

**State of New Mexico Administrative Code**

**TITLE 8 SOCIAL SERVICES  
CHAPTER 14 JUVENILE JUSTICE  
PART 13 JUVENILE CONTINUUM GRANT FUND**

**8.14.13.1 ISSUING AGENCY:** New Mexico Children, Youth and Families Department.  
[8.14.13.1 NMAC - N, 06/29/2007]

**8.14.13.2 SCOPE:** General public, all units of local and tribal government, and all partners in juvenile justice continuums that may be seeking to provide cost effective services and certain temporary nonsecure alternatives to detention for juveniles arrested or referred to juvenile probation and parole or at risk of such referral.  
[8.14.13.2 NMAC - N, 06/29/2007]

**8.14.13.3 STATUTORY AUTHORITY:** Juvenile Continuum Act, Laws 2007, Chapter 351 and the Children, Youth and Families Department Act, Section 9-2A-7(D) NMSA 1978, as amended.  
[8.14.13.3 NMAC - N, 06/29/2007]

**8.14.13.4 DURATION:** Permanent.  
[8.14.13.4 NMAC - N, 06/29/2007]

**8.14.13.5 EFFECTIVE DATE:** June 29, 2007, unless a later date is cited at the end of a section.  
[8.14.13.5 NMAC - N, 06/29/2007]

**8.14.13.6 OBJECTIVE:** The objective of Chapter 14, Part 13 is to establish the manner in which money appropriated by the New Mexico state legislature to the juvenile continuum grant fund, and other money accruing to the fund as a result of gift or deposit, shall be awarded pursuant to the Juvenile Continuum Act, Laws 2007, Chapter 351.  
[8.14.13.6 NMAC - N, 06/29/2007]

**8.14.13.7 DEFINITIONS:**

- A. "Department" means the children, youth and families department.
  - B. "Grant fund" means the juvenile continuum grant fund, established pursuant to the Juvenile Continuum Act, Laws 2007, Chapter 351.
  - C. "JJAC" means the juvenile justice advisory committee, formed and functioning pursuant to Sections 9-2A-14 through 9-2A-16 NMSA 1978, as amended.
  - D. "Procurement Code" means the Procurement Code, Sections 13-1-21 to 13-1-199 NMSA 1978, as amended.
  - E. "Juvenile justice continuum" means a system of services and sanctions for juveniles arrested or referred to juvenile probation and parole or at risk of such referral and consists of a formal partnership among one or more units of local or tribal governments, the children's court, the district attorney, the public defender, local law enforcement agencies, the public schools and other entities such as private nonprofit organizations, the business community and religious organizations. A juvenile justice continuum shall be established through a memorandum of understanding and a continuum board. For tribal governments, the corresponding agencies/entities must be the continuum members, and there must be a comparable memorandum of understanding and a continuum board.
  - F. "At a risk of such referral" means that the juvenile has demonstrated specific behaviors that if repeated will make the juvenile eligible for a referral to juvenile probation and parole, and these behaviors have come to the attention of public agency officials such as the public school, law enforcement or protective services officials. Some examples are truancy or disruptive behavior in school. The referral must be from one of those public agencies specified in the Juvenile Continuum Act as a required partner in a continuum.
  - G. "Required partner" means the officials and public agencies, and tribal equivalents, whose partnership in the juvenile justice continuum is statutorily required. These are: a unit of local or tribal government, the children's court, the district attorney, the public defender, a local (municipal, county, tribal) law enforcement agency, and the public school district.
- [8.14.13.7 NMAC - N, 06/29/2007]

**8.14.13.8 ALLOWABLE USES OF GRANT FUND MONEY:** The allowable uses for grant fund money are those set forth in the Juvenile Continuum Act, Laws 2007, Chapter 351. Grant fund money may be used to provide:

A. Cost effective services for juveniles who are at risk of referral to the department's juvenile probation and parole. These are services that have previously been demonstrated through research or evaluation to be effective at preventing or intervening in the targeted behaviors or that lead to the desired change in targeted behaviors, or that are effective in diverting the juvenile from further involvement with the formal juvenile justice system. Applicants may be requested to provide proof of cost-effectiveness in their funding proposals.

B. Temporary, nonsecure alternatives to detention for juveniles who have been arrested, or who have been referred to the department's juvenile probation and parole offices. Temporary nonsecure alternatives to detention are programs or services that provide an alternative to placement in a secure juvenile detention facility as authorized in the Delinquency Act. Examples are a licensed foster home, a nonsecure shelter facility, or the child's place of residence under conditions and restrictions approved by the court.

**8.14.13.9 IDENTIFYING PRIORITIES FOR AWARD OF GRANT FUND MONEY:** Each fiscal year that money is available to be disbursed from the grant fund, the department in consultation with JJAC shall determine specific priorities for disbursement of the available money. The priorities must be selected from among the allowable uses specified for grant fund money.

[8.14.13.9 NMAC - N, 06/29/2007]

**8.14.13.10 PROCUREMENT CODE TO PROVIDE MECHANISM FOR AWARD OF GRANT FUND MONEY:**

A. All awards from the grant fund shall be made pursuant to the provisions of the Procurement Code and regulations promulgated thereunder.

B. The department in consultation with JJAC may establish priorities for expenditure of grant fund money. Any priority determinations shall be stated in the requests for proposals issued by the department.

C. The department shall issue requests for proposals to continuums. The requests for proposals shall identify the amount of money available, and the specific purpose(s) for which the money is available. The requests for proposals shall identify such additional specific criteria as the department, in consultation with JJAC, finds necessary to effectuate the allowable uses selected for award of grant fund money, and that are consistent with the legislative mandate.

(1) Applicants shall be required to demonstrate that at least forty percent of the cost of the proposed project will be paid for by local matching funds. The local matching funds may consist of money, land, equipment or in-kind services.

(2) Applicants shall be required to submit the MOU establishing their juvenile justice continuum as a formal partnership that includes all required partners, and that has a continuum board as its governing authority.

D. The issuance of requests for proposals, and the process of selecting among submitted proposals, shall be conducted and governed entirely by the applicable provisions of the Procurement Code and regulations promulgated thereunder.

E. The JJAC shall serve as the evaluation committee reviewing all submitted proposals. The JJAC shall make its recommendations to the department's secretary.

F. In the event the department in consultation with JJAC determines that an alternative procurement process is warranted in a specific circumstance, the award of grant fund money shall proceed in compliance with applicable provisions of the Procurement Code. Examples of alternative procurement processes include, but are not limited to: emergency procurements and sole source procurements.

G. The department's secretary shall have final approval of awards from the grant fund.

[8.14.13.10 NMAC - N, 06/29/2007]

**8.14.13.11 GRANT FUND RECIPIENTS SHALL ENTER INTO FORMAL CONTRACTS WITH THE DEPARTMENT:** Consistent with the provisions of the Procurement Code and regulations promulgated thereunder, the department shall negotiate with successful applicants to formalize the agreed-upon project as the subject of a contract between the grantee and the department. The contract shall identify with specificity the obligations of the grant fund recipient, including funds accountability and audit requirements.

[8.14.13.11 NMAC - N, 06/29/2007]

**8.14.13.12 RIGHTS AND REMEDIES:**

A. The rights and remedies of continuums that submit proposals shall be those available to them under the Procurement Code and regulations promulgated thereunder.

B. The rights and remedies of grant fund recipients shall be those available to them pursuant to their contracts with the department.

[8.14.13.12 NMAC - N, 06/29/2007]

**HISTORY OF 8.14.13 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: CYFD ICD Rule 1, Regional Juvenile Services Grant Fund Regulations, filed 12-27-94.

History of Repealed Material:

CYFD ICD Rule 1, Regional Juvenile Services Grant Fund Regulations, filed 12-27-94 - Repealed effective 6-30-2004.