

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 6-301.01	)	No. 2020 - <u>206</u>
JUVENILE STANDARD PROBATION	)	(Affecting Administrative
EVIDENCE-BASED PRACTICES	)	Order No. 2013-91)
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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 to provide a data driven, proposed disposition to the court.

The nature of the amendments requires a phased approach, with differing effective dates. The risk-based supervision requirements of the code will therefore be effective April 1, 2021. Revisions for the Recommendation Matrix will be effective July 1, 2021. Departments will submit new policies for risk-based supervision and 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 § 6-301.01 is amended as indicated on the attached document. All other provisions of § 6-301.01 remain unchanged and in effect.

Provisions regarding risk-based supervision will be effective March 1, 2021. Provisions regarding the Recommendation Matrix will be effective July 1, 2021. All other amendments to this code are effective 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 3: Juvenile Services**  
**Section 6-301.01: Juvenile Standard Probation Evidence-Based Practices**

**Courts shall be governed by section 6-301, except and until approved by the Administrative Director to be governed by section 6-301.01.**

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

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

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

“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.

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

“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).

“Collateral” means any individual or agency that has a relationship to a particular juvenile that serves as a source of information or point of contact, including but not limited to family members, school personnel, law enforcement, victims, community members, and treatment providers.

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

“Court” means the 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 a juvenile 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).

“Delinquency risk” means measurable factors that have been correlated to the probability of recidivism that are gathered informally through routine interactions and observations with juveniles and by formal assessment guided by instruments.

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

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

“Hand count” means manual tabulation of all probation case files, conducted independently from any automated system.

“Out-of-home care” means the juvenile resides at a licensed facility that provides treatment or behavioral modification services under 24-hour structured supervision. This category of care does not include foster care, kinship care, or temporary shelter services.

~~“Out of home placement” means “the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian ...” as provided in A.R.S. § 8-501(8)(9).~~

“Parent” means the juvenile’s biological, adoptive, or legal mother or father whose rights have not been terminated.

“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).

~~“Protective supervision” means “supervision that is ordered by the juvenile court of children who are found to be dependent or incorrigible” as provided in A.R.S. § 8-201(26).~~

“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).

“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.

“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.

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

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

~~“Visual contact” means face-to-face communication with the juvenile at any place, including but not limited to, the probation department and the juvenile’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters. Contacts with juveniles are not ends in themselves but are opportunities for officers to achieve specific objectives. These objectives include establishing rapport with the juvenile, assessing the juvenile’s criminogenic factors and triggers, developing and, when needed, modifying a case plan, and using both subtle and overt incentives and sanctions to guide the juvenile toward positive change.~~ or visual contacts conducted via AOC approved technology with the juvenile at any place, including, but not limited to, the probation department and the juvenile’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters.

“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. [No Change]**

**C. Purpose.**

1. The purpose of juvenile standard probation in Arizona is to provide the highest quality service to the court, community, juveniles being supervised and their families. This is accomplished by promoting public safety through effective community based supervision and enforcement of court orders, offering accurate and reliable information and affording juveniles opportunities to be accountable and initiate positive changes.

2. A.R.S. § 8-341(B) provides the standard probation term length:

B. If a juvenile is placed on probation pursuant to this section, the period of probation may continue until the juvenile's eighteenth birthday or until the juvenile's nineteenth birthday if jurisdiction is retained pursuant to § 8-202, subsection H, except that the term of probation shall not exceed one year if all of the following apply:

1. The juvenile is not charged with a subsequent offense.
2. The juvenile has not been found in violation of a condition of probation.
3. The court has not made a determination that it is in the best interests of the juvenile or the public to require continued supervision. The court shall state by minute entry or written order its reasons for finding that continued supervision is required.
4. The offense for which the juvenile is placed on probation does not involve a dangerous offense as defined in section 13-105.
5. The offense for which the juvenile is placed on probation does not involve a violation of title 13, chapter 14 or 35.1.
6. Restitution ordered pursuant to section 8-344 has been made.
7. The juvenile's parents have not requested that the court continue the juvenile's probation for more than one year.

3. Short-term Standard Probation is available to implement an evidence-based approach as part of the Recommendation Matrix.

#### **D.-H. [No Change]**

##### **I. Active Cases.**

1. A juvenile standard probation officer's active caseload shall include:

- a. Juveniles residing in county including those who are in foster care, kinship care or temporary shelter services and receiving standard probation services;
- b. Juveniles in out-of-home placement care;
- c. Juveniles placed in detention; and

- d. Juveniles on warrant status for less than 90 days.
2. A juvenile standard probation officer's active caseload shall not include:
- a. Juveniles on administrative status for one of the following reasons:
    - (1) Juveniles traveling for more than 30 days out of state or country with the approval of the juvenile probation department;
    - (2) Juveniles direct filed to adult court and currently held in adult jail pending the adult court action; or
    - (3) Juveniles residing for more than 30 days out of state or country, but the department has retained jurisdiction of the juvenile.
  - b. Juveniles on warrant status for 90 days or more, and
  - c. Juveniles not yet dispositioned to standard probation, nor protective supervision by the court.

**J. Program Operations.**

1. Each probation department shall develop policies, procedures, and protocols:
- a.-e. [No Change]
  - f. Which require standard probation officers to administer a youth assessment for each adjudicated juvenile-supervised, prior to disposition or within 30 days of placement on standard probation, if not completed during the pre-dispositional process. Probation officers shall consider assessment results, family feedback, other agencies involved, as well as any other relevant information, when developing a case plan;
  - g. Which require probation officers to utilize the Recommendation Matrix;
  - ~~g.~~h. Which require the supervising juvenile probation officer to update the youth assessment, upon each subsequent referral and once every six months, at a minimum. Upon each re-administration, juvenile officers shall review the previous case plan evaluating and updating noted strategies to reflect identified risks and needs;
  - ~~h.~~i. That require probation officers to utilize graduated responses to promote positive behavioral change through incentives, consequences, and supervision to address violations;
  - ~~i.~~j. That ensure probation officers providing standard supervision shall re-examine 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; and
2. [No Change]

3. The juvenile probation officer shall:

a. ~~For every juvenile placed on standard probation, Develop~~ a case plan ~~must be developed within 30 days of disposition for every juvenile who is placed on standard probation.~~ The probation officer shall ensure the case plan includes objectives that are measurable and signatures of the probation officer, juvenile, and the juvenile's parent or guardian.

b.-m. [No Change]

4. A.R.S. § 8-396(A) provides:

A. On request of a victim who has provided an address or other contact information, the ~~court~~ probation department shall notify the victim of any of the following:

1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against the victim.
2. Any hearing on a proposed modification of the terms of probation or intensive probation.
3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.

**K. Minimum Supervision Requirements.** Each ~~juvenile court~~ probation department shall develop policies and procedures that ensure minimum levels of supervision for juveniles placed on standard probation. These policies and procedures shall include ~~minimum contacts once every 30 days for:~~

1. ~~Visual contacts with the juvenile. Visual contacts shall be varied, scheduled, and unscheduled. Visual contacts and supervision strategies shall be proportionate to the level of risk and needs of the juvenile based on results of the youth assessment and other significant case information. Visual contacts with the juvenile shall continue when in out-of-home placement or detention;~~

2. ~~Parental contacts;~~

3. Visual contacts and supervision strategies shall be proportionate to the level of risk and needs of the juvenile based on results of the youth assessment, Recommendation Matrix and other significant case information;

a. The low risk supervision level shall include:

(1) Visual contact with the juvenile within 30 days of disposition and one visual contact every month thereafter;

(2) Contact with the parent within 30 days of disposition and every month thereafter;



requirements specific to the needs and goals of the identified caseload and shall include minimum monthly contacts standards. ~~for:~~

- ~~a. Visual contact with juvenile;~~
  - ~~b. Parental contact;~~
  - ~~c. Employment contacts and verification as necessary, if juvenile is authorized to work in the United States;~~
  - ~~d. School contacts and verification; and~~
  - ~~e. Treatment providers as appropriate.~~
4. Probation officers assigned to supervise specialized caseloads shall participate in continuing education and training on the specific needs of the specialized population.

**M. [No Changes]**