

FILED
JAN 20 1987
DAVID R. COLE
CLERK SUPREME COURT
BY KE Kemp

IN THE SUPREME COURT OF THE STATE OF ARIZONA

IN THE MATTER OF: ADMINISTRATIVE)
REQUIREMENTS FOR JUVENILE)
INTENSIVE PROBATION PROGRAMS)
_____)

ADMINISTRATIVE
ORDER NO. 87-3

A. Preamble

The following requirements are adopted to administer juvenile intensive probation programs in the State of Arizona pursuant to Arizona Revised Statutes § 8-271 et seq. These requirements are adopted under authority of the foregoing law and by authority granted this Court by Article VI, Section 3 of the Arizona Constitution. In furtherance of the Legislature's policy as set forth in A.R.S. § 8-271, the purpose of juvenile intensive probation programs administered pursuant to this order should be to reduce commitments to the State Department of Corrections and other institutional or out-of-home placements by adoption of intensive probation programs for offenders for whom the nature of the offense and the delinquent history of the juvenile supports the conclusion that there is a substantial probability that the person will remain at liberty without violating the law so as to reserve institutional space for more serious juvenile offenders, enhance restitution to victims, and provide both punishment and rehabilitation through a program which emphasizes surveillance, treatment, work, education, home detention, close supervision, sanctions, and strict controls.

B. General Administration

Administration of juvenile intensive probation programs on behalf of this Court shall be under the direction of the Supreme

Court's Administrative Office of the Courts. The Administrative Director of the Courts¹ is authorized to prescribe and adopt procedures, policies, forms, and reports necessary for the financial and program administration and management of juvenile intensive probation, juvenile intensive probation appropriations, distribution of funds, and other requirements imposed by law or this order. The Administrative Office of the Courts is authorized and directed to monitor juvenile intensive probation programs including authority to inspect, audit, or have audited the records of any superior court operating a juvenile intensive probation program; to conduct seminars and educational sessions for judges and probation personnel regarding the purposes and operation of juvenile intensive probation; and, to annually prepare the Supreme Court's report stating the number of persons supervised on juvenile intensive probation during the prior year and the nature of the offense and the delinquent history of each of these persons for submittal to the Governor, the Speaker of the House of Representatives, and the President of the Senate at the time the Supreme Court submits its annual budget request to the Legislature.

The Administrative Office of the Courts is also directed to prepare additional written materials consistent with the above-referenced act and this order setting forth various techniques, practices, and other recommendations regarding the operation and management of juvenile intensive probation

¹As used in this order, Administrative Director means the Administrative Director or his designee.

supervision programs, including criteria to be considered by probation officers in determining whether to recommend a person for juvenile intensive probation supervision. Such written material shall be distributed to appropriate juvenile court judges and juvenile probation officers.

The Administrative Director of the Courts may adopt other administrative practices and procedures, not inconsistent with this order as may be necessary and expedient for the Supreme Court's administration of the juvenile intensive probation supervision program.

C. Budget Request Preparation

1. The presiding juvenile court judge of the superior court in any county wishing to implement and operate a juvenile intensive probation program shall submit each year a proposed plan and budget request for the following fiscal year to the Administrative Office of the Courts. The date for submittal shall be established by the Administrative Director and such requests shall be filed on forms and according to instructions prescribed by him.
2. Budget requests from a participating superior court may include normal and reasonable categories necessary to support and operate a juvenile intensive probation program, including funds for personal services, employee-related benefits, professional and outside contractual services, treatment, operating expenses including travel expenses and equipment.

3. The Administrative Director of the Courts shall determine the portion to be allocated from available funds to each participating superior court. If a superior court is not in agreement with the allocations, the Chief Justice shall make the final determination. The Administrative Director may reallocate the funds during the year, based on actual need and usage.
4. All budget requests shall be supported by adequate justification and explanation as required by the Administrative Director.

D. Program Plan and Financial Management

1. Each participating superior court shall submit its plan in the format and on forms as required by the Administrative Office of the Courts. Such plans must be submitted and approved prior to distribution of funds. The plan and any plan modification shall be consistent with A.R.S. § 8-277 et seq., this order and the court's budget request. The Administrative Director is authorized to approve those plans and modifications which he believes are in conformity with the applicable laws and this order. Modification of approved plans shall be submitted in writing by the presiding judge in a form approved by the Administrative Director. In the event that the Administrative Director determines not to approve a plan or plan modification submitted by a superior court, he shall submit the plan to the Chief

Justice of the Supreme Court for consideration and final determination.

2. Upon approval of the plan and availability of funds, the Administrative Director shall enter into a written funding agreement with the submitting court for distribution of the allocated funds on a basis determined by the Administrative Director. The Administrative Director shall have authority to alter the funding agreement if such action is necessary due to a lack of funds, a lack of financial need by the court, or due to failure to comply with the applicable statutes the approved plan or these administrative requirements.
3. Funds received by the superior court pursuant to these administrative requirements shall be deposited into a special revenue fund with the county treasurer established pursuant to the procedures provided in Sections III.B and IV.I of the Auditor General's Uniform Accounting Manual for Arizona Counties.
4. State funds appropriated to the Supreme Court for distribution to superior courts shall be used only for the support and operation of approved juvenile intensive probation programs. Upon agreement with any one or more participating courts, the Administrative Director may withhold funds allocated to such courts and may authorize direct expenditures for the benefit of such courts. The Administrative Director may also reallocate funds during a fiscal year, when circumstances justify such action.

5. The presiding juvenile court judge of each participating superior court shall submit to the Administrative Office of the Courts, by January 31 of each year, a report as required by the Administrative Office of the Courts, setting forth actual financial and program activity related to each court's plan as of December 31.
6. The presiding juvenile court judge of each participating superior court shall return to the Supreme Court on or before August 31, for reversion into the State general fund, all juvenile intensive probation funds distributed to that superior court which are unencumbered as of June 30 of each fiscal year and unexpended as of July 31. The reverted funds shall be accompanied by a closing financial statement and a program activity report related to each court's plan as of June 30, signed by the presiding juvenile court judge.
7. Each participating superior court and its juvenile probation department shall maintain and provide to the Administrative Office of the Courts such data and statistics as may be required by the Administrative Director. Such data shall include, at a minimum, the information necessary for the Supreme Court's Juvenile Intensive Probation Supervision Annual Report and program evaluation as required by law.
8. Each participating superior 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 years from the close of each fiscal year.

E. Eligibility Requirements for Juvenile Intensive Probation Recommendation

1. Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for juvenile intensive probation supervision.
2. To be included in a juvenile intensive probation supervision program, the juvenile must be adjudicated delinquent and must be eligible for probation or be a probation violator. A probation officer may recommend an eligible juvenile offender to the court for juvenile intensive probation supervision only after having considered the assessment score pursuant to a uniform statewide assessment method adopted by the Administrative Office of the Courts for use in all juvenile intensive probation supervision programs. An offender who scores outside the limits allowed for juvenile intensive probation supervision may not be recommended for juvenile intensive probation supervision unless approved in writing by the chief juvenile probation officer.
3. The juvenile probation officer in making the recommendation to include an offender in the juvenile intensive probation supervision program should consider the nature of the offense, the prior delinquent history of the offender, the likelihood of the offender being committed to the State Department of Corrections, the

likelihood of the offender being placed in an institution or other out-of-home placement, the potential harm to the victim, the attitude of the victim toward placing the offender on juvenile intensive probation supervision, patterns of prior behavior, likelihood of school attendance, and/or potential for employability, payment of restitution, performance of community service, the offender's family support system and resources, and any other factors deemed appropriate to the ends of justice.

4. If the juvenile probation officer recommends that the offender be placed in the juvenile intensive probation supervision program, the reasons supporting the recommendation shall be included in the pre-dispositional report. The officer should only recommend juvenile intensive probation for offenders that would otherwise have been recommended for commitment to the State Department of Corrections, or recommended for placement in an out-of-home institutional or residential setting, or whose referral history includes three referrals in the past twelve months.
5. In order to be included in the juvenile intensive probation supervision program the court shall determine that, based on the nature of the offense and the delinquent history of the juvenile, there is a substantial probability that the juvenile will remain at

liberty without violating the law if placed on intensive probation supervision.

6. Pursuant to these administrative requirements and A.R.S. § 8-272, the superior court may place an offender in the juvenile intensive probation supervision program who is currently on probation but has committed a violation of probation that was not chargeable or indictable as a delinquent act.
7. Prior to placing an offender into a juvenile intensive probation supervision program, the court shall consider the juvenile probation officer's recommendations, the factual basis and circumstances leading to the offender's disposition and any other factors deemed appropriate to the ends of justice. When granting juvenile intensive probation supervision, the court, pursuant to A.R.S. § 8-272, D, shall set forth on the record the factual and legal reasons in support of the disposition.
8. Juvenile intensive probation shall be conditioned on the juvenile:
 - a) Participating in one or more of the following throughout his or her term of intensive probation for not less than thirty-two (32) hours each week:
 - 1) school or other education program approved by the chief juvenile probation officer,
 - 2) a court-ordered treatment program,
 - 3) employment,

- 4) supervised community service work each week where the juvenile may be supervised by an adult approved by the intensive probation officer.
- b) Paying restitution and probation fees, except that the inability to pay probation fees or restitution does not prohibit participation in the juvenile intensive probation program.
- c) Remaining at a place of residence approved by the juvenile intensive probation officer except to attend school, work, treatment, and/or perform community service or to participate in some activity as specifically allowed in each instance by the supervising juvenile probation officer, or if in the direct company of a parent, guardian, or custodian, as approved by the juvenile probation officer.
- d) Allowing administration of drug and alcohol tests as directed by a juvenile intensive probation officer. The juvenile probation officer may direct that the juvenile allow administration of such tests by the surveillance officer.
- e) Meeting any other conditions imposed by the court to meet the needs of the juvenile or to limit the risks to the community.
- f) Probation fees shall be deposited in the Juvenile Probation Services Fee Fund, established pursuant to A.R.S. § 8-241 (B).

F. Waiver Procedure

1. A presiding juvenile court judge of a superior court in a county with a population of fewer than 300,000 persons may request a waiver of the requirements of A.R.S. § 8-273, subsections A and B and subsection C, paragraph 2, if the caseload of every juvenile probation officer supervising persons on juvenile intensive probation is not more than 15 juveniles and the program plan requires visual contact with each juvenile intensive supervision probationer at least one time a week.
2. Waiver requests shall be filed with the Administrative Office of the Courts in a format and on a form prescribed by the Administrative Director. The Administrative Director or his designee shall determine whether to grant or deny the waiver.
3. If a waiver is granted and the intensive probation caseload for each officer does not exceed fifteen, officers may supervise other additional juveniles on probation who in the judgment of the chief juvenile probation officer require additional supervision or pose a greater than normal risk to the community, as long as the total caseload does not exceed fifteen.

G. Program Operating Procedures

1. For purposes of uniform administration and coordination, documentation and recordkeeping, information retrieval and reporting, monitoring and evaluation, and training, the Administrative Director of the Courts is authorized,

where desirable and feasible, to adopt additional uniform requirements regarding A.R.S. § 8-272, 8-273, and 8-275.

Each superior court and juvenile probation department operating a juvenile intensive probation supervision program shall comply with any such requirements.

2. Each juvenile intensive probation supervision plan of a superior court must include, at a minimum, the requirements and responsibilities set forth in A.R.S. § 8-273.
3. In compliance with A.R.S. § 8-273, a juvenile intensive probation team or officer shall request the county attorney to bring a noncompliant probationer before the court if, in the judgment of the juvenile probation officer, the person's conduct justifies revocation.
4. Pursuant to A.R.S. § 8-272, the juvenile intensive probation team shall closely monitor school attendance and performance, assist those juveniles seeking employment, closely monitor participation in court-ordered treatment programs, and provide or arrange for appropriate supervision of juveniles performing community service work. The juvenile intensive probation team shall also ensure that juveniles placed on intensive supervision pay restitution, probation fees, and/or other payments except that the inability to pay probation fees or restitution does not prohibit participation in the intensive probation program. The

term "other payments" shall be restricted to court-ordered payments imposed as part of the disposition or as a condition of probation arising out of the proceeding by which the person was placed on juvenile intensive probation. In the absence of specific court-ordered monthly payment schedules, the chief juvenile probation officer shall establish such monthly, bi-monthly, or weekly payment schedules for each person in a juvenile intensive probation supervision program which emphasizes payment of restitution and probation fees. Payment schedules and amounts may be modified by order of the court.

5. Pursuant to A.R.S. § 8-205.3, a juvenile intensive probation officer shall have the authority of a peace officer in the performance of his or her duties and is authorized to make arrests and serve warrants.
6. Each juvenile probation officer providing juvenile intensive supervision shall, as set forth in the plan, periodically examine the needs of each person in a juvenile intensive supervision program and the risks of modifying the level of supervision of the person. The court may at any time modify the placement or the level of supervision of a person granted juvenile intensive probation.
7. When, in the judgment of the juvenile probation officer, the juvenile intensive probation supervision is no longer required, the officer may recommend to the court

that the person be removed from the juvenile intensive probation supervision caseload. If the court transfers the person to regular probation then the person will be assigned to some other probation officer.

8. Any recommendation by a probation officer to the court to terminate a juvenile intensive probation placement or to modify the level of supervision shall be supported by a new risk assessment analysis and satisfactory compliance and performance by the probationer with all conditions and terms of juvenile intensive probation.
9. Levels of supervision may be progressively decreased over the term of supervision dependent upon compliance by the person with all of the conditions of probation, including continued law-abiding behavior. Requests by the juvenile probation officer for a change in the level of supervision of a probationer shall be in accordance with the following minimum requirements for such changes, but the level of supervision cannot be decreased beyond the minimum level described in the following requirements for juvenile intensive supervision.

Minimum Requirements
Levels of Supervision For
Two-or Three-Person Juvenile Intensive Probation Teams

Supervision Level I

1. Visual Contacts

The team or officer is to have a minimum of four visual contacts with each probationer per week.

- a. Each participating probation department is to include in their Juvenile IPS operations varied visual contacts to include evenings and weekends.
(See Requirement #5.)
- b. Additional contacts of varied nature are also to be included as part of each plan to ensure the close supervision and monitoring of each probationer.
(See Requirement #5.)

2. Employment Verification

For juveniles under employment, the team or officer shall make weekly contact with the employer of the probationer pursuant to A.R.S. § 8-275.

3. School Checks

The team or officer shall make weekly contact with the school or education program staff of a probationer so enrolled for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the probationer's progress.

4. Parental Involvement

The team or officer shall contact the parents or legal guardians of each probationer at least once per week to

discuss the probationer's progress and behavior in the home and community.

5. Curfew

The team or officer shall establish curfews for each juvenile under intensive supervision and shall provide appropriate supervision to ensure compliance pursuant to A.R.S. § 8-272.

6. Community Service

The team or officer shall provide appropriate supervision or the probation officer may select an adult of good moral character to provide supervision of juveniles performing community service work. The team or officer shall maintain sufficient community service contacts with each juvenile performing such work to ensure compliance with A.R.S. § 8-275.

7. Alcohol/Drug Tests

The team or officer shall administer alcohol and drug tests as required in the judgment of the officer or according to the policy and procedures of the participating superior courts.

Supervision Level II

The recommendation must be supported by a new risk assessment analysis, compliance with the terms of A.R.S. § 8-275, and other conditions, positive adjustment, including remaining arrest free and free of drugs and alcohol abuse.

1. Visual Contacts

- a. The team or officer is to make a minimum of two visual contacts per week. Contacts each month should include evenings and weekends.
- b. Additional contacts of varied nature are to be included as part of the plan by each department to provide for close supervision and monitoring of the probationer.

2. Employment Verification

For juveniles under employment, the team or officer shall contact the employer at least once every two weeks.

3. School Checks

Same as Supervision Level I.

4. Parental Involvement

Same as Supervision Level I.

5. Curfew

Same as Supervision Level I.

6. Community Service

Same as Supervision Level I.

7. Alcohol/Drug Tests

Same as Supervision Level I.

Supervision Level III

After completion of supervision levels I and II, the probation officer shall again assess the risks and needs of the probationer, and the adjustment of the probationer. The officer may recommend that the probationer be placed in Supervision Level III or may make other appropriate recommendations.

1. Visual Contacts

- a. The team or officer is to have at least one visual contact per week with the probationer.
- b. Some additional contacts of a varied nature are to be made to provide for the close supervision and monitoring of the probationer pursuant to the approved plan of each department.

2. Employment Verification

Same as Supervision Level II.

3. School Checks

Same as Supervision Level I.

4. Parental Involvement

Same as Supervision Level I.

5. Curfew

Same as Supervision Level I.

6. Community Service

Same as Supervision Level I.

7. Alcohol/Drug Tests

Same as Supervision Level I.

10. Juvenile intensive supervision teams or officers shall maintain verifiable records of each juvenile's participation, including but not limited to the following:
- a. a treatment plan, stating forth behavioral goals and objectives, subject to the approval of the chief juvenile probation officer,
 - b. daily contact logs detailing the time, nature, and location of each contact made with each juvenile under intensive probation supervision.

These administrative requirements are subject to modifications as deemed necessary.

APPROVED this 20th day of JAN, 1987, by the Arizona Supreme Court.

_____, Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA

File

FILED
JAN 13 1987
DAVID R. COLE
CLERK SUPREME COURT
BY

In re)
)
APPOINTMENTS TO THE)
COMMISSION ON JUDICIAL)
QUALIFICATIONS)
_____)

O R D E R

Pursuant to Article VI.I § 1 of the Arizona Constitution the following named Judges have been appointed to the Commission on Judicial Qualifications for the term beginning the third Monday in January, 1987:

The Honorable Ronald J. Borane
Justice of the Peace Precinct No. 2
Cochise County

The Honorable Noel A. Fidel
Court of Appeals, Division One
Maricopa County

The Honorable Joseph M. Livermore
Court of Appeals, Division Two
Pima County

The Honorable Allen G. Minker
Superior Court
Greenlee County

The Honorable Bernardo P. Velasco
Superior Court
Pima County

By order of the Supreme Court of the State of Arizona this 13th day of January, 1987.

FRANK X. GORDON, JR.
~~Chief Justice~~ /

STANLEY G. FELDMAN
Vice Chief Justice

JACK D. H. HAYS
Justice (Retired)

JAMES DUKE CAMERON
Justice //

WILLIAM A. HOLOHAN
Justice

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JAN 20 1987

AGG CAPITOL OFFICE

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
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DAVID R. COLE
CLERK SUPREME COURT
BY *DR Bentley*

IN RE

JUDICIAL NOMINATING
COMMISSIONS

O R D E R

Pursuant to Article VI, Section 36(D) of the Constitution of Arizona, in the event of the absence or incapacity of Chief Justice Frank X. Gordon, Jr., and only during such absence or incapacity, Vice Chief Justice Stanley G. Feldman is appointed to serve as Chairman of any of the commissions created by Article VI, Sections 36(A) and (B) of the Constitution of Arizona.

Dated this 13 day of January, 1987.

FRANK X. GORDON, JR.
Chief Justice

STANLEY G. FELDMAN
Vice Chief Justice

JACK D. H. HAYS
Justice (Retired)

JAMES DUKE CAMERON
Justice

WILLIAM A. HOLOHAN
Justice

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JAN 20 1987

AOC CAPITOL OFFICE