gov/ovw/file/827531/download>

1. Can legal services be supported with STOP funds?

Yes. ... states can now provide a full range of legal services, such as housing, family law, public benefits, and other similar matters. ...

4. What types of entities are eligible for the 30 percent for victim services?

The 30 percent is “for victims services.” Victim services is defined in VAWA as “services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, **legal advocacy**, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information, and referrals, culturally specific services, population specific services, and other related supportive services.” ...



Getting Started with STOP

Background: <http://muskie.usm.maine.edu/vawamei/stopformulamain.htm>

OVW Fiscal Year 2016 STOP Formula Grant Program Solicitation (state deadline May 26): <https://www.justice.gov/ovw/file/839466/download>

Find your state STOP administrator by looking at 2015 awardees: <https://www.justice.gov/ovw/awards/fy-2015-ovw-grant-awards-by-state>

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LOCAL RESOURCES

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

To find local resources click on your state, then click on the name of your state coalition. You will be directed to the coalition website or a listing of local resources in your state, if available.

State	State Domestic Violence Coalitions	Tribal Coalitions	State Sexual Assault Coalitions
Alabama	Alabama Coalition Against		Alabama Coalition Against Sexual



Bonus Tips for Outreach to Governments



- Describe low-level of understanding about civil justice problems. Many low-income people – and the social service providers they work with – do not identify a wide-range of problems as having a possible legal solution, but they often do. Legal Aid can make overall program more effective and improve outcomes.

See details in Rebecca Sandefur's Civil Legal Needs and Public Legal Understanding handout: <http://www.americanbarfoundation.org/research/A2J.html>

- Describe economic benefits of investing in legal services. Build on data that shows Legal Aid improves program effectiveness and outcomes.



See details in Laura Abel's Economic Benefits of Legal Aid handout <http://ncforaj.org/2012/09/05/economic-other-benefits-of-civil-legal-aid-are-summarized-in-new-fact-sheet/> and for a treasure trove of studies go to NLADA's <http://legalaidresearch.org>

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