

1 **Rule 3-411. Grant management.**

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3 **Intent:**

4 To establish the policy and procedures for ~~obtaining-applying for~~ grant funds.

5 To delineate the responsibility for the assessment and administration of grant funds, including  
6 compliance and renewal ~~projects~~.

7 ~~To facilitate the coordination of grant funded projects in the courts.~~

8

9 **Applicability:**

10 This ~~R~~ule shall apply to all grants where the courts are the applicant, sub-recipient, or pass-  
11 through recipient of public or private grant funds. Applicability of this Rule concerning letters of  
12 support, or similar non-financial collaborations with external partners, is specified in Section  
13 (13).

14 ~~the application process for and management of grants for the judiciary.~~

15 This Rule applies broadly to encompass all agreements precedent to the potential receipt of  
16 grant funds either directly or indirectly. Agreements include, but are not limited to, memoranda  
17 of understanding (MOU) and any agreements for which the courts are contributing material  
18 resources or incurring risk, express or implied.

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20 The Grant Application Proposal and approval process is also governed by Rule 3-105-  
21 (Administration of the Judiciary). Judicial Council review of Grant Application Proposals is  
22 governed by and subject to Rule 2-103 (Open and closed meetings) and Rule 2-104 (Recording  
23 meetings).

24

25 **Statement of the Rule:**

26 **(1) Definitions:**

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28 (1)(A) "Grantor" means the organization providing the funds or the state agency  
29 distributing the funds to the courts.

30

31 (1)(B) "Grant Application Proposal" (GAP) is the form maintained in the Accounting  
32 Manual used to request authorization to pursue grant funding.

33

34 (1)(C) "Grant Administering Unit" (GAU) is the Council, committee, court, board of  
35 judges, department, or court employee that intends to apply for and administer the grant  
36 or grant funds.

37

38 (1)(D) "Grant Coordinator" is the individual responsible for facilitating, monitoring, and  
39 executing the assessment and administration of Grant Application Proposals ensuring  
40 compliance with this Rule and all other applicable state rules, statutes, and federal  
41 requirements. Accounting Manual Section 11-07.00(D)(1) further delineates roles and  
42 responsibilities.

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(1)(E) “Grant Manager” is the individual identified by the GAU or Grant Coordinator to manage the grant for the GAU. Accounting Manual Section 11-07.00(D)(2) further delineates roles and responsibilities.

(1)(F) “Governing Bodies” with oversight of the grant process refer to Boards of Appellate, District, Justice, and Juvenile Court Judges, the Judicial Council, the Budget and Fiscal Management Committee, the Judicial Council Management Committee, the appropriate cCourt-level administrator and trial court executives, and any cCourt committee (standing or ad hoc) vested with authority to direct the affairs of implicated cCourt areas and operations. Judicial Council is the ultimate approving body for the grants process, preceded by the Budget and Fiscal Management Committee’s prior recommendation. Additional Governing Bodies are specific to the implicated cCourt areas. The Grant Coordinator will confirm and may assist the GAU/Grant Manager with identifying the appropriate Governing Bodies. Determinations concerning the exclusive authority reserved by the Supreme Court and Judicial Council are governed by Rule 3-105.

(1)(G) “Notice of Award” (NOA) is the document notifying the applicant that an award has been issued and that funds are available to be accepted. This document contains the terms and conditions of the grant.

(1)(H) “Quorum” is defined in Rule 1-101(1)(S) as “a majority of the members of the Judicial Council, Board, committee or other body.”

(2) Purpose. The purpose of the grants policy is to facilitate the prudent pursuit of grant funds that further the courts’ mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

(3) Grant Application Proposals. To apply for a grant, the person who would serve as the Grant Manager shall complete the steps set forth in the Accounting Manual Section 11-07.00(E)(2). The following requirements set forth in 11-07.00(E)(2) are incorporated into this Rule:

(3)(A) The Grant Coordinator, or their designee, must be notified of the applicant’s intent to apply a minimum of 8-weeks prior to the grant submission deadline established by the Grantor.

#### (4) Assessment

(4)(A) The Grant Coordinator will conduct a collaborative assessment of the incremental impacts the grant may have on the courts, with particular emphasis on IT Department resources. The Grant Coordinator must consider:

87  
88 (4)(A)(i) the capacity of each impacted area to support the grant at current  
89 staffing levels; and

90  
91 (4)(A)(ii) whether any incremental impacts would continue when grant funds  
92 cease.

93  
94 (4)(B) Following the assessment, the GAU must incorporate adjustments to the Grant  
95 Application Proposal identified and approved by the Grant Coordinator and Director of  
96 Finance before circulating the proposal for review by Governing Bodies.

97 **(5) Approval of Grant Application Proposals**  
98

99 (5)(A) The GAU and Grant Coordinator will present Grant Application Proposals to all  
100 Governing Bodies within the court that may benefit from or be impacted by the grant. All  
101 Grant Application Proposals must be reviewed and recommended by the Budget and  
102 Fiscal Management Committee (“BFMC”) prior to review and vote by the Judicial  
103 Council. Grant Application Proposals that do not receive approval from a Governing  
104 Body will not be advanced.

105  
106 (5)(B) No Grant Application Proposal or grant shall be approved unless it is first  
107 presented for approval in a regularly scheduled meeting of the Judicial Council as  
108 provided in the annual Judicial Council Meeting Schedule and in compliance with Rule 2-  
109 103 and Rule 2-104. “Urgent” requests (GAPs with less than an 8-week period between  
110 notice and application due date) must also comply with paragraph (5)(A) and may be  
111 considered only if the grant funds are non-federal, do not exceed \$150,000 inclusive of  
112 matching funds, and do not include the hiring of new employees. For an urgent request  
113 to be approved it must (1) secure a three-quarters supermajority vote among a Quorum  
114 of the Judicial Council in a regular meeting as provided in the Judicial Council Annual  
115 Meeting Schedule – ad hoc convenings will not be considered for the purpose of grant or  
116 Grant Application Proposal review, and (2) the urgency of the matter must not be  
117 precipitated by an “emergency of one’s own causing.”

118  
119 (5)(C) The GAU must incorporate adjustments identified by a Governing Body in the  
120 Grant Application Proposal before it is circulated for re-consideration.

121  
122 (5)(D) The Grant Coordinator will provide a synopsis of Grant Application Proposals that  
123 did not receive approval from a Governing Body to the BFMC.

124  
125 (5)(E) When evaluating Grant Application Proposals, the BFMC and Judicial Council will  
126 consider the following:

127  
128 (5)(E)(i) Does the grant contribute to accomplishing the mission of the courts?  
129

130 (5)(E)(ii) Does the grant add value when compared with the burden on existing  
131 and future resources, both during the grant project completion phase and  
132 thereafter?

133  
134 (5)(E)(iii) Does the grant provide measurable benefits to marginalized, minority,  
135 pro se, or similar under-served individuals or communities?

136  
137 (5)(E)(iv) Does the grant assist the courts in solving problems and promoting  
138 innovations that cannot be accomplished with existing resources?

139  
140 (5)(E)(v) Does the grant require actions or implementation of policy not in  
141 conformity with the mission of the courts or in conformity with policies previously  
142 established by the Judicial Council, Supreme Court, or the Utah Constitution?

143  
144 (5)(E)(vi) Does the grant expose the courts to potential long-term, unfunded  
145 financial obligations?

146  
147 (5)(F) If a Grant Application Proposal or grant implicates both the Supreme Court's and  
148 the Judicial Council's exclusive authority, the Supreme Court and the Judicial Council  
149 shall comply with Rule 3-105 before making application for the grant or accepting grant  
150 funds.

151  
152 (6) Submission and tracking of approved applications. The tracking of approved  
153 submissions will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(5).

154  
155 (7) Notice of Award and accepting grant funds

156  
157 (7)(A) Upon receipt of a Notice of Award, the Grant Coordinator will ensure the notice is  
158 consistent with the Grant Application Proposal as approved by the Judicial Council.

159  
160 (7)(B) In accordance with Utah Code, as detailed in the Accounting Manual Section 11-  
161 07.00 Exhibit A, if approved by the Judicial Council, the Grant Coordinator will either:

162  
163 (7)(B)(i) notify the Executive Appropriations Committee (EAC);

164  
165 (7)(B)(ii) obtain "review and recommendation" from the EAC; or

166  
167 (7)(B)(iii) obtain approval from the Legislature.

168  
169 If approval from the Legislature is required, the Grant Coordinator will ensure grant funds  
170 are not accepted until Legislative approval is obtained.

171

172 (7)(C) If not approved by the Judicial Council, no funds shall be accepted from the grant  
173 and the Grant Coordinator and Grant Manager will notify the Grantor of the Judicial  
174 Council's decision not to accept grant funds.

175  
176 (7)(D) If grant funds may only be accepted with remedial steps, the Grant Coordinator  
177 and Grant Manager will communicate those steps in writing to the Grantor. The Grant  
178 Coordinator and Grant Manager will work with the State Court Administrator to ensure  
179 remediation has been accomplished and to determine whether the grant can be  
180 resubmitted for Judicial Council approval.

181  
182 **(8) Grant implementation.** Grant implementation will follow the steps set forth in the  
183 Accounting Manual Section 11-07.00(E)(7). The following requirements in 11-07.00(E)(7) are  
184 incorporated into this Rule:

185  
186 **(8)(A) Judicial Council.** Grant funds shall only be used to hire permanent full-time or  
187 part-time employees if approved by the Judicial Council and in accordance with Utah  
188 Code.

189  
190 **(8)(B) Judicial/Quasi-Judicial duties.** If impacted by the grant, the presiding judge(s)  
191 of each district shall supervise any judicial or quasi-judicial duties required by the grant.

192  
193 **(9) Grant reporting requirements.** Grant reporting to the Grantor will follow the steps set forth  
194 in the Accounting Manual Section 11-07.00(E)(8). The following requirements in 11-07.00(E)(8)  
195 are incorporated into this Rule:

196  
197 **(9)(A) Judicial Council**

198  
199 (9)(A)(i) Annually, the Grant Coordinator will complete a compliance self-  
200 assessment for all grants in the courts' active portfolio and report the results to  
201 the BFMC, Audit Director, and Judicial Council.

202  
203 (9)(A)(ii) Quarterly, the Grant Coordinator will prepare a summary of:

204  
205 (9)(A)(ii)(1) all existing court grants;

206  
207 (9)(A)(ii)(2) a pipeline of potential future grants inclusive of all grants-in-  
208 progress under paragraphs (5) and (6); and

209  
210 (9)(A)(ii)(3) a list of potential grants denied under paragraph (5)(A).

211  
212 **(10) Changes in budget or scope**

213  
214 (10)(A) Any changes to a grant must be documented with a grant amendment, whether  
215 or not the Grantor requires such documentation. Changes include, but are not limited to:

216 (10)(A)(i) revisions to the scope or objectives of the overall grant or any portion  
217 thereof;

218  
219  
220 (10)(A)(ii) transfers of funds between different cost categories with no overall  
221 budget impact;

222  
223 (10)(A)(iii) extensions of time to complete grant spending;

224  
225 (10)(A)(iv) revisions to the amount of funds needed; or

226  
227 (10)(A)(v) changes in key personnel named in the grant.

228  
229 (10)(B) Changes may not be implemented until Grantor approval is obtained in writing  
230 and executed between the parties.

231  
232 (10)(C) The Grant Manager and Grant Coordinator will work together to prepare grant  
233 amendments.

234  
235 (10)(D) Grant amendments described in paragraph (12)(B) must be approved by the  
236 Judicial Council. All other amendments must be reviewed by General Counsel staff and  
237 signed by the State Court Administrator or designee.

238  
239 (11) Closing out the grant. Procedures to close out a grant will follow the steps set forth in the  
240 Accounting Manual Section 11-07.00(E)(10).

241  
242 **(12) Renewing the grant**

243  
244 (12)(A) Judicial Council approval is required for grant renewal, even when there are no  
245 changes to scope, purpose, employees, matching, funding amount, or other areas, or  
246 when the prior assessment and/or Legislature approvals will not need to be revised. With  
247 appropriate documentation and the recommendation of BFMC, the Management  
248 Committee may review and confirm the grant renewal for Judicial Council approval in the  
249 consent calendar.

250  
251 (12)(B) If a grant renewal involves a change that requires a new incremental  
252 assessment, or a change to the number of permanent full or part-time employees, or a  
253 grant amount requiring a different approval level than previously obtained, the Grant  
254 Coordinator will perform the steps in paragraphs (4) and (5). If the grant qualifies, the  
255 Grant Coordinator will resubmit the grant to the BFMC and Judicial Council for approval.

256  
257 **(13) Letters of support and other non-financial collaborations**

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259 (13)(A) External partners pursuing their own grant opportunities (“principal applicant”)  
260 may request the support of the courts as a stakeholder and explicit non-financial  
261 collaborator (NFC). Such collaborations are low-risk and provide documented  
262 reasonable assurances that no risk nor grant obligations will transfer to the courts  
263 directly or indirectly from the principal applicant. Letters of support or similar  
264 contributions to grant applications pursued by external partners must (1) be time-limited,  
265 (2) not entail the exchange of funds, (3) be non-binding, (4) not include the hiring of court  
266 employees, and (5) not commit or otherwise impose financial obligations on the courts.

267  
268 (13)(A)(i) Agreements meeting all of the criteria in (13)(A) may be referred to the  
269 Grant Coordinator who will perform and document a risk assessment to be  
270 delivered to the State Court Administrator. If approved by the State Court  
271 Administrator or their designee, the Grant Coordinator shall retain a copy of the  
272 approval and notify the initiating party of the decision.

273  
274 (13)(B) If approval is not granted, and assuming sufficient time to comply with this Rule,  
275 the State Court Administrator may recommend the request be modified to undergo the  
276 full process for Grant Application Proposals, or, withdrawn from all consideration.

277  
278 (13)(C) All agreements approved or rejected in this process will be documented in the  
279 Grant Coordinator’s monthly updates to the Budget and Fiscal Management Committee  
280 and Judicial Council.

281  
282 Effective May/November 1, 20

283  
284 ~~(1) Application process.~~

285  
286 ~~(1)(A) A person interested in applying for grant funds shall prepare a proposal including~~

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288 ~~(1)(A)(i) the issues to be addressed by the project,~~

289  
290 ~~(1)(A)(ii) an explanation of how the grant funds will contribute toward resolving the issues~~  
291 ~~identified, and~~

292  
293 ~~(1)(A)(iii) an identification of possible funding sources for the continuing costs of the project~~  
294 ~~when grant funds are no longer available.~~

295  
296 ~~(1)(B) If the applicant is seeking new federal funds or to participate in a new federal program,~~  
297 ~~the proposal shall include:~~

298  
299 ~~(1)(B)(i) the number of additional permanent full time and part time employees needed to~~  
300 ~~participate in the federal program; and~~

301



302 ~~(1)(B)(ii) a list of any requirements the state must meet as a condition for receiving the federal~~  
303 ~~funds or participating in the federal program.~~

304  
305 ~~(1)(C) Submission of the proposal.~~

306  
307 ~~(1)(C)(i) The proposal shall be reviewed by the court executives or their designees and the~~  
308 ~~judges in the districts which will be affected by the project.~~

309  
310 ~~(1)(C)(ii) If the court executives or their designees and the presiding judges in the districts which~~  
311 ~~will be affected by the project approve the proposal, the proposal shall be forwarded to the grant~~  
312 ~~coordinator at the administrative office.~~

313  
314 ~~(1)(C)(iii) If the court executives or their designees and the presiding judges in the districts that~~  
315 ~~the project will affect approve the proposal, but sufficient time to comply with paragraph (1)(D)~~  
316 ~~prior to submission of the proposal to the funding source is not available, the proposal may be~~  
317 ~~submitted simultaneously to the funding source and the grant coordinator at the administrative~~  
318 ~~office.~~

319  
320 ~~(1)(D) Review of the proposal. The grant coordinator shall review the proposal with the Finance~~  
321 ~~Manager and the court level administrator. This review must be complete prior to submission to~~  
322 ~~the Board(s) of Judges.~~

323  
324 ~~(1)(E) Recommendation by the Board of Judges. The Board of Judges for affected courts must~~  
325 ~~recommend to the Council that the grant proposal be pursued.~~

326  
327 ~~(1)(F) Approval by the Council. Any proposal to apply for grant funds must be approved by the~~  
328 ~~Council.~~

329  
330 ~~(1)(G) Approval by the Legislature. The Judicial Council shall submit proposals to the Legislative~~  
331 ~~Executive Appropriations Committee or to the Legislature as required by statute.~~

332  
333 ~~(1)(H) If the Council approves the proposal, the grant coordinator shall work with the requestor~~  
334 ~~and the affected courts in seeking the grant funds. The administrative office shall constitute the~~  
335 ~~designated agency for approving grant applications if such approval is required by the grant~~  
336 ~~application.~~

337  
338 ~~(1)(I) If the Council or a Board of Judges does not approve the proposal, the proposal shall not~~  
339 ~~be submitted to the funding source or, if already submitted to the funding source, the proposal~~  
340 ~~shall be withdrawn.~~

341  
342 ~~(1)(J) No funds shall be accepted from a funding source until the proposal is approved.~~

343  
344 ~~(2) Administration of grant funds and projects.~~  
345



346 ~~(2)(A) The administrative office shall receive, administer and be accountable for all grant funds~~  
347 ~~awarded to the courts and provide detailed budget reports to the Council upon request.~~

348  
349 ~~(2)(B) The administrative office shall name the project director for each grant. The project~~  
350 ~~director may delegate the supervision of non-judicial daily operations and other non-judicial~~  
351 ~~duties required by the grant. The presiding judges of the districts affected by the project shall~~  
352 ~~supervise any judicial or quasi-judicial duties required by the grant.~~

353  
354 ~~(3) Grant applications by non-judicial branch applicants.~~

355  
356 ~~(3)(A) Endorsement of a grant application prepared by a non-judicial branch applicant may only~~  
357 ~~be made by the Judicial Council.~~

358  
359 ~~(3)(B) Any grant application by a non-judicial branch applicant which contemplates participation~~  
360 ~~of the courts or expenditures of court resources should be referred to the Judicial Council for~~  
361 ~~review and endorsement. Judicial branch employees shall not participate in the preparation of a~~  
362 ~~grant application by a non-judicial branch applicant without Judicial Council approval.~~

363

364

365 ~~Effective May/November 1, 20\_\_~~