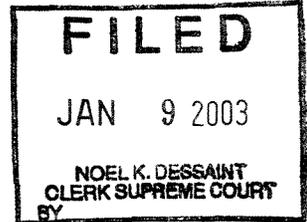


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)
)
ARIZONA CODE OF JUDICIAL)
ADMINISTRATION §5-111:)
INDIGENT LEGAL REPRESENTATION)
FUND)
)
_____)

Administrative Order
No. 2003 - 7
(Replacing Administrative
Order No. 98-57)

The above captioned provision having come before the Arizona Judicial Council on December 12, 2002, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration replacing Administrative Order No. 98-57.

Dated this 9th day of January, 2003.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 1: Funding
Section 5-111: Indigent Legal Representation Fund

A. Definitions. In this section, the following definitions apply:

"Administrative director" means the administrative director of the Administrative Office of the Courts (AOC) and the director's designee.

"Manager" means the program manager of the Court Improvement (CI) program administered by the AOC.

"Program" means the CI program administered by the AOC.

"Recipient" means the office in each county responsible for the payment of indigent legal representation in dependency case proceedings.

B. Applicability. The program is established in the AOC. Pursuant to Laws 1998, Ch. 276, § 46(e), the program shall administer the Indigent Legal Representation Fund (Indigent Fund).

C. Purpose. The purpose of the Indigent Fund is to provide indigent representation funds to counties in dependency case proceedings.

D. General Administration.

1. The supreme court shall administer and maintain the Indigent Fund. The administrative director shall establish timetables, policies, procedures, forms and reports necessary to administer the program and govern the use of the Indigent Fund.
2. The administrative director shall prepare fiscal projections, create a budget, allocate and expend funds for administrative costs and projects associated with the Indigent Fund. The administrative director is authorized to execute funding agreements and approve distribution to the recipient.
3. The administrative director shall appoint a manager. The manager shall oversee the implementation and administration of the Indigent Fund. The manager shall oversee the development and maintenance of all program performance criteria to include policies, procedures, manuals, and other necessary materials.
4. The administrative director shall have the authority to audit compliance with its funding agreement.

5. The administrative director shall have the authority to apply for additional funds to use for the same purpose and with the same parameters as other funds allocated for the Indigent Fund.
6. The administrative director shall provide assistance and training to judges, court staff, attorneys and other public agencies with Indigent Fund monies.

E. Budget Request Preparation. Indigent Funds will be allocated to each county in proportion to the number of dependency cases filed in that county in the preceding fiscal year (July 1 - June 30). Laws 1998, Ch. 276, § 46(e).

F. Program Plan and Financial Management.

1. The recipient shall submit a report with the Dependent Children's Service Division (DCSD) director by September 1 for the previous fiscal year indicating the following information:
 - a. Total number of dependency petitions filed.
 - b. Total number of dependency petitions filed with one or more indigent party.
 - c. Total number of dependency cases where representation was provided by county due to indigence.
 - d. Total amount expended from previous funding awards.
 - e. What office should receive the funds.
2. Funds shall be disbursed to recipients twice a year in accordance with the funding agreements.
3. Recipients shall sign funding agreements prepared by the program in order to receive Indigent Funds. The administrative director shall have the authority and discretion to amend or terminate the agreement if such action is due to a lack of funds, a lack of financial need by the recipient, a failure to comply with the applicable statutes, rules, orders, policies, the approved plan or other circumstances.
4. Funds shall be deposited into a special revenue fund with the county treasurer pursuant to the procedures provided in Sections III-2 and V-3 of the Auditor General's Uniform Accounting Manual for Arizona Counties.
5. The administrative director has the authority to withhold funds upon agreement with the recipient and authorize direct expenditure for the benefit of such superior court. The administrative director has the authority to reallocate funds if circumstances justify such

action.

6. The recipient shall maintain and provide reports, data, and statistics required by the administrative director. The recipient shall retain all financial records, applicable program records, and data for at least five years from the close of each funding period.
7. Rural counties who elect to include their portion of the fund towards dependency training shall sign a form provided by the AOC declining their allocation of the Indigent Fund.