

IN THE SUPREME COURT OF THE STATE OF ARIZONA

---

In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	<u>No. 2009- 99</u>
§ 6-302: JUVENILE INTENSIVE	)	(Affecting Administrative
PROBATION SUPERVISION	)	Order No. 2007-86)
	)	

---

Pursuant to the Arizona Code of Judicial Administration § 1-201 (E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council. In the First Regular Session of the Forty-Ninth Legislature (2009), the Legislature passed Senate Bill 1420 (Chapter 189). The bill was signed by the governor on July 13, 2009 and has an effective date of September 30, 2009.

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-302 is amended as indicated on the attached document. All other provisions of § 6-302 as adopted, remain unchanged and in effect.

Dated this 24th day of September, 2009.

---

REBECCA WHITE BERCH  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 3: Juvenile Services**  
**Section 6-302: Juvenile Intensive Probation Supervision**

**A. through G. No changes.**

**H. Eligibility Requirements for JIPS.**

1. A.R.S. § 8-358(A) provides:

A. The supreme court shall establish juvenile intensive probation guidelines. In establishing these guidelines the supreme court shall ensure that both:

1. Juveniles who are granted intensive probation meet the requirements of § 8-352.
2. Based on the nature of the offense and the delinquent history of the juvenile, there are reasonable grounds to believe that the juvenile is able to remain at liberty without posing a substantial risk to the community.

2. A.R.S. § 8-352(B) provides that prior to recommending intensive probation:

The juvenile probation officer shall evaluate the needs of the juvenile and the juvenile's risk to the community, including the nature of the offense, the delinquent history of the juvenile, ~~and~~ the juvenile's history of referrals and adjustments and the recommendation of the juvenile's parents. The juvenile probation officer shall include the recommendation of the juvenile's parents in the disposition summary report. If the nature of the offense and the prior delinquent history of the juvenile indicate that the juvenile should be included in an intensive probation program pursuant to supreme court guidelines for juvenile intensive probation, the juvenile probation officer may recommend to the court that the juvenile be granted intensive probation.

3. Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS.
4. The court shall not grant intensive probation to juveniles placed in a residential treatment center for more than 30 days. The court shall suspend JIPS or reduce the juvenile to standard probation if the juvenile is currently on JIPS and requires placement over 30 days.
5. A juvenile probation officer who recommends intensive probation shall state the reasons for the recommendation in the pre-dispositional report. The officer shall recommend and the court shall order JIPS only for:

- a. Juveniles who would otherwise have been recommended for commitment to the state department of juvenile corrections;
  - b. Juveniles who would otherwise have been recommended for placement in an out-of-home institutional or residential setting;
  - c. Juveniles who meet the requirements set forth in A.R.S. § 8-352 (B) and (H)(2) of this section; or
  - d. Juveniles who are repeat felony juvenile offenders.
6. A.R.S. § 8-352(C) provides, “After reviewing the juvenile’s prior record, the facts and circumstances of the current delinquent act or technical violation of probation and the disposition summary report, the court may grant the juvenile a period of intensive probation.
7. Prior to placing a juvenile into a JIPS program, the court shall consider:
- a. The juvenile probation officer’s recommendations;
  - b. The factual basis and circumstances leading to the juvenile’s disposition;
  - c. Monies and funds appropriated and the availability of adequate staff and treatment resources to ensure the level of intensive supervision required; and
  - d. Other factors appropriate to the ends of justice.
8. A.R.S. § 8-352 (D) provides, “When granting intensive probation the court shall set forth on the record the factual reasons for using the disposition.”

**I. through P. No changes.**