



IN THE SUPREME COURT OF THE STATE OF ARIZONA

DAVID R. COLE
CLERK SUPREME COURT

BY

IN THE MATTER OF: ADMINISTRATIVE
REQUIREMENTS FOR STATE AID FOR
PROBATION SERVICES

)
) ADMINISTRATIVE
) ORDER NO. 86-7

In accordance with the authority granted the Arizona Supreme Court by Article 6 of the Arizona Constitution and pursuant to Chapter 2 of Title 12, A.R.S. §§ 12-261 through -266 as amended, it is Ordered that the following administrative requirements are issued to govern the procedures for State Aid for Probation Services. This Order supercedes Administrative Order 84-13, dated November 7, 1984.

- A. The Administrative Office of the Courts shall administer the program of State Aid for Probation Services. The Administrative Director of the Courts, or his designee, shall have the authority to prescribe such procedures and requirements as may be necessary for the operation of the State Aid for Probation Services program. All proposed plans and reports required of participating courts shall be submitted to the Administrative Director. The Administrative Director may inspect and audit the records of participating probation departments.

- B. On or before May 1 of each year, the presiding judge of the superior court in each county shall notify the Administrative Director in writing if the court does not intend to participate in the State Aid for Probation Services program in the following fiscal year. State Aid for Probation Services plans shall be submitted to the Administrative Director by May 31 of each year, for the following fiscal year.
- C. The presiding judge of the superior court in each county desiring to participate in the State Aid for Probation Services program, pursuant to A.R.S. §§ 12-261 through -266 as amended, shall submit to the Administrative Director one or more of the following plans:
1. For program funds in which adult and juvenile departments may participate:
 - a. A plan to improve, maintain, or expand juvenile probation services;
 - b. A plan to achieve or maintain the average adult probation case supervision requirement prescribed in A.R.S. § 12-251.

2. For program funds in which only adult departments may participate:

a. A plan to achieve or maintain the average adult probation case supervision requirement prescribed in A.R.S. § 12-251.

D. All plans shall conform with the statutory requirements set forth in A.R.S. §§ 12-261 through -266 as amended. In addition, each submitted plan must set forth the following:

1. A statement that a minimum of 80 percent of the State Aid for Probation Services funds distributed by the Supreme Court pursuant to A.R.S. § 12-265 as amended, will be utilized for the payment of salaries and corresponding employee-related benefits of probation officers supervising adults or juveniles on probation to the superior court who reside in the county.
2. The number of probation officer positions supervising adults or juveniles on probation within the county whose salaries are paid by county funds and whose salaries are paid by probation services fee funds as of the date the plan is signed by the presiding superior court judge.

3. The number of probation officer positions supervising adults or juveniles on probation within the county whose salaries will be paid with State Aid for Probation Services funds, including the following:
 - a. Each position's title;
 - b. The total annual salary for each position;
 - c. The amount of the salary to be paid from State Aid for Probation Services funds.

4. A description of how or for what any remaining State Aid for Probation Services funds, not used for the salaries or employee-related expenses of probation officers supervising probationers, will be utilized. Not more than 20 percent of the fund may be used to otherwise maintain, improve or enhance adult or juvenile probation services.

5. The budget necessary to implement the plan and the total amount of the current county appropriation for adult or juvenile probation services or both, if applicable. The amount of the county's appropriation and budget for the fiscal year corresponding to the State Aid for Probation Services plan and a listing of the probation officer positions budgeted for the adult and juvenile probation departments shall be submitted as soon as it is known, but no later than October 1 of each year.

- E. State Aid for Probation Services funds shall supplement county funds provided for probation services. No state funds may be used to increase any salaries funded under current county probation programs.
- F. Each participating superior court shall receive, from the funds appropriated for State Aid for probation services, a base amount of \$20,000. The allocation and distribution of the remainder of appropriated State Aid funds to the participating superior courts shall be based on need and the probable effectiveness of each plan submitted by a superior court. The determination of the foregoing will be based on the following factors:
1. The amount of money necessary to maintain existing positions currently funded by State Aid funds.
 2. The reasons for the proposed allocation of funds between the court's Juvenile and Adult Probation Departments.
 3. The availability to the superior court of county and other funds to carry out the plan.
 4. Current and anticipated probation supervision caseloads.
 5. Other circumstances which may be relevant to the determination of need and effectiveness of a submitted plan.

- G. The Administrative Director, based on the statistical reports supplied to the Supreme Court by the superior court probation departments and such other information as may be available, shall advise the Supreme Court which probation departments are not in compliance with the supervision requirement prescribed in A.R.S. § 12-251. The allocation and distribution of State Aid Enhancement Funds shall be based on the current and anticipated level of compliance by each court with the supervision requirements prescribed in A.R.S. § 12-251, and the current and anticipated growth in the probation supervision caseload of each court.
- H. The Administrative Director may re-allocate funds during a fiscal year, when circumstances justify such action.
- I. Upon the submission of a proposed plan by the presiding judge of a court, the Administrative Director shall review the plan to determine whether it complies with the provisions of the statutes and these requirements.
1. Any plan which is not in conformity with the statutes or the requirements shall be returned to the presiding judge of the submitting court by the Administrative Director with a written explanation of where the plan fails to comply either with the statutes or these requirements.

2. The Administrative Director is authorized to approve the plans and modifications which are in conformity with the applicable laws and this order. Modification of approved plans shall be submitted in writing by the presiding judge of the superior court to the Administrative Director.
3. Any plan or plan modification rejected by the Administrative Director shall be submitted to the Chief Justice of the Supreme Court for consideration and final determination.
4. Any plan rejected by the Chief Justice shall be returned to the presiding judge of the court with a written explanation of the reasons for the rejection.
5. Upon approval of a plan, the Administrative Director shall enter into a funding agreement with the submitting superior court and make such payments to the court or authorize direct expenditures for the benefit of the court as are necessary to carry out the agreement.
6. Funds received pursuant to these requirements shall be deposited in a special revenue fund established pursuant to the procedures provided in Sections III-B and IV-I of the Auditor General's Uniform Accounting Manual for Arizona Counties. The Administrative Director may adopt

any accounting and reporting procedures needed to administer the fund.

- J. By May 31 and December 31 of each year, the presiding judge of the superior court in each participating county shall submit to the Administrative Director an evaluation report, on a form provided by the Administrative Director, describing the program and its accomplishments.
- K. State Aid for Probation Services funds unencumbered as of June 30 of each fiscal year and unexpended as of July 31 shall be returned to the Supreme Court for reversion into the state general fund. Such funds shall be forwarded to the Administrative Director on or before August 31 of each year, and shall be accompanied by a closing financial statement signed by the presiding judge and the presiding juvenile court judge on a form provided by the Administrative Director.

APPROVED this 16th day of October, 1986, by the Arizona Supreme Court.

WILLIAM A. HOLOHAN, Chief Justice