

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 6-105.01	)	No. 2020 - <u>204</u>
POWERS AND DUTIES OF OFFICERS	)	(Affecting Administrative
EVIDENCE-BASED PRACTICES	)	Order No. 2020-141)
	)	

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An amendment to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on October 22, 2020 and was approved and recommended for adoption. Revisions to this Code have been made to enable juvenile standard probation officers and juvenile intensive probation officers to provide a data driven, proposed disposition to the court. Revisions have also been made to the timeframe for filing a petition to revoke when an adult or juvenile intensive probationer is not located.

The nature of the amendments requires a phased approach, with differing effective dates. Revisions for the Recommendation Matrix will be effective July 1, 2021. Departments will submit new policies for the Recommendation Matrix to align their programs to this code section as part of their Program Plans for FY 2022.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-105.01 is amended as indicated on the attached document. All other provisions of § 6-105.01 remain unchanged and in effect.

Provisions regarding the Recommendation Matrix will be effective July 1, 2021. All other amendments to this code are effective on January 1, 2021.

Dated this 23rd day of December, 2020.

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ROBERT BRUTINEL  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 1: General Administration**  
**Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices**

**Courts shall be governed by section 6-105, except and until approved by the Administrative Director to be governed by section 6-105.01.**

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

“Absconder” as provided in A.R.S. § 13-105(1) “means a probationer who has moved from the probationer’s primary residence without permission of the probation officer, who cannot be located within ninety days of the previous contact and against whom a petition to revoke has been filed in the superior court alleging that the probationer’s whereabouts are unknown. A probationer is no longer deemed an absconder when the probationer is voluntarily or involuntarily returned to probation service.”

“Alcohol and drug testing” means any validated or verified method of determining the level of identifiable substances in the body including, but not limited to, breath, blood, oral fluid urine, hair, and sweat testing.

“Arrest notification” means notice, by any means, that the probationer has been arrested, cited or had official contact with a law enforcement officer.

“Case plan” means the documented behavior change plan and supervision strategy developed by the supervising probation officer in collaboration with the juvenile and family or adult probationer which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

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

“Child,” “youth,” or “juvenile” means “an individual who is under the age of eighteen years” as provided in A.R.S. § 8-201(6).

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

“Complaint” means “a written statement of the essential facts constituting a public offense ...” as provided in A.R.S. § 8-201(7).

“Court” means superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal or delinquent behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment, and lack of education.

“Default” means has not met obligations of supervision as outlined in terms of probation.

“Delinquent act” means “an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense” as provided in A.R.S. § 8-201(~~10~~)(12).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act,” as provided in A.R.S. § 8-201(~~11~~)(13).

“Dependent child” means “(a) a child who is adjudicated to be: (i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control. (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care. (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child. (iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child. (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-706. (b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists,” as provided in A.R.S. § 8-201(~~13~~)(15).

“Evidence-based practice” means strategies that have been shown, through current, scientific research to lead to a reduction in recidivism.

“Incorrigible child” means “a child who:

- (a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person.
- (b) Is habitually truant from school as defined in section 15-803, subsection C.
- (c) Is a runaway from the child’s home or parent, guardian or custodian.
- (d) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others.
- (e) Commits any act constituting an offense that can only be committed by a minor and that is not designated a delinquent act.
- (f) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action.” as provided in A.R.S. § 8-201(~~16~~)(19).

“Juvenile court” means “the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility” as provided in A.R.S. § 8-201(~~18~~)(21).

“Juvenile court consequence” means a consequence imposed by the court after an adjudication that does not include a term of probation. Court consequences may include but are not limited to

community restitution, fines, and curfews with parental responsibility for oversight. Court consequences do not include treatment or family counseling services.

“Juvenile intensive probation” means “a program...of highly structured and closely supervised juvenile probation and which emphasizes surveillance, treatment, work, education and home detention” as provided in A.R.S. § 8-351.

“Juvenile short-term standard probation” means a period of formal supervision granted by the juvenile court to an adjudicated juvenile pursuant to A.R.S. § 8-341 and upon review of the court, the juvenile may be released after six months or sooner if specified conditions have been completed.

“Juvenile standard probation” means a period of formal supervision granted by the juvenile court to an adjudicated juvenile contingent on compliance with specified conditions.

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(24)(27).

“Recommendation Matrix” means the approved tool utilized by a probation officer or surveillance officer who meet the required training as established by the AOC to provide a proposed disposition to the court.

“Referral” means “a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act” as provided in A.R.S. § 8-201(27)(31).

“Standardized assessment” means the state-approved tool to determine the offender’s needs related to criminal behavior and propensity to re-offend.

“Standardized reassessment” means the state-approved tool designed to measure changes in an offender’s needs related to criminal behavior and propensity to re-offend.

“Target interventions” means supervision related services determined by the probationer’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Youth assessment” means the ~~state~~ approved system of actuarial tools designed to assess risk, need, and responsivity factors of youth at various stages of the juvenile justice system.

**B.-D. [No Change]**

**E. Duties of Probation Officers.**

1. [No Change]
2. Adult probation officers shall also:
  - a. – f. [No Change]

g. As provided by A.R.S. § 12-253(7), “Bring defaulting probationers into court when in the probation officer’s judgment the conduct of the probationer justifies the court to revoke suspension of the sentence.”

(1) – (3) [No Change]

(4) If the probationer is on intensive probation supervision and is not located within ~~72 hours~~ 30 days, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The supervising officer shall file the petition to revoke sooner, when required by local departmental policies, the circumstances surrounding the case or the need for community protection.

(5) – (6) [No Change]

h. – i. [No Change]

3. Juvenile probation officers shall also:

a.- e. [No Change]

f. Exercise general supervision and observation over juveniles on probation, enforcing all court orders and emphasizing accountability, and notify the court when juvenile conduct displays an inability or unwillingness to comply with the conditions of probation and all court orders.

(1) - (3) [No Change]

(4) If the defaulted juvenile is on intensive probation supervision and is not located within ~~72 hours~~ 14 days, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The supervising probation officer shall file the petition to revoke sooner, based on local departmental policies, the circumstances surrounding the case and the need for community protection.

(5) [No Change]

g. [No Change]

h. Conduct a youth assessment for each juvenile who is referred to the juvenile court and update the assessment on each subsequent referral. The court shall use the assessment to determine the appropriate disposition of the juvenile. The results of the assessment shall be used by the probation officer to recommend a level of supervision and to formulate a case plan for the juvenile.

(1) [No Change]

(2) The disposition tool of the youth assessment shall be completed ~~post-adjudication/ pre-disposition~~ following the adjudication and prior to the disposition. The probation officer shall use ~~results of the assessment~~ the Recommendation Matrix to recommend level of placement and supervision propose a disposition of Court Consequence, Short-term Standard Probation, Standard Probation, Juvenile Intensive Probation Supervision or commitment to the Arizona Department of Juvenile Corrections.

i. - n. [No Change]

**F. [No Change]**