

Judiciary - Supreme Court

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	FY 2009 ACTUAL	FY 2010 ESTIMATE	FY 2011 BASELINE
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	194.0	173.0	169.0
Personal Services	5,934,000	6,068,900	6,068,900
Employee Related Expenditures	1,511,000	2,287,000	2,287,000
Professional and Outside Services	589,500	200,200	200,200
Travel - In State	27,800	58,000	58,000
Travel - Out of State	13,100	39,500	39,500
Other Operating Expenditures	7,555,900	8,066,300	8,066,300
OPERATING SUBTOTAL	15,631,300	16,719,900	16,719,900
SPECIAL LINE ITEMS			
State Aid	5,796,700	5,982,900	5,982,900
County Reimbursements	187,900	187,900	187,900
Automation	11,938,700	12,255,800	12,255,800
Case and Cash Management System	1,503,300	6,643,100	1,517,300
Foster Care Review Board	2,373,800	2,626,400	2,626,400
Court Appointed Special Advocate	2,815,700	3,051,900	3,051,900
Model Court	442,600	447,600	447,600
Domestic Relations	507,400	545,600	545,600
Judicial Nominations and Performance Review	282,300	333,800	333,800
Commission on Judicial Conduct	394,400	434,800	434,800
Photo Radar Enforcement	2,369,900	4,056,600	4,056,600
5th Special Session Reduction	0	(80,000)	(80,000)
AGENCY TOTAL	44,244,000	53,206,300	48,080,500
FUND SOURCES			
General Fund	16,181,600	17,262,100	17,262,100
<u>Other Appropriated Funds</u>			
Confidential Intermediary and Fiduciary Fund	320,000	488,700	488,700
Court Appointed Special Advocate Fund	2,713,700	2,949,900	2,949,900
Criminal Justice Enhancement Fund	2,949,200	3,663,200	3,037,400
Defensive Driving School Fund	5,041,600	5,331,000	5,331,000
Judicial Collection Enhancement Fund	11,820,500	16,509,300	12,009,300
Photo Enforcement Fund	2,369,900	4,056,600	4,056,600
State Aid to the Courts Fund	2,847,500	2,945,500	2,945,500
SUBTOTAL - Other Appropriated Funds	28,062,400	35,944,200	30,818,400
SUBTOTAL - Appropriated Funds	44,244,000	53,206,300	48,080,500
Other Non-Appropriated Funds	12,705,600	19,701,300	19,701,300
TOTAL - ALL SOURCES	56,949,600	72,907,600	67,781,800

CHANGE IN FUNDING SUMMARY

	FY 2010 to FY 2011 Baseline	
	\$ Change	% Change
General Fund	0	0.0%
Other Appropriated Funds	(5,125,800)	(14.3%)
Total Appropriated Funds	(5,125,800)	(9.6%)
Non-Appropriated Funds	0	0.0%
Total - All Sources	(5,125,800)	(7.0%)

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.

Operating Budget

The Baseline includes \$16,719,900 and 99.8 FTE Positions for the operating budget in FY 2011. These amounts consist of:

General Fund	\$12,664,000
Confidential Intermediary and Fiduciary Fund	488,700
Defensive Driving School Fund	705,700
Judicial Collection Enhancement Fund (JCEF)	2,861,500

These amounts are unchanged from FY 2010.

State Aid

The Baseline includes \$5,982,900 and 3.3 FTE Positions for State Aid in FY 2011. These amounts consist of:

Criminal Justice Enhancement Fund (CJEF)	3,037,400
State Aid to the Courts Fund	2,945,500

These amounts are unchanged from FY 2010.

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.

County Reimbursements

The Baseline includes \$187,900 from the General Fund for County Reimbursements in FY 2011. This amount is unchanged from FY 2010.

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 Baseline includes \$12,255,800 and 13 FTE Positions for Automation in FY 2011. These amounts consist of:

Defensive Driving School Fund	4,473,600
JCEF	7,782,200

These amounts are unchanged from FY 2010.

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

Case and Cash Management System

The Baseline includes \$1,517,300 for the Case and Cash Management System in FY 2011. This amount consists of:

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

FY 2011 adjustments would be as follows:

Reduce One-Time Funding OF (5,125,800)

The Baseline includes a decrease of \$(5,125,800) in FY 2011 to eliminate one-time funding for the statewide case and cash management system. This amount consists of:

CJEF	(625,800)
JCEF	(4,500,000)

The Case and Cash Management System line item funds 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 approximately 145 of the 180 courts at the state, county and municipal level located throughout the state. The AOC estimates upgrading of these systems will continue through FY 2014.

Foster Care Review Board

The Baseline includes \$2,626,400 and 34.2 FTE Positions from the General Fund for the Foster Care Review Board in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline includes \$3,051,900 and 5.5 FTE Positions for the Court Appointed Special Advocate (CASA) in FY 2011. These amounts consist of:

General Fund	102,000
CASA	2,949,900

These amounts are unchanged from FY 2010.

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 2009, 982 individuals volunteered for this program. This line item is funded from the CASA Fund, which consists of 30% of State Lottery unclaimed prize money.

Model Court

The Baseline includes \$447,600 from the General Fund for Model Court in FY 2011. This amount is unchanged from FY 2010.

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 Baseline includes \$545,600 and 4.9 FTE Positions from the General Fund for Domestic Relations in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline includes \$333,800 and 4.3 FTE Positions from the General Fund for Judicial Nominations and Performance Review in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline includes \$434,800 and 4 FTE Positions from the General Fund for Commission on Judicial Conduct in FY 2011. These amounts are unchanged from FY 2010.

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.

Photo Radar Enforcement

The Baseline includes \$4,056,600 from the Photo Radar Enforcement Fund in FY 2011. This amount is unchanged from FY 2010.

The Photo Radar Enforcement line item funds automation improvements, court notice costs, and collection costs related to statewide photo radar enforcement. Laws 2008, Chapter 286 established the Photo Enforcement Fund that receives photo citation and revenue. The FY 2010 Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2009, 3rd Special Session, Chapter 6) continued to exempt state photo enforcement citations from being included in judicial productivity credit calculations in FY 2010. (*Please see the Department of Public Safety narrative and Statutory Changes for more information.*)

5th Special Session Reduction

The Baseline includes \$(80,000) from the General Fund in FY 2011 to continue the 5th Special Session FY 2010 Lump Sum Reduction. This lump sum reduction would be allocated to specific line items in the FY 2011 General Appropriation Act.

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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.

By September 1, 2010, 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.

STATUTORY CHANGES

The Baseline would:

- As session law, continue to suspend the reporting requirements for the Annual Juvenile Intensive Probation Report, the Community Punishment Program Report, the Emancipation of Minors Report, the Annual Drug Treatment and Education Fund Report, the Annual Lengthy Trial Fund Report, the Annual Child Support Committee Report, and the Annual Domestic Relations Committee Report.
- As session law, suspend A.R.S. § 12-270, which requires the Legislature to annually appropriate 40% of any cost savings related to a reduction in probation

revocations, to be deposited in the Adult Probation Services Fund of each county, if there is a reduction in the percentage of supervised probationers who are convicted of a new felony offense.

OTHER ISSUES FOR LEGISLATIVE CONSIDERATION

FTE Allocation

Supreme Court FTE Positions have been realigned between line items to reflect current usage.

5% FTE Position Reduction

The Supreme Court was originally budgeted 139.5 General Fund FTE Positions in FY 2010. Laws 2009, 3rd Special Session, Chapter 11, Section 17 mandates a 5% General Fund FTE Position reduction by February 1, 2010. Given the mid-year implementation, this provision requires the Supreme Court to reduce an additional 3 FTE Positions in FY 2010 and 7 General Fund FTE Positions in FY 2011. This reduction is allocated to the operating budget; the agency may allocate to Special Line Items.

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
Alternative Dispute Resolution Fund (SPA3245/A.R.S. § 12-135)		Non-Appropriated
Source of Revenue: The fund consists of 0.35% of notary bond fees, 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	163,600	750,000
Year-End Fund Balance*	798,100	(236,900)
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	113,800	115,500
Year-End Fund Balance	113,100	98,000
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	320,000	488,700
Year-End Fund Balance	249,800	136,400

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
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	2,713,700	2,949,900
Year-End Fund Balance	609,700	205,900
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	2,949,200	3,663,200
Year-End Fund Balance	2,071,300	166,400
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 2009, the AOC spent approximately \$4.5 million for court automation projects.		
Funds Expended	5,041,600	5,331,000
Year-End Fund Balance	1,999,700	0
Grants and Special Revenue Fund (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	11,140,200	17,238,100
Year-End Fund Balance	7,238,600	2,890,100
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 14.02% to 15.58% of Justice of the Peace fees; time payment fees assessed for late court payments; fees paid for court-ordered diversion programs, and a \$20 probation surcharge on fines, penalties, and forfeitures imposed by the courts for criminal offenses and civil motor vehicle statute violations. (<i>See Supreme Court for information regarding non-Maricopa counties.</i>)		
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 represented here reflect the amount shifted from the Supreme Court budget to the Superior Court budget for probation officer salaries and programs.		
Funds Expended	11,820,500	16,509,300
Year-End Fund Balance	5,794,600	1,918,000
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	557,600	887,700
Year-End Fund Balance*	289,700	(50,500)

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
Photo Enforcement Fund (SPA2390/A.R.S. § 41-1722)		Appropriated
Source of Revenue: Citation and notice of violation (NOV) revenue generated by the State Photo Enforcement System through use of fixed and mobile speed and red light enforcement cameras. The cost per citation or NOV is a fixed cost of \$165, which is all deposited into the Photo Enforcement Fund, plus a 10% clean elections surcharge. Any money remaining in the fund in excess of \$250,000 at the end of each quarter is deposited into the state General Fund.		
Purpose of Fund: To provide funding for non-capital automation and payment collection costs associated with citations from the state photo enforcement system. <i>(See the Department of Public Safety Summary of Funds section for other purposes of this fund.)</i>		
Funds Expended	2,369,900	4,056,600
Year-End Fund Balance	705,300	5,300
Public Defender Training Fund (SPA3013/A.R.S. § 12-117)		Non-Appropriated
Source of Revenue: Two dollars of the \$20 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	730,400	710,000
Year-End Fund Balance	44,700	34,300
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.		
Funds Expended	2,847,500	2,945,500
Year-End Fund Balance	639,300	170,500

*As reported by the agency. Actual ending balance will not be negative.