



# Indiana Office of Court Services

## Court Improvement Program Terms and Conditions

October 1, 2024 – September 30, 2025

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Funding for the sub-award comes from federal funds received by the Indiana Supreme Court from the United States Department of Health and Human Services (HHS), Administration for Children & Families under the provision of the State Court Improvement Program-Catalog of Federal Assistance (CFDA) # 93.586.

By acceptance of this sub-award, the Grantee agrees to follow the terms and conditions detailed below. Failure to comply with these terms and conditions may result in the loss of Court Improvement Program (CIP) funds and may be considered grounds for the suspension and termination of the grant.

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### Federal Program Standards

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1. These sub-awards are governed by and subject to the following federal regulations, program policies, and instructions:
  1. The Department of Health and Human Services (HHS)-specific implementing regulations of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards codified at **45 CFR Part 75**.
    - a. Subpart A – Acronyms and Definitions
    - b. Subpart B – General Provisions
    - c. Subpart D – Post Federal Award Requirements only portions apply to all:
      1. 45 CFR §75.303 – Internal Controls
      2. 45 CFR §75.351 through §75.353 – Subrecipient Monitoring and Management.
  2. Additional federal regulations:
    - a. **2 CFR Part 25** – Universal Identifier and System for Award Management
    - b. **2 CFR Part 170** – Reporting Subaward and Executive Compensation Information
    - c. **2 CFR Part 175** – Award Term for Trafficking in Persons
    - d. **2 CFR Part 176** – Award Terms for Assistance Agreements that include Funds under the American Recovery and Reinvestment Act of 2009, Public Law 111-5
    - e. **2 CFR Part 180** – OMB Guidelines to Agencies on Government-wide

Debarment and Suspension (Non-Procurement)

- f. **2 CFR Part 376** – Nonprocurement Debarment and Suspension
  - g. **2 CFR Part 382** – Requirements for Drug-Free Workplace (Financial Assistance)
  - h. **31 U.S.C. §3335, §6501, and §6503** (see also **31 CFR Part 205** – Rules and Procedures for Efficient Federal-State Funds Transfers) – Cash Management Improvement Act
  - i. **45 CFR Part 16** – Procedures of the Departmental Grant Appeals Board
  - j. **45 CFR Part 30** – Claims Collection
  - k. **45 CFR Part 80** – Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title VI of the Civil Rights Act of 1964
  - l. **45 CFR Part 81** – Practice and Procedure for Hearings Under Part 80 of this Title
  - m. **45 CFR Part 84** – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
  - n. **45 CFR Part 86** – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance
  - o. **45 CFR Part 87** – Equal Treatment for Faith-Based Organizations
  - p. **45 CFR Part 91** – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance
  - q. **45 CFR Part 93** – New Restrictions on Lobbying
  - r. **45 CFR Part 95** – General Administration – Grant Programs
  - s. **45 CFR Part 100** – Intergovernmental Review of Department of Health and Human Services Programs and Activities
3. Statutory and national policy requirements:
- a. *Human Trafficking Provisions*. These awards are subject to the requirements of Section 106(g) of the “Trafficking Victims Protection Act of 2000” (22 U.S.C. 7104). The full text of this requirement is found at <http://www.acf.hhs.gov/grants/award-term-and-condition-for-trafficking-in- persons>.
  - b. *Mandatory Disclosures*. These awards are subject to the requirements in 31 U.S.C. 3321, 41 U.S.C. 2313, and provisions found in Federal regulations at 45 CFR §75.113 and Appendix XII of this part, and 2 CFR Parts 180 and 376 for debarment and suspension. Non-Federal entities must disclose all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to comply may result in any noncompliance remedies, including debarment and suspension.

ACF is required to review and consider information about any current or potential recipient, subrecipient, contractor, or subcontractor contained in the Federal Awardee Performance and Integrity Information System (FAPIIS) (<https://www.fapiis.gov>) and System for Award

Management (SAM). Non-Federal entities may review and comment on any information about itself that has been entered into FAPIIS. ACF will consider any comments by the non-Federal entity, in addition to other information in FAPIIS to judge the grant recipients' integrity, business ethics, and record of performance under Federal awards when completing its review of risk.

- c. *Non-Discrimination Legal Requirements for Recipients of Federal Financial Assistance.* You must administer your project in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age, and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes taking reasonable steps to provide meaningful access to persons with limited English proficiency and providing programs that are accessible to and usable by persons with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.
- You must take reasonable steps to ensure that your project provides meaningful access to persons with limited English proficiency. For guidance on meeting your legal obligation to take reasonable steps to ensure meaningful access to your programs or activities by limited English proficient individuals, see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov>.
  - For information on your specific legal obligations for serving qualified individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to provide effective communication, see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.
  - HHS funded health and education programs must be administered in an environment free of sexual harassment, see <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html>.
  - For guidance on administering your project in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated anti-discrimination laws, see <https://www.hhs.gov/conscience/conscience-protections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.
- d. *Posting Federally Funded Disclaimer Language on Documents.* When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all recipients receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

- e. Prohibition on Expending HHS Award Funds for Covered Telecommunications Equipment or Services as Per 2 CFR §200.216. Effective August 13, 2020, 2 CFR §200.216 applies to all grant programs.

"Prohibition on certain telecommunications and video surveillance services or equipment."

(a) As described in 2 CFR 200.216, recipients and subrecipients are prohibited to obligate or spend grant funds (to include direct and indirect expenditures as well as cost share and program) to:

(1) Procure or obtain,

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into contract (or extend or renew contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Pub. L. 115- 232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

ii. Telecommunications or video surveillance services provided by such entities or using such equipment.

iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise, connected to the government of a covered foreign country.”

- f. Salary Limitation – Federal Executive Level II. Federal funds for these grant programs consistently include a provision as part of the Consolidated Appropriations Act (e.g., Public Law 115-31, May 5, 2017) from Congress that the amount that “shall be used to pay the salary of an individual, through a grant or other extramural mechanism” including non-federal share, must not exceed the amount of the Federal Executive Level II salary for that calendar year. This amount is published annually by the U.S. Office of Personnel Management and can be found on their website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2017/executive-senior-level> under the “Rates of Pay for the Executive Schedule” link. This amount reflects an individual's base salary exclusive of fringe benefits and any income that an individual may be permitted to earn outside of the duties of the non-Federal entities organization. This salary limitation also applies to subawards, contracts, and subcontracts under an ACF grant or cooperative agreement.

- g. *Smoking Prohibitions.* In accordance with Title XII of Public Law 103-227, the “PRO-KIDS Act of 1994,” smoking may not be permitted in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs whether directly or through State, Territories, local and Tribal governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, subawards, and contracts. The law does not apply to children’s services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions or facilities and used for inpatient drug and alcohol treatment.

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## Post Award Administration Information

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1. Payments “Cash Drawdowns” will be initiated by emailing “[Court Improvement Program Request for Reimbursement Form](#)” (Reimbursement Form) to [supct.payables@courts.in.gov](mailto:supct.payables@courts.in.gov). Supporting documentation such as paid invoices and timesheets must be provided with each request to verify the amount of funds requested for reimbursement and the amount of match provided. The final Request for reimbursement must be received by October 14, 2025.
2. Obligations must occur during the program/project period stated in the grant agreement. An obligation occurs when funds are committed, such as in a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the beginning date and up to the last day of the award period. See 2 C.F.R. § 200.309 (Period of Performance). Any funds not obligated by the grantee by the end of the award period will lapse and revert to the CIP. The obligation deadline is the last day of the grant award period. No additional obligations can be incurred after the end of the award. For example, if the award period is October 1, 2024, to September 30, 2025, the obligation deadline is September 30, 2025.
3. Funds awarded under the Indiana CIP may not constitute more than 75 percent (75%) of the total program cost. Therefore, a 25 percent (25%) match derived from non-federal sources is required. For example, a 25% match on a \$100,000 program/project would be \$25,000, where \$75,000 is provided by CIP using federal funds and \$25,000 is provided by the grantee. To meet federal program standards, the required match must be made concurrent with and in proportion to the use of grant funds. **Supporting documentation such as paid invoices, timesheets and the documented value of in-kind services must be provided with each request for reimbursement to verify the amount of match provided.**

Grantees must maintain records that clearly show the source, amount, and timing for all matched contributions. The most common error found during the final financial reconciliation and closeout of an award is the failure to properly report matching funds. The full matching share provided (both cash and in-kind) must be reported in the Final Report submitted at the end of the award period. If the matching share is not reported, CIP will assume the Grantee did not meet the required match and may initiate collection of a cash match from the Grantee.

4. CIP will monitor Grantees for compliance with the federal regulations, program policies and instructions referenced above.

5. Quarterly reports are due on January 30<sup>th</sup>, April 30<sup>th</sup>, July 30<sup>th</sup>, and October 30<sup>th</sup>. A final report is due within 45 days of the end of the grant period. All reports must be emailed to [cip@courts.in.gov](mailto:cip@courts.in.gov) on the forms provided on the CIP website at [Courts: IOCS: Court Improvement Program \(in.gov\)](http://Courts: IOCS: Court Improvement Program (in.gov)). Please check the website to ensure you are using the most up-to-date report form at the time of submission. Failure to submit timely reports may result in delay of grant payments or in the termination of the grant.
6. Information collected from reports will be used to monitor funded programs and assist the CIP in determining if the program is meeting its stated goals and objectives. The CIP reserves the right to use reported program data in statistical reports, annual reports, and other publications for general distribution.
7. Details of funded programs and projects may be made available in reports, documents, or on the CIP website to promote best practices and replication of successful programs and projects.
8. Grantees will publish or otherwise make available to the public, as requested by the CIP, the results of work conducted or produced with CIP grant funds. Grantees will provide one copy of any published material to the CIP.
9. Grantees are required to maintain adequate accounting systems and financial records to accurately account for CIP funds awarded to them. Grantees should have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of CIP grant funds. Grantees should keep detailed accounting records and documentation to track all the following information:
  - CIP funds awarded
  - CIP funds drawn down
  - Matching funds
  - Program income
  - Contracts expensed against the award
  - Expenditures
10. Grantees must retain all financial records, supporting documents, statistical records, and all other records pertinent to the award for a period of 3 years from the date of submission of the final report. Records may be retained in an electronic format. The retention requirement includes, if applicable: books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel, and payroll records, canceled checks, and related documents and records.

Source documents may include copies of all awards, applications, and required Grantee financial and narrative reports. Personnel and payroll records must include the time and attendance reports for all full-time and/or part-time individuals reimbursed under the award. Time and effort reports are also required for consultants.

The 3-year retention period starts from the date of submission of the final program and fiscal report. The following are exceptions to the standard record retention period:

- If any litigation, claim, audit, or other action involving the records has started before the expiration of the 3-year period, the records must be retained until all issues involving the records have been resolved and final action taken.

- When notified by the CIP to extend the retention period.
- Records for real property and equipment acquired with federal funds must be retained for 3 years after the final disposition.

11. If the CIP finds that the grantee has failed to comply with federal statutes, regulations, or the terms and conditions of an award, additional conditions may be imposed. If it is determined that noncompliance cannot be remedied by imposing additional conditions, the CIP may take one or more of the following actions Temporarily withhold cash payments pending correction of the deficiency or more severe action by the grant-making component or pass-through entity;

- Disallow all or part of the cost of activities or actions not in compliance;
- Wholly or partly suspend or terminate the Federal award;
- Designate the award Grantee as a high-risk Grantee;
- Withhold future awards for the program/project; or
- Take other remedies that may be legally available.

12. An award may be terminated in whole or in part as follows:

- By the CIP for failure to comply with the terms and conditions of an award;
- By the CIP for cause;
- By the CIP with consent of the Grantee, in which case the two parties must agree
- upon termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated; or
- By the Grantee upon sending the CIP written notification including the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if the CIP determines that partial termination of the award will not accomplish the purposes for which the award was made, then CIP may terminate the award in its entirety.

The CIP will provide the Grantee with notice of termination. If the award is terminated for failure to comply with the statutes, regulations, or terms and conditions of the award, the notification must state that the termination decision may be considered in evaluating future applications received from the non-Federal entity.