

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet

Section 5-107: State Aid to Courts

- 1. Effect of the proposal:** To adopt administrative guidelines for criminal case processing and improvement, state aid to court, local courts assistance and municipal courts allocation funds. These requirements were originally adopted by AO 99-78 (attached).
- 2. Significant new or changed provisions:** New clarification on who should sign the application for municipal fill the gap applications, one application per project will be required, funding agreements will no longer be made for multiple years (one funding agreement per year), deadline for applications shall be set by the AOC, and new deadlines for final reports to be submitted to the AOC.
- 3. Committee actions and comments:** Draft code was sent via email to AJC, LJC, COSC, Clerks of Court, and LJCAA on October 5, 2006. No responses were received.
- 4. Controversial issues:** None.
- 5. Recommendation:** Recommend approval.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 5: Court Operations

Chapter 1: Funding

Section 5-107: State Aid to Courts

A. Definitions.

“State Fill-the-Gap” means monies appropriated by the state legislature and allocated pursuant to A.R.S. § 41-2421(B) and (J).

“Local Fill-the-Gap” means monies appropriated by the state legislature and allocated pursuant to A.R.S. § 41-2421(E) and (G).

“Municipal Fill-the-Gap” means monies allocated pursuant to A.R.S. § 41-2421(J)(6) and (K).

“Participating entity” means the superior court, clerk of the court, justice court or municipal court.

B. Purpose. The purpose of the criminal case processing and enforcement improvement fund is to improve the processing of criminal cases in the superior courts and the justice courts and the enforcement of court orders, including the collection of court-ordered fees, fines, penalties, assessments, sanctions and forfeitures. The purpose of the state aid to the courts fund and the local courts assistance fund is to provide state aid to the superior court, including the clerk of the superior court, and justice courts for the processing of criminal cases. The purpose of the municipal court allocation fund is to provide state aid to the municipal courts to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice.

C. Administration.

1. The financial and program administration of these funds is delegated to the administrative director or designee. The administrative director shall develop, adopt and implement additional policies and procedures necessary for financial and program administration, financial and program monitoring and evaluation, program standards, and all other requirements imposed by law or supreme court order or rule.
2. The administrative director shall prepare fund projections, recommend and authorize amounts to be awarded based on a combination of revenue and appropriations each fiscal year, prescribe and adopt policies and procedures to revert funds and execute contracts necessary to administer the fund in accordance with this section. A formula for distribution of the funds has been developed and distributed to the courts.
3. The administrative director shall expend funds to implement, evaluate and administer the criminal case processing and enforcement improvement fund, state aid to courts fund, local courts assistance fund and municipal court allocation and its funding.

4. The administrative director shall administer and monitor the funds and may inspect, audit, or have audited the records of any fund recipient related to the use and expenditure of monies provided through the fund.
5. One application per project for Fill-the-Gap (FTG) requests shall be submitted to the Administrative Office of the Courts (AOC) on forms provided by the AOC and in compliance with AOC procedures. Participating entities shall coordinate who will be responsible for submitting the application.
6. The application for state and local FTG requests shall be signed and dated by the presiding judge of the superior court, clerk of the court, chairman of the board of supervisors, and presiding justice of the peace.
7. The application for municipal FTG requests shall be signed and dated by the presiding judge of the municipal court.
8. The application for state FTG requests shall be submitted to the AOC no later than the date set by AOC.
9. The AOC court services division director or designee shall review all applications and shall recommend approval or disapproval of funding awards to the administrative director. Applicants shall be notified in writing of the funding decision.
10. Applications shall be submitted and approved prior to expenditure of funds, which will be distributed in compliance with AOC procedures. The application and any modification shall be consistent with this section, applicable policies and procedures, and the applicant's budget request.
11. Modifications to the application shall be re-submitted and approved as outlined above. Modified applications shall have the same signatures as the original application.
12. The administrative director or designee shall enter into a written funding agreement with the applicant for expenditure of the allocated funds upon approval of the application and the availability of funds. Funding agreements shall not span more than one fiscal year.
13. The administrative director shall amend or terminate the funding agreement, if necessary, due to a lack of funds, failure to comply with the applicable statutes, rules, orders, policies or approved plan or other circumstances.
14. The administrative director shall distribute funds pursuant to this section which shall be deposited into an account established pursuant to the procedures provided in the Auditor General's Uniform Accounting Manual for Arizona Counties, Sections III and V, consistent with A.R.S. §§ 12-102.01, -102.02, and -102.03. Once the administrative director distributes the funds, interest earned remains with the fund and may be used in support of the approved case processing plan.

15. The administrative director shall distribute funds which shall be used only for the support and operation of approved case processing plans. The administrative director may also reallocate funds during a fiscal year, if circumstances justify such action.
16. Each participating entity shall maintain and provide to the AOC reports, data and statistics required by AOC procedures, and shall retain all financial records, applicable program records, and data related to each approved application for at least five years from the close of each funding period.
17. The administrative director may contract for consulting services, conduct seminars and educational sessions or otherwise provide assistance to fund recipients.
18. The court shall prepare and submit a final status report to the AOC no later than 45 days following the end of the project on a form provided by the AOC and in compliance with AOC procedures. The final status report shall be signed by the presiding judge of the superior court and accompanied by the clerk of the court and presiding justice of the peace signatures in their respective sections.