

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION § 6-301:)	Administrative Order
JUVENILE STANDARD PROBATION)	<u>No. 2006- 21</u>
)	(Affecting Administrative
)	Order No. 2000-75)
)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on December 14, 2005, and having been approved and recommended for adoption,

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-301 is amended as indicated on the attached document. All other provisions of § 6-301, as originally adopted, remain unchanged and in effect.

Dated this 13th day of February, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-301: Juvenile Standard Probation

[Added text is shown underlined, deleted text by ~~strikethrough~~.]

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

“Absconder” means a juvenile probationer has left the primary place of residence without permission of the probation officer or whose whereabouts are unknown.

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

“Administrative status” means the status of a juvenile who is not currently receiving active supervision or contact requirements have been suspended by the juvenile probation department.

“Alcohol and drug testing” means any method of determining the level or identifiable substances in the body including, but not limited to, breathalyzer tests, blood tests and urine samples.

~~“AOC” means Arizona Supreme Court, Administrative Office of the Courts.~~

“Average caseload” means the total active cases divided by total number of supervising probation officers.

“Case record” means any record pertaining to a particular probationer maintained by the probation department in electronic or paper medium.

“Combined department” means a county probation agency that provides both adult and juvenile probation services.

“Community ~~service~~ restitution” means unpaid labor or services provided to a private not-for-profit ~~private~~ or governmental agency.

“Court” means the superior court.

“Director” means the director of the juvenile court or chief probation officer in combined departments.

“Hand count” means manual tabulation of all standard probation case files in the ~~county~~ probation department, conducted independently from any automated system.

“Long term residential placement” means placement of a juvenile in an out of home facility for more than 30 days.

“Protective supervision” means the status of juveniles that have been adjudicated for an incorrigible offense and placed on standard probation.

“Risk ~~n~~Needs assessment” means a state approved tool used to indicate the juvenile’s propensity to re-offend and the treatment services needed to help prevent further illegal activities.

“Short term residential placement” means placement of a juvenile in an out of home facility for less than 30 days.

“Specialized caseload” means a group of juveniles with similar presenting problems or needs who are supervised by a probation officer focusing on addressing the problem or need.

“Visual contact” means a face-to-face communication with the probationer at any place, including but not limited to, the probation department and the probationer’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters.

B. Applicability. ~~Article VI, Section 3 of the Arizona Constitution~~ Az. Const. Art. 6, § 3 and A.R.S. § 12-261 authorize the ~~§~~supreme ~~C~~court to administer state funding to aid probation services. The ~~Administrative Office of the Courts (AOC)~~ shall administer state aid funding for juvenile standard probation on behalf of the ~~§~~supreme ~~C~~court.

C. Purpose [no change]

D. General Administration.

1. The AOC shall:
 - a. Administer and direct juvenile standard probation state aid on behalf of the ~~§~~supreme ~~C~~court;
 - b. Monitor state aid for juvenile standard probation;
 - c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the operation and management of juvenile standard probation and distribute this material to appropriate superior and juvenile court judges and probation personnel;
 - d. Inspect, audit or have audited the records of any court operating juvenile standard probation;
 - e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration and operation and management of juvenile standard probation;
 - f. Conduct seminars and educational sessions regarding the purpose and operation of juvenile standard probation;

- g. Establish performance measures and expectations in consultation with juvenile courts, for determining compliance with each courts' juvenile standard probation plan and budget request;
 - h. Assist juvenile courts in developing their juvenile standard probation plans and budgets;
 - i. Provide general assistance to juvenile courts on the operation of juvenile standard probation; and
 - j. Adopt other administrative practices and procedures, consistent with this section code, as necessary for the administration of juvenile standard probation.
2. For purposes of uniform administration, each juvenile court and juvenile probation department receiving state juvenile standard probation funds shall comply with this section code.

E. Budget Request Preparation.

1. Pursuant to A.R.S. § 12-262, the presiding judge of the juvenile court in any county wishing to improve, maintain and receive state funding to operate juvenile standard probation shall submit a proposed plan and budget request for the subsequent fiscal year to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.
2. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations. The AOC shall include the court's request or the modified request in the annual ~~§~~supreme ~~€~~court's budget. The administrative director shall allocate to the juvenile court the monies appropriated by the legislature for standard probation based on the proposed plan, availability of funds, caseload population, past year use and program effectiveness.
3. If a juvenile court does not agree with the allocations, and requests further review, the chief justice shall make the final determination.
4. Each participating juvenile court shall support the budget request with written justification and explanation as required by the administrative director.

F. Program Plan and Financial Management.

1. Each participating juvenile court shall submit an expenditure plan to the administrative director. The participating juvenile court shall outline in the expenditure plan how the requested state funds shall be used in achieving or maintaining the average case supervision requirements prescribed in A.R.S. § 8-203 (B). The participating juvenile court shall submit

the plan within the prescribed time frame and on forms required by the administrative director.

2. Each presiding judge of the juvenile court shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. Each program plan shall explicitly document:
 - a. That a minimum of 80 percent of the state juvenile standard probation funds allocated to a juvenile court shall be used only for the payment of salaries and employee related benefits of probation officers involved in the case management, field supervision and enforcement of court orders of juveniles on standard probation who reside in the county; and
 - b. That not more than twenty ~~20~~ percent of the allocated state juvenile standard probation funds for probation services are being used to otherwise maintain, improve or enhance standard probation services.
4. On request, the administrative director may approve a plan permitting an expenditure of funds of more than twenty ~~20~~ percent on support, operating and ancillary services. The participating juvenile court shall file the request with the AOC on a form prescribed by the administrative director.
5. In the event that the administrative director disapproves a plan or plan modification submitted by a juvenile court, the presiding judge of the juvenile court may request that the administrative director submit the plan to the chief justice for consideration and final determination.
6. Pursuant to A.R.S. § 12-263, on approval of the plan as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting juvenile court for the distribution of funds. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or due to the juvenile court's failure to comply with applicable statutes, the approved plan, funding agreement, or this section ~~code~~.
7. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
8. A.R.S. § 12-262(2) provides that state juvenile standard probation funds shall; "... supplement county funds provided for probation services." A.R.S. § 12-265(C) provides; "no state funds may be used to increase any salaries funded under county probation programs."
 - a. 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 departments.”

- b. ~~The county shall maintain the level of county funding to support the same number of case-carrying county officers as funded in the fiscal year 1995 as required by the legislature in Session Laws 1993, Chapter 4. Authorization of additional state funded juvenile standard probation positions is dependent on the county maintenance of effort as defined.~~ In accordance with the general appropriations act, probation department receipt of state probation monies is contingent on the county maintenance of expenditure levels for each probation program the previous fiscal year.
 - c. The county probation departments shall fund one standard probation officer from non-state funds for every eight standard probation officers funded by the state aid for probation monies.
9. Pursuant to A.R.S. § 12-268(B), the county’s chief fiscal officer shall deposit funds received by the juvenile court pursuant to A.R.S. § 12-262 into a separate account within the juvenile probation services fund.
 10. Each participating juvenile court shall use allocated state funds and interest only for the support and operation of juvenile standard probation.
 11. On agreement with a participating juvenile court, the administrative director may withhold funds allocated to the juvenile court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
 12. The presiding judge of the juvenile court of each participating juvenile court shall submit to the AOC, by January 31 of each year, a mid-year financial and program activity report related to the court’s plan through December 31. Failure to submit the report in a timely manner may result in financial sanctions.
 13. The presiding judge of the juvenile court of each participating juvenile court shall submit to the AOC, by August 31 of each year, a closing financial and program activity report related to the court’s plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.
 14. The presiding judge of the juvenile court of each participating juvenile court shall return to the AOC by August 31 of each year, all juvenile standard probation funds distributed to the juvenile court which are unencumbered through June 30 and unexpended through July 31. Failure to revert unexpended funds in a timely manner may result in financial sanctions.
 15. The administrative director shall determine how the funds are used in the event that a juvenile court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for juvenile standard probation services.

16. Each participating juvenile court and its juvenile probation department shall maintain and provide to the AOC data and statistics as may be required by the ~~S~~supreme ~~C~~court to administer funding for juvenile standard probation.
17. On request of the AOC, the director shall conduct hand counts of the ~~county's~~ department's standard probation population. The director shall submit the results of the hand counts to the AOC.
18. Each participating juvenile court and its probation department shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five ~~5~~ years from the close of each fiscal year.

G. Allocation and Management of Juvenile Standard Probation Personnel Placements. [no changes]

H. Standard Probation Caseload Limit. [no changes]

I. Active Cases. [no changes]

J. Program Operations.

1. Each department shall:
 - a. Have a written procedure regarding the alcohol and drug testing of juveniles on standard probation. The procedure shall address the methods used to select juveniles for testing, the frequency of testing, and the type of test to be administered.
 - b. Have a written policy by which accurate and timely records of the completion of community ~~service~~ restitution hours is maintained for each juvenile on standard probation.
 - c. Work with the office of the clerk of the superior court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections.
 - d. Ensure the collection of monies owed as a condition of probation.
 - e. Develop polices and procedures that ensure that probation officers providing standard supervision reexamine and reassess the risk and needs of each juvenile under their supervision and the factors associated with reducing, maintaining or increasing the juvenile's level of supervision.
2. The juvenile probation officer shall:

- a. Conduct a ~~r~~Risk ~~n~~Needs assessment on every juvenile supervised within 30 days if not completed during the pre-dispositional process. The result of the assessment shall be used to establish a level of supervision for the juvenile and formulate a supervision plan.
 - b. Make documented efforts to locate an absconder. The supervising probation officer shall request a warrant be issued if the juvenile is not located. Efforts to locate the juvenile shall continue pursuant to the court's departmental policy.
 - c. Petition the court to terminate the period of probation based on the use of a ~~r~~Risk ~~n~~Needs assessment and an evaluation of the juvenile's compliance with the conditions of probation.
 - d. ~~As provided by A.R.S. § 8-205(3); shall "...have the authority of a peace officer in the performance of the court officer's duties."~~
3. Pursuant to A.R.S. § 8-396(A), when the probation officer petitions the court to terminate probation, the court shall notify those victims who have requested notification of probation related matters.

K. Minimum Contact Requirements. Each participating juvenile court shall develop policies and procedures that ensure minimum levels of contact for juveniles placed on standard probation and supervised in the community. These policies and procedures shall include minimum monthly levels for:

1. Visual contacts with the juvenile,
2. Parental contacts,
3. Employment contact and verification, and
4. School contacts and verification.

L. Specialized Population [no changes]

M. Required Case Records. Each standard probation officer shall maintain verifiable case records for each juvenile supervised, including, but not limited to:

1. A written statement of the conditions of the probation;
2. An individual service plan or court report setting forth behavioral and program expectations and recommendations subject to the approval of the director; and
3. Contact logs detailing the time, nature, and location of each contact made with each juvenile on standard probation.

