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Court of Criminal Appeals

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December 20, 2023

The Honorable James Oakley
Burnet County Judge
Via E-mail: countyjudge@burnetcountytexas.org

RE: FY2024 Statement of Grant Award – Grant # MH-24-007

Dear Judge Oakley:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Burnet County a **FY2024 New Improvement Grant** in the amount of **\$60,072** for the **North Hill County Regional Public Defender Additional Mental Health Social Worker**. Your Statement of Grant Award for fiscal year 2024 is attached. Please sign and return via e-mail the Statement of Grant Award to **Edwin Colfax** at Grants@tidc.texas.gov. You do not need to mail a copy.

Please note that this award was approved in the middle of the funded fiscal year. The award has been adjusted to cover the remaining nine months of FY2024.

Congratulations to Burnet County on taking the lead in Texas by developing this indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Edwin Colfax, the Commission Director of Grant Funding at (512) 463-2508.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Copy: ksmith@burnetcountytexas.org

Texas Indigent Defense Commission
209 West 14th Street, Room 202 • Austin, Texas 78701
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Phone: 512.936.6994

TEXAS INDIGENT DEFENSE COMMISSION
Statement of Grant Award
FY2024 Improvement Grant

Grant Number: MH-24-007
Grantee Name: Burnet County
Program Title: **Regional Public Defender Additional Social Worker**
Grant Period: 1/1/2024-9/30/2024
Grant Award: **\$60,072**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Burnet County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

FY2024 Approved Grant Program Budget (9 months)	
1) Personnel (Total Number of FTEs: 1)	\$48,578
2) Fringe Benefits	\$18,762
3) Travel and Training	\$3,375
4) Equipment	\$4,000
5) Supplies	\$375
6) Contract Services	0
Total Approved Budget	\$75,090
Less Cash from Other Sources- County Match	\$15,018
Total Amount Funded by Commission	\$60,072

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued in January 2023, including the rules and documents adopted by reference in the Commission's Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the "Grant Terms and Conditions" contained in Attachment A which includes the final grant application.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award as necessary and submit it to the Commission by November 1, 2023.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

Signature of Authorized Official

Name & Title (must print or type)

Date

Attachment A

Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program.

- The budget appearing in the Statement of Grant Award is based on costs for a 9-month period due to the approval of the grant in the middle of the fiscal year. Equipment and start-up costs listed in the first-year start-up budget will not be carried forward into subsequent years of funding.
- The County must provide to TIDC the minimum job requirements and a full job description of the staff positions specified under this project for approval before positions are publicly posted.
- The County must develop and provide to TIDC written policies and procedures for the new or expanded program that address intake processes and how the program services will be provided. The program policies and procedures document must be provided to TIDC within 1 month of the program start date.
- The program policies and procedures document must address how the program will coordinate with, and not duplicate the work of, existing mental health systems. The plan must demonstrate how the County will identify and incorporate available mental health screening, assessment, treatment, and community services available to the defendants served by the grant program. The plan must also address how the positions funded under this grant will fit into the County's methods of operation for the identification of mentally ill arrestees and for providing assessment, treatment, and bonding options to these arrestees under Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure.
- This grant requires quarterly progress reports to provide information on the operation of the program. The TIDC grant manager will create an online progress report to document the work performed in this program. The County may request modifications to the report. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
- In addition to quarterly progress reports, the County must submit quarterly staffing reports detailing hire dates, separation dates, vacancies, and actual salaries each month for each position funded under the grant.
- Grant funds are disbursed on a reimbursement basis according to the funded percentage in the award. The County must submit expenditure reports to obtain reimbursement of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
- Requests to revise the scope, target, or staffing of the project, or substantively alter project activities require advance written approval from TIDC. Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of TIDC. All grant modifications must be submitted in writing and signed by the Authorized Official as designated in the TIDC Improvement Grant Program Commissioners Court Resolution.

2024 Burnet County Improvement Grant Application Narrative
NHCPD Add'l Mental Health Case Worker
Multi-year

a. Application Form

Counties Represented: **Blanco, Burnet, Llano**

Fiscal Year: **2024**

State Payee Identification Number: **74-6000454**

Division To Administer Grant: **Texas**

Program Title: **NHCPD Add'l Mental Health Case Worker**

Requested Grant Amount: **\$79,029.00**

Authorized Official: **James Oakley**

Financial Officer: **Karin Smith**

Program Director: **J. Allan Garrett**

Mailing Address: **220 S. Pierce St; Burnet, TX 78611**

b. Introduction (Executive Summary)

The North Hill Country Public Defender seeks grant funding for an additional Mental Health Social Worker. The needs of mental health clients within the 424th and 33rd Judicial District, are in-depth, systemic, and multi-faceted. The NHCPDO is in need of an additional Social Worker to transform from a reaction-basis provision of services to long-term diversion planning ("LTDP"). That is, to transform how we help clients from a triage basis to one of planning.

c. Problem Statement

A mental health social worker was added to the office in October 2021 as part of the North Hill Country Public Defender's Office (NHCPD) funded by TIDC. The office expanded into a tri-county office covering Burnet, Llano, and Blanco Counties. This coverage region is home to a population of 84,818 pursuant to the 2021 census. Population density is increasing; in 2020 a new development was slated to add 1250 homes (1), in 2021, a new development began to add 1,966 single-family residential homes, 924 multifamily units and 150 active adult units(2), and last month a new 3,500 housing development was approved by the Burnet County Commissioner's Court.(3) Our mental health social worker was added to the office in October 2021 as part of the expansion advanced by TIDC. Her caseload built rapidly. 2022 metrics demonstrate involvement in 20% of felonies (166/805) and 19.5% of misdemeanors (78/399) for the region. She operates at an eight-to-one attorney to social worker ratio; when fully staffed, this will be nine-to-one. Her involvement is always in-depth and that is a function of the current lack of resources in the region.

The LMHA in Blanco and Llano Counties provides level one care only which constitutes one phone call a month. The Llano and Blanco LMHA subcontracts crisis services with a third-party vendor in another county. Response times are highly variable and limited. In 2022 there were two suicide attempts in the Llano County Jail, each requiring days to secure a hospital bed for each patient who remained in the jail in the interim. Llano County jail is non-compliant with the Texas Commission on Jail Standards. While Burnet County has a more responsive LMHA their jail diversion staff member has had his time divided as he is now required to cover two counties. (This is further complicated in that the Burnet jail houses inmates for other counties.)

The coverage region has one male and one female sober house, both are small and provide recovery care. Besides AA and NA meetings and post-SAFPF drug court there is no substance abuse treatment in these counties. While Blanco, Burnet, and Llano have CRCs and one is slated for development in Kingsland the region remains in the infancy for provision of social services to indigent mental health clients.

Your social worker's involvement is intensive. In most cases, she is confronted with a multi-front battle to secure resources and best outcomes for mentally ill clients. Typically, she will be communicating with the client, community contacts such as a family member or friend, the attorney, will accompany client and attorney to court to help a mentally ill client navigate these waters, the LMHA, and novel contacts as the case necessitates. This can include full-bore crisis intervention with a client in complete meltdown.

The increasing focus of her involvement with LTDP are an emergent group of clients whose condition is caused by mental illness and self-medication they are disqualified for many resources because of "substance abuse." IDD is emerging as a serious issue in the tri-county area. While free, their families or friends (or frankly, users/abusers) do what they can but cannot provide sufficient care and in each instance are overwhelmed by the challenges of poverty, lack of community resources, self-interest, and the emotional burden. The current system addresses the needs of these clients by cycling them in and out of jail and at times deporting them for a brief stint in an out of county mental hospital. This population alone is sufficient work for one full-time social worker.

To address these issues for our clients, especially IDD clients, our social worker and attorneys have met with the County Court at Law Judge in Burnet, Judge Nelson, and regional County Judges to facilitate macro level conversations. These meetings have resulted in more engagement from stakeholders and we are beginning to see the emergence of a de facto working group. This macro level work requires your social worker to travel more and

while she multi-tasks to the extent possible while on the road this work is intensive. This is necessary to forge the relationships and develop understanding to get buy in from all stakeholders.

Because of the non-responsive and inconsistent responses of the LMHAs she has to find other novel solutions such as finding doctors to conduct evaluations (such as CMEs) in a rural area. There is no OCR resource in our region, and so, she is also pioneering OCR procedures by using out-of-county resources. The time required to build these relationships is incredible and has required her to spend an immense amount of time on the phone and on the road. In the midst of all this she is working to transform the system from a triage basis to one of actual long-term planning. To this end, in April she is conducting a regional mental health training among all stakeholders (roughly one hundred souls) as we strive to align our client's interests with the sparse resources of a rural region. Her action as a change agent has greatly increased the involvement of Burnet County Sheriff's Office Mental Health Deputies in actual jail diversion and they are also reaching out to other local departments to train them in these skills.

LTDP work is intensive and she does not have enough time for more routine tasks such as mental-health assessments, record requests and review, participation in mitigation work, and assisting attorneys in aiding competent but mentally ill clients. LTDP makes sense because, ultimately, we are 1) re-allocating taxpayer funds from a punitive penal context into a recuperative context; 2) ending needless suffering and depersonalization. Respectfully and humbly, we are asking you to help us be the fulcrum of change by funding another mental health social worker to allow your mental health social worker to focus on LTDP.

Resources:

1 Beginning in 2020 Gregg Ranch in Marble Falls began efforts to add 1250 homes to the region.

<https://www.kvue.com/article/money/economy/boomtown-2040/marble-falls-gregg-ranch-240-acres-boomtownnew-homes/269-ced2396c-b7c6-4dde-ac40-3cf0f525a47b>

2 In July of 2021 construction began on the Thunder Rock development in Marble Falls, ultimately slated to constitute 1,966 single-family residential homes, 924 multifamily units and 150 active adult units.

<https://www.kxan.com/news/more-than-2000-homes-slated-for-new-marble-falls-mixed-use-development/>

3 In early February 2023, Burnet County Commissioner's Court approved a new 3500 home development for Spicewood. <https://www.kxan.com/news/local/hill-country/burnet-county-commissioners-ok-part-of-thomas-ranchdevelopment-plan-that-falls-within-county-line/>.

d. Objectives

Our central objective in adding a caseworker is to expand jail diversion and, most significantly, establish LTDP for patients that are spending their lives in-and out of jail and mental hospitals and to establish OCR in the region. As we move from a triage basis to one of planning and provision we will end the needless suffering in jail and sequential cascading trauma and humiliation of being arrested and depersonalized over and over again.

To do this, your social work division would

1. Hire one more caseworker within 90 days of funding.
2. Meet with current IT personnel to address gaps in tracking data and how to use the current data system and expand its usage.
3. Expand the current system to track additional details.
4. Continue pursuit of LTDP for the most vulnerable of our clients.
5. Provide increased support to the Llano/Blanco offices with Social Work presence, knowledge, case management, and resource provision.

We will separate job duties in the following way:

Our new mental health social worker would:

Monitor Article 16.22 compliance-an ongoing problem with jail staff, magistrates, and local MHMR personnel.

Work to ensure proper services are provided.

Receive training in the Chapter 46B standards and procedures, aiding in early identification and advocacy for potentially incompetent clients, and coordinating services with evaluators, treatment providers, the courts, and other interested parties. Accompanying clients to intake and screening appointments to aid in navigating service providers' requirements.

Assess clients for mental-health issues, using established tools with the objective of providing early intervention.

Data collection and collation.

Our current mental health case worker would:

Provide higher-level services to a focused group of high-needs clients.

Continue to develop relationships with and coordinate trainings with administration at the MHMR provider, with a goal towards greater longer-term systemic improvements.

Provide in-court testimony as necessary.

Advocate with the local stakeholders.

Assist in high-level mitigation evidence development (for sex-based offenses and murder cases).

e. Activities

The additional caseworker would split the tri-county social worker caseload and cooperate with our chief caseworker in our efforts to expand services to mental health clients. In addition, the new caseworker would meet with current IT

personnel to address gaps in tracking data and how to use the current data system and expand its usage. Expand the current system to track additional details:

List of services SW refer people to: homelessness, drug treatment, med managements, benefits apps, civil needs etc

Data showing the number of referrals

Data showing the type of referrals made: use it for funding discussions and to increase services in this area

Competency waitlist number - broken down to misdemeanor vs. felony

The length of stay on the waitlist

Diversion options

Number of people who were restored to competency without going to state hospital (those that got re-evaluated by HHSC)

The number of arrests each month

Number of arrests for criminal trespass (or other common charges that highly correlate with MH/IDD)

The number of 16.22 requests made each month

Number of 16.22 orders granted

Number of 16.22 assessments completed

Number of cases declined/dismissed due to MH/IDD

Number of individuals who do voluntary inpatient treatment

Number of individuals who do involuntary inpatient treatment

Number of individuals sent to outpatient treatment (probably as condition of bond)

Number of individuals that SW work with that fail to appear in court

f. Evaluation

In addition to the specific grant performance measures and the Indigent Defense Expenditure Report measures provided to TIDC, the NHCPDO will track monthly and report quarterly to the Oversight Board, the Commissioner's Courts, and TIDC the following:

1. Documentation of the hiring of the additional social worker.
2. Quarterly reports that document the number of clients the social worker is involved with and a breakdown of service involvement including:
 - a. OCR clients
 - b. LTD clients
 - c. Clients screened for competency
 - d. Clients screened for IDD
3. Intake and referral forms will be kept in client's digital file.

g. Future Funding

The NHCPDO is currently in its second year of its grant and is funded 33.3% by Burnet, Llano, and Blanco Counties. Following year three, the counties will modify their interlocal agreements to reflect changes in costs.

h. Budget Narrative and Budget Form

Hourly rate would be \$31.14 for an annual salary of \$64,771.

Medicare, insurance, retirement, workers compensation, unemployment and SBD would approximate at \$25,015 creating a total personnel cost of \$89,786.

Travel is estimated estimated at \$2,500 with gas prices in recent years seeing severe fluctuation and supply chain issues, as well as the fact the NHCPD covers a tri-county area.

Training and Conference would have a budget of \$2,000.

Office supplies would have a budget of \$500.

One-time set-up costs such as computer and accessories are calculated at \$4,000. The total project budget would be \$98,786. Requested grant amount is \$79,029 or 80%. Any additional years would be 66.67% Matching funds for the first year would be \$19,757 or 20% and would be spread across the tri-county area. Any additional years would be 33.33%.

Considering the NHCPD is currently receiving an improvement grant, if requested this project could be absorbed into the other project for a unified project in FY25.

Personnel Costs		\$89,786.00
FTE's	1.00	
Salary	\$64,771.00	
Fringe Benefits	\$25,015.00	
Travel and Training		\$4,500.00
Equipment		\$4,000.00
Supplies		\$500.00
Contract Services		
Indirect		

Total	\$98,786.00
Required County Match	
Total less County Match	\$98,786.00

Timeline for Reporting and Fund Distribution

Reports will be submitted on-line at <https://tidc.tamu.edu>.

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
January 2024 through March 2024	Grant Expenditure Report Progress report	April 15, 2024	May 2024
April 2024 through June 2024	Grant Final Expenditure Report Final Progress report	July 15, 2024	August 2024
July 2024 through September 2024	Grant Expenditure Report Progress report	October 15, 2024	November 2024