

JUDICIAL COUNCIL OF GEORGIA

AMERICAN RESCUE PLAN ACT GRANT FUNDING

FREQUENTLY ASKED QUESTIONS

This document contains answers to frequently asked questions regarding federal American Rescue Plan Act funds allocated to the Judicial Council of Georgia. This document will be updated periodically in response to questions received from applicants and other stakeholders. For overall information about the Judicial Council’s American Rescue Plan Act (ARPA) Grant Program, including information on requesting funding, please see jcaoc.georgiacourts.gov/arpa. For general questions, please e-mail ARPA@georgiacourts.gov.

Questions added 11/19/2021: 8.1, 29.1 (noted with “[added 11/19/2021]”).

Question added 11/24/2021: 8.2 (noted with “[added 11/24/2021]”).

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Question added 4/25/2022: 36 (noted with “[added 4/25/2022]”).

Questions updated 4/25/2022: 4, 9 (noted with “[updated 4/25/2022]”).

1. How much ARPA funds were appropriated by the U.S. Congress? [updated 4/1/2022]

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.

2. How much ARPA funds were allocated to the State of Georgia and its Judicial Branch? [updated 4/1/2022]

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 or the ARPA Committee.

3. What ARPA expenditures are permitted under federal law? [updated 4/1/2022]

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 \(February 28, 2022\)](#).

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").

4. What limitations has Georgia's Executive Branch and the ARPA Committee placed on how the Judicial Branch may use ARPA funds? [updated 4/25/2022]

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

- 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).

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.

8.1. May prosecutors apply for ARPA funds? [added 11/19/2021]

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.

8.2. What is the role of a chief judge of a judicial circuit in the ARPA grant application process? [added 11/24/2021]

The chief superior court judge in each judicial circuit is responsible for managing and submitting an ARPA grant application on behalf of all eligible courts and judicial system stakeholders in his or her circuit. The chief superior court judge, in consultation with and with substantial input from all stakeholders, should design a coordinated, balanced, and proportional circuit-wide plan for the use of ARPA funds to address case backlogs throughout the circuit (with a priority on cases involving serious violent felonies). The chief superior court judge has the sole discretion to fashion his or her circuit's application to meet circuit-wide objectives. Accordingly, he or she may prioritize funding requests and is not required to include all proposed expenditures in the circuit's application.

9. What ARPA expenditures are permitted given the limitations Georgia's Executive Branch and the ARPA Committee have placed on how the Judicial Branch may use ARPA funds? [updated 4/25/2022]

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. Per the Executive Branch's limitations on authorized uses and ARPA Committee policies, the ARPA Committee may currently only award grant funding for the following expenditure categories (ECs):

- (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 (EC 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)).
- (g) Professional dues, continuing legal education, and training for ARPA-funded assistant district attorneys (deemed eligible by the ARPA Committee on April 25, 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”). *See FAQ 36 for details and restrictions.*

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](#). *See FAQ 10 for restrictions on ARPA grant administration payroll expenditures.*

10. What are examples of personnel that may be paid with ARPA funds? [updated 4/18/2022]
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 (new or existing employees allowed) or administering ARPA grant funds (see OPB clarifications below). *However, public defenders and conflict attorneys must apply to GPDC for ARPA funds.*

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); 87 Fed. Reg. 4,388 (Jan. 27, 2022) (“e.g., backlogs in court systems”).

See FAQ 23.1 for details on the documentation required for personnel expenditure reimbursements.

10.1. May ARPA funds be used for the reimbursement of administrative expenditures characterized as a lump sum, a flat indirect rate, or a percentage of the award? [updated 4/1/2022]

No. 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.*

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? [updated 4/1/2022]

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. However, a judge of another

class of court serving in superior court pursuant to OCGA § 15-1-9.1 must meet the minimum qualifications of a superior court judge as provided in OCGA § 15-6-4.

13. May ARPA funds be used to pay court reporters or other personnel increased per diem rates to respond to the case backlogs? [updated 1/1/2022]

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. Please see FAQs 9-10 above for additional restrictions on the use of certain personnel.*

14. May ARPA funds be used to pay for administrative tasks unrelated to grant administration? [updated 1/1/2022]

Administrative tasks unrelated to ARPA grant administration are eligible expenditures if such tasks are responding to a backlog of court cases, such as time personnel spends processing backlogged cases or conducting case management, e.g., the administrative duties associated with the opening or closing of backlogged 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. *Please see FAQs 9-10 above for additional restrictions on the use of certain personnel.*

15. What is the application period? [updated 4/1/2022]

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.

16. What will be the duration of each award? [updated 1/1/2022]

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

16.1. Is there a funding cap for awards? [added 2/3/2022]

The ARPA Committee has set a \$2 million limit per applicant for awards in calendar year 2022.

17. What is the overall performance period for ARPA funds? [updated 1/1/2022]

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 January 1, 2022, 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? [updated 4/1/2022]

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 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 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, revise, or withdraw an application that has been awarded or submitted? [updated 4/1/2022]

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. Applicants may also apply to amend an award for the current calendar year. 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: Please check the box “Continue CY _____ Award with the following amendments:” at the top of the first page of the application if you are applying to amend an existing 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.

23.1. What documentation is sufficient to support reimbursement for personnel expenditures? [added 4/18/2022]

ARPA Funding Committee leadership and AOC staff continue to seek clarification and guidance from the Governor’s Office of Planning and Budget (OPB) regarding the documentation required to accompany a reimbursement for personnel expenditures. *OPB has provided the guidance below with the following explanation:* “[OPB is] trying to work with the circuits to ensure [OPB has what it needs] for ARPA guidelines and to work with the information [circuits] have on hand. Unlike [the Criminal Justice Coordinating Council’s federal] Byrne JAG and DOJ [grant] funds that have very tenured grant guidance, ARPA is a COVID relief fund program with an entirely different set of grant guidance that is ever changing. Given the newness of the funding and evolving [U.S. Treasury] guidance [ranging] from reporting to audits, [OPB] will collect sufficient proof of payment, timesheets, and payroll to make sure [OPB is] covered in an audit.”

Current OPB guidance for personnel expenses is as follows:

Personnel Generally

Salaries and wages for all personnel who will be working on the project (e.g., responding to case backlogs or performing grant administration) should be included in reimbursement requests. Justifications for payment requests should include a rationale for any existing salaries paid with ARPA grant funds.

Payroll Employees

Examples of supporting documentation:

- Payroll system proof of payment (e.g., payroll register report, check, or ACH) to employee; and
- Timesheet to show time spent on ARPA grant.

Contracted Employees Paid by Check

Examples of supporting documentation:

- A copy of the issued check;

- An export or screenshot from the system of the general ledger showing the incurred expense; and
- Timesheet to show time spent on ARPA grant.

State Paid County Reimbursed Asst. Dist. Attorney (SPCR) Invoices Paid by Check

Examples of supporting documentation:

- A copy of the check;
- An export or screenshot from the system of the general ledger showing the incurred expense;
- PAC invoice to link to SPCR for reviewer; and
- SPCR contract.
- No timesheet is required for SPCR contracts.

SPCR Invoices Paid Electronically

Examples of supporting documentation:

- ACH payment verification;
- PAC invoice to link to SPCR for reviewer; and
- SPCR contract.
- No timesheet is required for SPCR contracts.

Note: For U.S. Treasury and OPB auditing purposes, ARPA grant recipients should retain all bank statements, timesheets, payroll records, and other documentation of personnel expenditures in accordance with each county's document retention policy.

23.2. What documentation is sufficient to support reimbursement for travel or supply expenditures? [added 4/18/2022]

ARPA Funding Committee leadership and AOC staff continue to seek clarification and guidance from the Governor's Office of Planning and Budget (OPB) regarding the documentation required to accompany a reimbursement for travel or supply expenditures. *OPB has provided the guidance below and the explanation stated in FAQ 23.1.*

Current OPB guidance for travel and supply expenses is as follows:

Travel

Detailed proof of payment and receipt are required. Examples of supporting documentation for travel expenditures:

- Itemized travel expenses;
- Receipts;
- Invoices; and
- Mileage.

Supplies

Examples of supporting documentation for supply expenditures:

- Invoice for supplies;
- Proof of payment; and
- Purchase orders.

Note: For U.S. Treasury and OPB auditing purposes, ARPA grant recipients should retain all bank statements, invoices, purchase orders, and other documentation of travel and supply expenses in accordance with each county's document retention policy.

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? [updated 4/18/2022]

Yes. 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 of the **ARPA grant application** and in the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure.

27. May ARPA funds be used to construct new facilities or make permanent adaptations to existing buildings? [updated 4/18/2022]

No. Long-term infrastructure (i.e., capital) investments in public facilities to respond to the pandemic or its negative economic impacts, 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 and perform ARPA grant administration are eligible expenditures and may be reimbursed with ARPA funds. (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (i) (A); (b) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022).

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 of the **ARPA grant application** and in the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure. It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for additional purposes.

28. May ARPA funds be used to purchase new permanent technology systems that would allow more efficient use of existing courtroom facilities? [updated 4/18/2022]

No. Long-term (i.e., capital) investments in public facilities, including new permanent technology systems (e.g., courtroom video or digital recording systems), are not generally authorized by the Executive Branch. (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4); 87 Fed. Reg. 4,389 (Jan. 27, 2022)). However, supplies, furniture (valued at under \$5,000), and other equipment (valued at under \$5,000) that is necessary for personnel to respond to case backlogs or perform grant administration (e.g., monitors, computers, software licenses, phones, and printers) are non-capital permitted expenditures and should be listed in (D) (6) ARPA-Eligible Administrative Expenses of the **ARPA grant application** and under the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at jcaoc.georgiacourts.gov/arpa). Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure. It is possible that additional ARPA funds may be allocated by the Executive Branch to the Judicial Council in the future for additional purposes.

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? [updated 4/1/2022]

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. However, a judge of another class of court serving in superior court pursuant to OCGA § 15-1-9.1 must meet the minimum qualifications of a superior court judge as provided in OCGA § 15-6-4.

29.1. What is 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? [added 11/19/2021]

- 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 (with priority given to cases involving serious violent felonies). Each timesheet must clearly identify ARPA eligible hours.
- 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
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- The AOC will match each DCA’s invoice to the approved ARPA budget for each circuit.
- The AOC will request reimbursement from the Governor’s Office of Planning and Budget (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.

29.2. May ARPA funds allocated to the Judicial Branch be used to fund senior judge days as referenced in the FY 2023 Appropriations Act (HB 911/AP, 2022)? [added 4/18/2022]

The Georgia General Assembly appropriated \$675,193 to the Council of Superior Court Judges in Fiscal Year 2023 ([HB 911/AP, 2022](#)). The budget appropriations bill directed that: “to provide five senior judge days per active judge,” “existing ‘American Rescue Plan Act of 2021’ (ARP) funds [may be utilized] to provide an additional five senior judge days per active judge to expedite all cases.” Line 421. The Council of Superior Court Judges requested ten additional senior judge days per active judge, to restore funding reductions made in FY 2021. Senior judge days funded by the State, as part of regular operations, are separate from those funded by the Judicial Council’s ARPA Grant Program, as ARPA funds allocated to the Judicial Branch may only be used for senior judge days responding to case backlogs caused or exacerbated by the pandemic (prioritizing cases involving serious violent felonies). Additionally, the Executive Branch has placed certain other limitations on the use of ARPA funds allocated to the Judicial Branch, including a prohibition on using ARPA funds to offset a reduction in government revenue due to the pandemic. Therefore, and despite the appropriations bill language to the contrary, OPB has *not authorized* ARPA funds to be used expressly as a general substitute for State funds for senior judge days. However, OPB *has authorized* ARPA funds to be used to compensate senior judges to the extent his or her time is spent responding to the case backlogs caused or exacerbated by the pandemic.

30. May ARPA funds be used to compensate county fiscal departments, district court administrators, or other existing staff that assist with grant administration, including preparing an ARPA grant application? [updated 4/18/2022]

ARPA funds may be used for the reimbursement of payroll for existing personnel performing ARPA grant administration, subject to the following clarifications provided by OPB:

- **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.

See FAQ 23.1 for details on the documentation required for personnel expenditure reimbursements.

31. Will the AOC provide applicants with technical support to help prepare ARPA grant applications? [updated 4/1/2022]

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 and compliance. The ARPA Grants Team will 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 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? [updated 1/1/2022]

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. Recipients must submit monthly expenditure reports and supporting documentation to the ARPA Grants Team to initiate reimbursement for eligible expenditures. Accordingly, time spent responding to case backlogs or performing ARPA grant administration must be tracked and documented by grant recipients for reimbursement and auditing purposes. 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? [updated 4/1/2022]

As required in section (A) of the **ARPA grant application** (available under Quick Links at jcaoc.georgiacourts.gov/arpa), 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 FAQ, 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).

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**.

36. Are professional dues, continuing legal education, and training for ARPA-funded assistant district attorneys an eligible expenditure? [added 4/25/2022]

On February 18, 2022, the ARPA Committee deemed professional dues, continuing legal education, and training for ARPA-funded assistant district attorneys an **ineligible** expenditure under the Judicial Branch ARPA grant program. On April 25, 2022, the ARPA Committee deemed such expenditures an **eligible** expenditure, subject to the following limitations required by the Governor’s Office of Planning and Budget (OPB):

- Registration fee – Limited to \$225 per event.
- Lodging – Limited to \$225 per night, plus taxes and fees.
- Other travel related expenses (meals, mileage, incidentals, etc.) in compliance with the [Statewide Travel Policy](#).
- State Bar dues in the amount required by the State Bar of Georgia to maintain license.
- Continuing legal education (CLE) hours in the amount required by the State Bar of Georgia to maintain license.