

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 6-302.01)	No. 2020 - <u>207</u>
JUVENILE INTENSIVE PROBATION)	(Affecting Administrative
SUPERVISION EVIDENCE-BASED)	Order No. 2016-70)
PRACTICES)	
_____)	

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 intensive 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. 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 § 6-302.01 is amended as indicated on the attached document. All other provisions of § 6-302.01 remain unchanged and in effect.

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

Dated this 23rd day of December, 2020.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 3: Juvenile Services

Section 6-302.01: Juvenile Intensive Probation Supervision Evidence-Based Practices

Courts shall be governed by section 6-302, except and until approved by the Administrative Director to be governed by section 6-302.01.

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 who is not currently receiving active supervision or if 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.

“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 ~~friends, family members, school personnel, law enforcement, victims, community members, neighbors, and treatment providers, or other associates.~~

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

“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.

“Custodian” means “a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court” as provided in A.R.S. § 8-201(8).

“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(~~4~~)(12).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act” as provided in A.R.S. § 8-201(~~4~~)(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.

“JIPS team” means one probation officer and one surveillance officer, or one probation officer and two surveillance officers, or two probation officers and one surveillance officer, or one probation officer if a waiver of standards is granted.

“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.

“Law enforcement officer” means “a peace officer, sheriff, deputy sheriff, municipal police officer or constable” as provided in A.R.S. § 8-201(~~19~~)(22).

“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).~~

“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).

“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).

“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.

~~“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 Changes]

C. Purpose. JIPS is, as A.R.S. § 8-351 provides “a program which is established pursuant to this article of highly structured and closely supervised juvenile probation and which emphasizes surveillance, treatment, work, education and home detention.” The purpose of JIPS programs is to reduce commitments to the state department of juvenile corrections and other institutional

or out-of-home ~~placements~~ care.

D.-G. [No Changes]

H. Eligibility Requirements for JIPS.

1.-5. [No Changes]

6. The court shall not grant intensive probation to juveniles placed in an out-of-home ~~placement~~ care for more than 30 days. The court shall reduce the juvenile to standard probation if the juvenile is currently on JIPS and requires placement over 30 days.
7. A juvenile probation officer who recommends intensive probation shall state the reasons for the recommendation in the disposition summary report. The officer shall recommend, and the court may order JIPS 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 ~~an~~ out-of-home ~~placement~~ care;
 - 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 offenders.

8.-10. [No Changes]

I.-J. [No Changes]

K. Active Cases.

1. A JIPS team'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 intensive probation;
 - b. Juveniles in out-of-home ~~placement~~ care for less than thirty (30) days;
 - c. Juveniles placed in detention; and
 - d. Juveniles on warrant status for less than 90 days.
2. [No Changes]

L. [No Changes]

M. Program Operations.

1. Each juvenile probation department shall develop:
 - a. Policies and procedures that aim to reduce juvenile risk and the likelihood of future delinquent acts that are consistent with the principles of evidence-based practices. The policies and procedures shall be interdependent, applied in developmental order and shall notably assess delinquent risk and criminogenic need, enhance intrinsic motivation, target interventions, provide skill training with directed practice, increase positive reinforcement, engage ongoing support in natural communities, measure relevant processes and practices, and provide measurable feedback;
 - b. Policies and procedures regarding alcohol and drug testing of juveniles on intensive probation. The procedure shall address the methods used to select juveniles for testing, the frequency of testing, and the type of test to be administered;
 - c. Protocols for working with the office of the clerk of the superior court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections;
 - d. Policies and procedures to ensure the collection of monies owed as a condition of JIPS. Each probation department and JIPS team shall immediately address any arrearage. Each probation department and JIPS team shall also encourage the JIPS juvenile's payment of other assessments ordered by any court;
 - e. Policies and procedures which require intensive probation officers to administer a youth assessment for each adjudicated juvenile—supervised, prior to disposition or within 30 days, if not completed during the pre-dispositional process. Officers shall consider assessment results, family feedback other agencies involved, as well and any other relevant information, when developing a case plan;
 - f. Policies and procedures which require intensive probation officers to utilize the Recommendation Matrix;
 - f.g. Policies and procedures which require intensive officers to develop a case plan within 30 days of disposition. The officer shall ensure the case plan includes objectives that are measurable, signatures of the probation officer juvenile and the juvenile's parent or guardian;
 - g.h. Policies and procedures which require the supervising 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 risk and needs;

h.i. Policies and procedures that require probation officers to utilize graduated responses to promote positive behavioral change through incentives, consequences, and supervision to address violations;

i.j. Policies and procedures by which accurate and timely records of the completion of community restitution hours are maintained for each intensive juvenile probationer. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless authorized by the court.

2. Each JIPS team shall:

a. Develop and implement supervision strategies that match youth assessment results and address criminogenic needs in addition to the juvenile's delinquency risk, and strengths that promote case plan goals and provide effective supervision that is individualized, proportional and purposeful. Surveillance and other intervention shall be proportionately matched to emerging or decreasing risk factors;

b. As provided by A.R.S. § 8-353(C)(2) "Exercise close supervision and observation over juveniles who are ordered to participate in the intensive probation program";

c. Evaluate and update the case plan on an on-going basis to identify progress towards goals and conditions of probation;

d. As provided by A.R.S. § 8-355:

The juvenile intensive probation team shall ensure that each juvenile under its supervision is participating in one or more of the following-
If approved by the court or probation officer, for not less than thirty-two hours each week, Throughout the term of the intensive probation:

1. School.
2. A treatment program.
3. Employment.
4. A community restitution program.
5. An activity that improves the juvenile's prosocial skill development, including enhancing the juvenile's relationship with the juvenile's family.

This shall be accomplished by:

- (1) Assisting juveniles seeking employment and closely monitoring employment of juveniles if the juveniles are authorized to work in the United States;
- (2) Closely monitoring participation in treatment programs, involving the parent or guardian in the rehabilitation and treatment of the juvenile, monitoring school attendance; and
- (3) Providing or arranging for appropriate supervision of juveniles performing community restitution work.

e.-q. [No Changes]

- r. Require each active case under the JIPS team's supervision to submit a schedule of activities for approval. Juveniles who are detained or participating in out-of-home ~~placement care~~ are exempt from this requirement. The intensive probation team shall monitor and enforce the approved schedule.

3.-5. [No Changes]

6. Victim notification. A.R.S. § 8-396(A)(B)(C) 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.

B. [No Changes]

C. If a victim has requested post adjudication notice and probation is revoked and the juvenile is committed to the department of juvenile corrections, the ~~court~~-probation department shall notify the department of juvenile corrections of the victim's request.

N. [No Changes]

O. Minimum Supervision Requirements.

1.-2. [No Changes]

3. Supervision Level I shall include:

- a. Visual contacts. The JIPS team shall have a minimum of four visual contacts with each juvenile per week. Home contacts are required on a random and varied basis. Mandatory visual contact may be made by other probation or surveillance officers when authorized by the director. Visual contacts shall be varied and unscheduled, and include evenings, weekends, and holidays. Visual contacts with the juvenile shall continue when in out-of-home ~~placement care~~ or detention;

b.-p. [No Changes]

4. Supervision Level II shall include all conditions of Level I in addition to the following:

a. Visual contacts. The JIPS team shall have a minimum of two visual contacts with each juvenile per week, with at least at least one contact occurring at the juvenile's residence. Mandatory visual contact may be made by other probation or surveillance officers when authorized by the director. Visual contact shall be varied and unscheduled, and include evenings, weekends, and holidays. Visual contacts with the juvenile shall continue when in out-of-home ~~placement~~ care or detention; and

b. [No Changes]

5. Supervision Level III shall include all conditions of Level I in addition to the following:

Visual contacts. The JIPS team shall have a minimum of one visual contact with each juvenile per week, with at least one visit occurring at the juvenile's residence every other week. Mandatory visual contact may be made by other probation or surveillance officers when authorized by the director. Visual contact shall be varied and unscheduled, and include evenings, weekends, and holidays. Visual contacts with the juvenile shall continue when in out-of-home ~~placement~~ care or detention.

P.-Q. [No Changes]