

## **ADMINISTRATIVE DIRECTIVE NO. 154**

This 29<sup>th</sup> day of January, 2004,

IT APPEARS THAT:

(1) Administrative Directive No. 114 dated January 12, 1998 sought to standardize the process of applying for grant funding within the Judiciary. One of the goals of the Directive was to integrate the grant application process as a component of the Judiciary's annual budget formulation.

(2) When funding for grant positions terminated, the normal procedure was for the affected court or judicial agency to seek state funding for the grant position as one of the affected court's or judicial agency's budget priorities. Therefore, budget priorities for the entire Judiciary were being established for future years whenever grant applications including positions were sought by individual courts or judicial agencies.

(3) In the past, the Executive and Legislative Branches have been responsive to the Judiciary's budget priorities concerning state funding for grant positions.

(4) The past practice of state funding for grant positions is now under review in light of the realization that this practice in some cases limits the state's ability to fund other new programs.

(5) Most recently there has been a trend for the State Joint Finance Committee Clearing House to approve only grants that do not involve new positions.

(6) On November 26, 2002, the Final Report of the Court Resources Task Force was submitted to the Chief Justice. The Report listed the following three recommendations in the Executive Summary that relate to the subject of grants:

“(D) Grants Subcommittee Recommendations

21) The Judiciary should develop a new relationship and understanding with the General Assembly so that the budget and grant funding will coordinate more effectively and efficiently with priorities identified by the Judiciary.

22) The Judiciary should centralize the process of tracking and reporting grants, both applications and successful awards, the purposes, the grant amounts, the sources and matching funds costs, with the purpose of sharing information gathered and available resources.

23) The Judiciary should identify an individual within the AOC as a grant writer to assist both the AOC as well as the individual courts to locate and apply for grants.”

These recommendations continue to be under review by the Chief Justice and the Supreme Court.

NOW, THEREFORE IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court pursuant to Del. Const. Art. IV, § 13, that:

(A) Effective immediately, any court or judicial agency wishing to submit a request for grant funds to initiate or supplement an existing program, shall, 30 days before submission of the grant application, provide the State Court Administrator with the original and six copies of a Judicial Grant Application Request for Approval Form describing the proposed program and related funding including potential costs to the State at the end of the grant funding cycle. A copy of the approval form to be supplied to the State Court Administrator is attached to this Directive.

(B) The State Court Administrator shall immediately distribute copies of the approval form to the Council of Court Administrators and place the matter on the agenda of the next Council meeting or call a special meeting of the Council on an expedited basis.

(C) The procedure described above shall be followed whenever a court or judicial agency, either as a primary applicant, or in partnership or collaboration with another entity, seeks to acquire a grant. Courts and judicial agencies that merely cooperate with entities seeking funding from grants but receive no grant funding or significant benefit, or positions are not required to follow this approval process. In

such instances, the cooperating court or judicial agency shall file an original written notice and six copies, with the State Court Administrator for distribution to the Council of Court Administrators, stating that the court or judicial agency: (1) is cooperating with an entity seeking funding from grants; (2) will not receive any funding, or significant benefit, or positions; and (3) provide a brief description of the project for which the grant is being sought.

(D) In most instances, grant submissions follow a routine annual schedule of the granting entity. Traditional funding agencies include but are not limited to CJC Block Grants, Byrne Grants, Juvenile Justice, Title IV-D and SARTEP Fund. The Administrative Office of the Courts shall develop and maintain a list of grant funding sources and issue an annual grant submission process calendar including submission dates for the Judicial Grant Application Request for Approval Form. If an individual court or agency becomes aware of a grant-funding source not on the AOC list, the individual court or agency shall inform the AOC, and the AOC shall place the new grant-funding source on the list.

(E) Recognizing that in limited instances there is little or no time for an internal review and approval process, a court or agency may submit an application under exigent circumstances with a copy of the application concurrently being sent to the State Court Administrator for review and evaluation in conjunction with the

Council of Court Administrators. The Chief Justice reserves the right to order the withdrawal of any such grant application filed under exigent circumstances if, after subsequent review, the Chief Justice determines that the application is not in the best interests of the Judiciary.

(F) After review with the Council of Court Administrators, the State Court Administrator shall promptly make a recommendation to the Chief Justice as to the appropriateness of all applications based on the Judicial Grant Application Request for Approval Form. This recommendation shall inform the Chief Justice of the merits of the application as well as any potential impacts on: (1) current Judiciary resources and workload; (2) on future court budgets; and, (3) future position requests that might be associated with the acceptance of funds from sources outside of the annual state budget process.

(G) The State Court Administrator shall review all Judicial Grant Application Request for Approval Forms with a view to their consistency with the overall budget priorities and policies of the Judicial Branch of government and the potential impact on current Judiciary resources and current projects.

(H) Based upon the best interest of the entire Judiciary, the Chief Justice shall decide if the grant application, based on the Judicial Grant Application Request for Approval Form, should be submitted or not submitted. The State Court Administrator

shall communicate the Chief Justice’s decision to the Chief Judges and the Council of Court Administrators.

(I) After receiving approval for the submission of a grant application, the submitting court or agency shall provide the State Court Administrator with a copy of the submitted application for distribution to the Council of Court Administrators and shall notify the State Court Administrator whether an application for a grant has been approved or disapproved. The State Court Administrator shall make a recommendation to the Chief Justice, who shall have the final review and approval over the acceptance of all grants.

(J) Administrative Directive No. 114 is hereby rescinded. This Administrative Directive is effective immediately.

BY THE COURT:

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Chief Justice

cc: The Honorable Ruth Ann Minner  
The Honorable Randy J. Holland  
The Honorable Carolyn Berger  
The Honorable Myron T. Steele  
The Honorable Jack B. Jacobs  
Members of the Judicial Conference  
The Honorable M. Jane Brady

The Honorable Lawrence M. Sullivan  
State Court Administrator  
Court Administrators  
Clerk of the Supreme Court  
Counsel to the Governor  
Chair, Senate Judiciary Committee  
Chair, House Judiciary Committee