



Administrative Office of the Courts

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

May 14, 2023

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rules for Expedited Approval and Final Approval

CJA rule 1-205 was published for a 45-day public comment period. No comments were received. The Policy, Planning, and Technology Committee recommends that rule 1-205 be approved on an **expedited basis** with a **June 1, 2023** date.

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. Send the rule out for public.

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 rules 3-117 and 3-406 were published for a 45-day comment period. No comments were received. The Policy, Planning, and Technology Committee recommends that rules 3-117 and 3-406 be approved as final with a **November 1, 2023** effective date.

CJA 3-117. Committee on Court Forms

The proposed amendments:

1. remove the requirement that the General Counsel conduct a legal review of every form prior to committee approval;

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

2. acknowledge the Committee's responsibility to review existing forms and assess the need for new court forms; and
3. add new form requirements, including user-testing where practicable.

CJA 3-406. Budget and fiscal management

The proposed amendments incorporate the role of the Budget and Fiscal Management Committee and make other improvements to clarify the budget process.

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

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

2 **Intent:**

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

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

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

8 **Applicability:**

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

10 **Statement of the Rule:**

11 **(1) Standing Committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **(1)(B) Composition.**

31 (1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-
32 302 and shall consist of:

- 33 (1)(B)(i)(a) one district court judge who has experience with a felony
34 docket;
- 35 (1)(B)(i)(b) three district court judges who have experience with a
36 misdemeanor docket; and
- 37 (1)(B)(i)(c) four justice court judges.
- 38 (1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule
39 3-109 and shall consist of:
- 40 (1)(B)(ii)(a) one judge from the Court of Appeals;
- 41 (1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;
- 42 (1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- 43 (1)(B)(ii)(d) one juvenile court judge;
- 44 (1)(B)(ii)(e) one justice court judge; and
- 45 (1)(B)(ii)(f) an attorney from either the Bar or a college of law.
- 46 (1)(B)(iii) The **Judicial Branch Education Committee** performs the duties
47 described in rule 3-403 shall consist of:
- 48 (1)(B)(iii)(a) one judge from an appellate court;
- 49 (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
- 50 (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- 51 (1)(B)(iii)(d) one juvenile court judge;
- 52 (1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;
- 53 (1)(B)(iii)(f) one state level administrator;
- 54 (1)(B)(iii)(g) the Human Resource Management Director;
- 55 (1)(B)(iii)(h) one court executive;
- 56 (1)(B)(iii)(i) one juvenile court probation representative;
- 57 (1)(B)(iii)(j) two court clerks from different levels of court and different
58 judicial districts;
- 59 (1)(B)(iii)(k) one data processing manager; and
- 60 (1)(B)(iii)(l) one adult educator from higher education.
- 61 (1)(B)(iii)(m) The Human Resource Management Director and the adult
62 educator shall serve as non-voting members. The state level
63 administrator and the Human Resource Management Director shall serve
64 as permanent Committee members.

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

67 (1)(B)(iv)(a) one judge from each level of trial court;

68 (1)(B)(iv)(b) one appellate court judge;

69 (1)(B)(iv)(c) the state court administrator;

70 (1)(B)(iv)(d) a trial court executive;

71 (1)(B)(iv)(e) two business people with experience in the construction or
72 financing of facilities; and

73 (1)(B)(iv)(f) the court security director.

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

76 (1)(B)(v)(a) one Senator appointed by the President of the Senate;

77 (1)(B)(v)(b) the Director of the Department of Human Services or
78 designee;

79 (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law
80 Section of the Utah State Bar;

81 (1)(B)(v)(d) one attorney with experience in abuse, neglect and
82 dependency cases;

83 (1)(B)(v)(e) one attorney with experience representing parents in abuse,
84 neglect and dependency cases;

85 (1)(B)(v)(f) one representative of a child advocacy organization;

86 (1)(B)(v)(g) the ADR Program Director or designee;

87 (1)(B)(v)(h) one professional in the area of child development;

88 (1)(B)(v)(i) one mental health professional;

89 (1)(B)(v)(j) one representative of the community;

90 (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;

91 (1)(B)(v)(l) one court commissioner;

92 (1)(B)(v)(m) two district court judges; and

93 (1)(B)(v)(n) two juvenile court judges.

94 (1)(B)(v)(o) One of the district court judges and one of the juvenile court
95 judges shall serve as co-chairs to the committee. In its discretion the
96 committee may appoint non-members to serve on its subcommittees.

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

- 99 (1)(B)(vi)(a) one appellate court judge;
- 100 (1)(B)(vi)(b) one district court judge;
- 101 (1)(B)(vi)(c) one juvenile court judge;
- 102 (1)(B)(vi)(d) one justice court judge; one state level administrator;
- 103 (1)(B)(vi)(e) a state level judicial education representative;
- 104 (1)(B)(vi)(f) one court executive;
- 105 (1)(B)(vi)(g) one Utah State Bar representative;
- 106 (1)(B)(vi)(h) one communication representative;
- 107 (1)(B)(vi)(i) one law library representative;
- 108 (1)(B)(vi)(j) one civic community representative; and
- 109 (1)(B)(vi)(k) one state education representative.
- 110 (1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees
- 111 shall also serve as members of the committee.
- 112 (1)(B)(vii) The **Committee on Resources for Self-represented**
- 113 **Parties** performs the duties described in rule 3-115 and shall consist of:
- 114 (1)(B)(vii)(a) two district court judges;
- 115 (1)(B)(vii)(b) one juvenile court judge;
- 116 (1)(B)(vii)(c) two justice court judges;
- 117 (1)(B)(vii)(d) three clerks of court – one from an appellate court, one from
- 118 an urban district and one from a rural district;
- 119 (1)(B)(vii)(e) one representative from a social services organization
- 120 providing direct services to underserved communities;
- 121 (1)(B)(vii)(f) one representative from the Utah State Bar;
- 122 (1)(B)(vii)(g) two representatives from legal service organizations that
- 123 serve low-income clients;
- 124 (1)(B)(vii)(h) one private attorney experienced in providing services to
- 125 self-represented parties;
- 126 (1)(B)(vii)(i) two law school representatives;
- 127 (1)(B)(vii)(j) the state law librarian; and
- 128 (1)(B)(vii)(k) two community representatives.
- 129 (1)(B)(viii) The **Language Access Committee** performs the duties described in
- 130 rule 3-306.02 and shall consist of:

- 131 (1)(B)(viii)(a) one district court judge;
- 132 (1)(B)(viii)(b) one juvenile court judge;
- 133 (1)(B)(viii)(c) one justice court judge;
- 134 (1)(B)(viii)(d) one trial court executive;
- 135 (1)(B)(viii)(e) one court clerk;
- 136 (1)(B)(viii)(f) one interpreter coordinator;
- 137 (1)(B)(viii)(g) one probation officer;
- 138 (1)(B)(viii)(h) one prosecuting attorney;
- 139 (1)(B)(viii)(i) one defense attorney;
- 140 (1)(B)(viii)(j) two certified interpreters;
- 141 (1)(B)(viii)(k) one approved interpreter;
- 142 (1)(B)(viii)(l) one expert in the field of linguistics; and
- 143 (1)(B)(viii)(m) one American Sign Language representative.
- 144 (1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties
145 described in rule 4-906 and shall consist of:
- 146 (1)(B)(ix)(a) seven members with experience in the administration of law
147 and public services selected from public, private and non-profit
148 organizations.
- 149 (1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the
150 duties described in rule 3-418 and shall consist of:
- 151 (1)(B)(x)(a) two district court judges;
- 152 (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- 153 (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- 154 (1)(B)(x)(d) one person skilled in linguistics or communication.
- 155 (1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs
156 the duties described in rule 3-418 and shall consist of:
- 157 (1)(B)(xi)(a) two district court judges;
- 158 (1)(B)(xi)(b) one justice court judge;
- 159 (1)(B)(xi)(c) four prosecutors;
- 160 (1)(B)(xi)(d) four defense counsel; and
- 161 (1)(B)(xi)(e) one person skilled in linguistics or communication.

- 162 (1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the
163 duties described in rule 3-116 and shall consist of:
- 164 (1)(B)(xii)(a) two district court judges;
 - 165 (1)(B)(xii)(b) two justice court judges;
 - 166 (1)(B)(xii)(c) one prosecutor;
 - 167 (1)(B)(xii)(d) one defense attorney;
 - 168 (1)(B)(xii)(e) one county sheriff;
 - 169 (1)(B)(xii)(f) one representative of counties;
 - 170 (1)(B)(xii)(g) one representative of a county pretrial services agency;
 - 171 (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and
172 Juvenile Justice;
 - 173 (1)(B)(xii)(i) one commercial surety agent;
 - 174 (1)(B)(xii)(j) one state senator;
 - 175 (1)(B)(xii)(k) one state representative;
 - 176 (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
 - 177 (1)(B)(xii)(m) one representative of the Utah Victims' Council;
 - 178 (1)(B)(xii)(n) one representative of a community organization actively
179 engaged in pretrial justice issues;
 - 180 (1)(B)(xii)(o) one chief of police; and
 - 181 (1)(B)(xii)(p) the court's general counsel or designee.
- 182 (1)(B)(xiii) The **Committee on Court Forms** performs the duties described in
183 rule 3-117 and shall consist of:
- 184 (1)(B)(xiii)(a) two district court judges;
 - 185 (1)(B)(xiii)(b) one court commissioner;
 - 186 (1)(B)(xiii)(c) one juvenile court judge;
 - 187 (1)(B)(xiii)(d) one justice court judge;
 - 188 (1)(B)(xiii)(e) one court clerk;
 - 189 (1)(B)(xiii)(f) one appellate court staff attorney;
 - 190 (1)(B)(xiii)(g) one representative from the Self-Help Center;
 - 191 (1)(B)(xiii)(h) the State Law Librarian;
 - 192 (1)(B)(xiii)(i) the district court administrator or designee;

- 193 (1)(B)(xiii)(j) one representative from a legal service organization that
 194 serves low-income clients;
- 195 (1)(B)(xiii)(k) one paralegal;
- 196 (1)(B)(xiii)(l) one educator from a paralegal program or law school;
- 197 (1)(B)(xiii)(m) one person skilled in linguistics or communication;
- 198 (1)(B)(xiii)(n) one representative from the Utah State Bar; and
- 199 (1)(B)(xiii)(o) the LPP administrator.

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

- 204 (1)(B)(xiv)(a) one ~~sitting~~ district court judge;
- 205 (1)(B)(xiv)(b) one juvenile court judge;
- 206 (1)(B)(xiv)(c) one justice court judge;
- 207 (1)(B)(xiv)(d) one appellate court judge;
- 208 (1)(B)(xiv)(~~eb~~) ~~two~~three ~~current or former~~ judicial officers judges from any
 209 court level;
- 210 (1)(B)(xiv)(~~fe~~) the General Counsel or designee; ~~and~~
- 211 (1)(B)(xiv)(g) one representative of the community;
- 212 (1)(B)(xiv)(~~hd~~) the Director of the Office of Fairness and Accountability;
 213 (1)(B)(xiv)(i) the Director of Data and Research or designee; and
- 214 (1)(B)(xiv)(j) up to two additional qualified individuals.

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

- 218 (1)(B)(xv)(a) **Judiciary** representatives:
- 219 (1)(B)(xv)(a)(i) two or more district court judges;
- 220 (1)(B)(xv)(a)(ii) two or more district court judicial support staff with
 221 experience in guardianship matters;
- 222 (1)(B)(xv)(a)(iii) one representative from the Guardianship
 223 Reporting and Monitoring Program (GRAMP)
- 224 (1)(B)(xv)(a)(iv) one representative from the Court Visitor
 225 Program; and
- 226 (1)(B)(xv)(a)(v) the General Counsel or designee.

- 227 (1)(B)(xv)(b) **Community stakeholder** representatives:
- 228 [\(1\)\(B\)\(xv\)\(b\)\(i\)](#) one representative from Adult Protective Services;
- 229 [\(1\)\(B\)\(xv\)\(b\)\(ii\)](#) one representative from Disability Law Center;
- 230 [\(1\)\(B\)\(xv\)\(b\)\(iii\)](#) one representative from Adult and Aging Services;
- 231 [\(1\)\(B\)\(xv\)\(b\)\(iv\)](#) one representative from Office of Public Guardian;
- 232 [\(1\)\(B\)\(xv\)\(b\)\(v\)](#) one representative from the Utah State Bar;
- 233 [\(1\)\(B\)\(xv\)\(b\)\(vi\)](#) one representative from Office of the Attorney
234 General;
- 235 [\(1\)\(B\)\(xv\)\(b\)\(vii\)](#) one representative from the Utah legislature;
- 236 [\(1\)\(B\)\(xv\)\(b\)\(viii\)](#) one representative from the Utah Commission on
237 Aging;
- 238 [\(1\)\(B\)\(xv\)\(b\)\(ix\)](#) one representative from Utah Legal Services; and
- 239 [\(1\)\(B\)\(xv\)\(b\)\(x\)](#) the Long-Term Care Ombudsman or designee.

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

- 242 [\(1\)\(B\)\(xv\)\(c\)\(i\)](#) mental health community;
- 243 [\(1\)\(B\)\(xv\)\(c\)\(ii\)](#) medical community;
- 244 [\(1\)\(B\)\(xv\)\(c\)\(iii\)](#) private legal community that specializes in
245 guardianship matters;
- 246 [\(1\)\(B\)\(xv\)\(c\)\(iv\)](#) aging-adult services community;
- 247 [\(1\)\(B\)\(xv\)\(c\)\(v\)](#) educator from a legal program or law school;
- 248 [\(1\)\(B\)\(xv\)\(c\)\(vi\)](#) organization serving low-income, minorities, or
249 marginalized communities;
- 250 [\(1\)\(B\)\(xv\)\(c\)\(vii\)](#) citizens under or involved in guardianship; and
- 251 [\(1\)\(B\)\(xv\)\(c\)\(viii\)](#) other organizations with a focus including, but not
252 limited to guardianship, aging, legal services, or disability.

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

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

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

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

278 (3) **General provisions.**

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

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

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

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

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

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

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

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

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

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

312 Effective ~~May 23~~ June 1, 202~~32~~

1 **Rule 3-117. Committee on Court Forms**

2

3 **Intent:**

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

6 **Applicability:**

7 This rule shall apply to the judiciary.

8 **Statement of the Rule:**

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

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

13 **(3) Process for form creation.**

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

19 (3)(b) Forms should be:

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

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

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

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

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

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

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

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

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

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

36

37 *Effective: ~~May~~ November 122, 2023¹⁷*

1 **Rule 3-406. Budget and fiscal management.**

2

3 **Intent:**

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

6

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

11

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

13

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

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17 **Applicability:**

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

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21 **Statement of the Rule:**

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

34

35 (2) **Budget management.**

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

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

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

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(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;

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

86
 87 (2)(D)(v) develop recommendations for ~~fiscal priorities, budget requests to be~~
 88 ~~funded by~~ the ~~allocation of funds, and the reduction~~Legislature and changes to
 89 ~~programs~~ or ~~redirection of offices that create efficiencies that reduce or redirect~~
 90 allocations.

91
 92 (2)(E) **Responsibility of court executives.** Within their respective courts, it is the
 93 responsibility of court executives to:

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

97
 98 (2)(E)(ii) develop work programs that encumber no more funds than may be
 99 allocated, including any reduction in allocation;

100
 101 (2)(E)(iii) amend work programs as necessary to reflect changes in priorities,
 102 spending patterns, or allocation;

103
 104 (2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the
 105 planned expenditure;

106
 107 (2)(E)(v) authorize expenditures;

108
 109 (2)(E)(vi) prepare warrants and other authorizations for payment of accounts
 110 payable for submission to the ~~Administrative Office~~AOC Finance;

111
 112 (2)(E)(vii) monitor all expenditures; and revenues to budget for variances; and

113
 114 (2)(E)(viii) develop recommendations for ~~fiscal priorities, budget requests to be~~
 115 ~~funded by~~ the ~~allocation of funds, Legislature~~ and ~~the reduction~~changes to
 116 ~~programs~~ or ~~redirection of offices that create efficiencies that reduce or redirect~~
 117 allocations.

118
 119 (2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court
 120 administrator shall consider all sources of funds and all obligated funds and develop a
 121 recommended spending plan that most closely achieves the priorities established by the
 122 Council at the prior annual planning meeting. The ~~state court administrator~~BFMC shall
 123 ~~review~~present the recommended spending plan ~~with the Management Committee and~~
 124 ~~present it~~ to the ~~Judicial~~ Council for approval.

125
 126 **(3) Budget development.**

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

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

130

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

133

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

136

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

139

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

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

144

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

147

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

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

152

153 (3)(C)(ii) implement the Council’s fiscal priorities and allocation of funds; and
154

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

159

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

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

164

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

167

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

169

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

173
174 (3)(F) Responsibility of court executives. Within their respective courts, it is the
175 responsibility of court executives to:

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

178
179 (3)(F)(ii) develop arecommendations for budget requests that adequately and
180 appropriately meets those needs.

181
182 (3)(G) Process.

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

189
190 (3)(G)(ii) The state court administrator shall deliver to the Boards the
191 Administrative Office requests and the Boards shall consolidate and prioritize the
192 requests from the courts ~~and the requests originated by the Board~~. ~~The state~~
193 ~~court administrator shall consolidate and prioritize the requests from the~~
194 committees and departments. AOC Finance shall consolidate all of the Boards'
195 prioritized lists for review by the BFMC.

196
197 (3)(G)(iii) The ~~state court administrator~~ BFMC shall review and analyze all
198 prioritized budget requests and develop a recommended budget request and
199 funding plan. The ~~state court administrator~~ BFMC shall review the analysis and
200 the recommended budget request and funding plan with the Council.

201
202 (3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized
203 requests and the analysis and recommendations of the ~~state court~~
204 ~~administrator~~ BFMC and approve a prioritized budget request and funding plan for
205 submission to the governor and the legislature.

206
207 **(4) General provisions.**

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

210
211 (4)(B) All courts and the Administrative Office shall comply with the provisions of state
212 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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