

Addendum

TAB 3

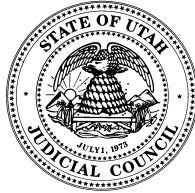
Back from Public Comment:

CJA 1-205. Standing and ad hoc committees

CJA 3-117. Committee on Court Forms

CJA 3-406. Budget and fiscal management

Notes: See attached memo for rule summaries. No public comments were received on any rule.



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

March 8, 2023

Ronald Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rules for Public Comment

The Policy, Planning, and Technology Committee recommends that the following rules be approved for a 45-day public comment period.

CJA 1-205. Standing and ad hoc committees

On February 27, 2023, the Judicial Council declined to adopt proposed amendments to CJA rule 1-205 on an expedited basis and sent the rule back to the PP&T committee with the following directives:

1. Add a judge from each court level.
2. Fix the following terminology: “sitting” vs. “current” and “judge or justice” vs. “judicial officer.”
3. Seek feedback from the Committee on Judicial Fairness and Accountability on the revised amendments.
4. Bring the rule back to the Judicial Council. The rule needs to go out for public comment and committee staff should follow the member solicitation and appointment process outlined in 1-205(3)(A).

With input from the Committee on Judicial Fairness and Accountability, the revised amendments (lines 204-214) add a judge from each court level, include two former judges from any court level, and allow for the appointment of up to two additional qualified individuals.

CJA 3-117. Committee on Court Forms

The Committee on Court Forms recommends the following proposed amendments:

1. Remove the requirement that the General Counsel conduct a legal review of every form prior to committee approval. The Court Forms Committee is made up of experienced judges and attorneys that are more than capable of ensuring court forms

**The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.**

- are legally correct. Adding an extra step is unnecessary and slows progress. The General Counsel's Office may be consulted as needed.
2. Acknowledge the Committee's responsibility to review existing forms and assess the need for new court forms.
 3. Add new form requirements, including user-testing where practicable.

CJA 3-406. Budget and fiscal management

In January, the Judicial Council pulled CJA rule 3-406 from the Council's consent calendar at the request of the Budget and Fiscal Management Committee (BFMC) chair. BFMC made a few minor amendments, primarily to terminology (i.e., changing "judicial priorities" to "budget requests," etc.). Following further review by PP&T, the rule is ready to be published for comment.

**The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.**

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Judicial Outreach;

(1)(A)(vii) Committee on Resources for Self-represented Parties;

(1)(A)(viii) Language Access Committee;

(1)(A)(ix) Guardian ad Litem Oversight Committee;

(1)(A)(x) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xi) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

(1)(B) Composition.

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(iv)(a) one judge from each level of trial court;
- (1)(B)(iv)(b) one appellate court judge;
- (1)(B)(iv)(c) the state court administrator;
- (1)(B)(iv)(d) a trial court executive;
- (1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(v)(a) one Senator appointed by the President of the Senate;
- (1)(B)(v)(b) the Director of the Department of Human Services or designee;
- (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(v)(f) one representative of a child advocacy organization;
- (1)(B)(v)(g) the ADR Program Director or designee;
- (1)(B)(v)(h) one professional in the area of child development;
- (1)(B)(v)(i) one mental health professional;
- (1)(B)(v)(j) one representative of the community;
- (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(v)(l) one court commissioner;
- (1)(B)(v)(m) two district court judges; and
- (1)(B)(v)(n) two juvenile court judges.
- (1)(B)(v)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

(1)(B)(vi)(a) one appellate court judge;
(1)(B)(vi)(b) one district court judge;
(1)(B)(vi)(c) one juvenile court judge;
(1)(B)(vi)(d) one justice court judge; one state level administrator;
(1)(B)(vi)(e) a state level judicial education representative;
(1)(B)(vi)(f) one court executive;
(1)(B)(vi)(g) one Utah State Bar representative;
(1)(B)(vi)(h) one communication representative;
(1)(B)(vi)(i) one law library representative;
(1)(B)(vi)(j) one civic community representative; and
(1)(B)(vi)(k) one state education representative.
(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

(1)(B)(vii)(a) two district court judges;
(1)(B)(vii)(b) one juvenile court judge;
(1)(B)(vii)(c) two justice court judges;
(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;
(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;
(1)(B)(vii)(f) one representative from the Utah State Bar;
(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;
(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;
(1)(B)(vii)(i) two law school representatives;
(1)(B)(vii)(j) the state law librarian; and
(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(viii)(a) one district court judge;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) one justice court judge;
- (1)(B)(viii)(d) one trial court executive;
- (1)(B)(viii)(e) one court clerk;
- (1)(B)(viii)(f) one interpreter coordinator;
- (1)(B)(viii)(g) one probation officer;
- (1)(B)(viii)(h) one prosecuting attorney;
- (1)(B)(viii)(i) one defense attorney;
- (1)(B)(viii)(j) two certified interpreters;
- (1)(B)(viii)(k) one approved interpreter;
- (1)(B)(viii)(l) one expert in the field of linguistics; and
- (1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(x)(a) two district court judges;
- (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- (1)(B)(x)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) one justice court judge;
- (1)(B)(xi)(c) four prosecutors;
- (1)(B)(xi)(d) four defense counsel; and
- (1)(B)(xi)(e) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) two justice court judges;
- (1)(B)(xii)(c) one prosecutor;
- (1)(B)(xii)(d) one defense attorney;
- (1)(B)(xii)(e) one county sheriff;
- (1)(B)(xii)(f) one representative of counties;
- (1)(B)(xii)(g) one representative of a county pretrial services agency;
- (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xii)(i) one commercial surety agent;
- (1)(B)(xii)(j) one state senator;
- (1)(B)(xii)(k) one state representative;
- (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;
- (1)(B)(xii)(o) one chief of police; and
- (1)(B)(xii)(p) the court's general counsel or designee.

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one court commissioner;
- (1)(B)(xiii)(c) one juvenile court judge;
- (1)(B)(xiii)(d) one justice court judge;
- (1)(B)(xiii)(e) one court clerk;
- (1)(B)(xiii)(f) one appellate court staff attorney;
- (1)(B)(xiii)(g) one representative from the Self-Help Center;
- (1)(B)(xiii)(h) the State Law Librarian;
- (1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xiv)(a) one ~~sitting~~ district court judge;

(1)(B)(xiv)(b) one juvenile court judge;

(1)(B)(xiv)(c) one justice court judge;

(1)(B)(xiv)(d) one appellate court judge;

(1)(B)(xiv)(~~eb~~) ~~twothree current or former judicial officers~~ judges from any court level;

(1)(B)(xiv)(~~fe~~) the General Counsel or designee; ~~and~~

~~(1)(B)(xiv)(g) one representative of the community;~~

(1)(B)(xiv)(~~hd~~) the Director of the Office of Fairness and Accountability;~~;~~

(1)(B)(xiv)(i) the Director of Data and Research or designee; and

(1)(B)(xiv)(j) up to two additional qualified individuals.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

(1)(B)(xv)(a)(i) two or more district court judges;

(1)(B)(xv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(1)(B)(xv)(a)(iv) one representative from the Court Visitor Program; and

(1)(B)(xv)(a)(v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

(1)(B)(xv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xv)(c)(i) mental health community;

(1)(B)(xv)(c)(ii) medical community;

(1)(B)(xv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xv)(c)(iv) aging-adult services community;

(1)(B)(xv)(c)(v) educator from a legal program or law school;

(1)(B)(xv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Effective May/November ~~123~~, 202~~32~~

Rule 3-117. Committee on Court Forms**Intent:**

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) The committee shall ~~conduct a comprehensive~~ review of current court forms and assess the need for new court forms to assist parties and practitioners in all court levels.

(2) The committee shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.

(3) Process for form creation.

(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.

(3)(b) Forms should be:

(3)(b)(i) written in plain language and reference the statutes and rules to which the forms apply;

(3)(b)(ii) reviewed for legal correctness;

(3)(b)(iii) standardized across the state where practicable;

(3)(b)(iv) developed to promote and expand access to justice;

(3)(b)(v) structured to eliminate redundancy and unnecessary steps; and

(3)(b)(vi) user-tested when practicable.

(3)(c) The committee shall solicit input from other interested groups as it deems appropriate. The committee may establish subcommittees using non-committee members to facilitate its work.

(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms. However the Judicial Council's designation of a form as mandatory is not binding on a decision-maker asked to review the legal correctness of the form.

~~(3)(e) The Office of General Counsel shall staff the committee and shall review all forms for legal correctness before final approval by the committee.~~

(4) The State Law Librarian shall be responsible for maintaining and archiving the forms.

Effective: May ~~122~~, 2023~~17~~

Rule 3-406. Budget and fiscal management.**Intent:**

To ~~develop and maintain~~accomplish the ~~policies and programs~~mission of the judiciary through sound fiscal management.

To provide ~~for~~ sound fiscal management ~~through the coordinated and cooperative effort of central and local authorities within the judiciary.~~ by financially supporting both existing programs and creating new programs that enable the Courts to effectively provide an open, fair, efficient and independent system for advancement of justice under the law.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

Applicability:

This rule shall apply to the management of all funds appropriated by the state to the judiciary, as well as grant funds used by the judiciary.

Statement of the Rule:

(1) ~~Fiscal offices and programs and program directors established.~~ For purposes of fiscal management, the judiciary is divided into offices (which generally provide services to other areas within the judiciary) and programs (which generally provide services to court patrons). Each office and program budget is managed by a ~~program director~~budget manager who has approval authority from the Administrative Office's finance group ("AOC Finance") to authorize disbursements. This approval authority is granted based on AOC Finance's periodic review to ensure adequate separation of duties (as defined by generally accepted accounting principles) for each budget manager. The budget manager is designated by the state court administrator and approved by their designee. AOC Finance periodically reports to the Budget and Fiscal Management Committee- ("BFMC") on the adequacy of separation of duties. The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

(2) Budget management.

(2)(A) **Responsibility of the ~~council~~Council.** The responsibility of the Council is to:

(2)(A)(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(2)(A)(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(2)(A)(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

(2)(B) Responsibility of the state court administrator. It is the responsibility of the state court administrator to:

(2)(B)(i) implement the directives of the Council;

(2)(B)(ii) ~~direct the management of~~manage the judiciary's budget, ~~including recommendations to reduce or redirect allocations~~; and

(2)(B)(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

(2)(C) Responsibility of ~~the administrative office.~~AOC Finance. It is the responsibility of ~~the administrative office~~AOC Finance to:

(2)(C)(i) ~~clear all warrants and other authorizations for the~~ensure timely payment of all accounts payable ~~for the availability of funds~~;

(2)(C)(ii) monitor all expenditures and collections versus budget;

(2)(C)(iii) provide monthly ~~expenditure financial~~ reports ~~by court to court executives, program directors to budget managers~~, the state court administrator, ~~Boards of Judges~~the BPMC and the Council; and

(2)(C)(iv) develop a manual of procedures ("Accounting Manual") to govern ~~the payment of accounts receivable~~, accounts payable, trust accounts, the audit thereof, and the audit ~~thereof of administrative procedures generally~~. The procedures shall be in conformity with generally accepted principles of budgeting and accounting and budget management shall, at a minimum, conform to the requirements of this rule and state law.

(2)(D) Responsibility of the ~~program directors.~~budget managers. Within their respective ~~programs~~areas of responsibility, it is the responsibility of the ~~program directors~~budget managers to:

(2)(D)(i) comply with the directives of the Council and the state court administrator;

(2)(D)(ii) administer the reduction or redirection of allocations;

(2)(D)(iii) monitor all expenditures and collections versus budget;

(2)(D)(iv) supervise and manage ~~court~~ budgets in accordance with the ~~manual of procedures~~ Accounting Manual; and

(2)(D)(v) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction of~~ Legislature and changes to programs or redirection of offices that create efficiencies that reduce or redirect allocations.

(2)(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(2)(E)(i) comply with the directives of the Council, the state court administrator, ~~and the program director or designee~~, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(2)(E)(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(2)(E)(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(2)(E)(v) authorize expenditures;

(2)(E)(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the ~~Administrative Office~~ AOC Finance;

(2)(E)(vii) monitor all expenditures; and revenues to budget for variances; and

(2)(E)(viii) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction of~~ Legislature and changes to programs or redirection of offices that create efficiencies that reduce or redirect allocations.

(2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The ~~state court administrator~~ BFMC shall ~~review~~ present the recommended spending plan ~~with the Management Committee and present it~~ to the ~~Judicial~~ Council for approval.

(3) Budget development.

(3)(A) **Responsibility of the Council.** It is the responsibility of the Council to:

(3)(A)(i) establish responsible ~~fiscal priorities~~ budget requests to be funded by the Legislature that best enable the judiciary to achieve the goals of its policies;

(3)(A)(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(3)(A)(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(3)(A)(iv) allocate funds to the ~~geographic divisions of courts~~ budget managers in accordance with priorities established by the Council.

(3)(B) **Responsibility of the juvenile, district, and appellate boards ("Boards").** It is the responsibility of the Boards to:

(3)(B)(i) develop recommendations for ~~funding priorities~~ budget requests to be funded by the Legislature; and

(3)(B)(ii) review, modify, and approve program and office budgets for submission to the ~~Council-BFMC~~.

(3)(C) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(3)(C)(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; ~~and~~

(3)(C)(ii) implement the Council's fiscal priorities and allocation of funds; ~~and~~

(3)(C)(iii) ~~work with the BFMC and the Boards of judges to manage the judiciary's budget, including recommending (1) budget requests to be funded by the Legislature and (2) changes to programs or offices that create efficiencies that reduce or redirect allocations.~~

(3)(D) **Responsibility of ~~the administrative office~~-AOC Finance.** It is the responsibility of ~~the Administrative Office~~ AOC Finance to:

(3)(D)(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(3)(D)(ii) assist ~~program directors~~ budget managers and court executives in the preparation of budget requests, including those funded by the Legislature; and

(3)(D)(iii) compile the budget of the judiciary.

(3)(E) **Responsibility of the ~~program directors~~ budget managers.** Within their respective ~~programs~~ areas of responsibility, it is the responsibility of ~~program directors~~ budget managers to review, modify, and approve budget requests.

(3)(F) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(3)(F)(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(3)(F)(ii) develop arecommendations for budget requests s that adequately and appropriately meets those needs.

(3)(G) Process.

(3)(G)(i) Each Board ~~of Judges~~, each court and committee and each department of the ~~Administrative Office of the courts~~ may develop, prioritize and justify a budget request to be funded by the Legislature. The courts shall submit their requests to the appropriate Board ~~of Judges~~. The committees and the departments of the Administrative Office ~~AOC~~ shall submit their requests to the state court administrator.

(3)(G)(ii) The state court administrator shall deliver to the Boards the Administrative Office requests and the Boards shall consolidate and prioritize the requests from the courts ~~and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the,~~ committees and departments. AOC Finance shall consolidate all of the Boards' prioritized lists for review by the BFMC.

(3)(G)(iii) The ~~state court administrator~~ BFMC shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The ~~state court administrator~~ BFMC shall review the analysis and the recommended budget request and funding plan with the Council.

(3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the ~~state court administrator~~ BFMC and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

(4) General provisions.

(4)(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(4)(B) All courts and the Administrative Office shall comply with the provisions of state law and the ~~manual of procedures~~ Accounting Manual.

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(4)(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when absolutely necessary to maintain a balanced budget. If reductions in force are necessary, they shall be made in accordance with approved personnel procedures. If furloughs are necessary, they should occur for no more than two days per pay period.

Effective: ~~5/1/2020~~ May 1, 2023

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Judicial Outreach;

(1)(A)(vii) Committee on Resources for Self-represented Parties;

(1)(A)(viii) Language Access Committee;

(1)(A)(ix) Guardian ad Litem Oversight Committee;

(1)(A)(x) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xi) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

(1)(B) Composition.

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(iv)(a) one judge from each level of trial court;
- (1)(B)(iv)(b) one appellate court judge;
- (1)(B)(iv)(c) the state court administrator;
- (1)(B)(iv)(d) a trial court executive;
- (1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(v)(a) one Senator appointed by the President of the Senate;
- (1)(B)(v)(b) the Director of the Department of Human Services or designee;
- (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(v)(f) one representative of a child advocacy organization;
- (1)(B)(v)(g) the ADR Program Director or designee;
- (1)(B)(v)(h) one professional in the area of child development;
- (1)(B)(v)(i) one mental health professional;
- (1)(B)(v)(j) one representative of the community;
- (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(v)(l) one court commissioner;
- (1)(B)(v)(m) two district court judges; and
- (1)(B)(v)(n) two juvenile court judges.
- (1)(B)(v)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

(1)(B)(vi)(a) one appellate court judge;
(1)(B)(vi)(b) one district court judge;
(1)(B)(vi)(c) one juvenile court judge;
(1)(B)(vi)(d) one justice court judge; one state level administrator;
(1)(B)(vi)(e) a state level judicial education representative;
(1)(B)(vi)(f) one court executive;
(1)(B)(vi)(g) one Utah State Bar representative;
(1)(B)(vi)(h) one communication representative;
(1)(B)(vi)(i) one law library representative;
(1)(B)(vi)(j) one civic community representative; and
(1)(B)(vi)(k) one state education representative.
(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

(1)(B)(vii)(a) two district court judges;
(1)(B)(vii)(b) one juvenile court judge;
(1)(B)(vii)(c) two justice court judges;
(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;
(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;
(1)(B)(vii)(f) one representative from the Utah State Bar;
(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;
(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;
(1)(B)(vii)(i) two law school representatives;
(1)(B)(vii)(j) the state law librarian; and
(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(viii)(a) one district court judge;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) one justice court judge;
- (1)(B)(viii)(d) one trial court executive;
- (1)(B)(viii)(e) one court clerk;
- (1)(B)(viii)(f) one interpreter coordinator;
- (1)(B)(viii)(g) one probation officer;
- (1)(B)(viii)(h) one prosecuting attorney;
- (1)(B)(viii)(i) one defense attorney;
- (1)(B)(viii)(j) two certified interpreters;
- (1)(B)(viii)(k) one approved interpreter;
- (1)(B)(viii)(l) one expert in the field of linguistics; and
- (1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(x)(a) two district court judges;
- (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- (1)(B)(x)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) one justice court judge;
- (1)(B)(xi)(c) four prosecutors;
- (1)(B)(xi)(d) four defense counsel; and
- (1)(B)(xi)(e) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) two justice court judges;
- (1)(B)(xii)(c) one prosecutor;
- (1)(B)(xii)(d) one defense attorney;
- (1)(B)(xii)(e) one county sheriff;
- (1)(B)(xii)(f) one representative of counties;
- (1)(B)(xii)(g) one representative of a county pretrial services agency;
- (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xii)(i) one commercial surety agent;
- (1)(B)(xii)(j) one state senator;
- (1)(B)(xii)(k) one state representative;
- (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;
- (1)(B)(xii)(o) one chief of police; and
- (1)(B)(xii)(p) the court's general counsel or designee.

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one court commissioner;
- (1)(B)(xiii)(c) one juvenile court judge;
- (1)(B)(xiii)(d) one justice court judge;
- (1)(B)(xiii)(e) one court clerk;
- (1)(B)(xiii)(f) one appellate court staff attorney;
- (1)(B)(xiii)(g) one representative from the Self-Help Center;
- (1)(B)(xiii)(h) the State Law Librarian;
- (1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xiv)(a) one ~~sitting~~ district court judge;

(1)(B)(xiv)(b) one juvenile court judge;

(1)(B)(xiv)(c) one justice court judge;

(1)(B)(xiv)(d) one appellate court judge;

(1)(B)(xiv)(~~eb~~) ~~twothree current or former judicial officers~~ judges from any court level;

(1)(B)(xiv)(~~fe~~) the General Counsel or designee; ~~and~~

~~(1)(B)(xiv)(g) one representative of the community;~~

(1)(B)(xiv)(~~hd~~) the Director of the Office of Fairness and Accountability;~~;~~

(1)(B)(xiv)(i) the Director of Data and Research or designee; and

(1)(B)(xiv)(j) up to two additional qualified individuals.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

(1)(B)(xv)(a)(i) two or more district court judges;

(1)(B)(xv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(1)(B)(xv)(a)(iv) one representative from the Court Visitor Program; and

(1)(B)(xv)(a)(v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

(1)(B)(xv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xv)(c)(i) mental health community;

(1)(B)(xv)(c)(ii) medical community;

(1)(B)(xv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xv)(c)(iv) aging-adult services community;

(1)(B)(xv)(c)(v) educator from a legal program or law school;

(1)(B)(xv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Effective May/November ~~123~~, 202~~32~~

Rule 3-117. Committee on Court Forms**Intent:**

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) The committee shall ~~conduct a comprehensive~~ review of current court forms and assess the need for new court forms to assist parties and practitioners in all court levels.

(2) The committee shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.

(3) Process for form creation.

(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.

(3)(b) Forms should be:

(3)(b)(i) written in plain language and reference the statutes and rules to which the forms apply;

(3)(b)(ii) reviewed for legal correctness;

(3)(b)(iii) standardized across the state where practicable;

(3)(b)(iv) developed to promote and expand access to justice;

(3)(b)(v) structured to eliminate redundancy and unnecessary steps; and

(3)(b)(vi) user-tested when practicable.

(3)(c) The committee shall solicit input from other interested groups as it deems appropriate. The committee may establish subcommittees using non-committee members to facilitate its work.

(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms. However the Judicial Council's designation of a form as mandatory is not binding on a decision-maker asked to review the legal correctness of the form.

~~(3)(e) The Office of General Counsel shall staff the committee and shall review all forms for legal correctness before final approval by the committee.~~

(4) The State Law Librarian shall be responsible for maintaining and archiving the forms.

Effective: May ~~122~~, 2023~~17~~

Rule 3-406. Budget and fiscal management.**Intent:**

To ~~develop and maintain~~accomplish the ~~policies and programs~~mission of the judiciary through sound fiscal management.

To provide ~~for~~ sound fiscal management ~~through the coordinated and cooperative effort of central and local authorities within the judiciary.~~ by financially supporting both existing programs and creating new programs that enable the Courts to effectively provide an open, fair, efficient and independent system for advancement of justice under the law.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

Applicability:

This rule shall apply to the management of all funds appropriated by the state to the judiciary, as well as grant funds used by the judiciary.

Statement of the Rule:

(1) ~~Fiscal offices and programs and program directors established.~~ For purposes of fiscal management, the judiciary is divided into offices (which generally provide services to other areas within the judiciary) and programs. ~~(which generally provide services to court patrons).~~ Each office and program budget is managed by a ~~program director~~budget manager who has approval authority from the Administrative Office's finance group ("AOC Finance") to authorize disbursements. This approval authority is granted based on AOC Finance's periodic review to ensure adequate separation of duties (as defined by generally accepted accounting principles) for each budget manager. The budget manager is designated by the state court administrator and approved by their designee. AOC Finance periodically reports to the Budget and Fiscal Management Committee- ("BFMC") on the adequacy of separation of duties. The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

(2) Budget management.

(2)(A) **Responsibility of the ~~council~~Council.** The responsibility of the Council is to:

(2)(A)(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(2)(A)(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(2)(A)(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

(2)(B) Responsibility of the state court administrator. It is the responsibility of the state court administrator to:

(2)(B)(i) implement the directives of the Council;

(2)(B)(ii) ~~direct the management of~~manage the judiciary's budget, ~~including recommendations to reduce or redirect allocations~~; and

(2)(B)(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

(2)(C) Responsibility of ~~the administrative office~~. AOC Finance. It is the responsibility of ~~the administrative office~~AOC Finance to:

(2)(C)(i) ~~clear all warrants and other authorizations for the~~ensure timely payment of all accounts payable ~~for the availability of funds~~;

(2)(C)(ii) monitor all expenditures and collections versus budget;

(2)(C)(iii) provide monthly ~~expenditure financial~~ reports ~~by court to court executives, program directors to budget managers~~, the state court administrator, ~~Boards of Judges~~the BFMC and the Council; and

(2)(C)(iv) develop a manual of procedures ("Accounting Manual") to govern ~~the payment of accounts receivable~~, accounts payable, trust accounts, the audit thereof, and the audit ~~thereof of administrative procedures generally~~. The procedures shall be in conformity with generally accepted principles of budgeting and accounting and budget management shall, at a minimum, conform to the requirements of this rule and state law.

(2)(D) Responsibility of the ~~program directors~~. budget managers. Within their respective ~~programs~~areas of responsibility, it is the responsibility of the ~~program directors~~budget managers to:

(2)(D)(i) comply with the directives of the Council and the state court administrator;

(2)(D)(ii) administer the reduction or redirection of allocations;

(2)(D)(iii) monitor all expenditures and collections versus budget;

(2)(D)(iv) supervise and manage ~~court~~ budgets in accordance with the ~~manual of procedures~~ Accounting Manual; and

(2)(D)(v) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction of~~ Legislature and changes to programs or ~~redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(2)(E)(i) comply with the directives of the Council, the state court administrator, ~~and the program director or designee~~, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(2)(E)(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(2)(E)(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(2)(E)(v) authorize expenditures;

(2)(E)(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the ~~Administrative Office~~ AOC Finance;

(2)(E)(vii) monitor all expenditures; and revenues to budget for variances; and

(2)(E)(viii) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction of~~ Legislature and changes to programs or ~~redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The ~~state court administrator~~ BFMC shall ~~review~~ present the recommended spending plan ~~with the Management Committee and present it~~ to the ~~Judicial~~ Council for approval.

(3) Budget development.

(3)(A) **Responsibility of the Council.** It is the responsibility of the Council to:

(3)(A)(i) establish responsible ~~fiscal priorities~~ budget requests to be funded by the Legislature that best enable the judiciary to achieve the goals of its policies;

(3)(A)(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(3)(A)(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(3)(A)(iv) allocate funds to the ~~geographic divisions of courts~~ budget managers in accordance with priorities established by the Council.

(3)(B) **Responsibility of the juvenile, district, and appellate boards (“Boards”).** It is the responsibility of the Boards to:

(3)(B)(i) develop recommendations for ~~funding priorities~~ budget requests to be funded by the Legislature; and

(3)(B)(ii) review, modify, and approve program and office budgets for submission to the ~~Council-BFMC~~.

(3)(C) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(3)(C)(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; ~~and~~

(3)(C)(ii) implement the Council’s fiscal priorities and allocation of funds; ~~and~~

(3)(C)(iii) ~~work with the BFMC and the Boards of judges to manage the judiciary's budget, including recommending (1) budget requests to be funded by the Legislature and (2) changes to programs or offices that create efficiencies that reduce or redirect allocations.~~

(3)(D) **Responsibility of ~~the administrative office~~-AOC Finance.** It is the responsibility of ~~the Administrative Office~~ AOC Finance to:

(3)(D)(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(3)(D)(ii) assist ~~program directors~~ budget managers and court executives in the preparation of budget requests, including those funded by the Legislature; and

(3)(D)(iii) compile the budget of the judiciary.

(3)(E) **Responsibility of the ~~program-directors-budget managers~~.** Within their respective ~~programs~~areas of responsibility, it is the responsibility of ~~program directors~~budget managers to review, modify, and approve budget requests.

(3)(F) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(3)(F)(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(3)(F)(ii) develop arecommendations for budget requestss that adequately and appropriately meets those needs.

(3)(G) Process.

(3)(G)(i) Each Board~~-of Judges~~, each court and committee and each department of the Aadministrative Ooffice ~~of the courts~~ may develop, prioritize and justify a budget request to be funded by the Legislature. The courts shall submit their requests to the appropriate Board~~-of Judges~~. The committees and the departments of the Administrative Office~~AOC~~ shall submit their requests to the state court administrator.

(3)(G)(ii) The state court administrator shall deliver to the Boards the Administrative Office requests and the Boards shall consolidate and prioritize the requests from the courts~~-and the requests originated by the Board~~. ~~The state court administrator shall consolidate and prioritize the requests from the,~~ committees and departments. AOC Finance shall consolidate all of the Boards' prioritized lists for review by the BFMC.

(3)(G)(iii) The ~~state court administrator~~BFMC shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The ~~state court administrator~~BFMC shall review the analysis and the recommended budget request and funding plan with the Council.

(3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the ~~state court administrator~~BFMC and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

(4) General provisions.

(4)(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(4)(B) All courts and the Administrative Office shall comply with the provisions of state law and the ~~manual of procedures~~Accounting Manual.

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(4)(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when absolutely necessary to maintain a balanced budget. If reductions in force are necessary, they shall be made in accordance with approved personnel procedures. If furloughs are necessary, they should occur for no more than two days per pay period.

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