



Texas CASA Oversight Policy and Procedures

Purpose

The Texas CASA Oversight Policy and Procedures provide a clear and transparent continuum of appropriate and measured responses Texas CASA may implement regarding complaints, significant findings of non-compliance, and allegations within a local CASA program.

General Complaints

1. All complaints that Texas CASA receives regarding practice or personnel in a local CASA program will be forwarded to the Chief Network Services Officer (CNSO). This includes complaints communicated via telephone, email, website, or letter.
2. The CSNO or Texas CASA staff designated by the CSNO will respond to the complainant within 3 working days.
3. The designated Texas CASA staff may contact the complainant and seek clarification regarding the nature of complaint, the local CASA program involved, and any steps taken previously to address their grievance. The designated Texas CASA staff will notify all complainants of Texas CASA's protocol for responding to complaints:
 - a. Texas CASA will explain to complainants that the 74 programs in the CASA network are each independent 501(c)(3) organizations governed by a board of directors.
 - b. Texas CASA will inform the complainant that Texas CASA is a membership vs. parent organization and can only assist in facilitating communication between the parties. Complaints must ultimately be resolved by the program.
 - c. Texas CASA will advise the complainant to obtain and follow the local program's grievance protocol. Texas CASA will provide contact information for the Executive Director including name, telephone and email address.
 - d. Texas CASA will inform complainants that a record of the complaint, including contact information, will be forwarded to the Executive Director of the local CASA program involved.
4. If the complainant states they have already contacted the Executive Director or if the complaint involves the Executive Director, Texas CASA will advise the complainant to provide a written record of the complaint addressed to the ED and the local governing board chair. Contact information for the board president including name and email address will be provided by Texas CASA.
5. Based upon the number or nature of complaints received, Texas CASA may take direct action to investigate and/or address the complaint. This includes, but is not limited to, allegations that pose a risk to the program and/or the network (such as: discontinued service for a CASA program, missing background checks, breach of confidentiality, unethical conduct) as well as allegations of illegal activity against any member of the organization.
6. The CNSO will notify the executive team at Texas CASA of complaints that involve fraud, waste, abuse, financial mismanagement, allegations of unethical, illegal, immoral behavior or other high-risk actions initiating an investigation.

7. Local programs will electronically document and submit information related to complaints against their CASA programs, that trigger their grievance policy, through a fillable complaint form found on the Texas CASA website.
8. Per Attachment B, section 3.1.2 of the HHSC contract, Texas CASA will send a quarterly complaint summary of complaints received and assessed, with details of the complaint, the assessment conducted by Texas CASA, and the outcome.
9. Texas CASA staff involved in a local program complaint or issue will not discuss the issue with other Texas CASA staff. Only with the CNSO who will advise the Texas CASA CEO, CFO, and General Counsel.

Financial Sanctions Policy

Under authority granted through state and federal funding contracts and state standards, Texas CASA may, at its discretion, require corrective action, impose a financial hold or impose other funding sanctions for findings of non-compliance in a local CASA program. These funding sanctions may include suspension of funding, offset of previous reimbursements, requirement of repayment, disallowance of claims, reduction of funding, or termination of funding contracts.

Sanctions may be imposed on a local program as a final measure after notice is provided to the local program and the local program is given an opportunity to come into compliance. Notice shall be given whether the evidence of non-compliance arises out of the QA process or after Texas CASA becomes aware of non-compliance by other means. When the non-compliance finding involves a possible violation of law, HHSC and the appropriate authorities will be notified. When the non-compliance finding results in the local program being placed immediately on financial hold, the Executive Committee of the Texas CASA Board of Directors will be notified.

Texas CASA staff will make every effort, working with local program staff, to achieve compliance or develop a workable plan designed to achieve compliance over time. If compliance or an agreed to compliance plan is not developed and/or implemented, Texas CASA staff will notify the local program Executive Director, Board President and Treasurer of their subsequent probationary status.

Non-Compliance Findings

Non-compliance findings that may result in financial sanctions fall into three categories:

1. Violation of law
2. Violation of VOCA/HHSC funding contracts
3. Failure to comply with Texas CASA Standards

Non-Compliance Procedures

For the first instance of noncompliance with a Texas CASA Standard, the program will:

- Receive onsite/virtual assistance and training

For the second instance of noncompliance with the same Texas CASA Standard programs will, in addition to onsite/virtual assistance:

- Receive a subsequent Quality Assurance review and training the following year

For the third instance of noncompliance with the same Texas CASA Standard a financial penalty may be assessed.

Ongoing failure to comply with a Texas CASA Standard, legal or funding requirement within the appropriate timeframe stated below may result in suspension of funding, offset of previous reimbursements, requirement of repayment, disallowance of claims, reduction of funding, or termination of funding contracts. As noted in the grant contracts, "Texas CASA reserves the right to place all of the local program's Texas CASA grants on financial hold for reasons that include, but are not limited to, grantees' failure to submit...any response to any problems identified in a timely manner."

Non-Compliance with Background Checks

Missing Background Checks:

- The Chief Network Services Officer or the Program Operations Director will contact the program and request the program submit proof of valid, current abuse/neglect and criminal history background checks on all program members (board, staff and volunteers).
- Any missing background checks will be required to be completed within 10 days of notice.
- Any staff or volunteers who do not have a current background check will be immediately suspended from all CASA work, activity, and service until the missing check has been completed and submitted to Texas CASA.
- The program will be asked to unsubscribe from any background checks on members no longer with the program.
- For the first and second instance of missing background checks, programs will:
 - Receive onsite/virtual assistance and training
- For the third instance (separate occasions) of missing background checks, a financial penalty will be assessed:
 - Consequences for missing 1% to 5% of total checks = 5% HHSC/VOCA penalty
 - Consequences for missing 5% or above of total checks = 10% HHSC/VOCA penalty

Missing background checks will result in a subsequent audit of background checks in the program in the following year.

(Non-compliance with background checks approved by the Texas CASA Board of Directors on April 6, 2018, notification to all programs April 11th and their signed acknowledgements received April 20, 2018)

Non-Compliance during a Quality Assurance Review

Failure to comply with submission of required documents within stated timeframes may result in a \$500 fine per day the required documents are not submitted. Circumstances resulting in the noncompliance will be considered.

Failure to comply with the required actions within the stated timeframe will be evaluated on the basis of the nature of the infraction and may result in a subsequent Quality Assurance review the following year. In addition, it may result in restriction, suspension, reduction or termination of HHSC and/or VOCA funding.

Noncompliance and Deficiencies for Required Information per Grant Contracts

All programs are required to follow the applicable rules, regulations, and laws listed in the funding contracts. Additionally, all programs are contractually required to submit information to Texas CASA, including but not limited to:

- Audited financial statements
- Quarterly performance reports
- Proof of insurance
- Policies and procedures meeting grant regulations and CASA standards

If a program does not meet grant contract compliance requirements or fails to provide required information to Texas:

1. Texas CASA will notify the program of the noncompliance issue and/or delinquency in writing, including any missed deadline and prior attempts to assist in obtaining the needed information or correcting the noncompliance issue.
2. Depending on the nature of the issue, Texas CASA may allow the program to submit a corrective action plan (CAP) within 7 days. The CAP will outline the issue of noncompliance and/or delinquency, the steps that will be taken to correct the issue, the persons responsible, and timeline for correction. Texas CASA may accept the CAP, require additional corrective action, or reject the CAP.
3. Texas CASA may impose various forms of recourse with or without requiring a CAP, including but not limited to:
 - a. Receipt verification for all grant requests
 - b. Repayment or restitution
 - c. Financial holds
 - d. Additional Quality Assurance and/or random documentation reviews
 - e. Funding reductions
 - f. Placing the program on probationary status
 - g. Funding termination
 - h. Exercise other legal remedies

Program Standing and Probationary Status

CASA programs are required to maintain membership in good standing and are eligible to receive pass through funding based on a funding formula determined by Texas CASA.

CASA programs may, from time to time, be deemed no longer a member in good standing with Texas CASA. That decision is based on a variety of factors that may exist within the program. While the following list is not exhaustive, Texas CASA reserves the right to require additional program action when any of the issues below are identified.

- The program's reported performance measures indicate a lack of program growth over time (when growing volunteer numbers to serve children in care is a demonstrated need in that area).
- The program's reported performance measures indicate a low Percentage of Children served by a Volunteer (PChV) over time. Pass-through funds are fundamentally for volunteer service.
- The program is operating in a financial deficit over time.
- The program is experiencing a high staff and/or board turnover over time that has created instability in program operations such that program sustainability is at risk.
- Governance practices are negatively impacting financial and administrative operations.
- The program is found to be out of compliance with more than 15 standards and/or legal/funder requirements during a QA review.
- Current incident and/or history of incomplete background checks.
- Current incident and/or history of knowingly submitting inaccurate data to Texas CASA.
- Allegations of misconduct or criminal activity.
- A history of probationary status.

It is important to note that "over time" indicates the concerns are chronic in nature, not occurring at a single point in time. A combination of factors, such as those listed above, may also exist.

Partnering with a CASA program on targeted issues:

In response to these concerns, Texas CASA will schedule a meeting with the ED and program board. The program will be asked to address the identified issues and be given a nine-month timeframe to do so. This meeting and subsequent timeframe is considered a precursor to probationary status.

During this nine-month period, Texas CASA will offer assistance and support to the local CASA program from Texas CASA staff, based upon area of need.

During a probationary period:

To determine whether a CASA program will continue to be eligible for pass through funds, Texas CASA will extend a twelve-month opportunity for a program to correct factors that jeopardize their good standing.

Process:

1. The Texas CASA Chief Network Services Officer meets with the Chief Executive Officer to discuss concerns/issues in a local CASA program and reviews previous efforts by the program to correct issues.
2. A meeting is scheduled with the CASA program ED and board to discuss the factors leading up to a probationary status.
3. The local CASA program board is asked to create and submit a plan to address identified program issues.
4. The plan is reviewed by Texas CASA and either approved or returned for changes.
5. Once a plan is approved, Texas CASA provides a consultant to the program to assist with implementation of their plan.
6. The program, consultant and Chief Network Services Officer will monitor the program's progress.
7. The Chief Network Services Officer will update the Chief Executive Officer and Chief Financial Officer to make a final decision regarding continued funding.
8. If concerns are resolved, the program is notified in writing that the probationary status has been lifted.
9. If concerns have not been resolved, a recommendation to discontinue funding will be made to the Executive Committee of the Texas CASA Board of Directors.

Second Probationary Period:

The process above applies.

In addition, any program on probation a second time within a twenty-four-month period will participate in a risk assessment to identify underlying policies and practices that may contribute to areas of challenge. Based on that assessment, the program may be partially responsible for consultant costs.

Third Probationary Period:

Due to the nature of ongoing or chronic risk, the process will be modified as follows:

- The CASA program will be required to locate and fund a consultant who will work with the program for a minimum of twenty-four months.
- The Texas CASA Board of Directors will review the status of the program's current and previous concerns along with the program's improvement plan and will consider the consultant's recommendations.
- The Texas CASA Board of Directors will determine the viability of continued financial support.

After repeated attempts with intensive assistance provided, Texas CASA will evaluate whether the local CASA program would retain membership as a CASA program with the rights and duties associated with Texas CASA pass-through funding, services and benefits.

Allegations of Fraud, Theft or Other Financial Misuse

All complaints sent to Texas CASA regarding practice or personnel in a local CASA program are received by the Chief Network Services Officer (CNSO), who will notify the executive team. Allegations of theft, fraud, or other financial misuse may require an investigation with appropriate notifications to grantor agencies and other stakeholders. The results of the investigations may result in financial or other consequences.

If allegations of theft/financial mismanagement are reported to Texas CASA:

1. Texas CASA will notify the local program board and they shall:
 - a. Within 24 hours:
 - i. Bar the alleged offender's access to any bank accounts, funds, accounting systems, credit cards, petty cash, or program records.
 - ii. Identify what existing board members and/or staff members would have authorized access to bank accounts, funds, accounting systems, credit cards, petty cash, or program records with appropriate separation of accounting duties.
 - b. Within 14 days:
 - i. Submit 12 months of financial statements, bank statements, and supporting documents to Texas CASA, for an independent review of the program's finances.
 - ii. Conduct an internal audit to establish the extent of the loss to the program, including specific review of charges to the VOCA and HHSC grants.
2. If theft is validated through either Texas CASA's review or the internal audit, then the program must notify local law enforcement to report the theft. If the program serves multiple counties and theft has occurred cross-county, the program must also notify the Texas Rangers. Texas CASA's CFO will notify appropriate grantor agencies if applicable:
 - a. Investigations that confirm misappropriation involving Victims of Crime Act (VOCA) funding require immediate notification of the Office of the Governor (OOG) and local prosecutor's office.
 - b. Investigations that confirm misappropriation involving Health & Human Services Commission (HHSC) funding require notification within 24-hours to HHSC, the HHSC Office of Inspector General (OIG), and the State Auditor's Office (SAO).
3. Within 14 days, the local program will enter into a contract with a local CPA firm to conduct a forensic audit, including specific testing to determine whether VOCA or HHSC funds were stolen or mismanaged.
4. Texas CASA will update the impacted granting agencies periodically about the law enforcement investigation and steps being taken by Texas CASA and the local program to address the matter.
5. Once the forensic audit is complete, the program will provide a copy of the forensic audit in its entirety to Texas CASA and the program will follow any steps outlined by local or state law enforcement. Upon receipt, Texas CASA will provide a copy of the forensic audit to the granting agencies.
6. The local program will notify their insurance agent of the theft to recover funds through their fidelity bond.
7. The local program will make restitution to Texas CASA for any misappropriated grant funding. Upon receipt, Texas CASA will refund the amount to the granting agencies.
8. Texas CASA will determine what action is needed to address the incident based on the severity. Actions may include funding reductions, financial holds, receipt verification for all grant requests, additional Quality Assurance and/or random documentation reviews, placing the program on probationary status, or funding termination.
9. The local program will make a final report to Texas CASA on the action steps taken and the resolution.

10. Should the program need assistance with a crisis communication message, the General Counsel and Communications team at Texas CASA will work with the local program.

In addition to the allegations of theft above, a program must immediately notify Texas CASA in writing if:

- Personnel become involved in any civil or criminal litigation and the program must immediately forward a copy of any demand notices, subpoenas, lawsuits, or indictments to Texas CASA.
- A federal or state court or administrative agency renders a judgment or order finding discrimination by a grantee based on race, color, national origin, sex, age, or disability, the program must immediately forward a copy of the judgment or order to Texas CASA.
- Any records are seized from the program by a law enforcement agency, or a state or federal agency, the program must immediately notify Texas CASA in writing of the seizure and must retain copies of the seized records.

Texas CASA will immediately notify the OOG of any of the above occurrences.

Allegations of Breach

“Breach” means an impermissible use or disclosure of electronic or non-electronic sensitive personal information by an unauthorized person or for an unauthorized purpose that compromises the security or privacy of Confidential Information such that the use or disclosure poses a risk of reputational harm, theft of financial information, identity theft, or medical identity theft. Any acquisition, access, use, disclosure or loss of Confidential Information other than as permitted by the HHSC Data Use Agreement (DUA) shall be considered a breach.

If allegations of Breach are reported to Texas CASA:

1. Upon discovery or allegation of the breach, the program will complete an incident form and send to Texas CASA within 24 hours. If further investigation is necessary, the program will include that information in the incident form.
2. Texas CASA’s CFO will notify HHSC and the HHSC Privacy Security Office within 24 hours of the breach discovery or allegation.
3. The program will send an update to Texas CASA within 48 hours of the original incident notification. Texas CASA will, in turn, update HHSC with all available information by the end of the 3rd business day after the breach was discovered, including:
 - a. Date of the breach
 - b. Date of discovery
 - c. Brief description of what occurred, responsible parties, the type and amount of information exposed, and impacted individuals
 - d. Brief description of the investigation, the steps taken to prevent recurrence, and the steps take to mitigate potential harm to victims
 - e. Identification of people, e.g. workforce, contractors, law enforcement, who may be involved in the breach
 - f. Texas CASA’s risk assessment of the as to whether appropriate notices were given, as required by law or other requirements, and whether the new controls to mitigate future risk appropriately prevent recurrence
4. The local program will provide updates every three (3) days to Texas CASA until the incident is resolved. Texas CASA will provide updates to the HHSC Privacy Security Office as required.