



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
 PROGRAM AND FINANCIAL POLICIES) Administrative Order
 OF THE COURT IMPROVEMENT PROGRAM,) No. 98- 57
 INDIGENT LEGAL REPRESENTATION FUND)
 _____)

In 1998, the Arizona Legislature enacted Chapter 276 (HB 2645), Section 46 (E) awarding funds to the Supreme Court for implementation of the Court Improvement Program.

It is the desire of this Court to adopt policies for the administration of the Court Improvement Program, Indigent Legal Representation Fund ("Fund"). Further, it is the desire of the Court to delegate to the Administrative Director of the Court all powers necessary to administer the Fund and these policies..

Now, therefore, in accordance with the administrative authority vested in the Supreme Court by Arizona Constitution, Article VI, § 3 and § 7, and Chapter 276, 1998 Arizona Laws, 43rd Legislative Session,

IT IS ORDERED that the attached Policies for the Financial & Program Administration of the Court Improvement Program, Indigent Legal Representation Fund, are hereby adopted.

IT IS FURTHER ORDERED that the Administrative Director of the Courts is delegated all powers necessary to administer the Fund in accordance with the adopted Policies; and

IT IS FURTHER ORDERED that the attached Policies are effective immediately upon the filing of this order with the Clerk of the Arizona Supreme Court.

Dated this 30th day of September, 1998.

THOMAS A. ZLAKET)
Chief Justice

SUPREME COURT OF ARIZONA

Policies for the Financial & Program Administration of the

COURT IMPROVEMENT PROGRAM, INDIGENT LEGAL REPRESENTATION FUND

1 PURPOSE

In the 1998 legislative session, Chapter 276, Laws 1998, was passed. In Section 46 (E) monies were awarded to the Arizona Supreme Court to distribute to the counties for indigent legal representation required to implement the provisions of the act. These monies and their administration are hereinafter referred to as the Court Improvement Program, Indigent Legal Representation Fund, ("Fund"). The money awarded shall be used solely for the purposes of funding representation of clients in dependency case proceedings. Monies in the Fund shall be expended pursuant to these policies and any other pertinent statutes, rules, and administrative policies adopted by the Arizona Supreme Court or the Administrative Director of the Courts ("Director").

2 ADMINISTRATION

- 2.1 The Fund shall be administered on behalf of the Supreme Court by the Director. As used in these policies, the term Director shall include the Director or their designee(s). The Director is delegated all powers necessary to administer the Fund, in accordance with the law and these policies, including the power to develop, implement, and adopt policies and procedures necessary to carry out the purpose of the statute, these policies and all other requirements imposed by law or Supreme Court Administrative Order.
- 2.2 The Director is authorized to prepare fund projections, recommend and authorize amounts to be awarded each fiscal year, and execute contracts necessary to administer the fund in accordance with these policies.
- 2.3 The Director is authorized to expend funds from sources other than the Fund, to implement, evaluate, and administer the Fund. Further, the Director shall administer and monitor the Fund and shall have the authority to inspect, audit (or have audited) the records of any Fund recipient related to the use and expenditure of monies provided through the Fund. The Director is also authorized to apply for additional funds to be used expressly for the purpose and within the same parameters as the Fund.

- 2.4 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). The funds will be disbursed to the entity in each county responsible for the payment of indigent legal representation in dependency case proceedings. All disbursements after FY 98-99 shall be made by October 30th. Fund disbursements for FY 98-99 will be made as soon as practical after the Director receives all information from counties in order to determine the allocation of monies based on number of dependency petitions filed for the most recently reported fiscal year.
- 2.5 By September 1 of each year, all counties requesting monies from the Fund must file a report with the Director of the Dependent Children's Services Division of the Administrative Office of the Courts indicating the following information relating to the prior fiscal year:
- 2.5.1 Total number of dependency petitions filed
 - 2.5.2 Total number of dependency petitions filed with one or more indigent party
 - 2.5.3 Total number of cases where representation was provided by county due to indigence
 - 2.5.4 Total amount expended from previous awards from the Fund

The report must also indicate what entity should receive the funds.

- 2.6 Funds shall be disbursed to individual county entities once a year in accordance with written agreements. Funds received shall be deposited into a special revenue fund with the county treasurer in accordance with Generally Accepted Accounting Principals (GAAP) and the Auditor General's Uniform Accounting Manual for Arizona Counties (UAMAC).