

1 **Rule 3-411. Grant management.**

2
3 **Intent:**

4 To establish the policy and procedures for ~~obtaining-applying for~~ grant funds.

5 To delineate the responsibility for the assessment and administration of grant funds, including
6 compliance and renewal ~~projects~~.

7 ~~To facilitate the coordination of grant funded projects in the courts.~~

8
9 **Applicability:**

10 This ~~R~~ule shall apply to all grants where the courts are the applicant, sub-recipient, or pass-
11 through recipient of public or private grant funds. Applicability of this Rule concerning letters of
12 support, or similar non-financial collaborations with external partners, is specified in Section
13 (13).

14 ~~the application process for and management of grants for the judiciary.~~

15 This Rule applies broadly to encompass all agreements precedent to the potential receipt of
16 grant funds either directly or indirectly. Agreements include, but are not limited to, memoranda
17 of understanding (MOU) and any agreements for which the courts are contributing material
18 resources or incurring risk, express or implied.

19
20 The Grant Application Proposal and approval process is also governed by Rule 3-105-
21 (Administration of the Judiciary). Judicial Council review of Grant Application Proposals is
22 governed by and subject to Rule 2-103 (Open and closed meetings) and Rule 2-104 (Recording
23 meetings).

24
25 **Statement of the Rule:**

26 **(1) Definitions:**

27
28 (1)(A) "Grantor" means the organization providing the funds or the state agency
29 distributing the funds to the courts.

30
31 (1)(B) "Grant Application Proposal" (GAP) is the form maintained in the Accounting
32 Manual used to request authorization to pursue grant funding.

33
34 (1)(C) "Grant Administering Unit" (GAU) is the Council, committee, court, board of
35 judges, department, or court employee that intends to apply for and administer the grant
36 or grant funds.

37
38 (1)(D) "Grant Coordinator" is the individual responsible for facilitating, monitoring, and
39 executing the assessment and administration of Grant Application Proposals ensuring
40 compliance with this Rule and all other applicable state rules, statutes, and federal
41 requirements. Accounting Manual Section 11-07.00(D)(1) further delineates roles and
42 responsibilities.

43
44 (1)(E) “Grant Manager” is the individual identified by the GAU or Grant Coordinator to
45 manage the grant for the GAU. Accounting Manual Section 11-07.00(D)(2) further
46 delineates roles and responsibilities.

47
48 (1)(F) “Governing Bodies” with oversight of the grant process refer to Boards of
49 Appellate, District, Justice, and Juvenile Court Judges, the Judicial Council, the Budget
50 and Fiscal Management Committee, the Judicial Council Management Committee, the
51 appropriate cCourt-level administrator and trial court executives, and any cCourt
52 committee (standing or ad hoc) vested with authority to direct the affairs of implicated
53 cCourt areas and operations. Judicial Council is the ultimate approving body for the
54 grants process, preceded by the Budget and Fiscal Management Committee’s prior
55 recommendation. Additional Governing Bodies are specific to the implicated cCourt
56 areas. The Grant Coordinator will confirm and may assist the GAU/Grant Manager with
57 identifying the appropriate Governing Bodies. Determinations concerning the exclusive
58 authority reserved by the Supreme Court and Judicial Council are governed by Rule 3-
59 105.

60
61 (1)(G) “Notice of Award” (NOA) is the document notifying the applicant that an award
62 has been
63 issued and that funds are available to be accepted. This document contains the terms
64 and conditions of the grant.

65
66 (1)(H) “Quorum” is defined in Rule 1-101(1)(S) as “a majority of the members of the
67 Judicial Council, Board, committee or other body.”

68
69 (2) Purpose. The purpose of the grants policy is to facilitate the prudent pursuit of grant funds
70 that further the courts’ mission to provide an open, fair, efficient, and independent system for the
71 advancement of justice under the law.

72
73 (3) Grant Application Proposals. To apply for a grant, the person who would serve as the
74 Grant Manager shall complete the steps set forth in the Accounting Manual Section 11-
75 07.00(E)(2). The following requirements set forth in 11-07.00(E)(2) are incorporated into this
76 Rule:

77
78 (3)(A) The Grant Coordinator, or their designee, must be notified of the applicant’s intent
79 to apply a minimum of 8-weeks prior to the grant submission deadline established by the
80 Grantor.

81
82 (4) Assessment

83
84 (4)(A) The Grant Coordinator will conduct a collaborative assessment of the incremental
85 impacts the grant may have on the courts, with particular emphasis on IT Department
86 resources. The Grant Coordinator must consider:

87
88 (4)(A)(i) the capacity of each impacted area to support the grant at current
89 staffing levels; and

90
91 (4)(A)(ii) whether any incremental impacts would continue when grant funds
92 cease.

93
94 (4)(B) Following the assessment, the GAU must incorporate adjustments identified by
95 the Grant Coordinator in the Grant Application Proposal before circulating it for approval.

96 97 (5) Approval of Grant Application Proposals

98
99 (5)(A) The GAU and Grant Coordinator will present Grant Application Proposals to all
100 Governing Bodies within the court that may benefit from or be impacted by the grant. All
101 Grant Application Proposals must be reviewed and recommended by the Budget and
102 Fiscal Management Committee (“BFMC”) prior to review and vote by the Judicial
103 Council. Grant Application Proposals that do not receive approval from a Governing
104 Body will not be advanced.

105
106 (5)(B) No Grant Application Proposal or grant shall be approved unless it is first
107 presented for approval in a regularly scheduled meeting of the Judicial Council as
108 provided in the annual Judicial Council Meeting Schedule and in compliance with Rule 2-
109 103 and Rule 2-104. “Urgent” requests (GAPs with less than an 8-week period between
110 notice and application due date) must also comply with paragraph (5)(A) and may be
111 considered only if the grant funds are non-federal, do not exceed \$150,000 inclusive of
112 matching funds, and do not include the hiring of new employees. For an urgent request
113 to be approved it must (1) secure a three-quarters supermajority vote among a Quorum
114 of the Judicial Council in a regular meeting as provided in the Judicial Council Annual
115 Meeting Schedule – ad hoc convenings will not be considered for the purpose of grant or
116 Grant Application Proposal review, and (2) the urgency of the matter must not be
117 precipitated by an “emergency of one’s own causing.”

118
119 (5)(C) The GAU must incorporate adjustments identified by a Governing Body in the
120 Grant Application Proposal before it is circulated for re-consideration.

121
122 (5)(D) The Grant Coordinator will provide a synopsis of Grant Application Proposals that
123 did not receive approval from a Governing Body to the BFMC.

124
125 (5)(E) When evaluating Grant Application Proposals, the BFMC and Judicial Council will
126 consider the following:

127
128 (5)(E)(i) Does the grant contribute to accomplishing the mission of the courts?
129

130 (5)(E)(ii) Does the grant add value when compared with the burden on existing
131 and future resources, both during the grant project completion phase and
132 thereafter?

133
134 (5)(E)(iii) Does the grant provide measurable benefits to marginalized, minority,
135 pro se, or similar under-served individuals or communities?

136
137 (5)(E)(iv) Does the grant assist the courts in solving problems and promoting
138 innovations that cannot be accomplished with existing resources?

139
140 (5)(E)(v) Does the grant require actions or implementation of policy not in
141 conformity with the mission of the courts or in conformity with policies previously
142 established by the Judicial Council, Supreme Court, or the Utah Constitution?

143
144 (5)(E)(vi) Does the grant expose the courts to potential long-term, unfunded
145 financial obligations?

146
147 (5)(F) If a Grant Application Proposal or grant implicates both the Supreme Court's and
148 the Judicial Council's exclusive authority, the Supreme Court and the Judicial Council
149 shall comply with Rule 3-105 before making application for the grant or accepting grant
150 funds.

151
152 (6) Submission and tracking of approved applications. The tracking of approved
153 submissions will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(5).

154
155 (7) Notice of Award and accepting grant funds

156
157 (7)(A) Upon receipt of a Notice of Award, the Grant Coordinator will ensure the notice is
158 consistent with the Grant Application Proposal as approved by the Judicial Council.

159
160 (7)(B) In accordance with Utah Code, as detailed in the Accounting Manual Section 11-
161 07.00 Exhibit A, if approved by the Judicial Council, the Grant Coordinator will either:

162
163 (7)(B)(i) notify the Executive Appropriations Committee (EAC);

164
165 (7)(B)(ii) obtain "review and recommendation" from the EAC; or

166
167 (7)(B)(iii) obtain approval from the Legislature.

168
169 If approval from the Legislature is required, the Grant Coordinator will ensure grant funds
170 are not accepted until Legislative approval is obtained.

171

172 (7)(C) If not approved by the Judicial Council, no funds shall be accepted from the grant
173 and the Grant Coordinator and Grant Manager will notify the Grantor of the Judicial
174 Council's decision not to accept grant funds.

175
176 (7)(D) If grant funds may only be accepted with remedial steps, the Grant Coordinator
177 and Grant Manager will communicate those steps in writing to the Grantor. The Grant
178 Coordinator and Grant Manager will work with the State Court Administrator to ensure
179 remediation has been accomplished and to determine whether the grant can be
180 resubmitted for Judicial Council approval.

181
182 **(8) Grant implementation.** Grant implementation will follow the steps set forth in the
183 Accounting Manual Section 11-07.00(E)(7). The following requirements in 11-07.00(E)(7) are
184 incorporated into this Rule:

185
186 **(8)(A) Judicial Council.** Grant funds shall only be used to hire permanent full-time or
187 part-time employees if approved by the Judicial Council and in accordance with Utah
188 Code.

189
190 **(8)(B) Judicial/Quasi-Judicial duties.** If impacted by the grant, the presiding judge(s)
191 of each district shall supervise any judicial or quasi-judicial duties required by the grant.

192
193 **(9) Grant reporting requirements.** Grant reporting to the Grantor will follow the steps set forth
194 in the Accounting Manual Section 11-07.00(E)(8). The following requirements in 11-07.00(E)(8)
195 are incorporated into this Rule:

196
197 **(9)(A) Judicial Council**

198
199 (9)(A)(i) Annually, the Grant Coordinator will complete a compliance self-
200 assessment for all grants in the courts' active portfolio and report the results to
201 the BFMC, Audit Director, and Judicial Council.

202
203 (9)(A)(ii) Quarterly, the Grant Coordinator will prepare a summary of:

204
205 (9)(A)(ii)(1) all existing court grants;

206
207 (9)(A)(ii)(2) a pipeline of potential future grants inclusive of all grants-in-
208 progress under paragraphs (5) and (6); and

209
210 (9)(A)(ii)(3) a list of potential grants denied under paragraph (5)(A).

211
212 **(10) Changes in budget or scope**

213
214 (10)(A) Any changes to a grant must be documented with a grant amendment, whether
215 or not the Grantor requires such documentation. Changes include, but are not limited to:

216 (10)(A)(i) revisions to the scope or objectives of the overall grant or any portion
217 thereof;

218
219
220 (10)(A)(ii) transfers of funds between different cost categories with no overall
221 budget impact;

222
223 (10)(A)(iii) extensions of time to complete grant spending;

224
225 (10)(A)(iv) revisions to the amount of funds needed; or

226
227 (10)(A)(v) changes in key personnel named in the grant.

228
229 (10)(B) Changes may not be implemented until Grantor approval is obtained in writing
230 and executed between the parties.

231
232 (10)(C) The Grant Manager and Grant Coordinator will work together to prepare grant
233 amendments.

234
235 (10)(D) Grant amendments described in paragraph (12)(B) must be approved by the
236 Judicial Council. All other amendments must be reviewed by General Counsel staff and
237 signed by the State Court Administrator or designee.

238
239 (11) Closing out the grant. Procedures to close out a grant will follow the steps set forth in the
240 Accounting Manual Section 11-07.00(E)(10).

241
242 (12) Renewing the grant

243
244 (12)(A) Judicial Council approval is required for grant renewal, even when there are no
245 changes to scope, purpose, employees, matching, funding amount, or other areas, or
246 when the prior assessment and/or Legislature approvals will not need to be revised. With
247 appropriate documentation and the recommendation of BFMC, the Management
248 Committee may review and confirm the grant renewal for Judicial Council approval in the
249 consent calendar.

250
251 (12)(B) If a grant renewal involves a change that requires a new incremental
252 assessment, or a change to the number of permanent full or part-time employees, or a
253 grant amount requiring a different approval level than previously obtained, the Grant
254 Coordinator will perform the steps in paragraphs (4) and (5). If the grant qualifies, the
255 Grant Coordinator will resubmit the grant to the BFMC and Judicial Council for approval.

256
257 (13) Letters of support and other non-financial collaborations

258

259 (13)(A) External partners pursuing their own grant opportunities (“principal applicant”
260 may request the support of the courts as a stakeholder and explicit non-financial
261 collaborator (NFC). Such collaborations are low-risk and provide documented
262 reasonable assurances that no risk nor grant obligations will transfer to the courts
263 directly or indirectly from the principal applicant. Letters of support or similar
264 contributions to grant applications pursued by external partners must (1) be time-limited,
265 (2) not entail the exchange of funds, (3) be non-binding, (4) not include the hiring of court
266 employees, and (5) not commit or otherwise impose financial obligations on the courts.

267
268 (13)(A)(i) Agreements meeting all of the criteria in (13)(A) may be referred to the
269 Grant Coordinator who will perform and document a risk assessment to be
270 delivered to the State Court Administrator. If approved by the State Court
271 Administrator or their designee, the Grant Coordinator shall retain a copy of the
272 approval and notify the initiating party of the decision.

273
274 (13)(B) If approval is not granted, and assuming sufficient time to comply with this Rule,
275 the State Court Administrator may recommend the request be modified to undergo the
276 full process for Grant Application Proposals, or, withdrawn from all consideration.

277
278 (13)(C) All agreements approved or rejected in this process will be documented in the
279 Grant Coordinator’s monthly updates to the Budget and Fiscal Management Committee
280 and Judicial Council.

281
282 Effective May/November 1, 20

283
284 ~~(1) Application process.~~

285
286 ~~(1)(A) A person interested in applying for grant funds shall prepare a proposal including~~

287
288 ~~(1)(A)(i) the issues to be addressed by the project,~~

289
290 ~~(1)(A)(ii) an explanation of how the grant funds will contribute toward resolving the issues~~
291 ~~identified, and~~

292
293 ~~(1)(A)(iii) an identification of possible funding sources for the continuing costs of the project~~
294 ~~when grant funds are no longer available.~~

295
296 ~~(1)(B) If the applicant is seeking new federal funds or to participate in a new federal program,~~
297 ~~the proposal shall include:~~

298
299 ~~(1)(B)(i) the number of additional permanent full-time and part-time employees needed to~~
300 ~~participate in the federal program; and~~

301

302 ~~(1)(B)(ii) a list of any requirements the state must meet as a condition for receiving the federal~~
303 ~~funds or participating in the federal program.~~

304

305 ~~(1)(C) Submission of the proposal.~~

306

307 ~~(1)(C)(i) The proposal shall be reviewed by the court executives or their designees and the~~
308 ~~judges in the districts which will be affected by the project.~~

309

310 ~~(1)(C)(ii) If the court executives or their designees and the presiding judges in the districts which~~
311 ~~will be affected by the project approve the proposal, the proposal shall be forwarded to the grant~~
312 ~~coordinator at the administrative office.~~

313

314 ~~(1)(C)(iii) If the court executives or their designees and the presiding judges in the districts that~~
315 ~~the project will affect approve the proposal, but sufficient time to comply with paragraph (1)(D)~~
316 ~~prior to submission of the proposal to the funding source is not available, the proposal may be~~
317 ~~submitted simultaneously to the funding source and the grant coordinator at the administrative~~
318 ~~office.~~

319

320 ~~(1)(D) Review of the proposal. The grant coordinator shall review the proposal with the Finance~~
321 ~~Manager and the court level administrator. This review must be complete prior to submission to~~
322 ~~the Board(s) of Judges.~~

323

324 ~~(1)(E) Recommendation by the Board of Judges. The Board of Judges for affected courts must~~
325 ~~recommend to the Council that the grant proposal be pursued.~~

326

327 ~~(1)(F) Approval by the Council. Any proposal to apply for grant funds must be approved by the~~
328 ~~Council.~~

329

330 ~~(1)(G) Approval by the Legislature. The Judicial Council shall submit proposals to the Legislative~~
331 ~~Executive Appropriations Committee or to the Legislature as required by statute.~~

332

333 ~~(1)(H) If the Council approves the proposal, the grant coordinator shall work with the requestor~~
334 ~~and the affected courts in seeking the grant funds. The administrative office shall constitute the~~
335 ~~designated agency for approving grant applications if such approval is required by the grant~~
336 ~~application.~~

337

338 ~~(1)(I) If the Council or a Board of Judges does not approve the proposal, the proposal shall not~~
339 ~~be submitted to the funding source or, if already submitted to the funding source, the proposal~~
340 ~~shall be withdrawn.~~

341

342 ~~(1)(J) No funds shall be accepted from a funding source until the proposal is approved.~~

343

344 ~~(2) Administration of grant funds and projects.~~

345

346 ~~(2)(A) The administrative office shall receive, administer and be accountable for all grant funds~~
347 ~~awarded to the courts and provide detailed budget reports to the Council upon request.~~

348
349 ~~(2)(B) The administrative office shall name the project director for each grant. The project~~
350 ~~director may delegate the supervision of non-judicial daily operations and other non-judicial~~
351 ~~duties required by the grant. The presiding judges of the districts affected by the project shall~~
352 ~~supervise any judicial or quasi-judicial duties required by the grant.~~

353 ~~(3) Grant applications by non-judicial branch applicants.~~

354
355
356 ~~(3)(A) Endorsement of a grant application prepared by a non-judicial branch applicant may only~~
357 ~~be made by the Judicial Council.~~

358
359 ~~(3)(B) Any grant application by a non-judicial branch applicant which contemplates participation~~
360 ~~of the courts or expenditures of court resources should be referred to the Judicial Council for~~
361 ~~review and endorsement. Judicial branch employees shall not participate in the preparation of a~~
362 ~~grant application by a non-judicial branch applicant without Judicial Council approval.~~

363
364
365 ~~Effective May/November 1, 20__~~