

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, as defined in OCGA § 17-10-6.1 (a)). Administrative expenses to support the response effort and

manage ARPA grant funds are also permitted. 31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4); see (E) (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 (the order creating the ARPA Committee is available 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](#).

5. Eligible Expenditures and Limitations on Federally Eligible Uses

The Executive Branch and the 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 Executive Branch limitations and ARPA Committee policies, **only the following expenditures are eligible for Judicial Branch ARPA Funds:**

- (a) *Personnel*. Payroll costs for personnel responding to court case backlogs with a primary focus on serious violent felonies; backfilling positions requiring less experience to reassign more experienced staff to expedite the disposition of serious violent felony cases; or personnel

administering the ARPA grant. **As used in this expenditure category only, “primary focus on serious violent felonies” means more than 50 percent of total personnel costs awarded in each calendar year is dedicated to responding to serious violent felonies,** as defined in OCGA § 17-10-6.1 (a).

(b) *Court-based Eviction, Mental Health, or Substance Use Diversion.* Payroll costs for personnel performing court-based eviction, mental health, or substance use diversion services only if: (i) such services respond to case backlogs; and (ii) a subrecipient provides a numerical estimate to the AOC demonstrating that such services will conserve staff time and resources to respond to backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a).

(c) *Other Program Costs.* Reasonable and necessary costs to support a response to court case backlogs with a primary focus on cases involving serious violent felonies or to perform ARPA grant administration, as follows:

- (i) The purchase of necessary supplies and materials used by personnel funded by the ARPA grant;
- (ii) The purchase or rental of equipment used by personnel funded by the ARPA grant, including any reasonable and required license, basic operating software, or service needed to use such equipment;
- (iii) Travel costs of personnel and contractors funded by the ARPA grant traveling between counties in multi-county judicial circuits that are necessary to address the backlog in court cases with a primary focus on cases involving serious violent felonies;
- (iv) Rental of temporary space for personnel funded by the ARPA grant;
- (v) Printing, publication, media, or postage costs;
- (vi) Jury expenditures for the trial of cases that are part of the case backlog caused by the COVID-19 pandemic;
- (vii) Jury sequestration costs if necessary for jurors in serious violent felony cases;
- (viii) Continuing legal education and professional dues for prosecutors funded by the ARPA grant, as required by the State Bar of Georgia to maintain a law license;
- (ix) Mandatory continuing judicial education for judges funded by the ARPA grant, as required by the Institute of Continuing Judicial Education and uniform court rules;
- (x) Contracts for professional services or per diem to respond to court case backlogs, including services provided by interpreters, senior judges, state paid county reimbursed (SPCR) prosecutors, and court reporters; or to perform grant administration;
- (xi) Mandatory training for victim assistance coordinators and victims’ advocates funded by the ARPA grant, as required by law and the Prosecuting Attorneys’ Council;
- (xii) Mandatory training for district attorney investigators funded by the ARPA grant, as required by law and the Peace Officer Standards and Training Council; and
- (xiii) Other program costs necessary to address a court backlog caused or exacerbated by the COVID-19 pandemic with a primary focus on cases involving serious violent felonies may be approved by OPB at its sole discretion following a written request for approval by AOC prior to AOC’s approval of said costs.

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 only:

- *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”).

Judicial Branch ARPA funds are authorized for supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000; e.g., monitors, computers, software licenses, phones, and printers) that are necessary for personnel to respond to the case backlogs or to perform ARPA grant administration. If valued at under \$5,000, such expenditures are generally classified as a non-capital permitted expenditure and should be listed in (E) (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.

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

Consistent with 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 for staff (unless an exception is expressly listed above in section **5. Eligible Expenditures and Limitations on Federally Eligible Uses**) (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 (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 the ARPA Committee), public defenders, or conflict attorneys (see funds allocated to [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 [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,” or any 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, permanent adaptations to existing public buildings, or constructing new facilities 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 not related to broadband upgrades, including hardware, software, and protection of critical infrastructure (falls under the category of government revenue offsets) (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 September 15, 2022, to September 30, 2022. The ARPA Committee will schedule additional grant cycles throughout the performance period, which will be posted at jcaoc.georgiacourts.gov/arpa. 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 may 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 compliance or other issues will be returned to the applicant by the ARPA Grants Team with a list of items that should 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. 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 changes described below” under “Type of Application” on the first page of the ARPA Grant Application to indicate that the applicant seeks to amend a current award. See section 14. Award Amendments and Administrative Budget Revisions below for important details and rules.*

10. Waiting to Apply Not a Negative Factor

Potential applicants should note that the ARPA Committee recognizes 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 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 after review and approval of an **ARPA Grant Application**, which is available under Quick Links at jcaoc.georgiacourts.gov/arpa and explained 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.

12. Reporting and Reimbursement

ARPA grant recipients will be reimbursed monthly as eligible costs are incurred and reported to the 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 to OPB on the use of ARPA funds allocated to the Judicial Council. Accordingly, recipients must

submit 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 reporting of eligible expenditures and initiate the 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.

14. Award Amendments and Administrative Budget Revisions

On August 26, 2022, the ARPA Committee approved the following policies regarding award amendments and administrative budget revisions:

Requests to Amend a Current Award

An awardee must submit an **ARPA Grant Application** (via ARPA@georgiacourts.gov and subject to review by the ARPA Committee) to request an **amendment to a current award** for all the following requests:

- Moving funds from the “Personnel Services” category to the “Administrative/Indirect Cost” category on an approved Budget Form;
- Moving funds from the “Administrative/Indirect Cost” category to the “Personnel Services” category on an approved Budget Form;
- Any request to add a new budget line item not currently listed on an approved Budget Form;
- Any request that would result in a net increase of the Total Overall Budget on an approved Budget Form; or
- The second or more Budget Revision Request in a calendar year from the same awardee.

Budget Revision Requests

An awardee may submit a **Budget Revision Request** in writing to the ARPA Team (via ARPA@georgiacourts.gov) for administrative approval by the ARPA Team as follows:

- A Budget Revision Request may be used to request moving **up to ten percent** of the total approved funds within a Budget Category (i.e., within “Personnel Services” or within “Administrative/Indirect Cost”) from one or more approved budget line items (e.g., bailiffs) to one or more other approved budget line items (e.g., district attorneys) within the same Budget Category.
- A maximum of one Budget Revision Request is permitted each calendar year per awardee.
- Budget Revision Requests may be submitted **only** during the months of July-October.
- Any Budget Revision Request that includes significant changes to an approved Budget Form, in the judgment of the ARPA Team, may be referred to the ARPA Committee for review.
- The ARPA Team is not required to approve any Budget Revision Request and reserves the option to refer any Budget Revision Request to the ARPA Committee for review.

(Application Instructions start on the next page)

Application Instructions

Please carefully review the ARPA grant funding process overview above and the following application instructions before applying for Judicial Branch 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) USE OF ARPA FUNDS SUMMARY

Describe the progress of your circuit to implement your plan since the effective date of your first ARPA grant award. Also identify data supporting successes and any barriers to implementation you have experienced. Type “N/A” if this is a new grant application (i.e., no current award).

(B) CASE BACKLOGS REQUIRED TO JUSTIFY ARPA FUNDS

All applicants must objectively demonstrate that case backlogs exist to qualify for ARPA grant funds or continued funding. 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).

(C) TOTAL ARPA GRANT FUNDS REQUESTED FROM THE JUDICIAL COUNCIL 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, as defined.

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

Applicants (except appellate courts) must request ARPA funds from their respective county governments. Attach any correspondence to and from each county from which ARPA funds were requested. Enter the ARPA funds requested and/or received from other sources and the amount of such funds expended and/or obligated to date. For ARPA grant funds 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, 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). As used in this section, “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).

(E) REQUESTS UNDER EACH 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 generally correspond to the Treasury’s [Compliance and Reporting Guidance](#), Appendix 1, which contains the full list of EC numbers and titles (many of which are not currently applicable to this grant program).

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

ARPA funds may be used to cover payroll costs for existing or additional staff to the extent that a staff member’s time is dedicated to responding to 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. 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). **More than 50 percent of total personnel costs awarded each calendar year under this EC must be dedicated to responding to serious violent felonies, as defined in OCGA § 17-10-6.1 (a).** As used in application section (E) (1) (c), “total personnel costs” means the subtotal of funds requested under section (E) (1) only, as stated in (E) (1) (a). To get the percentage used in (E) (1) (c), divide the amount provided under (E) (1) (b) by the amount provided in (E) (1) (a).

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

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 (E) (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 Backlogs. Payroll expenditures for staff listed under “Grant Administration and Clerical” on the ARPA Budget Form should be included in the description box under application subsection (E) (6) (not under (E) (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 (E) (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 (E) (1) and may be reimbursed with ARPA funds to extent such time is spent directly responding (or backfilling others who respond) 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. 87 Fed. Reg. 4,341; 4,388 (Jan. 27, 2022). 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 (or backfilling others who respond) must be tracked and documented for reimbursement and auditing purposes.*

(E) (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 federally 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).

Per Executive Branch limitations, ARPA funds for court-based mental health diversion services must: (a) respond to case backlogs; and (b) conserve staff time and resources to respond to case backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a). Accordingly, for purposes of this expenditure category, grant applicants **must provide a numerical estimate** in the description in section (E) (2) of the **ARPA Grant Application** regarding the staff hours and resources court-based mental health diversion services will conserve so staff is free to respond to serious violent felonies. *As used in this section, “numerical” means containing one or more of the number symbols 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9; e.g., 20 hours of staff time per week, 18 percent of a judge’s caseload, or some other numerical measurement. Please also note that ARPA funds allocated to the Judicial Council may not be used for out of court mental health treatment services.*

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.

(E) (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 federally 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).

Per Executive Branch limitations, ARPA funds for court-based substance use diversion services must: (a) respond to case backlogs; and (b) conserve staff time and resources to respond to case backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a). Accordingly, for purposes of this expenditure category, grant applicants **must provide a numerical estimate** in the description in section (E) (3) of the **ARPA Grant Application** regarding the staff hours and resources court-based substance use diversion services will conserve so staff is free to respond to serious violent felonies. *As used in this section, “numerical” means containing one or more of the number symbols 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9; e.g., 20 hours of staff time per week, 18 percent of a judge’s caseload, or some other numerical measurement.* Please also note that ARPA funds allocated to the Judicial Council may not be used for out of court substance use treatment services.

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.

(E) (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”). However, recipients of Judicial Branch ARPA funds may use such funds only 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). Additionally, ARPA funds may not be used for direct payments to landlords or tenants.

Per Executive Branch limitations, ARPA funds for court-based eviction prevention and diversion services must: (a) respond to case backlogs; and (b) conserve staff time and resources to respond to case backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a). Accordingly, for purposes of this expenditure category, grant applicants **must provide a numerical estimate** in the description in section (E) (4) of the **ARPA Grant Application** regarding 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. *As used in this section, “numerical” means containing one or more of the number symbols 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9; e.g., 20 hours of staff time per week, 18 percent of a judge’s caseload, or some other numerical measurement.* Please also note that

ARPA funds allocated to the Judicial Council 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.

(E) (5) Temporary Facilities or Workspace to Respond to Case Backlogs (ECs 3.5, 7.1)

Renting temporary additional facilities or workspace to accommodate additional activities and staff to respond to 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, permanent adaptations to existing public buildings, or constructing new facilities 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.

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

Recipients may use ARPA funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary to respond to case backlogs or 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 ten percent of the total direct costs. 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 only:

- ***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, e.g., monitors, computers, software licenses, phones, and printers) that are necessary for personnel to respond to case backlogs or perform ARPA grant administration. If valued at under \$5,000, such expenditures are generally classified as non-capital permitted expenditures and should be listed in application section (E) (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.

Administrative Expenses Note #3: Travel costs of personnel and contractors paid for with ARPA grant funds are only permitted for travel between counties in multi-county judicial circuits to address the backlog in court cases (with a primary focus on cases involving serious violent felonies). Contracts for professional services or per diem to respond to court case backlogs, including services provided by interpreters, senior judges, state paid county reimbursed (SPCR) prosecutors, and court reporters; or to perform grant administration are also permitted expenditures. Additionally, travel expenditures are subject to the following restrictions:

- 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. See Judicial Branch FAQ 23.2 and the Fiscal Team for details.

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 is authorized by OPB.

(F) 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 to and from 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 budget template and adapt as needed. *Note: The ARPA Budget Form must be submitted in an Excel spreadsheet format and not a .pdf file format.*

(G) 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, audits, and recoupment if put toward impermissible uses. 31 CFR § 35.10.

(H) 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 an 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.*