

JUDICIAL COUNCIL OF GEORGIA AMERICAN RESCUE PLAN ACT GRANT FUNDING OVERVIEW AND INSTRUCTIONS

Process Overview

1. Background

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](#), a [Final Rule](#), and [supporting guidance](#) detailing how ARPA funds may be used under federal law.

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 section **6. Federally Eligible Uses Not Currently Authorized by the Executive Branch or the ARPA Committee** below for a list of ARPA expenditure categories permitted by federal law but not currently authorized by the Executive Branch or the ARPA Committee.

2. Authorized Courts and Judicial System Stakeholders

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 with substantial case backlogs 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.

The ARPA funds received by the Judicial Council will be disseminated through the process described herein. 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. All proposed expenditures must demonstrate a nexus to responding to backlogs of court cases (prioritizing cases involving serious violent felonies). Administrative expenses to support such effort and manage ARPA grant funds are also permitted.

31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4); see (D) (6) *ARPA-Eligible Administrative Expenses* below for limitations on administrative costs.

Note: Prosecutors responding to case backlogs may pursue ARPA funds via a judicial circuit's application. However, please e-mail ARPA@georgiacourts.gov if such pursuit is unsuccessful after asking to be included in an application in good faith with supporting data demonstrating an eligible need for ARPA funds.

3. Application Review and Approval

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.

4. Eligible Uses 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.

ARPA § 9901 (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 (“[Final Rule](#)”) and Treasury's [Compliance and Reporting Guidance \(February 28, 2022\)](#).

5. Limitations on Federally Eligible Uses

The Executive Branch and ARPA Committee have 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. The 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. 31 CFR (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,388 (Jan. 27, 2022) (“e.g., backlogs in court systems”). However, per the Executive Branch and ARPA Committee, **only the following expenditure categories (ECs) are eligible for Judicial Branch ARPA Funds:**

- (a) Payroll of existing personnel responding to case backlogs caused by the pandemic (prioritizing cases involving serious violent felonies); or the payroll of new personnel hired to

- backfill existing personnel responding to case backlogs (prioritizing cases involving serious violent felonies) (EC 3.1; 31 CFR § 35.6 (b) (3) (ii) (E) (1); 87 Fed. Reg. 4,388 (Jan. 27, 2022)).
- (b) Supplies and equipment used by personnel responding to case backlogs or performing ARPA grant administration (equipment includes office furniture, computers, and phones, etc. valued at under \$5,000, which are classified as non-capital administrative costs under State accounting rules) (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,435 (Jan. 27, 2022)). *Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure.*
- (c) Court-based eviction prevention or eviction diversion programs to the extent that such programs respond to case backlogs caused by the pandemic (prioritizing cases involving serious violent felonies) on the condition that a recipient provides an estimate of the hours and resources that the court-based eviction prevention or eviction diversion program conserves so more staff time may be devoted to respond to serious violent felony cases (EC 2.2; 31 CFR § 35.6 (b) (3) (ii) (A) (1), (5)).
- (d) Court-based mental health or substance use disorder diversion programs to the extent that such programs respond to case backlogs caused by the pandemic (prioritizing cases involving serious violent felonies) on the condition that a recipient provides an estimate of the hours and resources that the court-based mental health or substance use disorder diversion programs respectively conserve so more staff time may be devoted to respond to serious violent felony cases (ECs 1.12, 1.13; 31 CFR § 35.6 (b) (3) (i) (C); 87 Fed. Reg. 4,355-4,357 (Jan. 27, 2022)).
- (e) Additional temporary facilities and workspace needed to respond to the case backlogs caused by the pandemic (prioritizing cases involving serious violent felonies) or to perform ARPA grant administration (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,387-4,388; 4,435-4,437 (Jan. 27, 2022)).
- (f) Administrative expenses to: (i) support personnel responding to case backlogs caused by the pandemic (prioritizing cases involving serious violent felonies); or (ii) perform grant application, awarding, compliance, reimbursement, and reporting activities (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4); 87 Fed. Reg. 4,387-4,388; 4,435-4,437 (Jan. 27, 2022)).

NOTES ON EXECUTIVE BRANCH LIMITATIONS

New or existing staff may be used to respond to case backlogs, with priority given to serious violent felony cases (as defined in OCGA § 17-10-6.1 (a)). However, only payroll for time spent actually responding to case backlogs may be reimbursed with ARPA grant funds. This includes payroll of new personnel hired to backfill existing personnel responding to case backlogs (prioritizing cases involving serious violent felonies). Therefore, time spent responding to case backlogs must be tracked and documented for reimbursement and auditing purposes.

The following clarifications have been provided by OPB regarding reimbursement for ARPA grant administration payroll expenditures:

- ***Current hourly*** employees performing ARPA grant administration duties may be paid from ARPA funds for time spent (including overtime) if the time is documented with timesheets.
- ***Current salaried*** employees performing ARPA grant administration duties may not be paid extra from ARPA funds for added duties, but an **employer** may be reimbursed from ARPA funds for time spent by those employees performing ARPA grant administration duties if the time is documented with timesheets. *To be clear, current employees*

performing ARPA grant administration duties may not be given a supplement or a raise to be paid from ARPA funds.

- **New part-time** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented with timesheets.
- **New full-time** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented on a timesheet, labor report, and a Personnel Action or Periodic Certification Form upon hire and a chart of accounts for ARPA funding is provided. See ARPA Fiscal Team for details.

Per 87 Fed. Reg. 4,387 (Jan. 27, 2022), ARPA grant “recipients may use funds for direct and indirect administrative costs for administering the [ARPA grant] program and projects funded by the [ARPA grant] program.” ARPA funds may also be used for “[c]osts associated with addressing administrative needs of recipient governments that were caused or exacerbated by the pandemic.” 31 CFR § 35.6 (b) (3) (ii) (E) (4); see 87 Fed. Reg. 4,388 (Jan. 27, 2022) (“e.g., backlogs in court systems”).

ARPA funds are authorized for supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000) that are necessary for personnel to respond to the case backlogs or to perform ARPA grant administration (e.g., monitors, computers, software licenses, phones, and printers). Such expenses are generally classified as non-capital permitted expenditures and should be listed in (D) (6) ARPA-Eligible Administrative Expenses and in the Administrative/Indirect Costs section of the ARPA Budget Form. Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure or preclear such purchases with the OPB to ensure reimbursement.

6. Federally Eligible Uses Not Currently Authorized by the Executive Branch or the ARPA Committee

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

- Professional dues, continuing education, and training (added by ARPA Committee on February 18, 2022) (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,438 (Jan. 27, 2022) (Uniform Guidance (2 CFR 200 Subpart E) applies to ARPA funds); 2 CFR § 200.473 (“The cost of training and education provided for employee development is allowable”).
- Case management systems and software (per OPB) (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022) (“improvements to case management systems . . . are eligible”).
- ARPA grants to municipal courts (pursue ARPA funds from cities before contacting ARPA Committee) and public defenders or conflict attorneys (funds available from [GPDC](#)).
- COVID-19 testing (EC 1.2; 31 CFR § 35.6 (b) (3) (i) (A)). 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; 31 CFR § 35.6 (b) (3) (i) (A)). Contact the [GEMA](#) for personal protective equipment.

- Expenditures to prevent COVID-19 in congregate settings (e.g., plexiglass, cleaning supplies or services) (EC 1.4; 31 CFR § 35.6 (b) (3) (i) (A)). Contact [GEMA](#) for assistance with supplies to prevent COVID-19 in congregate settings.
- Payroll supplements, stipends, bonuses, “premium pay,” and other payroll payments to staff that do not correspond to actual documented payroll time spent responding to case backlogs or performing ARPA grant administration **are not authorized**. “Premium pay” is defined in 31 CFR §§ 35.3, 35.6 (c); (EC 4.1).
- Long-term infrastructure (i.e., capital) investments in public facilities, such as physical plant improvements or permanent adaptations to existing public buildings to respond to the pandemic or its negative economic impacts (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (i) (A); (b) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022)). *Grant recipients should rent equipment, if possible, practical, and cost-effective, to avoid violating the prohibition on purchasing permanent infrastructure.*
- Adding or upgrading a court’s broadband connection, including modernization of cybersecurity for existing or new broadband infrastructure (EC 5.19; 31 CFR § 35.6 (e) (2) (i)-(ii)).
- Offsets to a reduction in government revenue due to the pandemic, 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; 31 CFR § 35.6 (d); 87 Fed. Reg. 4,423-4,430 (Jan. 27, 2022)).
- General 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 pandemic (i.e., not related to broadband upgrades) (EC 6.1; 31 CFR § 35.6 (d)). See 31 CFR § 35.6 (e) (2) (ii).

7. Application Period

Applications for ARPA grant funds in the current grant cycle will be accepted from April 1, 2022, to April 15, 2022. 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.

8. Performance Period

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 grant award date 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. See 31 CFR § 35.5.

9. Application Procedures

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 stated in section **7. Application Period** above. 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 and compliance. The ARPA Grants Team will then forward completed applications to the ARPA Committee for review. Incomplete applications or applications with other issues will be returned to the applicant by the ARPA Grants

Team with a list of items that need to 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.** See section 2. **Authorized Courts and Judicial System Stakeholders** above for details.

Promptly notify the ARPA Grants Team at ARPA@georgiacourts.gov if you need to revise or withdraw a submitted (but not approved) application to ensure your application is removed from the review process. 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 check the box “Continue CY_____ Award with the following amendments:” at the top of the first page of the ARPA Grant Application to indicate that the applicant seeks to amend a current award.*

10. Waiting to Apply Not a Negative Factor

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.

11. Grant Awards

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**, which is available under Quick Links at jcaoc.georgiacourts.gov/arpa and detailed below. 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. 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.

12. Reporting and Reimbursement

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 AOC (on behalf of the ARPA Committee) and ARPA funding recipients are required to report monthly to 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.

13. Process for reimbursing senior judges with ARPA funds for time worked responding to case backlogs (prioritizing cases involving serious violent felonies) if paid by the Council of Superior Court Judges

The process for reimbursing senior judges with ARPA funds for time worked responding to case backlogs, with priority given to cases involving serious violent felonies, if paid by the Council of Superior Court Judges is as follows:

- A chief judge will request one or more senior judges to respond to case backlogs (with priority given to cases involving serious violent felonies) via their district court administrator (DCA) per the usual process for requesting senior judge assistance. However, such requests must clearly identify proposed ARPA eligible hours (only time spent responding to case backlogs, with priority given to cases involving serious violent felonies, is eligible for ARPA funds).
- Senior judges will submit timesheets to the applicable DCA monthly for approval after performing work responding to case backlogs. Each timesheet must clearly identify ARPA eligible hours (only time spent responding to case backlogs, with priority given to cases involving serious violent felonies, is eligible for ARPA funds).
- Each DCA will submit the approved senior judge timesheets to the Department of Audits and Accounts (DOAA) and the Council of Superior Court Judges per the usual process, but each timesheet must clearly distinguish ARPA eligible hours from State-funded hours.
- The Council of Superior Court Judges will process each senior judge’s pay (using State and/or ARPA funds, as available) based on the hours submitted.
- Each DCA will submit a monthly request for reimbursement (invoice) to the AOC, which must include: (1) timesheets and case assignment forms indicating ARPA eligible hours; and (2) a spreadsheet with the following fields:

Circuit Name	Grant Award Amount for Senior Judges	Year-To-Date Expenses	Current Month Reimbursement Request	Remaining Balance

- The AOC will match each DCA’s invoice to the approved ARPA budget for each circuit.
- The AOC will request reimbursement from OPB for senior judge payroll to respond to the case backlogs (with priority given to cases involving serious violent felonies).
- When the AOC receives the reimbursement from OPB, the AOC will reimburse the Council of Superior Court Judges, in one lump sum, with ARPA funds for the senior judge payroll responding to case backlogs (with priority given to cases involving serious violent felonies).

Please e-mail the ARPA Grants Team at ARPA@georgiacourts.gov if you have questions about the reimbursement process.

Application Instructions

Please carefully review the ARPA grant funding process overview above and the following application instructions before applying for Judicial Council ARPA funds. If you are a current or prospective applicant and have questions or concerns, please contact the ARPA Grants Team at:

ARPA@georgiacourts.gov. The following is an explanatory outline of the **ARPA Grant Application** (available under Quick Links at jcaoc.georgiacourts.gov/arpa):

Note: Only judicial circuits and appellate courts are currently authorized to apply for ARPA funds. The ARPA Grants Team will automatically reject any application from a court or entity that is not a judicial circuit or appellate court. See section 2. **Authorized Courts and Judicial System Stakeholders** above for details.

(A) DESCRIPTION OF CASE BACKLOGS TO JUSTIFY NEED FOR ARPA FUNDS

All applicants must objectively demonstrate that case backlogs exist to qualify for ARPA grant funds. All expenditures requested in the application must be “reasonably proportional” to the applicant’s objectively demonstrated need to address case backlogs, with priority given to serious violent felonies (as defined in OCGA § 17-10-6.1 (a)). 87 Fed. Reg. 4,344 (Jan. 27, 2022). As used in this section, reasonably proportional “refers to the scale of the response compared to the scale of the harm” i.e., “backlogs in court systems.” Id. at 4,344; 4,388. When calculating the need for additional resources to respond to case backlogs, a court may compare its case volume from a “normal” pre-pandemic year (e.g., case volume in 2019) versus 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. If statistics do not demonstrate the full picture of an applicant’s case backlog, other facts may be included in this section, e.g., space constraints or other factors. Applicants should also identify what portion of case backlogs are serious violent felony cases, as defined in OCGA § 17-10-6.1 (a).

(B) TOTAL ARPA GRANT FUNDS REQUESTED TO ADDRESS CASE BACKLOGS

- (1) Enter the overall total ARPA funds requested to address case backlogs.
- (2) Indicate what portion of the overall funds requested will be used to address backlogs of serious violent felonies (as defined in OCGA § 17-10-6.1 (a)).
- (3) Provide the overall number of new full and part time staff positions requested to respond to case backlogs generally.
- (4) Provide the overall number of new full and part time staff positions requested that will be dedicated to addressing backlogs of serious violent felonies.

(C) ARPA GRANT FUNDS REQUESTED OR RECEIVED FROM OTHER SOURCES TO ADDRESS CASE BACKLOGS

Applicants should also request ARPA funds from their respective county governments. Enter the overall total ARPA funds requested and/or received from other sources and the amount of such funds expended and/or obligated to date. If ARPA grant funds have been requested or received from any other sources (including a county, municipality (to include a “nonentitlement unit of local government”), or an eligible non-profit entity), attach documentation explaining how requested, received, expended, or obligated funds have been or will be used (list by each applicable court or other entity), including whether such funds have been or will be used to address the backlog of serious violent felonies, as defined in OCGA § 17-10-6.1 (a). For purposes of this question, “obligated” means “an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.” 31 CFR § 35.3. Section 9901 (a) of ARPA defines the term “nonentitlement unit of local government” to mean a “city” (as defined in

42 USC § 5302 (a) (5)) that is not a “metropolitan city” (as defined in 42 USC § 5302 (a) (4)). Codified at 42 USC § 803 (g) (4)-(5).

(D) EXPENDITURES BY ARPA EXPENDITURE CATEGORY (EC)

Enter the sub-total of ARPA funds requested and describe the proposed activities to be reimbursed by ARPA funds for each applicable ARPA expenditure category (EC). The ECs listed correspond to the Treasury’s [Compliance and Reporting Guidance](#), Appendix 1, which contains the full list of EC numbers and titles.

(D) (1) Payroll-Public Sector Staff Responding to Case Backlog (EC 3.1)

ARPA funds may be used to cover payroll for existing or additional staff to the extent that a staff member’s time is dedicated to responding to the case backlogs (31 CFR § 35.6 (b) (3) (ii) (E) (1); 87 Fed. Reg. 4,341; 4,388 (Jan. 27, 2022) (Eligible use must “respond to the identified negative economic impact,” “e.g., backlogs in court systems”). This includes payroll of new personnel hired to backfill existing personnel responding to case backlogs (prioritizing cases involving serious violent felonies). If an employee’s wages or salary are an eligible use of ARPA funds, recipients may treat the employee’s covered benefits, including pension contributions, as an eligible payroll expense. 87 Fed. Reg. 4,429 (Jan. 27, 2022).

Note: Payroll costs for staff administering the ARPA grant application, compliance, reimbursement, and reporting processes must be listed under (D) (6) ARPA-Eligible Administrative Expenses, not (D) (1) Payroll-Public Sector Staff Responding to Case Backlog.

The **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa), contains a list of examples of staff positions. Applicants should provide details and specifics in the description box under application section (D) (1) regarding precisely what the positions listed in the ARPA Budget Form will be used for. A description like “Funds will be used to hire more senior judges, law clerks, prosecutors, etc.” would be an insufficient amount of detail to enable the ARPA Committee to adequately evaluate an application.

The ARPA Budget Form separates personnel costs into two categories: (1) Grant Administration and Clerical; and (2) Personnel Directly Responding to Case Backlog. Payroll expenditures for staff listed under “Grant Administration and Clerical” on the ARPA Budget Form should be included in the description box under application subsections (D) (6) (not under (D) (1)) and may be reimbursed with ARPA funds to extent staff time is spent administering the ARPA grant application, awarding, compliance, reimbursement, and reporting processes. 31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4); 87 Fed. Reg. 4,387 (Jan. 27, 2022). *See (D) (6) ARPA-Eligible Administrative Expenses below for certain clarifications and restrictions.* Payroll expenditures for new or existing staff listed under “Personnel Directly Responding to Case Backlog” on the ARPA Budget Form should be listed under application section (D) (1) and may be reimbursed with ARPA funds to extent such time is spent directly responding to the backlog of cases caused by the pandemic, with a particular focus on responding to the backlog of serious violent felony cases (as defined in OCGA § 17-10-6.1 (a)). 31 CFR § 35.6 (b) (3) (ii) (E) (1).

*Note: **New or existing** staff may be used to respond to case backlogs, with priority given to serious violent felony cases (as defined in OCGA § 17-10-6.1 (a)). However, only payroll for time spent actually responding to case backlogs may be reimbursed with ARPA grant funds. This includes payroll of new personnel hired to backfill existing personnel responding to case backlogs*

(prioritizing cases involving serious violent felonies). Therefore, time spent responding to case backlogs must be tracked and documented for reimbursement and auditing purposes.

(D) (2) Court-Based Mental Health Diversion (EC 1.12)

Treasury recognizes that the pandemic exacerbated mental health needs in many communities and that mental health and other behavioral health services are eligible expenditures. 31 CFR § 35.6 (b) (3) (i) (C); 87 Fed. Reg. 4,351; 4,355-4,357 (Jan. 27, 2022) (“Behavioral Health Care”). Accordingly, recipients may use ARPA funds for court-based mental health diversion programs to the extent that such programs respond to the case backlogs caused by the pandemic (to comply with Executive Branch limitations on the use of funds). For this expenditure category, Treasury requires recipients to: (a) report the amount of ARPA funds that are allocated to evidence-based interventions; and (b) report whether ARPA-funded activities are primarily serving a disproportionately impacted community. Treasury reporting will be handled during the reimbursement process. See Treasury [Compliance and Reporting Guidance](#), “Use of Evidence” and “Project Demographic Distribution” sections, pp. 20-21; 24; 31-32 for details.

Per Executive Branch limitations, ARPA funds for court-based mental health diversion must be used in a manner that prioritizes and expedites the resolution of cases involving serious violent felonies. Accordingly, for purposes of this expenditure category, grant recipients **must provide an estimate** in the description in section (D) (2) of the **ARPA Grant Application** of the staff hours and resources court-based mental health diversion services will conserve so staff is free to respond to serious violent felonies. Please also note that ARPA funds allocated to the Judicial Council may not be used for out of court mental health treatment services.

(D) (3) Court-Based Substance Use Diversion (EC 1.13)

Treasury recognizes that the pandemic exacerbated substance use disorder needs in many communities and that substance use disorder services and other behavioral health services are eligible expenditures. 31 CFR § 35.6 (b) (3) (i) (C); 87 Fed. Reg. 4,355-4,357 (Jan. 27, 2022) (“Behavioral Health Care”). Accordingly, recipients may use ARPA funds for court-based substance use disorder diversion programs to the extent that such programs respond to the case backlogs caused by the pandemic (to comply with Executive Branch limitations on the use of funds). For this expenditure category, Treasury requires recipients to: (a) report the amount of ARPA funds that are allocated to evidence-based interventions; and (b) report whether ARPA-funded activities are primarily serving a disproportionately impacted community. Treasury reporting will be handled during the reimbursement process. See Treasury [Compliance and Reporting Guidance](#), “Use of Evidence” and “Project Demographic Distribution” sections, pp. 20-21; 24; 31-32 for details.

Per Executive Branch limitations, ARPA funds for court-based substance use diversion must be used in a manner that prioritizes and expedites the resolution of cases involving serious violent felonies. Accordingly, for purposes of this expenditure category, grant recipients **must provide an estimate** in the description in section (D) (3) of the **ARPA Grant Application** of the staff hours and resources court-based substance use diversion services will conserve so staff is free to respond to serious violent felonies. Please also note that ARPA funds allocated to the Judicial Council may not be used for out of court substance use treatment services.

(D) (4) Court-Based Eviction Prevention and Diversion (EC 2.2)

Treasury guidance provides that responses to the negative economic impacts of the pandemic may include rent, mortgage, or utility assistance and counseling and legal aid to prevent eviction or

homelessness. 31 CFR § 35.6 (b) (3) (ii) (A) (1), (5); 87 Fed. Reg. 4,360 (Jan. 27, 2022) (“Emergency Housing Assistance”). Accordingly, recipients may use ARPA funds for court-based eviction prevention or eviction diversion programs to the extent that such programs respond to the case backlogs caused by the pandemic (to comply with Executive Branch limitations on the use of funds). However, ARPA funds may not be used for direct payments to landlords or tenants. For this expenditure category, Treasury requires recipients to: (a) report the amount of ARPA funds that are allocated to evidence-based interventions; and (b) report whether ARPA-funded activities are primarily serving a disproportionately impacted community. Treasury reporting will be handled during the reimbursement process. See Treasury [Compliance and Reporting Guidance](#), “Use of Evidence” and “Project Demographic Distribution” sections, pp. 20-21; 24; 31-32 for details.

Per Executive Branch limitations, ARPA funds for court-based eviction prevention and diversion must be used in a manner that prioritizes and expedites the resolution of cases involving serious violent felonies. Accordingly, for purposes of this expenditure category, grant recipients **must provide an estimate** in the description in section (D) (4) of the **ARPA Grant Application** of the staff hours and resources court-based eviction prevention and diversion services will conserve so that staff is free to respond to serious violent felonies. Please also note that ARPA funds allocated to the Judicial Council may not be used for direct payments to landlords or tenants.

(D) (5) Temporary Facilities or Workspace to Respond to Case Backlog (ECs 3.5, 7.1)

Renting temporary additional facilities or workspace to accommodate additional activities and staff to respond to the case backlogs or perform ARPA grant administration are eligible expenditures and may be reimbursed with ARPA funds. 31 CFR § 35.6 (b) (3) (ii) (E) (4). Long-term permanent 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 are not currently authorized expenditures per Executive Branch limitations on the use of ARPA funds allocated to the Judicial Council. Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure or preclear such purchases with OPB to ensure reimbursement.

(D) (6) ARPA-Eligible Administrative Expenses (EC 7.1)

Recipients may use funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary to respond to case backlogs and perform ARPA grant administration. 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,387-4,389 (Jan. 27, 2022) (ARPA funds “may be used to address administrative needs of recipient governments that were caused or exacerbated by the pandemic” “e.g., backlogs in court systems”). This includes costs related to disbursing payments of ARPA funds and managing new grant programs established using ARPA Funds. *Id.* at 4,435-4,436; 4,444. Administrative costs must be reasonable (as provided in 2 CFR § 200.404) and allocable (as provided in 2 CFR § 200.405). Applicants seeking approval for administrative costs above the federal de minimis rate of 10 percent of the proposed total direct (i.e., non-administrative and clerical) costs must provide the ARPA Committee a federal Negotiated Indirect Costs Rate Agreement (NICRA). Treasury [Compliance and Reporting Guidance](#), pp. 8-9. In the absence of a NICRA, administrative costs may not exceed the federal de minimis rate of 10 percent of the total direct costs pursuant to 2 CFR § 200.414 (f). See 2 CFR §§ 200.1 (defining total direct cost or “modified total direct cost (MTDC)”; 200.413 (defining direct costs).

Administrative Expenses Note #1: The following clarifications have been provided by OPB regarding reimbursement for ARPA grant administration payroll expenditures:

- ***Current hourly*** employees performing ARPA grant administration duties may be paid from ARPA funds for time spent (including overtime) if the time is documented with timesheets.
- ***Current salaried*** employees performing ARPA grant administration duties may not be paid extra from ARPA funds for added duties, but an ***employer*** may be reimbursed from ARPA funds for time spent by those employees performing ARPA grant administration duties if the time is documented with timesheets. To be clear, current employees performing ARPA grant administration duties may not be given a supplement or a raise to be paid from ARPA funds.
- ***New part-time*** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented with timesheets.
- ***New full-time*** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented on a timesheet, labor report, and a Personnel Action or Periodic Certification Form upon hire and a chart of accounts for ARPA funding is provided. See ARPA Fiscal Team for details.

Administrative Expenses Note #2: ARPA funds are authorized for supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000) that are necessary for personnel to respond to case backlogs or perform ARPA grant administration (e.g., monitors, computers, software licenses, phones, and printers). Such expenses are generally classified as non-capital permitted expenditures and should be listed in (D) (6) ARPA-Eligible Administrative Expenses and in the Administrative/Indirect Costs section of the ***ARPA Budget Form***. Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure or preclear such purchases with OPB to ensure reimbursement.

Administrative Expenses Note #3: All travel and corresponding per diem are subject to preclearance by OPB. Travel and per diem for senior judges have been precleared by OPB. On February 22, 2022, OPB precleared general travel expenditures on the following conditions:

- The travel must be necessary to address the backlog in court cases with a primary focus on serious violent felonies;
- The travel is reasonable; and
- Adequate documentation regarding the nature of and explanation for the travel is provided to OPB along with the request for reimbursement.

Administrative Expenses Note #4: ARPA funds may not be used for the reimbursement of administrative expenditures characterized as a lump sum, flat indirect rate, or a percentage rate of the award (e.g., 1.0% of the total grant to compensate a person or an entity for administrative or fiscal agent costs or a \$100 flat rate per grant funded position). All administrative costs must be specified, described in sufficient detail, and justified as an ARPA-eligible administrative expense, e.g., administrative positions and associated payroll plus fringe, office supplies with examples, furniture and what it will be used for, necessary equipment with examples, necessary travel, etc. The one exception to this rule is that the administrative fee charged by the Prosecuting Attorneys' Council for State paid county reimbursed (SPCR) contracts has been preauthorized by OPB.

(E) SUPPORTING DOCUMENTATION AND BUDGET

Check the box if supporting documentation (other than the required budget form) is attached to

the application. Applicants *must* attach (1) a completed **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa); and (2) copies of any correspondence with county governments requesting ARPA funds for trial courts (except municipal courts), prosecutors, and related agencies within the circuit. As stated above, the **ARPA Budget Form** includes a list of personnel and administrative costs to use as a cost template and adapt as needed. *Notes: (1) The **ARPA Budget Form** must be submitted in an Excel spreadsheet format and not a .pdf file format; and (2) please check the box “Continue CY _____ Award with the following amendments:” at the top of the first page of the ARPA Grant Application indicating that the application seeks to amend an existing award (if applicable).*

(F) CERTIFICATION

By checking the box, you certify that (1) the information in your application is true and correct to the best of your knowledge; and (2) the proposed activities are eligible expenditures under the federal [American Rescue Plan Act of 2021](#) and [31 CFR Part 35](#) (“Final Rule”). The use of ARPA grant funds is subject to U.S. Treasury and Governor’s Office of Planning and Budget reporting requirements and recoupment if put toward impermissible uses.

(G) SUBMIT APPLICATION

E-mail a .pdf of your completed, certified, and signed application to ARPA@georgiacourts.gov. Please ensure that an **ARPA Budget Form** (in Excel format and not a .pdf) is attached (available under Quick Links at jcaoc.georgiacourts.gov/arpa), as well as any other supporting documentation the ARPA Committee will need to sufficiently and efficiently review your application. The ARPA Grants Team will confirm receipt and follow up with you regarding any issues with your application and next steps. *Note: Applications that are not timely completed during the application window may need to be considered by the ARPA Committee in a subsequent grant cycle. Promptly notify the ARPA Grants Team at ARPA@georgiacourts.gov if you need to revise or withdraw a submitted application to ensure your application is removed from the review process. Please also check the box “Continue CY _____ Award with the following amendments:” at the top of the first page of the ARPA Grant Application indicating that the application seeks to amend an existing award (if applicable).*