

JUDICIAL COUNCIL OF GEORGIA

AMERICAN RESCUE PLAN ACT GRANT FUNDING

FREQUENTLY ASKED QUESTIONS

1. How much ARPA funds were appropriated by the U.S. Congress?

The U.S. Department of the Treasury (“Treasury”) has established a process for the dissemination of Coronavirus State and Local Fiscal Recovery Funds (“ARPA funds”), as provided by the federal [American Rescue Plan Act of 2021](#) (Public Law No: 117-2; hereinafter “ARPA”). ARPA appropriated \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments to respond to the COVID-19 pandemic. Treasury has created a [website](#), an [Interim Final Rule](#), [FAQs](#), and [supporting guidance](#) detailing how ARPA funds may be used under federal law.

2. How much ARPA funds were allocated to the State of Georgia and its Judicial Branch?

The State of Georgia has been allocated \$4.8 billion in ARPA funds. Governor Brian P. Kemp (“Executive Branch”) has allocated up to \$110 million in ARPA funds to address backlogs of court cases (prioritizing cases involving serious violent felonies), which will be administered as follows:

- (a) The Judicial Council of Georgia (“Judicial Council”) and its Administrative Office of the Courts (“AOC”) will administer up to \$96 million in grants to authorized classes of court, prosecutors, and related agencies.
- (b) The remaining \$14 million in ARPA funds is allocated to the Georgia Public Defender Council (GPDC) for grants to public defenders and will be administered by the Governor’s Office of Planning and Budget (OPB). (Accordingly, the term “related agencies” used below does not include public defenders).

It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for purposes other than addressing backlogs of court cases (prioritizing cases involving serious violent felonies). See Judicial Council FAQ 4 below for a list of ARPA expenditure categories permitted by federal law but not currently authorized by the Executive Branch.

3. What ARPA expenditures are permitted under federal law?

Under federal law, ARPA funds may be used for expenditures in one of the following four statutory categories:

- (a) To respond to the COVID-19 public health emergency or its negative economic impacts;
- (b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient;
- (c) For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; or
- (d) To make necessary investments in water, sewer, or broadband infrastructure.

Treasury [FAQ](#) 4.6; ARPA § 9901 (a) (codified at 42 USC § 802 (c) (1)). Insight into Treasury’s interpretation of these four statutory categories may be found in 31 CFR Part 35 (“[Interim Final Rule](#)”) and Treasury’s [FAQs \(Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions\)](#).

U.S. Treasury has deemed steps to reduce court case backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional judges, court staff, security staff,

or attorneys to increase the speed of case resolution, as well as other expenses to expedite case resolution, as eligible uses of ARPA funds. [FAQ 2.19](#).

4. What limitations has Georgia’s Executive Branch placed on how the Judicial Council may use ARPA funds?

Consistent with the Executive Branch limitations on the ARPA funds allocated to the Judicial Council, the following are eligible uses for ARPA funds under federal law but not currently authorized uses for grant awards (but may become authorized uses in future grant cycles):

- ARPA grants to municipal courts (pursue ARPA funds from cities before contacting ARPA Committee) and public defenders (funds available from [GPDC](#)).
- COVID-19 Testing (EC 1.2; [FAQ 2.1](#)). Contact the [Georgia Emergency Management and Homeland Security Agency](#) (GEMA) for COVID-19 testing assistance.
- The purchase of personal protective equipment (e.g., gloves, masks, and hand sanitizer) (EC 1.5; [FAQ 2.1](#)). Contact the [GEMA](#) for personal protective equipment.
- Expenditures to prevent COVID-19 in congregate settings (e.g., plexiglass) (EC 1.4; [FAQ 2.1](#)). Contact [GEMA](#) for assistance with supplies to prevent COVID-19 in congregate settings.
- Long-term infrastructure (i.e., capital) investments in public facilities, such as physical plant improvements or permanent adaptations to existing public buildings to implement COVID-19 mitigation tactics (EC 1.7; [FAQ 2.1](#)).
- Adding or upgrading a court’s broadband connection (EC 5.16; [FAQ 6.16](#)).
- Offsets to a reduction in government revenue due to the public health emergency, which may be used to maintain existing infrastructure, build new infrastructure, or provide any government service, excluding contributions to a rainy-day fund (EC 6.1; [FAQs 3](#); 4.1; 4.2; 4.7; 9.4).
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of the provision of government services up to the amount of revenue lost due to the public health emergency (EC 6.1; [FAQs 3.8](#); 6.6).

5. Who will oversee the ARPA funds application, evaluation, and awards process?

Chief Justice David E. Nahmias established the Judicial Council of Georgia Ad Hoc Committee on American Rescue Plan Act Funding (“ARPA Committee”) on October 28, 2021, to review and approve applications for ARPA grant funds from all authorized classes of trial court (excluding municipal courts), appellate courts, prosecutors, and related agencies for the limited purpose of addressing backlogs of court cases, prioritizing cases involving serious violent felonies (access the order creating the ARPA Committee under Quick Links at [jcaoc.georgiacourts.gov/arpa](#)). The Chief Justice may change the composition of the ARPA Committee throughout the performance period based on the needs of the Judicial Branch and any changes in funding priorities established by the Governor and OPB. The ARPA Committee is staffed by the [Judicial Council/Administrative Office of the Courts \(AOC\)](#). To reach AOC’s ARPA Grants Team (“ARPA Grants Team”), please e-mail ARPA@georgiacourts.gov.

6. Who will facilitate the distribution of ARPA funds?

The AOC’s ARPA Grants Team will facilitate the grant application, awarding, compliance, reimbursement, and reporting processes. To reach AOC’s ARPA Grants Team (“ARPA Grants Team”), please e-mail ARPA@georgiacourts.gov.

7. Who is eligible for ARPA funds?

The Executive Branch has placed certain limitations on what entities are currently eligible for ARPA grant funds and what such funds may be used for. In accordance with these limitations, ARPA grant funds are currently available to all classes of trial court (except municipal courts), appellate courts, prosecutors, and related agencies for the limited purpose of addressing backlogs of court cases (prioritizing cases involving serious violent felonies). Municipal courts are encouraged to pursue ARPA funds from the city that a municipal court serves. However, please e-mail ARPA@georgiacourts.gov if such pursuit is unsuccessful.

8. Who may apply for ARPA funds?

Each judicial circuit must apply to the ARPA Committee for ARPA funds on behalf of all authorized classes of trial court (excluding municipal courts), prosecutors, and related agencies within the circuit. Appellate courts are also eligible for ARPA grant funds and may apply directly to the ARPA Committee.

9. What ARPA expenditures are permitted given the limitations Georgia’s Executive Branch has placed on how the Judicial Council may use ARPA funds?

Note: The expenditure categories highlighted in yellow below are currently pending final approval by the Governor’s Office of Planning and Budget.

The Executive Branch has placed certain limitations on: (1) which Judicial Branch entities are eligible for ARPA grant funds; and (2) what expenditures ARPA grant funds may be used for. Per the Executive Branch’s limitations on authorized uses, the ARPA Committee may currently only award grant funding for the following expenditure categories (ECs):

(a) the payroll of personnel responding to case backlogs caused by the pandemic (EC 1.9; [FAQs](#) 2.14, 2.19, 4.8, 8.1; 31 CFR § 35.6 (b) (2)) and the supplies and equipment used by such personnel (equipment includes office furniture, computers, and phones, etc. valued at under \$5,000, which are classified as non-capital administrative costs; EC 7.1; [FAQ](#) 10.2; 31 CFR § 35.6 (b) (10));

(b) court-based eviction prevention or eviction diversion programs to the extent that such programs respond to case backlogs caused by the pandemic (EC 2.5; [FAQs](#) 2.5, 2.21; 31 CFR § 35.6 (b) (8));

(c) court-based mental health and substance use disorder diversion programs to the extent that such programs respond to case backlogs caused by the pandemic (ECs 1.10, 1.11; [FAQ](#) 4.8; 31 CFR § 35.6 (b) (1) (xviii));

(d) “premium pay” to State or local government employees “who regularly perform in-person work, interact with others at work, or physically handle items handled by others,” particularly for “lower income workers” (EC 4.1; [FAQ](#) 5.1; 31 CFR §§ 35.3, 35.6 (c));

(e) additional temporary facilities and workspace to respond to the case backlogs caused by the pandemic (EC 7.1; [FAQ](#) 10.2; 31 CFR § 35.6 (b) (10)); and

(f) administrative expenses to support personnel responding to case backlogs caused by the pandemic and facilitate the grant application, awarding, compliance, reimbursement, and reporting processes (EC 7.1; [FAQ](#) 10.2, 10.5; 31 CFR § 35.6 (b) (10)).

Note: The expenditure categories (ECs) indicated throughout this document and the application itself are listed in Appendix 1 of Treasury’s [Compliance and Reporting Guidance](#).

10. What are examples of personnel that may be paid with ARPA funds?

Increasing the capability of courts to resolve criminal cases will necessarily involve additional judges, deputy clerks of court, court reporters, staff attorneys, prosecutors, public defenders,

administrative assistants, and bailiffs/court security personnel. Such personnel may be paid with ARPA funds if they are either responding to a backlog of cases or administering ARPA grant funds. *However, public defenders must apply to GPDC for ARPA funds.*

11. What if we cannot find qualified personnel to help us respond to the case backlogs or administer grant funds?

The ARPA Committee recognizes that government employers are having difficulty finding qualified personnel to fill existing positions and that it may be difficult to find qualified personnel to help respond to the case backlogs or administer grant funds. The AOC will assist applicants in their search for qualified applicants by advertising such employment opportunities on the ARPA Committee's website (<https://jcaoc.georgiacourts.gov/arpa/>). To have your job posting added, please e-mail the AOC's ARPA Grants Team at ARPA@georgiacourts.gov.

12. How can I organize my judges to efficiently respond to the case backlogs?

A valid organizational plan may include a request to have senior judges or judges of other classes of court designated to handle a civil docket or a domestic relations docket, which would then free up the elected judges to devote more time to the criminal docket.

13. May ARPA funds be used to pay court reporters or other personnel increased per diem rates to respond to the case backlogs?

Recipients may use ARPA grant funds to pay increased per diem rates to certified court reporters (i.e., attendance fees) and other personnel (e.g., senior judges) responding to case backlogs to gain increased participation if necessary due to local job market conditions. However, recipients should ensure such increased costs are reasonable and do not exceed that which would be incurred by a prudent person under the circumstances. See 2 CFR § 200.404 (defining "reasonable costs," which would include "[m]arket prices for comparable goods or services for the geographic area"). *Note: Court reporter fees other than attendance fee (i.e., per diem) rates are set by the fee schedule promulgated by the Judicial Council as provided in OCGA § 15-5-21 and may not be increased without a rule change.*

14. May ARPA funds be used to pay for administrative tasks unrelated to grant administration?

Administrative tasks unrelated to ARPA grant administration are eligible expenditures if such tasks are part of the overall response to a backlog of court cases, such as time personnel spend processing cases or conducting case management, e.g., the administrative duties associated with the opening or closing of cases. See the **ARPA Budget Form** (available under Quick Links at <https://jcaoc.georgiacourts.gov/arpa/>) for examples of administrative personnel titles and administrative expenses, which may be adapted based on the needs of each applicant.

15. What is the application period?

Applications for ARPA grant funds in the current grant cycle will be accepted from November 10, 2021, to November 30, 2021. The ARPA Committee will establish additional grant cycles throughout the performance period, generally on a quarterly basis with exceptions where necessary. E-mail the ARPA Grants Team at ARPA@georgiacourts.gov if you want to subscribe to updates from the ARPA Committee and be notified of future grant cycles.

16. What will be the duration of each award?

The ARPA Committee will generally award funds for the duration of a calendar year. New or amended applications received and approved mid-calendar year will be awarded for the balance of the current calendar year.

17. What is the overall performance period for ARPA funds?

The overall performance period for the ARPA funds provided to the Judicial Council by the Executive Branch is January 1, 2022, to December 31, 2024. This means that the ARPA Committee may award and disseminate ARPA funds allocated to the Judicial Council until December 31, 2024. Expenses for activities that occurred prior to the date indicated in the grant award are not eligible for reimbursement. Any funds allocated to the Judicial Council that are not expended for eligible uses by December 31, 2024, will be forfeited to the Executive Branch.

18. How long will ARPA funds be available to compensate temporary employees?

ARPA funds will be generally awarded for eligible expenditures, including compensation for temporary employees responding to case backlogs or performing ARPA grant administration, for the duration of a calendar year. The overall performance period for the ARPA funds provided to the Judicial Council by the Executive Branch is January 1, 2022, to December 31, 2024. This means that the ARPA Committee may award and disseminate ARPA funds allocated to the Judicial Council until December 31, 2024. ARPA funds may not be used for expenses incurred after December 31, 2024, including compensation for temporary employees responding to case backlogs or performing grant administration.

19. What is the procedure for applying for ARPA grant funds from the Judicial Council?

ARPA grant applications will be accepted from judicial circuits on behalf of all authorized classes of trial court (excluding municipal courts), prosecutors, and related agencies during the application period. Appellate courts are also eligible for ARPA grant funds and should apply directly during the same application period. Applications will first be reviewed by the ARPA Grants Team for completeness. The ARPA Grants Team will forward completed applications to the ARPA Committee for review. Incomplete applications will be returned to the applicant by the ARPA Grants Team with a list of issues that must be addressed prior to it being reviewed by the ARPA Committee. *The ARPA Grants Team will automatically reject any application from a court or entity that is not a judicial circuit or appellate court.*

20. May an applicant amend or withdraw an application that has been awarded or submitted?

Promptly notify the ARPA Grants Team at ARPA@georgiacourts.gov if you need to amend or withdraw a submitted (but not approved) application to ensure your application is removed from the review process. ARPA funds allocated to the Judicial Council will be awarded by the ARPA Committee to grant recipients generally on a quarterly basis (with exceptions as needed) after review and approval of an ARPA Grant Application (available under Quick Links at jcaoc.georgiacourts.gov/arpa). ARPA funds will generally be awarded for the duration of a calendar year.

If an award recipient needs to amend an award mid-calendar year, an amended ARPA Grant Application (available under Quick Links at jcaoc.georgiacourts.gov/arpa) may be submitted to the ARPA Committee during an authorized application period using the regular application process. *Note: Such applicants must attach a cover letter to the ARPA Grant Application clarifying that the applicant seeks to amend a current award.*

21. Will there be any penalty for not applying in the first grant cycle?

Potential applicants should note that the ARPA Committee understands that some judicial system entities and stakeholders may choose to wait to apply for ARPA funds until a future grant cycle. The ARPA Committee will distribute ARPA funds over the full course of the performance period with the goal of expending all ARPA funds awarded to the Judicial Council by December 31, 2024 (assuming a sufficient number of awards are approved and reimbursed to exhaust such funds). The ARPA Committee will accept applications for grant funds during multiple application periods throughout the performance period (generally on a quarterly basis unless an exception is needed) and the choice not to apply in a given grant cycle will not be counted against any applicant in a subsequent grant cycle.

22. How often will grant applications be accepted, reviewed, and awarded?

ARPA funds allocated to the Judicial Council will be accepted, reviewed, and awarded by the ARPA Committee generally on a quarterly basis (with exceptions as needed). Notification of awards will be communicated to grant recipients by the ARPA Grants Team on behalf of the ARPA Committee from the e-mail address: ARPA@georgiacourts.gov.

23. Are advances of ARPA funds authorized or is only reimbursement permitted?

ARPA grant recipients will be reimbursed monthly as eligible costs are incurred and reported to AOC. No advances or retroactive payments are currently authorized by the Executive Branch. The ARPA Committee recognizes that advancing costs by counties will place a significant burden on some counties. The AOC's ARPA Grants Team will ensure that the reimbursement process is as prompt and efficient as possible to ensure that counties are not unduly burdened by advancing the costs. Applicants must note that reimbursements requests will be submitted by AOC to the Governor's Office of Planning and Budget (OPB) on each applicant's behalf, and that such reimbursements are subject to OPB approval and certain reporting requirements.

24. May ARPA funds be used to reimburse counties for facility rental fees that were incurred during the pandemic but prior to the effective date of the ARPA grant award?

No. Advances or retroactive payments are not currently authorized by the Executive Branch.

25. May ARPA funds be used to reimburse counties for senior judges who were paid during the pandemic but prior to the effective date of the ARPA grant award?

No. Advances or retroactive payments are not currently authorized by the Executive Branch.

26. May ARPA funds be used to reimburse counties for supplies and equipment used by personnel responding the case backlogs or performing ARPA grant administration?

Yes. ARPA funds may be used to reimburse counties for supplies and equipment used by personnel responding the case backlogs or performing ARPA grant administration. Supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000) that is needed for personnel to respond to the case backlog or perform ARPA grant administration (e.g., computers, software licenses, phones, and printers) are non-capital permitted expenditures and should be listed under the Administrative/Indirect Costs section of the ARPA Budget Form (available under Quick Links at jcaoc.georgiacourts.gov/arpa).

27. May ARPA funds be used to construct new facilities or make permanent adaptations to existing buildings?

No. Long-term infrastructure (i.e., capital) investments in public facilities, such as new construction, physical plant improvements, or permanent adaptations to existing public buildings

to implement COVID-19 mitigation tactics are not currently authorized by the Executive Branch. However, renting additional facilities or workspace to accommodate additional activities and staff to respond to the case backlogs *are* eligible expenditures and may be reimbursed with ARPA funds. ECs 2, 7.1; [FAQs](#) 2.19, 10.2; 31 CFR § 35.6 (b) (10). Supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000) that is needed for personnel to respond to the case backlog or perform ARPA grant administration (e.g., computers, software licenses, phones, and printers) are non-capital permitted expenditures and should be listed under the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for purposes other than addressing backlogs of court cases (prioritizing cases involving serious violent felonies).

28. May ARPA funds be used to purchase new technology systems that would allow more efficient use of existing courtroom facilities?

No. Long-term (i.e., capital) investments in public facilities, including new software or technology systems (e.g., case management systems, video systems, or digital recording systems), are not currently authorized by the Executive Branch. However, supplies, furniture (valued at under \$5,000), and other equipment (valued at under \$5,000) that is needed for personnel to respond to the case backlog (e.g., computers, software licenses, phones, and printers) are non-capital permitted expenditures and should be listed under the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for purposes other than addressing backlogs of court cases (prioritizing cases involving serious violent felonies).

29. May the funds be used to compensate additional pro tempore juvenile, magistrate, probate, or state court judges, including those authorized to sit in superior court by designation? What about senior judges?

Yes. ARPA funds may be used to compensate additional or existing personnel, including additional pro tempore judges, to the extent such personnel's time is spent responding to the case backlogs. ARPA funds may also be used to compensate senior judges to the extent his or her time is spent responding to the case backlogs.

30. May ARPA funds be used to compensate district court administrators or other staff that assist with grant administration, including preparing an ARPA grant application?

Yes. ARPA funds may be used to compensate district court administrators or other existing administrative personnel for time spent assisting with ARPA grant administration, including preparing the judicial circuit's **ARPA Grant Application** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). ARPA funds may also be used to compensate additional administrative personnel to the extent his or her time is spent assisting with ARPA grant administration.

31. Will the AOC provide applicants with technical support to help prepare ARPA grant applications?

Each judicial circuit is responsible for assembling its own ARPA grant application. However, current or prospective applicants with questions or concerns may contact the ARPA Grants Team at ARPA@georgiacourts.gov. ARPA grant applications will first be reviewed by the ARPA Grants Team for completeness. The ARPA Grants Team will forward completed applications to

the ARPA Committee for review. Incomplete applications will be returned to the applicant by the ARPA Grants Team with a list of issues that must be addressed prior to it being reviewed by the ARPA Committee.

32. Does the AOC’s ARPA Grants Team have the capacity to handle reimbursements to counties on a monthly basis?

The AOC will add or redirect existing personnel to ensure it has the capacity to process ARPA grant applications (generally) quarterly and reimbursements monthly.

33. How will reporting and the reimbursement process work?

The AOC’s ARPA Grants Team will endeavor to simplify the reimbursement process to the extent possible. The AOC (on behalf of the ARPA Committee) and ARPA funding recipients are required to report monthly to the Governor’s Office of Planning and Budget (OPB) on the use of ARPA funds allocated to the Judicial Council. Accordingly, recipients must submit monthly expenditure reports and supporting documentation to the ARPA Grants Team to initiate reimbursement for eligible expenditures. The AOC will submit the required reports and documentation to OPB on behalf of grant recipients. The ARPA Grants Team will provide ARPA grant recipients with instructions, deadlines, and templates to facilitate the monthly reporting of eligible expenditures and initiate the monthly reimbursement process.

34. Is there a requirement that a judicial circuit prove that case backlogs exist, or will it simply be presumed that the positions or facilities are needed?

As a threshold matter, applicants must objectively demonstrate that case backlogs exist and that all proposed expenditures are either part of a response to case backlogs or for ARPA grant administration. When calculating the need for additional resources to respond to case backlogs, a court may provide statistics comparing its case volume from a “normal” pre-pandemic year (e.g., case volume in 2019) to its current case volume. For example, if a court is currently experiencing a 30 percent increase in cases over “normal,” it may need 30 percent more resources to clear the pending cases that accumulated during the pandemic. Additionally, a 30 percent increase in resources could be broken down over a two-year period, which would equal a 15 percent temporary increase over two years. Courts should also identify what portion of ARPA grant-funded additional resources would be used to address any backlogs of serious violent felony cases (as defined in OCGA § 17-10-6.1 (a)).

35. Are costs to call additional jury pools to address the case backlog permitted expenditures?

Yes. Costs to call additional jury pools to address the case backlog are permitted expenditures. Postage, printing, publications, media, supplies, materials, and communication costs associated with calling additional jury pools to address the case backlog should be classified as administrative expenses and listed under Administrative/Indirect Costs on the **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). Staff time spent calling additional jury pools to address the case backlog should be classified as payroll expenses and listed under Personnel Directly Responding to Case Backlog on the **ARPA Budget Form**.