

Judiciary - Supreme Court

JLBC: Jon McAvoy
 OSPB: Melissa Harto

DESCRIPTION	FY 2007 ACTUAL	FY 2008 ESTIMATE	FY 2009 JLBC
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	194.1	194.0	194.0
Personal Services	6,254,200	6,711,500	6,711,500
Employee Related Expenditures	1,518,500	2,003,700	2,003,600
Professional and Outside Services	333,500	402,300	402,300
Travel - In State	65,400	69,300	69,300
Travel - Out of State	29,600	45,900	45,900
Other Operating Expenditures	7,618,400	7,841,300	7,841,400
Equipment	124,700	20,100	20,100
OPERATING SUBTOTAL	15,944,300	17,094,100	17,094,100
SPECIAL LINE ITEMS			
State Aid	4,618,000	7,098,800	6,098,800
Rural State Aid to Courts	418,500	418,500	418,500
County Reimbursements	240,200	246,000	246,000
Automation	8,913,900	12,420,400	12,420,400
Case and Cash Management System	792,200	1,517,300	1,517,300
Foster Care Review Board	2,364,800	2,448,800	2,448,800
Court Appointed Special Advocate	2,724,600	3,558,000	3,558,000
Model Court	514,000	514,300	514,300
Domestic Relations	711,800	766,400	766,400
Judicial Nominations & Performance Review	302,700	326,200	326,200
Commission on Judicial Conduct	386,700	464,100	441,100
Integrated Family Court; Pilot Program	849,700	0	0
AGENCY TOTAL	38,781,400	46,872,900	45,849,900
FUND SOURCES			
General Fund	17,910,200	18,412,600	18,389,600
<u>Other Appropriated Funds</u>			
Confidential Intermediary and Fiduciary Fund	408,500	488,900	488,900
Court Appointed Special Advocate Fund	3,373,300	3,456,000	3,456,000
Criminal Justice Enhancement Fund	2,133,400	3,068,200	3,068,200
Defensive Driving School Fund	3,347,000	5,419,300	5,419,300
Judicial Collection Enhancement Fund	9,164,500	12,082,000	12,082,000
State Aid to the Courts Fund	2,444,500	3,945,900	2,945,900
SUBTOTAL - Other Appropriated Funds	20,871,200	28,460,300	27,460,300
SUBTOTAL - Appropriated Funds	38,781,400	46,872,900	45,849,900
Other Non-Appropriated Funds	8,996,500	10,520,300	10,520,300
TOTAL - ALL SOURCES	47,777,900	57,393,200	56,370,200

CHANGE IN FUNDING SUMMARY

	FY 2008 to FY 2009 JLBC	
	\$ Change	% Change
General Fund	(23,000)	(0.1%)
Other Appropriated Funds	(1,000,000)	(3.5%)
Total Appropriated Funds	(1,023,000)	(2.2%)
Non Appropriated Funds	0	0.0%
Total - All Sources	(1,023,000)	(1.8%)

AGENCY DESCRIPTION — The Supreme Court consists of 5 Supreme Court Justices, judicial support staff and the Administrative Office of the Courts (AOC). The Supreme Court, as the state’s highest court, has the responsibility to review appeals and to provide rules of procedure for all the courts in Arizona. Under the direction of the Chief Justice, the AOC provides administrative supervision over the Arizona court system.

PERFORMANCE MEASURES	FY 2005	FY 2006	FY 2007	FY 2009
	Actual	Actual	Actual	JLBC
• Customer satisfaction rating for defensive driving schools (Scale 1-8)	NA	7.9	NA	NA

Comments: This agency did not submit information for this measure in FY 2007 as required by the General Appropriation Act. AOC is requesting to change this performance measure to “Percent of defensive driving school instructors rated that are in compliance with Arizona Code of Judicial Administration (ACJA 7-205) and Statutes (Scale 1-8).”

Operating Budget

The JLBC includes \$17,094,100 and 123.3 FTE Positions for the operating budget in FY 2009. These amounts consist of:

General Fund	\$13,041,600
Confidential Intermediary and Fiduciary Fund	488,900
Defensive Driving School Fund	702,500
Judicial Collection Enhancement Fund (JCEF)	2,861,100

These amounts are unchanged from FY 2008.

State Aid

The JLBC includes \$6,098,800 and 2.9 FTE Positions for State Aid in FY 2009. These amounts consist of:

General Fund	84,700
Criminal Justice Enhancement Fund (CJEF)	3,068,200
State Aid to the Courts Fund	2,945,900

FY 2009 adjustments would be as follows:

Eliminate One-Time Funding OF (1,000,000)

This adjustment would be a decrease of \$(1,000,000) from the State Aid to the Courts Fund in FY 2009 to reflect one-time FY 2008 monies to purchase software and hardware for implementation of programs designed to reduce felony case processing times.

The State Aid line item provides state aid to counties for the payment of judges pro tempore salaries and for projects designed to improve the processing of criminal cases in the Superior Court and Justice Courts. The State Aid to the Courts Fund receives: 1) General Fund monies, 2) 40.97% of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations, and 3) a portion of the monies collected by the Supreme Court and the Court of Appeals.

The AOC distributes the monies appropriated from court fines and collections to the Superior Court and the Justice Courts based on a composite index formula using Superior

Court felony filings and county population. Monies appropriated from the State Aid to the Courts Fund in the State Aid line item are distributed to all counties. General Fund monies deposited in the State Aid to the Courts Fund are appropriated in the Rural State Aid to the Courts line item. General Fund monies used for pro tem judges are appropriated in the State Aid line item.

Rural State Aid to Courts

The JLBC includes \$418,500 from the General Fund for Rural State Aid to Courts in FY 2009. This amount is unchanged from FY 2008.

The Rural State Aid to Courts line item provides funding for projects designed to improve the processing of criminal cases in the Superior Court and Justice Courts. The General Fund monies are allocated to counties with populations of less than 500,000 persons. These monies are deposited in the State Aid to the Courts Fund.

County Reimbursements

The JLBC includes \$246,000 from the General Fund for County Reimbursements in FY 2009. This amount is unchanged from FY 2008.

The County Reimbursements line item provides reimbursement to counties for grand jury expenses and for state-funded representation of indigent defendants in first-time capital post conviction relief proceedings.

Automation

The JLBC includes \$12,420,400 and 10.8 FTE Positions for Automation in FY 2009. These amounts consist of:

Defensive Driving School Fund	4,565,100
JCEF	7,855,300

These amounts are unchanged from FY 2008.

The Automation line item provides funding for court automation projects throughout the state.

Case and Cash Management System

The JLBC includes \$1,517,300 for Case and Cash Management System in FY 2009. This amount consists of:

Defensive Driving School Fund	151,700
JCEF	1,365,600

These amounts are unchanged from FY 2008.

Monies in this line item are used to fund the replacement of the computer systems in the larger volume Superior and Limited Jurisdiction Courts in Pima and Maricopa Counties, as well as the case and financial management system that is provided to over 145 of the 180 courts at the state, county and municipal level located throughout the state. The AOC estimates the upgrade of these systems will continue through FY 2010.

Foster Care Review Board

The JLBC includes \$2,448,800 and 36.3 FTE Positions from the General Fund for Foster Care Review Board in FY 2009. These amounts are unchanged from FY 2008.

The Foster Care Review Board line item coordinates local volunteer review boards for foster care children in out-of-home placement. It also coordinates the activities of a state advisory board that oversees the activities of the 95 local review boards and makes recommendations to the Governor and the Legislature for improving the state's foster care system.

Court Appointed Special Advocate

The JLBC includes \$3,558,000 and 5.4 FTE Positions for Court Appointed Special Advocate in FY 2009. These amounts consist of:

General Fund	102,000
Court Appointed Special Advocate Fund	3,456,000

These amounts are unchanged from FY 2008.

The Court Appointed Special Advocate line item administers and monitors a community-based volunteer advocacy program for abused and neglected children in the Juvenile Court System. Local volunteers are trained and then appointed to individual dependency cases by presiding juvenile judges to function as independent advocates for children who are wards of the state. In FY 2007, approximately 1,005 individuals volunteered for this program. This line item is funded from the Court Appointed Special Advocate Fund (CASA) Fund, which consists of 30% of State Lottery unclaimed prize money.

Model Court

The JLBC includes \$514,300 from the General Fund for Model Court in FY 2009. This amount is unchanged from FY 2008.

The Model Court line item and Model Court program are responsible for overseeing and recommending changes to laws governing court processing of cases for children in the state's foster care system. Monies in this line item represent a pass-through to counties to improve processing of dependency cases.

Domestic Relations

The JLBC includes \$766,400 and 5.3 FTE Positions from the General Fund for Domestic Relations in FY 2009. These amounts are unchanged from FY 2008.

The Domestic Relations line item provides coordination and technical support for groups formed to develop and review policies and programs related to domestic relations and child support.

Judicial Nominations and Performance Review

The JLBC includes \$326,200 and 5 FTE Positions from the General Fund for Judicial Nominations and Performance Review in FY 2009. These amounts are unchanged from FY 2008.

The Judicial Nominations and Performance Review line item provides a mechanism for nominating individuals for appointment to the Supreme Court, the Court of Appeals, and the Superior Court in Maricopa and Pima Counties, as well as evaluating the performance of all merit retention justices and judges. The results of the performance evaluations are provided to the voters before each retention election.

Commission on Judicial Conduct

The JLBC includes \$441,100 and 5 FTE Positions from the General Fund for Commission on Judicial Conduct in FY 2009. FY 2009 adjustments would be as follows:

Eliminate One-Time Funding GF (23,000)

This adjustment would be a decrease of \$(23,000) from the General Fund in FY 2009 to reflect one-time FY 2008 monies related to the purchase of a new copy machine.

The Commission on Judicial Conduct line item functions as an internal audit body of the Judicial Branch by investigating and resolving all complaints of judicial misconduct.

Integrated Family Court; Pilot Program

The JLBC includes no funding from the General Fund for Integrated Family Court Pilot Program in FY 2009. This amount is unchanged from FY 2008.

Laws 2006, Chapter 364 appropriated \$850,000 in FY 2007 for a 2-year integrated family court pilot program. In FY 2003, the Domestic Relations Committee prepared a statewide plan for an integrated family court system that would have comprehensive subject matter jurisdiction over all matters involving the family, including divorce, paternity, child support, child custody and related cases. Chapter 364 provided monies to implement a 2-year integrated family court pilot project based on the recommendations in the statewide plan or other recommendations made by the committee. The pilot project is being conducted in Coconino County. Monies appropriated by Chapter 364 are non-lapsing through FY 2008.

The program received its first funding October 30, 2006 and began operation in January 2007. Expenditures are expected to be made periodically throughout the 2-year pilot period.

Sex Offenders; GPS Monitoring; Appropriations

The JLBC includes no funding from the General Fund for Global Position System (GPS) Monitoring in FY 2009. In FY 2008, funding for the statewide global position system (GPS) monitoring of sex offenders was transferred to the Superior Court budget. (*Please see Superior Court – Adult Standard Probation for additional information.*)

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FORMAT — Operating Lump Sum with Special Line Items by Agency

FOOTNOTES

Standard Footnotes

Included in the appropriation for the Supreme Court program is \$1,000 for the purchase of mementos and items for visiting officials.

The Administrative Office of the Courts shall not transfer monies between the Supreme Court operating budget and the Automation line item without review by the Joint Legislative Budget Committee.

Notwithstanding any other law, the amount appropriated for Rural State Aid to the Courts shall be allocated to counties with populations of less than 500,000 persons.

By September 1, 2008, the Supreme Court shall report to the Joint Legislative Budget Committee on current and future automation projects coordinated by the

Administrative Office of the Courts. The report shall include a list of court automation projects receiving or anticipated to receive state monies in the current or next 2 fiscal years as well as a description of each project, number of FTE Positions, the entities involved, and the goals and anticipated results for each automation project. The report shall be submitted in one summary document. The report shall indicate each project's total multi-year cost by fund source and budget line item, including any prior year, current year and any future year expenditures.

All Case Processing Assistance Fund receipts received by the Administrative Office of the Courts in excess of \$3,068,200 in FY 2009 are appropriated to the Supreme Court. Before the expenditure of any Case Processing Assistance Fund receipts in excess of \$3,068,200 in FY 2009, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

All Defensive Driving School Fund receipts received by the Administrative Office of the Courts in excess of \$5,419,300 in FY 2009 are appropriated to the Supreme Court. Before the expenditure of any Defensive Driving School Fund receipts in excess of \$5,419,300 in FY 2009, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

All Judicial Collection Enhancement Fund receipts, excluding revenues resulting from the probation surcharge, received by the Administrative Office of the Courts in excess of \$12,082,000 in FY 2009 are appropriated to the Supreme Court. Before the expenditure of Judicial Collection Enhancement Fund receipts in excess of \$12,082,000 in FY 2009, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

The Administrative Office of the Courts shall submit the intended use of any reimbursement monies received for review to the Joint Legislative Budget Committee prior to their expenditure.

Deletion of Prior Year Footnotes

The JLBC deletes the footnote requiring the Administrative Office of the Courts to report to the Joint Legislative Budget Committee on monies expended from the Case and Cash Management System line item and progress relative to the development and deployment of the case and cash management system by December 31, 2007 and June 30, 2008 as the reporting dates will have passed by the start of FY 2009.

OTHER ISSUES FOR LEGISLATIVE CONSIDERATION

Auditor General Recommendation

The Auditor General completed an audit of the Administrative Office of the Courts in FY 2007. Currently, DJC is responsible for the inspection of juvenile

detention centers. In the audit, the Auditor General found that the Supreme Court, through the AOC, would be better suited to develop and implement a comprehensive inspection program for juvenile detention centers due to their authority to enforce compliance, current involvement in the inspections, and resources to make the inspections a priority. The Auditor General also recommends that if additional staff resources are necessary, AOC should consider shifting staff resources internally, working with county juvenile courts to obtain additional staff resources, or working with Juvenile Corrections and the Legislature to shift inspection resources from DJC.

In the audit, the Auditor General also recommends that AOC modify their vendor sampling approach to include some of its smaller vendors. Currently, vendors who are billed less than \$20,000 in the previous calendar year are not selected for review. Although AOC reports that they will attempt to implement this recommendation by using existing resources, they may require additional FTE Positions to accomplish this task. *(Please see the Department of Juvenile Corrections budget for additional information.)*

SUMMARY OF FUNDS	FY 2007 Actual	FY 2008 Estimate
Alternative Dispute Resolution Fund (SPA3245/A.R.S. § 12-135)		Non-Appropriated
Source of Revenue: The fund consists of 0.35% of fee collections on civil filings in the Superior Court and 2.42% of civil filings in Justice of the Peace Courts.		
Purpose of Fund: To supplement local courts' funding for alternative dispute resolution programs.		
Funds Expended	101,100	513,400
Year-End Fund Balance	728,400	478,300
Certified Reporters Fund (SPA2440/A.R.S. § 32-4007)		Non-Appropriated
Source of Revenue: Fees, costs and penalties relating to reporter certification.		
Purpose of Fund: For reporter certification.		
Funds Expended	122,500	160,000
Year-End Fund Balance	144,500	89,300
Confidential Intermediary and Fiduciary Fund (SPA2276/A.R.S. § 8-135)		Appropriated
Source of Revenue: A portion of Superior Court fees; fees received by state and local registrars for certified copies of birth certificates; and fees collected through fiduciary registration with the Supreme Court.		
Purpose of Fund: To train and certify confidential intermediaries, who facilitate contact between adoptees/adoptive parents and birth parents while protecting court and agency records. Monies are also used to train and certify private fiduciaries, who serve as court appointed guardians or representatives, and to establish the Sibling Information Exchange Program, which facilitates contact between a former dependent child of biological parents, adoptive parents, guardians, and the child's sibling or siblings.		
Funds Expended	408,500	488,900
Year-End Fund Balance	377,600	308,800
Court Appointed Special Advocate Fund (SPA2275/A.R.S. § 8-524)		Appropriated
Source of Revenue: Revenues consist of 30% of the state lottery unclaimed prize monies.		
Purpose of Fund: For operating the Court Appointed Special Advocate program, which trains volunteers to advocate for abused and neglected children in Juvenile Court proceedings.		
Funds Expended	3,373,300	3,456,000
Year-End Fund Balance	1,249,600	659,800
Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)		Appropriated
Source of Revenue: Includes allocations of the Criminal Justice Enhancement Fund (CJEF). CJEF consists of a 47% penalty assessment on fines, violations, forfeitures, and penalties imposed by the courts for criminal offenses and civil motor vehicle statute violations.		
Purpose of Fund: 9.35% of CJEF monies allocated to the courts are used to reduce juvenile crime, 6.02% of CJEF monies are used to enhance the court's ability to process criminal and delinquency cases and salaries of Superior Court judges, and 2.13% of CJEF monies are used to provide drug treatment services to adult probationers. The portions of the fund dedicated to juvenile crime reduction and drug treatment are included in the Superior Court's budget, while the case processing portion is part of the Supreme Court's budget.		
Funds Expended	2,133,400	3,068,200
Year-End Fund Balance	10,172,800	8,000,200

SUMMARY OF FUNDS	FY 2007 Actual	FY 2008 Estimate
Defensive Driving School Fund (SPA2247/A.R.S. § 28-3398)		Appropriated
Source of Revenue: A fee, not to exceed \$15, imposed on each person who attends a defensive driving school, and \$500 initial certification and \$50-\$250 recertification fees paid by defensive driving schools. The fees are set by the Supreme Court.		
Purpose of Fund: To monitor defensive driving schools for compliance with claims and court policy, to supervise their use by the courts in Arizona, and to expedite the processing of highway traffic offenses. The Administrative Office of the Courts (AOC) has also used these monies to fund court automation projects throughout the state. In FY 2007, the AOC spent approximately \$2.9 million for court automation projects.		
Funds Expended	3,347,000	5,419,300
Year-End Fund Balance	2,886,800	1,287,600
Grants and Special Revenue (SPA2084/A.R.S. § 35-142)		Non-Appropriated
Source of Revenue: Monies provided from various sources, private and public, for specific programs and projects.		
Purpose of Fund: To expend grants as required by the contribution.		
Funds Expended	8,164,100	9,160,900
Year-End Fund Balance	5,840,200	6,137,100
Judicial Collection Enhancement Fund (SPA2246/A.R.S. § 12-113)		Appropriated
Source of Revenue: Electronic case filing and access fees; 27.78% of Supreme Court fees, 17.07% of Superior Court fees, 19.42% of Court of Appeals fees, 19.18% of Municipal Court fees, and 18.39% of Justice of the Peace fees; time payment fees assessed for late court payments; fees paid for court-ordered diversion programs, and a \$10 probation surcharge in non-Maricopa counties on fines, penalties, and forfeitures imposed by the courts for criminal offenses and civil motor vehicle statute violations. Maricopa County retains any probation surcharges imposed.		
Purpose of Fund: To train court personnel, improve and enhance the court's ability to collect and manage monies assessed or received by the court, to fund court automation projects likely to improve case processing or the administration of justice, and for probation services.		
Funds Expended	9,164,500	12,082,000
Year-End Fund Balance	7,500,400	6,016,700
Arizona Lengthy Trial Fund (SPA2382/A.R.S. § 21-222)		Non-Appropriated
Source of Revenue: The fund consists of fees established by the Supreme Court on court filings paid to the clerk of the Superior Court.		
Purpose of Fund: To pay juror expenses in cases that last longer than 5 days. Monies in the fund are used to reimburse counties for these juror costs. Statute specifies that not more than 3% of the fund is to be used on administration of the fund.		
Funds Expended	608,800	613,100
Year-End Fund Balance	1,562,700	1,707,400
Public Defender Training Fund (SPA3013/A.R.S. § 12-117)		Non-Appropriated
Source of Revenue: Two dollars of the \$12 surcharge on each person paying a court order penalty, fine, or sanction on a time-payment basis.		
Purpose of Fund: For training of public defenders. Allocation of monies is made to each county Public Defender Office in proportion to the number of felony cases assigned to that office in the last fiscal year.		
Funds Expended	0	72,900
Year-End Fund Balance	18,700	18,700
State Aid to the Courts Fund (SPA2446/A.R.S. § 12-102.02)		Appropriated
Source of Revenue: Legislative appropriations, a portion of court filing fees, and a portion of fees, fines, penalties and forfeitures collected on criminal offenses and civil motor vehicle violations.		
Purpose of Fund: To provide state aid to the Superior Court, including the clerk of the Superior Court, and Justice Courts for the processing of criminal cases. Monies are distributed to each county based on a formula using Superior Court felony filings and county population. Pursuant to a General Appropriation Act footnote, General Fund monies are distributed only to rural counties, defined as any county with a population of less than 500,000.		
Funds Expended	2,444,500	3,945,900
Year-End Fund Balance	2,030,400	1,027,100