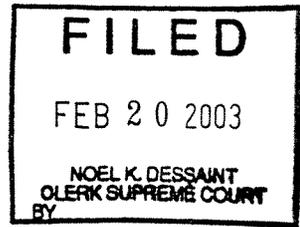


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)
)
ARIZONA CODE OF JUDICIAL)
ADMINISTRATION §6-310:)
FAMILY COUNSELING)
)
_____)

Administrative Order
No. 2003- 22

On June 22, 1982 the Arizona Supreme Court issued Administrative Requirements for Family Counseling Programs. Those requirements have been revised and rewritten for inclusion in the Arizona Code of Judicial Administration. The above captioned provision having come before the Arizona Judicial Council on October 17, 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.

Dated this 20th day of February, 2003.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 3: Juvenile Services

Section 6-310: Family Counseling

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.

“Family counseling programs” means “those public and private programs established pursuant to rules and guidelines promulgated and administered by the presiding judge of the juvenile division of the superior court in each participating county and approved by the supreme court for the purpose of strengthening family relationships and prevention of juvenile delinquency” as provided in A.R.S. §8-261.

“Matching funds” means state monies distributed by the supreme court to a participating county on a four-to-one ratio provided by the state and participating county respectively.

B. Applicability. Article VI, Section 3 of the Arizona Constitution and A.R.S. §§8-261 through 8-265 authorize the supreme court to establish guidelines for the use of state monies in the family counseling fund.

C. Purpose. The family counseling program provides funding to the juvenile division of the superior courts for prevention of delinquency and incorrigibility and to strengthen family relationships of juvenile offenders.

D. General Administration.

1. The administrative director shall administer the family counseling program.

2. The AOC shall:

a. Designate any and all responsibilities for the program to the juvenile division within the AOC.

b. Prescribe and adopt policies and procedures, forms, distribution and allocation schedules, and procedures for reversion of funds.

c. Implement administrative practices and reviews to ensure:

- (1) Appropriate financial and program administration.
 - (2) Program and contract monitoring.
 - (3) Program standards and evaluations.
 - (4) Fund management, and
 - (5) All other requirements as may be necessary for the expedient administration of this program.
- d. Have the authority to inspect, audit or have audited, copy and make use of any and all the records of any juvenile treatment contractor related to the use and expenditure of the family counseling fund.
 - e. Allocate monies from the fund to each court based on a prescribed formula, to the extent that funds are made available through legislative appropriations.
 - (1) Each participating court shall establish and maintain a budget that is consistent with the monies allocated to their court and made available by the legislature.
 - (2) Each participating court shall be allocated a base dollar amount.
3. Pursuant to A.R.S. §8-264(A), "A county may elect to participate in the family counseling programs by resolution of the county's board of supervisors. Such resolution shall be delivered to the supreme court on or before June 15. The supreme court shall then certify a list of counties which have elected to participate and shall inform those counties of the amount of funding available to them."
 4. Pursuant to A.R.S. §8-264, the AOC shall not distribute state funds to a juvenile court until the AOC has received the resolution of the board of supervisors and certification by the presiding juvenile court judge.
 5. Pursuant to A.R.S. §8-264(B), "The court shall certify that the amount expended by the county for purposes of determining matching funds has been utilized to supplement, not supplant, county or state funds that would otherwise be made available for family counseling services."

E. Duties of the Court.

1. Any presiding judge of a juvenile court wishing to participate in the family counseling program shall submit to the supreme court, for approval, a family counseling program plan including rules and guidelines promulgated and administered by the presiding juvenile judge for the purpose of strengthening family relationships and prevention of juvenile delinquency.
 - a. A plan shall be submitted every two years.
 - b. The plan shall include, but is not limited to:

- (1) The overall goal of the family counseling program;
- (2) Administration of the fund;
- (3) Juvenile and family eligibility;
- (4) Counselor provider qualifications;
- (5) Responsibilities of providers;
- (6) Identified services funded under the family counseling program;
- (7) Solicitation process for contracting with providers; and
- (8) Co-payments and assessments.

c. Services eligible under family counseling shall include:

- (1) Individual counseling;
- (2) Family counseling;
- (3) Group counseling;
- (4) Various skill-building classes which incorporate a strong family involvement;
- (5) In-home counseling;
- (6) Comprehensive assessments which include the entire family;
- (7) Family preservation;
- (8) Functional family therapy; and
- (9) Other services approved by the AOC.

d. Pursuant to A.R.S. §8-261(2), each participating juvenile court shall comply with its own family counseling program, rules and guidelines as approved by the supreme court.

2. A.R.S. §8-265 (A) provides;

A county's share of the matching funds may be provided by such county in cash or an amount not in excess of twenty-five percent of such share may be credited for other expenditures of the county in similar counseling services. A county providing matching funds for a federal program for similar services shall be given credit as contributing cash under this subsection in an equal amount for purposes of matching funds for state programs. The amount of such credit to be allowed shall be determined by the court.

3. Pursuant to A.R.S. §8-263(C), "The juvenile division of the superior court shall inquire into the ability of the minor, his estate or parent, guardian or person who has custody of such minor to bear the charge or expense of conducting counseling sessions..."

a. Pursuant to A.R.S. §8-263(C), the court shall "...direct that the minor, his estate or parent, guardian or person who has custody of such minor pay such amount to the clerk of the court on terms directed by the court."

b. A.R.S. §8-263(C) provides, "The clerk of the court shall transmit such money to the state treasurer to be deposited in the state general fund."

4. All participating juvenile court contracts shall include a provision acknowledging the authority of the AOC to conduct inspections and audits.

F. Funding and Reporting Requirements.

1. As provided by A.R.S. §8-264(A), "A county may elect to participate in the family counseling programs by resolution of the county's board of supervisors. Such resolution shall be delivered to the supreme court on or before June 15."
2. The supreme court shall inform each participating county of the amount of funding available.
3. The administrative director shall enter into a funding agreement with the presiding juvenile court judge and make payments to the county to carry out the agreement.
4. A.R.S. §12-268(A)(3)(a) provides a chief fiscal officer shall "...establish and administer a juvenile probation fund consisting of...monies for family counseling services established by title 8, chapter 2, article 5."
5. Participating juvenile courts that project over expenditure of its funding allocation, shall submit a report to the AOC detailing how the court will come into fiscal compliance.
6. Participating juvenile courts shall return to the supreme court on or before August 31 for reversion into the state general fund, all family counseling funds unencumbered as of June 30 of each fiscal year and unexpended as of July 31.
7. Unexpended family counseling funds shall be determined by the following method:
 - a. Subtract the total expenditure for the family counseling program from the total revenue provided by both the county and the state.
 - b. Subtract 20% from the total (both state and county) unexpended balance and return the balance remaining to the supreme court.
8. Each participating county, in cooperation with the juvenile court, shall provide the administrative director an annual financial closing statement and family counseling report in a form as required by the administrative director.
 - a. Each participating court shall deliver this statement to the AOC by August 31 each year.
 - b. The county shall include in the closing report, but is not limited to:
 - (1) Number of families served,

- (2) Average cost per family.
- (3) Average age of youth participating in program,
- (4) Average number of sessions per family, and
- (5) Types of services provided.