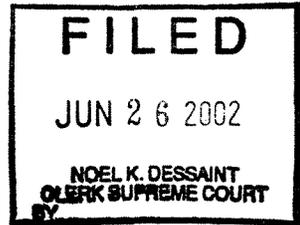


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	
ADMINISTRATION § 6-306:)	Administrative Order
JUVENILE PROBATION FEES)	No. 2002 - <u>72</u>
)	(Replacing Administrative
)	Order No. 86-09)
)	

The above captioned provision having come before the Arizona Judicial Council on June 12, 2002, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration replacing Administrative Order No. 86-09.

Dated this 26th day of June, 2002.

A handwritten signature in cursive script, appearing to read "Charles E. Jones".

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 3: Juvenile Services

Section 6-306: Juvenile Probation Fees

A. Definitions. In this section the following definitions apply:

“Administrative Director” means both the administrative director of the Administrative Office of the Courts (AOC) and the director’s designee.

“Court” means the superior court.

B. Applicability. Article VI, section 3 of the Arizona constitution and A.R.S. §12-268(C) authorize the supreme court to establish guidelines for the use of state monies in the juvenile probation services fund.

C. Purpose.

1. The probation fees account within the juvenile probation services fund is to be used to pay juvenile probation employee salaries and employee related benefits and to otherwise improve, maintain, or expand juvenile probation services within the county.
2. The diversion fees account within the juvenile probation fees fund is to be used to pay diversion employee salaries and employee-related benefits and to otherwise improve, maintain, or expand juvenile diversion services within the county.

D. General Administration.

1. A.R.S. §12-268 (A)(4)(5) provides a chief fiscal officer shall “. . . establish and administer a juvenile probation fund consisting of”:
 - a. “Probation fees collected pursuant to section 8-321, subsection N for community based alternative programs or diversion programs administered by the juvenile court.”
 - b. “Probation fees collected pursuant to section 8-341.” [*editor’s note: Effective July 1, 1998, §8-341 was renumbered from §8-241*] and as provided by A.R.S. §8-241 (Fees on Disposition).
2. Pursuant to A.R.S. §12-268 (B), “The chief fiscal officer shall establish and maintain separate accounts . . . showing receipts and expenditures of monies from each source . . .”
3. The chief fiscal officer shall deposit diversion fees collected pursuant to A.R.S. §8-321(N) into a separate account, referred to as the diversion fees account, within the juvenile probation services fund.

4. The chief fiscal officer shall deposit probation fees collected as provided by A.R.S. §8-341 into a separate account, referred to as the probation fees account, within the juvenile probation services fund.

E. Reporting Requirements.

1. A.R.S. §12-268(B) provides: “. . . the chief fiscal officer, on or before August 31 of each year for the preceding fiscal year, shall submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account . . . ” on a form provided by the administrative director.
2. The presiding judge of each court shall annually provide an expenditure plan for the probation fees account to the administrative director.
3. The presiding judge of each court shall submit any modification to the expenditure plan to the administrative director as provided by A.R.S. §12-268(B).
4. The county treasurer shall submit, on or before January 31 of each year, an annual report to the administrative director showing the total amount of money contained in the Juvenile Probation Fees Fund account on December 31.

F. Expenditure Guidelines.

1. Monies in the probation fees and the diversion fees accounts, as provided by A.R.S. §12-268(C); “shall be used in accordance with guidelines established by the supreme court . . . ”
2. A.R.S. § 12-268 (D) provides: “State monies expended from the juvenile probation services fund shall be used to supplement, not supplant, county appropriations for the superior court juvenile probation department.”
3. Pursuant to A.R.S. § 12-268 (B); “The chief fiscal officer shall disburse monies from the fund accounts only at the direction of the presiding juvenile judge . . . ”
4. Probation Fees.
 - a. At least 60% of the expenditures from the probation fees account during the fiscal year shall be used to pay probation employee salaries and employee related benefits.
 - b. No more than 40% of the expenditures shall be used to cover the operation expenses associated with juvenile probation.
 - c. The presiding judge may request a waiver to expend funds in a manner not within the stated guidelines or approved program plan.

- (1) If requesting a waiver, the presiding judge shall submit to the administrative director a written request for authority to waive the expenditure guidelines.
 - (2) The written request shall include an explanation of the circumstances surrounding the need to waive the expenditure guidelines and the current balance of the probation fees account.
 - (3) The waiver, if granted, shall be valid only for the budget year for which the waiver is granted.
- d. Monies in the probation fees account shall be used solely to support the programs, services, and operations of juvenile probation.
5. Diversion Fees.
- a. Diversion fees expenditures shall primarily be used for diversion employee salaries, employee-related benefits, or in accordance with approved program plans.
 - b. The presiding judge may request a waiver to expend funds in a manner not within the stated guidelines.
 - (1) If requesting a waiver, the presiding judge shall submit to the administrative director a written request for authority to waive the expenditure guidelines.
 - (2) The written request shall include an explanation of the circumstances surrounding the need to waive the expenditure guidelines and the current balance of the diversion fees account.
 - (3) The waiver, if granted, shall be valid only for the budget year for which the waiver is granted.
 - c. Monies in the diversion fees account shall be used solely to support the services and operations of juvenile diversion programs.