

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION,)	No. 2023 - <u>158</u>
§§ 6-106, 6-301, 6-302, 6-306,)	(Affecting Administrative Order
6-309, & 6-310)	Nos. 2021-126, 2023-08, 2023-09,
)	2002-72, 2004-56, and 2003-22)

Pursuant to the Arizona Code of Judicial Administration (ACJA) § 1-201(E), the Chief Justice may adopt technical changes in existing administrative code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council. The need for technical amendments to ACJA §§ 6-106, 6-301, 6-302, 6-306, 6-309, and 6-310 are necessary due to the recent amendments made by Laws 2023 (1st Reg. Sess.) Ch. 162, Senate Bill 1197.

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

IT IS ORDERED that the amendments to ACJA §§ 6-106, 6-301, 6-302, 6-306, 6-309, and 6-310 as indicated on the attached documents are adopted, effective October 30, 2023. ACJA § 6-309 is removed in its entirety and all other provisions of §§ 6-106, 6-301, 6-302, 6-306, and 6-310 remain unchanged and in effect.

IT IS FURTHER ORDERED that payments for foster care, treatment, or education received in accordance with court orders issued prior to October 30, 2023, are to be accounted for under the same processes used before that date.

Dated this 4th day of October, 2023.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-106: Personnel Practices

A. through H. [No Changes]

I Disqualifiers for Officer and Safety Sensitive Position Applicants.

1. Departments shall disqualify an applicant for appointment if:
 - a. The applicant is awaiting trial for, or has been convicted of a felony offense in this state or a similar offense in another state or jurisdiction whether or not the conviction was sealed or expunged.
 - b. An applicant for a juvenile officer position is awaiting trial or has been convicted of or admitted committing any offense listed in A.R.S. § 8-203.01 or a similar offense in another state or jurisdiction whether or not the conviction has been sealed or expunged.
 - c. The applicant is awaiting trial for, or has been convicted of the following misdemeanor criminal offenses in this state or similar offenses in another state or jurisdiction:
 - (1) A violent misdemeanor offense, including an offense that involves domestic violence;
 - (2) A DUI within the last 36 months, or more than one DUI; or
 - (3) More than one offense while legally under the influence (impaired to the slightest degree) within 36 months.
 - d. The applicant sold, produced, manufactured, cultivated, or transported any illegal substance or drug.
 - e. The applicant used any illegal substance including cannabis/marijuana while employed as a probation officer or in a position with peace officer status.
 - f. The applicant has been disciplined for more than one incident for use of alcohol or cannabis/marijuana during previous employment.
 - g. The applicant has been dishonorably discharged from the United States Armed Services.
2. Departments may disqualify an applicant for appointment if the applicant has been adjudicated delinquent for a felony offense in this state or a similar offense in another state or jurisdiction, whether or not the adjudication has been sealed or expunged based upon the circumstance of the offense including, but not limited to (I)(3)(a) through (d).
3. Departments shall consider a disqualified applicant's request for an exception to

disqualification under subsection (I)(1)(a) through (h) and (I)(2) for any matter disclosed in the application, based upon the circumstances of the offense, including, but not limited to:

- a. Age of the applicant at the time of conviction, adjudication or occurrence;
 - b. The degree of violence and injury or property damage;
 - c. The applicant's record since the conviction, adjudication or occurrence; and
 - d. The applicant's qualifications for the particular position sought.
4. Departments shall not make exceptions for juvenile officers for offenses listed in A.R.S. § 8-203.01.

J. Continuing Employment Requirements.

1. Each department shall, at a minimum:
 - a. Provide all probation department employees with access to and training regarding the Code of Conduct for Judicial Employees and the Arizona Code of Judicial Administration.
 - b. Have all probation department employees certify that they have received training and shall adhere to the Code of Conduct for Judicial Employees and Arizona Code of Judicial Administration provisions concerning probation.
 - c. Adopt and integrate policies and procedures for random sampling and reasonable suspicion drug screening for illegal substances which conform with Appendix A, "Model Policy for Drug Testing."
 - d. Adopt, integrate, and use, at a minimum, the model job descriptions as set forth and attached in Appendices B-1, B-2, B-3, B-4 and B-5. Any additions to these minimum requirements must be in writing.
 - e. Have a written policy and procedure requiring all employees to immediately disclose to the employee's supervisor if the employee is the subject of any of the following:
 - (1) Citation for a misdemeanor or felony offense;
 - (2) Arrest;
 - (3) Conviction;
 - (4) Order of protection; and
 - (5) Warrant.
 - f. Have a written policy and procedure addressing department action in response to a disclosure or discovery that the employee is the subject of any action identified in

(J)(1)(~~de~~).

- g. Conduct criminal history and MVD records checks of all probation employees every two years, at minimum. For department employees that have need to operate a state, county or personal vehicle in the execution of their duties, conduct annual MVD reviews pursuant to ACJA 6-111.
- h. Remove any probation department employee from the chain of supervision of relatives or members of the officer's household who are on probation.
- i. Establish a program for probation and surveillance officers pursuant to A.R.S. §_38-672 which provides:

A. Notwithstanding any other law, this state or a political subdivision of this state shall establish a program to provide public safety employees who are exposed to any one of the following events while in the course of duty up to twelve visits of licensed counseling, which may be provided ~~via telemedicine~~ through telehealth, paid for by the employer:

...

~~3. In the case of a public safety employee:~~

~~(a)(1)~~ Visually witnessing the death or maiming or visually witnessing the immediate aftermath of such a death or maiming of one or more human beings.

~~(b)(2)~~ Responding to or being directly involved in a criminal investigation of an offense involving a dangerous crime against a child punishable under children as defined in section 13-705.

~~(c)(3)~~ Requiring rescue in the line of duty where one's life was endangered.

- 2. Each probation department may, for good cause, require an employee to undergo an evaluation to determine the employee's emotional, psychological or physical ability to safely perform the employee's assigned duties.
 - a. The department shall choose a licensed or certified professional to complete the evaluation.
 - b. The department shall pay for the cost of the evaluation.
 - c. Based on the evaluation, the chief probation officer or director of juvenile court services shall review the assignment of an employee to determine whether the employee can perform the assigned job duties consistent with the safety of the employee, other employees and the public.
 - d. The chief probation officer or director of juvenile court services may reassign the employee or take other appropriate action when it is determined that an employee can no longer perform the assigned job duties consistent with the safety of the employee, other employees or the public.

e. For physical examinations, departments shall comply with the additional requirements of A.R.S. § 38-1140.

(1) Pursuant to A.R.S. § 38-1140(A), a department may order a probation officer to submit to a physical examination:

[O]nly if ~~---~~ the probation officer has acted or failed to act in an observable manner that indicates that there is a physical condition materially limiting the ~~---~~ probation officer's ability to perform the essential functions of the probation officer's job within the ~~---~~ probation officer's job description. The order shall state all of the specific objective facts on which the order for the physical exam is based except that the order may omit the specific names of individuals who reported the ~~---~~ probation officer's conduct to the supervisor.

(2) Each department shall adopt policies and procedures that comply with the substantive and procedural requirements set forth in A.R.S. § 38-1140.

3. All probation department employees shall:

a. Disclose to the appropriate supervisor, in writing, any of the following:

(1) The employee is a party or subpoenaed witness in any pending litigation that is not related to the business of probation.

(2) A relative, member of the household or close friend of the employee becomes a probationer under the supervision of the department.

(3) Any appearance of impropriety of the relationship with a probationer occurs in the course of supervision.

(4) The employee is the subject of any of the following:

(a) Citation for a misdemeanor or felony offense;

(b) Arrest;

(c) Conviction;

(d) Order of protection; and

(e) Warrant.

b. Conduct relationships with relatives or members of their household on probation in a manner that does not interfere with professional duties or reflect negatively on the court.

c. Avoid any intimate or personal business relationship with, a probationer, the probationer's family and friends, or members of the probationer's household for a period of one year following discharge or termination from custody or supervision unless the relationship is approved in writing by the chief probation officer or the director of juvenile court services.

d. Conduct any approved relationship in a manner that does not interfere with professional duties of the employee.

- e. Be prohibited from engaging in any sexual conduct with a current probationer, including:
 - (1) Engaging in sexual contact of any type.
 - (2) Cohabitation or marriage, unless the cohabitation or marriage existed prior to employment with the department.

- f. Adhere to:
 - (1) Federal, state and local laws and ordinances;
 - (2) The Code of Conduct for Judicial Employees; and
 - (3) The Arizona Code of Judicial Administration (ACJA).

- g. Comply with all training requirements specified by:
 - (1) Administrative orders;
 - (2) The ACJA;
 - (3) The AOC;
 - (4) The Committee on Judicial Education and Training; and
 - (5) Local departments.

K. through M. [No Changes]

**Section 6-106: Personnel Practices
APPENDIX A**

MODEL POLICY FOR DRUG TESTING

I. Definitions. In this section the following definitions apply:

“Alcohol” means the intoxicating agent in a beverage, ethyl, or other low molecular weight drink, including methyl and isopropyl, and includes any medication, food, or other products containing intoxicants.

“Alcohol use” means the consumption of any beverage, mixture or preparation, including any medication containing intoxicants.

“Employee Assistance Program” (EAP) means an agency-based counseling program that offers assessment, short-term counseling and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

“Illegal drugs” means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title and as defined in A.R.S. § 13-3401. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

“On duty” means the time period during which the employee is involved in performing the employee’s respective probation duties or functioning at the direction of the department.

“Off duty” means the time period during which the employee is not involved in performing the employee’s respective probation duties or functioning at the direction of the department.

“Reasonable suspicion” is a belief based on specific objective facts and logical inferences drawn from those facts.

"Safety sensitive duties" means duties that involve assigned responsibilities for direct community or custodial supervision of probationers, defendants or juveniles pending adjudication or that involve authorization to carry and to use a firearm in the performance of other assigned responsibilities.

“Safety sensitive positions” means officers, community service coordinators and other employees as designated by the chief probation officer or director of juvenile court services who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the court.

II. Authority. Arizona Code of Judicial Administration Section 6-106: Personnel Practices, Federal Drug-Free Workplace Act of 1988, and A.R.S. § 13-3401, et seq.

III. Purpose. To establish and maintain a drug-free and alcohol-free workplace in adult and

juvenile probation departments.

- A. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug by any court employee at any time is absolutely prohibited.
- B. Reporting to work or while on duty and having any detectable or measurable presence of alcohol or illegal drug is absolutely prohibited.
- C. Violations of this policy shall result in appropriate disciplinary action, up to and including termination, and may also result in legal consequences.

IV. Procedure. All employees shall be notified of:

- A. The department's intent to maintain a drug and alcohol-free workforce;
- B. The availability of substance abuse treatment and employee assistance programs;
- C. The penalties that may result from substance abuse violations;
- D. The requirement to abide by the terms of this policy as a condition of employment; and
- E. Random testing, detailed in subsection V(~~E~~D), that shall apply to safety sensitive positions or any other employee who requests to be included in random testing.

V. Authorized Testing Conditions.

- A. Pre-employment drug testing shall be conducted in conjunction with, or in lieu of a pre-employment polygraph examination.
- B. Reasonable Suspicion Testing.
 - 1. All employees shall submit to a drug test based upon reasonable suspicion of prohibited or illegal use of drugs, cannabis/marijuana or alcohol.
 - 2. Reasonable suspicion that an employee uses alcohol, cannabis/marijuana or illegal drugs may be based upon, but not limited to, the following situations:
 - a. Direct observation of drug or alcohol use or the physical symptoms of being under the influence of drugs or alcohol; for example, slurred speech or odor of alcohol.
 - b. A pattern of abnormal conduct or erratic behavior.
 - c. Arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation of illegal drug possession, use

or trafficking.

- d. Information provided by reliable or credible sources or by admission of the employee.
- e. Evidence that the employee tampered with a previous drug test.
- f. All employees driving a state, county, or personal vehicle within the scope of their employment shall submit to a drug test after a traffic accident involving any of the following incidents:

(1) Loss of life or

(2) Reason to believe that alcohol or drug usage may have contributed to the accident.

- 3. The supervisor shall document, in writing, a description of the circumstances which form the basis of reasonable suspicion. The supervisor shall forward the documentation to the chief adult probation officer, director of juvenile court services, or a designee to authorize such testing. The results of the testing shall be retained in the employee's personnel file and remain confidential.

C. Officer Shooting or Discharging a Firearm While On Duty. Any officer who discharges a weapon during the line of duty shall submit to a drug and alcohol test within 24 hours.

D. Random Testing.

- 1. Departments shall include all employees who perform safety sensitive duties in random drug testing.
- 2. All employees who perform safety sensitive duties shall be included in the statewide pool for random drug testing of a percentage of employees at a frequency determined by the administrative director in consultation with the Committee on Probation (COP). The administrative director shall select persons for testing in a manner validated for randomness.
- 3. A chief probation officer or director of juvenile court services may submit a request to the AOC for special authorization to include an additional group or class of employees in the statewide pool for random drug testing.

a. Authorization may only be granted if there is:

- (1) Evidence of current or recent illegal drug use among a group or class of employees;
- (2) Evidence of current or recent illegal drug use within a facility staffed by a group or class of employees; or
- (3) Evidence of past illegal drug use among a group or class of employees and

random drug testing is included in a loss prevention plan approved by the AOC.

b. The request for approval shall include, at a minimum:

- (1) The nature and extent of the past or current illegal drug use;
- (2) Any and all corrective actions taken to date and the results;
- (3) Documentation of the underlying legal basis for testing the group or class of employees; and
- (4) The recommended testing period.

c. The administrative director, in consultation with the requesting chief probation officer or director of juvenile court services, and upon review by legal counsel, shall approve or decline the request.

d. If approved, the AOC shall notify all chief probation officers and directors of juvenile court services of the authorization.

e. The chief probation officer or director of juvenile court services shall notify the AOC if comparable circumstances exist in their department that warrant random drug testing of similarly situated employees.

4. Notification.

a. The AOC or designee shall generate a randomly selected employee list for drug testing and notify, via email, each selected employee's chief adult probation officer, director of juvenile court services, or designee.

b. The chief adult probation officer, director of juvenile court services, or designee shall:

- (1) Schedule the employee for drug testing at an approved site within two working days of receiving notice.
- (2) Schedule employee for drug testing during the employee's regularly scheduled shift.
- (3) Authorize overtime or compensatory time when scheduled testing extends an employee's work week beyond forty hours.
- (4) Issue a notification form to the selected employee requiring the employee to submit to drug testing at the collection site within two hours.
- (5) Ensure the employee signs the notification form.

5. Failure to Report.

a. If an employee fails to appear after receiving a notification, the employee shall provide the chief adult probation officer, director of juvenile court services, or designee with a written explanation for not reporting by the next business day. The report shall include:

- (1) Reason for not reporting to the collection site;

- (2) Name of supervisor notified; and
 - (3) Supervisor's instructions, if any, given to the employee.
- b. Failure of the employee to notify the supervisor of the excused absence circumstance prior to the test may be considered an unexcused absence.
 - c. The chief adult probation officer, director of juvenile court services, or designee shall determine if the failure to report was:
 - (1) Excused absence, which may include, but is not limited to:
 - (a) Inability to leave a work assignment due to a critical incident occurrence;
 - (b) A safety or hazardous situation involving the employee or public;
 - (c) Required appearance in court; or
 - (d) Previously approved annual or other authorized leave.
 - (2) Unexcused absence.
 - d. If the chief adult probation officer, director of juvenile court services, or designee approves the absence, the reason shall be documented and the employee's name shall be placed into the random selection pool for the next unannounced random selection.
- 6. Refusal to submit. Any of the following actions performed by a selected employee will be considered a refusal to submit:
 - a. Failing to provide an adequate sample to allow appropriate testing;
 - b. Refusing to submit to or complete any paperwork relating to the test;
 - c. Engaging in conduct that clearly obstructs the testing process;
 - d. Failing to remain available for testing when requested;
 - e. Leaving the testing site before testing is completed;
 - f. Refusing to submit a sample; or
 - g. Failing to appear for testing when scheduled.
 - 7. Unexcused absence, failure to report, or failure to provide a sample or refusal to submit as ordered will be considered a refusal and may result in disciplinary action up to, and including, termination.
- E. Departments may require probation student interns or volunteers to submit and pass a urine drug and alcohol test before the student intern or volunteer is assigned departmental duties or for reasonable suspicion at any time.

- F. Follow up testing. Any employee who is not terminated from employment following a violation of this policy is subject to unannounced follow-up testing for a three-year period after their return to work or completion of a rehabilitation or abatement program, whichever is later, to document that the employee remains drug free.

VI. Notification to Employees Subject to Testing.

- A. Notification. The department shall utilize those collection and testing sites which demonstrate a methodology of collecting, identifying, testing, analyzing and preserving samples which ensure appropriate site security, chain of custody, privacy of the individual, confidentiality and accuracy of results, reporting of results and preservation of samples, when appropriate and as necessary. Approved methodology shall meet standards set by the AOC in conjunction with COP.
- B. Employees subject to testing by this standard shall be notified of the requirement for testing on the same day by the appointing authority. Prior to any test, the employee shall be given the following information:
 - 1. Whether the drug test is random or due to reasonable suspicion and provide the reason for a reasonable suspicion test.
 - 2. Assurance that quality of testing procedures is tightly controlled, that the test used to confirm use of illegal drugs or alcohol (on reasonable suspicion only) is highly reliable, and that the test results shall be handled with maximum respect for individual privacy and concern with safety and security.
 - 3. Notice of the opportunity and procedures for submitting supplemental medical documentation from a licensed health care professional that supports a legitimate use for a specific drug.
 - 4. Prior to providing a sample, the employee being tested shall have an opportunity to indicate their legitimate use of a specific drug. Employees who test positive for a drug and have demonstrated legitimate use for a drug causing the positive test result shall be notified in writing that their result is considered negative.
 - 5. Prior to providing a sample, the person being tested may request to have a second sample sent to a laboratory of the person's choosing to have an independent drug test performed at the employee's expense. The laboratory chosen by the employee shall demonstrate the same standards of methodology as provided in section VI (A) of this model policy.
 - 6. The department shall authorize overtime or compensatory time for an employee whose scheduled test extends the employee's work week beyond forty hours.
- C. Each employee shall be notified of the location, date and time for the employee to report

to the designated test location.

- D. Applicants for employment shall be notified by the appointing authority of the testing location, date and time.

VII. Urine Sample Collection.

- A. Random Sample Collection. All employees shall adhere to the following random sample collection procedures:

- 1. The employee shall provide picture identification and signature authorization upon arrival at the collection site.

- 2. The employee shall fill out a Consent to Test and Chain of Custody form provided at the collection site.

- 3. The employee may voluntarily list substances taken in the last 30 days which may be detected in the testing process.

- 4. The employee shall be provided the appropriate sample container and be escorted to the collection area by collection site personnel. The employee shall remove all outer clothing such as jackets, coats, or sweatshirts. No handbags, duffle bags, purses or other personal carrying items will be taken into the collection area. The employee will be instructed to wash hands prior to urination.

- 5. Unobserved collection. All samples, except those ordered because of reasonable suspicion, will be collected using the unobserved method. The employee will be escorted to a specially prepared room and permitted to urinate in private.

- a. If the collection site person develops any information that the test has been compromised, the chief adult probation officer, director of juvenile court services or designee will be immediately notified.

- b. The employee will be required to submit a second sample while being observed by a same sex employee of the collection site, and both samples will be tested.

- 6. Insufficient Urine Sample.

- a. If an employee is unable to provide a minimum of 45 milliliters, approximately 1.5 oz., of urine for a sample, collection site personnel shall instruct the employee to remain on site and to drink not more than 24 ounces of fluids and, after a period of up to two hours, the employee shall attempt to provide a sufficient urine sample using a fresh collection container.

- b. If a sufficient urine sample cannot be obtained after the two hours, the insufficient sample shall be discarded and the urine collection process discontinued. The

department shall immediately prescribe an approved alternative testing methodology.

7. Once a sample is given, the employee will remain in possession of the sample until custody is transferred to collection site personnel.

8. The sample will be examined by collection site personnel for indications of tampering. If no problem is noted, the sample will be transferred by collection site personnel to the split sample containers and sealed in view of the employee.

9. The employee will verify the seal and initial the seal.

10. The appropriate paperwork to ensure chain of custody will then be completed.

11. The employee will be escorted back to the lobby and will be free to leave.

B. Reasonable Suspicion Urine Sample Collection. An employee required to provide a urine sample as a result of reasonable suspicion shall follow the collection site procedures outlined in section VII(A)(1-11), except that the urine sample collection shall be observed by a same sex employee of the testing site.

VIII. Testing Procedures.

A. Tests shall be conducted by an approved provider for the illegal use of the following drugs, or classes of drugs:

1. Cocaine;

2. Opiates;

3. Amphetamines/Methamphetamine;

4. Ecstasy (MDMA);

5. Oxycodone;

6. Heroin.

7. Alcohol (only for pre-employment and reasonable suspicion testing);

8. Cannabis/marijuana (only for pre-employment and reasonable suspicion testing).

B. The employee shall be notified prior to the testing for any additional drugs or classes of drugs.

C. Urine samples shall be rendered for testing within three hours of arrival at the laboratory.

IX. Test Results.

- A. All testing results and any disciplinary actions resulting from a positive test result shall be confidential.
- B. The provider shall send the results of the test to the chief adult probation officer or director of juvenile court services, or designee. The department shall forward a copy of the results to the employee.
- C. The chief adult probation officer, director of juvenile court services, or designee shall notify the AOC of positive results and any disciplinary or other action taken.
- D. Disciplinary action, up to and including termination, may be taken under any of the following circumstances:
 - 1. Reporting to work or, while on duty, having any detectable or measurable presence of alcohol or illegal drugs.
 - 2. Use of illegal drugs.
 - 3. Refusal to:
 - a. Submit an adequate sample;
 - b. Cooperate with the collection procedures set forth in this policy;
 - c. Sign the consent for release of information; or
 - d. Enter or successfully complete a rehabilitation program when such program has been required by the employer.
 - 4. Adulteration, substitution or other attempt to falsify the results of a drug test.
 - 5. On-duty illegal drug of cannabis/marijuana use, possession, or impairment, or alcohol consumption or impairment.
 - 6. Off-duty use or possession of illegal drugs or unauthorized use of prescription drugs.
 - 7. A determination that an employee has engaged in illegal drug trafficking including, but not limited to:
 - a. Buy;
 - b. Sale;
 - c. Manufacture;

- d. Grow;
- e. Distribute;
- f. Transport; or
- g. Aiding, abetting or conspiring to commit offenses listed in IX(D)(7)(a - f).

8. Failure to notify the supervisor of an arrest or citation for an offense involving drug or alcohol violation by the next business day.

E. Employee Assistance Program (EAP).

1. In situations where an employee who tests positive for any illegal substance is not terminated from employment, the employee shall be referred to the EAP and be given the opportunity to successfully undertake rehabilitation. The ultimate responsibility to be drug and alcohol-free rests with the employee.

2. An employee needing help in addressing drug or alcohol dependency is encouraged to use and may be directed to use the confidential services of the EAP or the substance abuse treatment program provided within the employee's health insurance coverage.

X. Reporting Requirements.

A. Violations While On Duty.

1. Immediately upon committing or learning that another employee has committed a violation of this policy while on duty, an employee shall report that violation to his or her supervisor or other management personnel.

2. The knowing failure to report an "on duty" violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action, up to and including termination.

3. The supervisor or manager shall document and forward the documentation to the appointing authority for review and authorization of testing, if needed.

B. Violations While Off Duty.

1. Immediately upon committing, or learning that another employee has committed a violation of this policy while off duty, an employee shall report that violation to an immediate supervisor or other management personnel.

2. The knowing failure to report an “off duty” violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action, up to and including termination.
3. All reports received shall be held in confidence to the extent possible to conduct a fair investigation and determine the appropriate action to be taken.
4. The supervisor or manager shall document and forward the documentation to the appointing authority for review and authorization of testing if needed.

C. Violations Resulting in Arrest or Arraignment.

1. Any employee arrested or charged with any criminal charge involving any drug or alcohol violation shall report the matter to their immediate supervisor on the next business day.
2. The supervisor shall forward the report to the appointing authority through the chain of command. The appointing authority shall initiate an administrative investigation and may reassign the employee, place the employee on administrative leave and take disciplinary action, up to and including termination, prior to the final legal disposition of the criminal case.

D. Violations Resulting in Conviction. As mandated by the Drug-Free Workplace Act of 1988, a report to the appointing authority shall be made within five business days following a conviction.

XI. Confidentiality of Test Results.

A. Employees and the drug testing laboratory involved in any aspect of the department’s drug testing program shall maintain strict standards of confidentiality of test results and related medical and rehabilitation records. This includes:

1. Maintaining maximum respect for individual privacy consistent with safety and security issues.
2. Handling of test results.
3. All contacts with medical and health personnel, counselors, employee assistance program coordinators and administrators.

B. Records.

1. Records maintained in connection with this program that contain the identity, diagnosis, prognosis, or treatment of any person shall be kept confidential.

2. Records shall be disclosed under limited circumstances and for specific purposes by consent of the employee.
 - a. Written consent shall be obtained from the person to be tested to disclose results of tests administered and related medical and rehabilitation records to the chief adult probation officer, director of juvenile court services, or designee.
 - b. This consent shall be obtained prior to the test itself.
 - c. Refusal to consent to the release of this information shall be considered a refusal to take the test.
3. Drug abuse or alcohol treatment records may be disclosed without the consent of the employee:
 - a. To medical personnel, to the extent necessary, to meet a genuine emergency.
 - b. To qualified personnel for conducting scientific research, management audits, financial audits, or program evaluations, with all identifying information removed from data.
 - c. When authorized by an appropriate court-order granted after application showing good cause.
4. Other disclosure may be made only with the written consent of the employee. Such consensual disclosure may be made for verification of treatment or a general evaluation of treatment progress.

Section 6-106: Personnel Practices

APPENDIX B-1

Adult Probation Officer Job Description

Position Summary:

Probation officers provide casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a probation officer include supervising the caseloads of assigned probationers, meeting with probationers in their homes or at their places of work, conducting interviews and social or pre-sentence investigations, evaluating probationers' progress, performing searches, and making arrests. Because probationers under Court supervision are convicted felons and/or persons with domestic violence convictions, these job duties expose the probation officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the probation officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All probation officers must "demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy." ACJA § 6-107(GF)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured supervision and observation concerning compliance with conditions of probation, including directing and counseling the probationer and conducting field contacts (home, work, treatment facilities, community restitution or jail) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation including arrest reports, contact notes regarding compliance with terms of probation and case plan to prepare written reports for the court.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work site contacts, day, and evening home contacts.
- Directs and/or refers probationers to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and makes a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Probation officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims' notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics and techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin Capsicum (OC) spray, 11) Engage in fighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing technique), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Investigates cases referred to the officer and makes a written report to the court.
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a bachelor's degree with a preference in the behavioral sciences or a related field from an accredited college or university.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Training Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA 6-107(GF)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the Defensive Tactics Training Academy.
- Must successfully complete eight (8) hours of defensive tactics refresher training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Probation Certification Academy and Intensive Probation Institute, if assigned, within the first twelve (12) months of employment [see ACJA 6-107(F)].
- Must submit to a medical examination required by Corrections Officer Retirement Plan.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.

- Vision sufficient to see and read.
- Hearing and speech sufficient to communicate in person and over the phone.
- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of general human behavior; and evidence-based practices in community corrections.

Section 6-106: Personnel Practices

APPENDIX B-2

Juvenile Probation Officer Job Description

Position Summary:

Probation officers provide casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a probation officer include supervising the caseloads of assigned probationers, meeting with probationers in their homes or at their places of school/work, conducting interviews and social or pre-disposition investigations, evaluating probationers' progress, performing searches, and making arrests. Because probationers under Court supervision may include convicted felons, felony adjudicated delinquents, and/or persons with domestic violence convictions/adjudications, these job duties expose the probation officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the probation officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All probation officers must "demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy." ACJA § 6-107(GF)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured supervision and observation concerning compliance with conditions of probation, including directing and counseling the probationer and parents/guardians and conducting field contacts (home, work, treatment facilities, schools, community restitution or detention) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including contact notes regarding compliance with terms of probation and case plan to prepare written reports for the court.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work/school site contacts, day, and evening home contacts.
- Directs and/or refers probationers and parents/guardians to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and makes a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Probation officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims' notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin (OC) spray, 11) Engage in fighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a bachelor's degree with a preference in the behavioral sciences or a related field from an accredited college or university.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Training Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the Defensive Tactics Training Academy.
- Must successfully complete eight (8) hours of defensive tactics refresher training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Probation Certification Academy and Intensive Probation Institute, if assigned, within the first twelve (12) months of employment [see ACJA § 6-107(F)].
- Must submit to a medical examination required by Corrections Officer Retirement Plan.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.

- Vision sufficient to see and read.
- Hearing and speech sufficient to communicate in person and over the phone.
- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of adolescent and general human behavior; and evidence-based practices in community corrections.

Section 6-106: Personnel Practices

APPENDIX B-3

Adult and Juvenile Probation Officer Job Description

Position Summary:

Probation officers provide casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a probation officer include supervising the caseloads of assigned probationers, meeting with probationers in their homes or at their places of school/work, conducting interviews and social or pre-sentence/pre-disposition investigations, evaluating probationers' progress, performing searches, and making arrests. Because probationers under Court supervision are convicted felons, felony adjudicated delinquents and/or persons with domestic violence convictions/adjudications, these job duties expose the probation officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the probation officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All probation officers must "demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy." ACJA § 6-107(GF)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured supervision and observation concerning compliance with conditions of probation, including directing and counseling the probationer and parents/guardians when supervising juveniles and conducting field contacts (home, work, treatment facilities, schools, community restitution or detention) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including arrest reports, contact notes regarding compliance with terms of probation and case plan to prepare written reports for the court.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work/school site contacts, day, and evening home contacts.
- Directs and/or refers probationers and parents/guardians when supervising juveniles, to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and makes a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Probation officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.

- Monitors payment of restitution and probation fees and ensures victims' notification rights are provided according to statutory requirements.
- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin (OC) spray, 11) Engage in fighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Investigates cases referred to the officer and makes a written report to the court.
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a bachelor's degree with a preference in the behavioral sciences or a related field from an accredited college or university.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Training Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the Defensive Tactics Training Academy.
- Must successfully complete eight (8) hours of defensive tactics refresher training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Probation Certification Academy and Intensive Probation Institute, if assigned, within the first twelve (12) months of employment [see ACJA § 6-107(F)].
- Must submit to a medical examination required by Corrections Officer Retirement Plan.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.

- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.
 - Vision sufficient to see and read.
 - Hearing and speech sufficient to communicate in person and over the phone.
 - The ability to withstand varying weather temperatures.
 - The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of adolescent and general human behavior; and evidence-based practices in community corrections.

Section 6-106: Personnel Practices

APPENDIX B-4

Adult Surveillance Officer Job Description

Position Summary:

Surveillance officers provide surveillance and supportive casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a surveillance officer include monitoring the assigned probationers, and meeting with probationers in their homes or at their places of work. Surveillance officers may perform searches and make arrests. Because probationers under Court supervision are convicted felons and/or persons with domestic violence convictions, these job duties expose the surveillance officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the surveillance officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All surveillance officers must “demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.” ACJA § 6-107(GF)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured surveillance and observation concerning compliance with conditions of probation, including directing and counseling the probationer and conducting field contacts (home, work, treatment facilities, community restitution or jail) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including arrest reports, contact notes regarding compliance with terms of probation and case plan to prepare written reports for the probation officer.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work site contacts, day, and evening home contacts.
- Directs and/or refers probationers to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and makes a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Surveillance officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims’ notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics and techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin Capsicum (OC) spray, 11) Engage in fighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a high school diploma or GED.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Training Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(~~GF~~)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the Defensive Tactics Training Academy.
- Must successfully complete eight (8) hours of defensive tactics refresher training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Intensive Probation Institute, within the first twelve (12) months of assignment. [see ACJA §-1-302(K)(4)].
- Must submit to a medical examination required by Corrections Officer Retirement Plan.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.
 - Vision sufficient to see and read.
 - Hearing and speech sufficient to communicate in person and over the phone.

- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of general human behavior; and evidence-based practices in community corrections.
- Associates Degree in the behavioral sciences or a related field from an accredited college.

Section 6-106: Personnel Practices

APPENDIX B-5

Juvenile Surveillance Officer Job Description

Position Summary:

Surveillance officers provide surveillance and supportive casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a surveillance officer include monitoring the assigned probationers, and meeting with probationers in their homes or at their places of school/work. Surveillance officers may perform searches and make arrests. Because probationers under Court supervision may include convicted felons, felony adjudicated delinquents, and/or persons with domestic violence convictions/adjudications, these job duties expose the surveillance officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the surveillance officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All surveillance officers must “demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.” ACJA § 6-107(GF)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured surveillance and observation concerning compliance with conditions of probation, including directing and counseling the probationer and parents/guardians and conducting field contacts (home, work, treatment facilities, schools, community restitution or detention) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including contact notes regarding compliance with terms of probation and case plan to prepare written reports for the probation officer.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work site contacts, day, and evening home contacts.
- Directs and/or refers probationers to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and makes a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Surveillance officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims’ notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics and techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin Capsicum (OC) spray, 11) Engage in fighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a high school diploma or GED.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Training Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(~~GF~~)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the Defensive Tactics Training Academy.
- Must successfully complete eight (8) hours of defensive tactics refresher training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Intensive Probation Institute, within the first twelve (12) months of assignment. [see ACJA § 1-302(K)(4)].
- Must submit to a medical examination required by Corrections Officer Retirement Plan.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.
 - Vision sufficient to see and read.
 - Hearing and speech sufficient to communicate in person and over the phone.

- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of adolescent and general human behavior; and evidence-based practices in community corrections.
- Associates Degree in the behavioral sciences or a related field from an accredited college.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-301: Juvenile Standard Probation Evidence-Based Practices

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.

“AZYAS” means the Arizona Youth Assessment System.

“AZYAS certified staff” means a juvenile probation staff member who has been certified to administer the AZYAS disposition tool after successful completion of AZYAS End User Certification training and ongoing refresher trainings.

“AZYAS disposition tool” means the actuarial tool designed to be used for a juvenile post-adjudication (pre-disposition) to assess risk, need, and responsivity.

“Case record” means any record pertaining to a particular probationer or juvenile 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 specific to the juvenile’s conditions of probation, case plan, or point of contact. Contacts may include but are not limited to family members, school personnel, employer, community restitution agency, law enforcement, 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.

“Courtesy probation supervision” is defined in Rule 225(c) to be the transfer of the juvenile's supervision to another county.

“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 or juvenile’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.

“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(12).

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

“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.

“Guardian” means “a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment but excludes a person who is merely a guardian ad litem,” as provided in A.R.S. § 14-1201~~(28)~~(29).

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

“Juvenile case plan” means the documented individualized behavior change plan and supervision strategy developed in collaboration with the juvenile and family based on the AZYAS disposition tool.

“Out-of-home care” means the juvenile resides at an Arizona Department of Health Services (ADHS) licensed facility under 24-hour structured supervision. This category of care does not include Department of Child Safety (DCS) licensed foster homes, group foster homes, group homes, temporary shelter services, or kinship care.

“Out-of-state placement” means a licensed residential or in-patient treatment program in a state other than Arizona.

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

“Parental contact” means contact with the parent or guardian to discuss the juvenile’s progress and behavior in the home, community, detention, or with the out-of-home care provider, case plan progress, or other appropriate matters. This excludes emancipated youth, pursuant to Arizona Rule of Procedure for the Juvenile Court Part V. Emancipation, and extended jurisdiction persons over the age of 18, pursuant to A.R.S. § 8-202(H).

“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.

“Short-term standard probation” means a period of formal supervision granted by the juvenile court which emphasizes individualized interventions and services for 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 and case plan progress 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.

“Standard probation” means a period of formal supervision granted by the juvenile court which emphasizes individualized interventions and services for an adjudicated juvenile contingent on compliance with specified conditions and case plan progress.

“Visual contact” means face-to-face communication or visual contacts conducted via AOC approved technology with the juvenile at any place to discuss progress, issues of concern, or other appropriate matters.

B. [No Changes]

C. Purpose.

1. [No Changes]
2. A.R.S. § 8-341(B) provides the duration of standard probation.

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(H), ~~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.

3. [No Changes]

D. [No Changes]

E. Budget Request Preparation.

1. through 2. [No Changes]

3. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations. The AOC shall include the court's request or the modified request in the annual supreme court budget. The administrative director shall allocate to the juvenile court the monies appropriated by the legislature for standard probation based on the proposed plan, availability of funds, caseload population, past year use, county support and program effectiveness.

4. through 6. [No Changes]

F. Program Plan and Financial Management.

1. through 7. [No Changes]

8. A.R.S. § 12-268(A) provides:

A. The board of supervisors shall designate a chief fiscal officer who shall establish and administer a juvenile probation fund consisting of:

1. County general fund appropriations for juvenile probation.
2. Court information cost monies received pursuant to section 8-134, subsection L.
3. State appropriations for juvenile probation, except monies in the juvenile probation services fund established by section 8-322 and except monies in the court appointed special advocate fund established by section 8-524, but including:
 - (a) Monies for juvenile probation officers authorized by section 8-203.

- (b) Monies for state aid for juvenile probation services authorized by this article.
- (c) Monies for family counseling services established by title 8, chapter 2, article 5.
- (d) Monies for juvenile intensive probation services established by title 8, chapter 3, article 4.
- ~~4. Probation fees collected pursuant to section 8-321, subsection N for community based alternative programs or diversion programs administered by the juvenile court.~~
- ~~5. Probation fees collected pursuant to section 8-341.~~
- ~~6.4.~~ Federal monies provided for juvenile probation services.
- ~~7.5.~~ Juvenile probation monies from any other source.

9. through 19. [No Changes]

G. [No Changes]

H. Program Operations.

1. Each juvenile probation department shall develop policies and procedures:

a. through c. [No Changes]

d. For working with the office of the clerk of the superior court to ensure that probation officers are provided with accurate and timely information concerning ~~collections~~ financial obligations;

e. To ensure the collection of ~~monies~~ financial obligations owed as a condition of probation. Each probation department and probation officer shall address any arrearage per departmental policy. Each probation department and probation officer shall also encourage payment of other assessments or fines as ordered by any court;

f. [No Changes]

2. The probation officer shall:

a. [No Changes]

b. Provide the juveniles and their parent with feedback on the results of any assessment;

c. through n. [No Changes]

I. through K. [No Changes]

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 3: Juvenile Services

Section 6-302: Juvenile Intensive Probation Supervision Evidence-Based Practices

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.

“AZYAS” means the Arizona Youth Assessment System.

“AZYAS certified staff” means a juvenile probation staff member who has been certified to administer the AZYAS disposition tool after successful completion of AZYAS End User Certification training and ongoing refresher trainings.

“AZYAS disposition tool” means the actuarial tool designed to be used for a juvenile post-adjudication (pre-disposition) to assess risk, need, and responsivity.

“Case record” means any record pertaining to a particular probationer or juvenile 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 of age” 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 specific to the juvenile’s conditions of probation, case plan, or point of contact. Contacts may include but are not limited to family members, school personnel, employer, community restitution agency, law enforcement, community members, and treatment providers.

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

“Court” means superior court.

“Courtesy probation supervision” is defined in Arizona Rule 225(c) “to be the transfer of the probationer’s supervision to another county.”

“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 or juvenile’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(9).

“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(12).

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

“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.

“Guardian” means “a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment but excludes a person who is merely a guardian ad litem,” as provided in A.R.S. § 14-1201~~(28)~~(29).

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

“JIPS team” means the supervising officers designated to an assigned caseload. A team may be comprised of (1) a single probation officer, (2) two probation officers, (3) one probation officer and one surveillance officer, or (4) one probation officer and two surveillance officers.

“Juvenile case plan” means the documented individualized behavior change plan and supervision strategy developed in collaboration with the juvenile and family based on the AZYAS disposition tool.

“Juvenile intensive probation” means “a program...of highly structured and closely supervised juvenile probation and that emphasizes individualized interventions and services for juveniles

who are deemed appropriate for the program” as provided in A.R.S. § 8-351.

“Out-of-home care” means the juvenile resides at an Arizona Department of Health Services (ADHS) licensed facility under 24-hour structured supervision. This category of care does not include Department of Child Safety (DCS) licensed foster homes, group foster homes, group homes, temporary shelter services, or kinship care.

“Out-of-state placement” means a licensed residential or in-patient treatment program in a state other than Arizona.

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

“Parental contact” means contact with the parent or guardian to discuss the juvenile’s progress and behavior in the home, community, detention, or with the out-of-home care provider, case plan progress, or other appropriate matters. This excludes emancipated youth, pursuant to Arizona Rules of Procedure for the Juvenile Court Part V. Emancipation, and extended jurisdiction persons over the age of 18, pursuant to A.R.S. § 8-202(H).

“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.

“Visual contact” means face-to-face communication or visual contacts conducted via AOC approved technology with the juvenile to discuss progress, issues of concern, or other appropriate matters.

B. through E. [No Changes]

F. Program Plan and Financial Management.

1. through 15. [No Changes]

16. ~~Each juvenile court shall deposit fees collected pursuant to A.R.S. § 8-241, and any interest collected on those fees into the juvenile probation services fees fund pursuant to A.R.S. § 12-268.~~

17. The administrative director shall allocate state funded JIPS personnel placements approved for intensive probation among juvenile courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among juvenile courts.

G. through H. [No Changes]

I. JIPS Caseload.

1. through 3. [No Changes]

4. A.R.S. § 8-353(D) provides:

“The juvenile intensive team may supervise additional juveniles on probation if the director of juvenile court services determines that the juvenile require additional supervision or pose a greater than normal risk to the community and the intensive probation team’s total case-load does not exceed the limits prescribed in subsections A and B of this section.”

J. Program Operations.

1. Each juvenile probation department shall develop policies and procedures:

a. through c. [No Changes]

d. For working with the office of the clerk of the superior court to ensure that probation officers are provided with accurate and timely information concerning ~~collections~~financial obligations;

e. To ensure the collection of ~~monies~~financial obligations owed as a condition of JIPS. Each probation department and JIPS team shall address any arrearage per departmental policy. Each probation department and JIPS team shall also encourage payment of other assessments or fines ordered by any court;

f. through o. [No Changes]

2. through 3. [No Changes]

K. through M. [No Changes]

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-306: Juvenile Probation Services Fees

A. through C. [No Changes]

D. General Administration.

- ~~1. A.R.S. § 12-268 (A)(4)(5) provides a chief fiscal officer shall “...establish and administer a juvenile probation fund consisting of:”~~
 - ~~a. “Probation fees collected pursuant to section 8-321, subsection N for community based alternative programs or diversion programs administered by the juvenile court.”~~
 - ~~b. “Probation fees collected pursuant to section 8-341.” [editor’s note: Effective July 1, 1998, § 8-341 was renumbered from § 8-241] and as provided by A.R.S. § 8-241 (Fees on Disposition).~~
2. Pursuant to A.R.S. § 12-268 (B), “The chief fiscal officer shall establish and maintain separate accounts...showing receipts and expenditures of monies from each source...”
- ~~3. The chief fiscal officer shall deposit diversion fees collected pursuant to A.R.S. § 8-321(N) into a separate account, referred to as the diversion fees account, within the juvenile probation services fund.~~
- ~~4. The chief fiscal officer shall deposit probation fees collected as provided by A.R.S. § 8-341 into a separate account, referred to as the probation fees account, within the juvenile probation services fund.~~

E. through F. [No Changes]

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-309: Foster Care, Treatment, and Education Payments [Reserved]

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

~~“Court” or “courts” means the juvenile division of the superior court in each county.~~

~~“Department” means the administrative sector of the juvenile division of the superior court in each county.~~

~~“Exceptional expenses” means those costs in excess of typical living costs.~~

~~“Family” means the juvenile plus any immediate kindred.~~

~~“Monthly income” means pre-tax earnings from wages or salary, social security, VA benefits, unemployment benefits, investment income, lottery winnings, trust funds, and inheritance for the juvenile or the parents. When the fee scale is based on pre-tax income, pre-tax earnings shall be used.~~

~~“Parent” as provided in A.R.S. § 8-501 means “the natural or adoptive mother or father of a child.”~~

~~**B. Applicability.** Pursuant to A.R.S. § 8-243(A), “The supreme court shall administer the activities, including providing the cost of services, for the children who are referred to the juvenile court as incorrigible or delinquent and who are placed in foster care other than in a state institution or who require shelter care or treatment...”~~

~~**C. Purpose.** To clarify and implement the process for the collection, accounting, and reporting of payments collected from juveniles or parents of juveniles participating in foster care, treatment, education programs in accordance with court orders issued prior to October 30, 2023. A.R.S. § 8-322 and juveniles ordered to comply with a program pursuant to A.R.S. § 8-321(F). Pursuant to A.R.S. § 8-243(A), “Monies collected for this purpose are exempt from section 41-2421, subsection C.”~~

~~**D. General Administration.** The administrative office of the courts (AOC) may allocate funds received pursuant to this section to the courts as supplemental funding to be used in accordance with A.R.S. § 8-322.~~

~~**E. Duties of the Court or Department.**~~

~~1. Each court or department shall adopt policies and procedures for assessing treatment service costs that conform to this code section.~~

2. ~~A.R.S. § 8-243(A) provides,~~

~~...If the juvenile court places a referred child in foster care or orders a referred child to participate in treatment or an education program or if a probation officer requires a child to comply with a program pursuant to § 8-321, subsection F, the juvenile court shall inquire into the ability of the child or the child's parent to bear the charge or expense of the foster care, treatment, education program or program required pursuant to § 8-321, subsection F. If the court is satisfied that the child or the child's parent can bear the charge or expense or any portion of the charge or expense, the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to § 8-321, subsection F.~~

3. ~~Each department shall develop a financial assessment form to determine the ability of the juvenile or parent to pay for treatment services ordered by the court or assigned by a probation officer during the diversion process. The financial assessment form shall include, at minimum:~~

a. ~~Family size. Family size shall not include stepparents or significant others. Previous year's tax return may be used as verification of family size. Any additional births since the filing of the return shall be included.~~

b. ~~Total monthly income. Income may be verified for all family members. Verification shall be in the form of:~~

~~(1) Pay stubs;~~

~~(2) Statements of earnings from employer, copies of social security or VA checks, unemployment, pensions, etc; and~~

~~(3) Previous year's tax return.~~

c. ~~Current exceptional expenses. These expenses may include, but are not limited to:~~

~~(1) Un-reimbursed medical expenses;~~

~~(2) Child support payments;~~

~~(3) Expenses due to unforeseen financial crises; and~~

~~(4) Court-ordered fees assessed to the parent. One-time fees shall not be considered an exceptional expense.~~

4. ~~Each department shall develop a financial assessment process to determine the ability of the juvenile or parent to pay for treatment services ordered by the court or assigned by a probation officer during the diversion process. The financial assessment process shall include, at minimum:~~

a. ~~Time-frames for completing the assessment; and~~

- b. ~~A method to adjust the monthly income by subtracting the exceptional expenses from the total monthly income;~~
- c. ~~A method to determine whether the juvenile is covered by insurance and treatment costs the insurance company will cover;~~
- d. ~~A method to determine whether the juvenile receives Supplemental Security Income (SSI) when placed in an out-of-home care program except for shelter care or respite;~~
- e. ~~A method to notify SSI when a juvenile receiving SSI is placed in out-of-home placement and request to become the representative payee for the time period of the out-of-home placement; and~~
- f. ~~A method for reviewing the assessment when a juvenile moves to another level of care.~~

5. ~~Fees Schedule.~~

- a. ~~Each department shall develop a fees schedule that includes a monthly adjusted income scale or percentage adjusted for family size. More than one fee schedule may be developed to accommodate a program fee or a monthly assessment. All fee schedules shall slide down to zero.~~
- b. ~~Fee schedules shall include at last one of the following:~~
 - (1) ~~One time fee schedules. These may be appropriate for diversion cases or short-term treatment programs.~~
 - (2) ~~Program fee schedules. A program fee may be established by applying a percentage or total fee due for the program. For example; a twelve session program at \$50 contract rate per session = \$600 program fee, of which the parent pays 25% or \$150.~~
 - (3) ~~Monthly fee schedule. A monthly fee schedule may be developed for ongoing, long term programs such as out of home or long term outpatient programs.~~
- c. ~~Each court or department may, with good cause, reconsider the assessment based upon a juvenile's or parent's request showing changed financial circumstances.~~

6. ~~Payment schedules. Each court or department, pursuant to A.R.S. § 8-243(A), "...shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to § 8-321, subsection F."~~

7. ~~Each department shall:~~

- a. ~~Place a copy of the payment schedule in the juvenile's social file; and~~

~~b. Provide the parent with a copy of the payment schedule, which shall include the following:~~

- ~~—~~
- ~~—(1) The specified amount to be paid;~~
- ~~—(2) Beginning and projected ending payment dates; and~~
- ~~—(3) A payment schedule, if applicable.~~

~~8. Pursuant to A.R.S. § 8-243(A), "...the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to § 8-321, subsection F."~~

~~9. Each department, in cooperation with the clerk of the court, shall establish an accounting process for monies received pursuant to A.R.S. § 8-243(A) that conform to standard accounting procedures and minimum accounting standards. The process shall also include, but are not limited to, the following:~~

- ~~a. Tracking court orders requiring juvenile, parental or guardian assessments;~~
- ~~b. Receiving of monies;~~
- ~~c. Depositing of monies;~~
- ~~d. Forwarding of payment to the AOC;~~
- ~~e. Reporting to the AOC; and~~
- ~~f. Documentation efforts to collect delinquent amounts.~~

~~—10. Each department shall keep on file all provider billing invoices for treatment services for which an assessment is ordered.~~

~~11. Each department or clerk of the court shall submit the following each month:~~

- ~~a. A report to the AOC finance office, attention Juvenile Probation Services Fund (JPSF) by the fifteenth of every month. The report shall include, at minimum, the following:
 - ~~(1) Name of party assessed or payor; and~~
 - ~~(2) The case number or the Juvenile On-line Tracking System (JOLTS) file number and the payments that have been processed for the proceeding month.~~~~
- ~~b. A check transmittal form (see Appendix A) for transmitting money collected and a check payable to the AOC in an amount equal to the payments that have been processed for the proceeding month.~~

~~—12. Monitoring process.~~

- ~~a. Each department shall develop monitoring procedures to ensure that the payment for treatment services is set in accordance with the financial assessment and within the schedule of fees.~~
- ~~b. Each department shall refund any overcharged amount to the juvenile or the juvenile's parent within thirty days from the date that the overcharge was detected.~~
- ~~c. Each department may utilize a collection process to collect the necessary payments. The department shall not utilize the treatment amount owed to pay for an outside collection agency.~~
- ~~d. Each department may pass the collection costs on to the client.~~

~~F. Duties of the AOC finance office.~~ ~~The AOC finance office shall:~~

- ~~1. Process the monthly forms and checks received from the courts or the clerk in accordance with the accepted and approved minimum accounting standard;~~
- ~~2. Deposit all funds received pursuant to this section into the AOC JPSF account; and~~
- ~~3. Forward a copy of the transmittal forms to the AOC Juvenile Justice Services Division by the 30th of each month.~~

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-310: Family Counseling

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

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

“Court” means the superior court.

“Family counseling programs” means “those public and private programs established pursuant to rules and guidelines promulgated and administered by the presiding judge of the juvenile division of the superior court in each participating county and approved by the supreme court for the purpose of strengthening family relationships and prevention of juvenile delinquency” as provided in A.R.S. §_8-261.

“Matching funds” means state monies distributed by the supreme court to a participating county on a four-to-one ratio provided by the state and participating county respectively.

B. Applicability. Article VI, Section 3 of the Arizona Constitution and A.R.S. §§_8-261 through 8-265 authorize the supreme court to establish guidelines for the use of state monies in the family counseling fund.

C. [No Changes]

D. General Administration.

1. The administrative director shall administer the family counseling program.
2. The AOC shall:
 - a. Designate any and all responsibilities for the program to the juvenile division within the AOC.
 - b. Prescribe and adopt policies and procedures, forms, distribution and allocation schedules, and procedures for ~~reversion~~reversion of funds.
 - c. through e. [No Changes]
1. Pursuant to A.R.S. §_8-264(A), “A county may elect to participate in the family counseling programs by resolution of the county’s board of supervisors. Such resolution

shall be delivered to the supreme court on or before June 15. The supreme court shall then certify a list of counties which have elected to participate and shall inform those counties of the amount of funding available to them.”

2. Pursuant to A.R.S. §_8-264, the AOC shall not distribute state funds to a juvenile court until the AOC has received the resolution of the board of supervisors and certification by the presiding juvenile court judge.
3. Pursuant to A.R.S. §_8-264(B), “The court shall certify that the amount expended by the county for purposes of determining matching funds has been utilized to supplement, not supplant, county or state funds that would otherwise be made available for family counseling services.”

E. Duties of the Court.

1. Any presiding judge of a juvenile court wishing to participate in the family counseling program shall submit to the supreme court, for approval, a family counseling program plan including rules and guidelines promulgated and administered by the presiding juvenile judge for the purpose of strengthening family relationships and prevention of juvenile delinquency.
 - a. and b. [No Changes]
 - c. Services eligible under family counseling shall include:
 - (1) Individual counseling;
 - (2) Family counseling;
 - (3) Group counseling;
 - (4) Various skill-building classes which -incorporate a strong family involvement;
 - (5) In-home counseling;
 - (6) Comprehensive assessments which include the entire family;
 - (7) Family preservation;
 - (8) Functional family therapy; and
 - (9) Other services approved by the AOC.
 - d. Pursuant to A.R.S. §_8-261(2), each participating juvenile court shall comply with its own family counseling program, rules and guidelines as approved by the supreme court.
2. A.R.S. §_8-265 (A) provides;

A county’s share of the matching funds may be provided by such county in cash or an amount not in excess of twenty-five percent of such share may

be credited for other expenditures of the county in similar counseling services. A county providing matching funds for a federal program for similar services shall be given credit as contributing cash under this subsection in an equal amount for purposes of matching funds for state programs. The amount of such credit to be allowed shall be determined by the court.

~~3. Pursuant to A.R.S. §8-263(C), “The juvenile division of the superior court shall inquire into the ability of the minor, his estate or parent, guardian or person who has custody of such minor to bear the charge or expense of conducting counseling sessions...”~~

~~a. Pursuant to A.R.S. §8-263(C), the court shall “...direct that the minor, his estate or parent, guardian or person who has custody of such minor pay such amount to the clerk of the court on terms directed by the court.”~~

~~b. A.R.S. §8-263(C) provides, “The clerk of the court shall transmit such money to the state treasurer to be deposited in the state general fund.”~~

4.3. All participating juvenile court contracts shall include a provision acknowledging the authority of the AOC to conduct inspections and audits.

F. Funding and Reporting Requirements.

1. As provided by A.R.S. §_8-264(A), “A county may elect to participate in the family counseling programs by resolution of the county’s board of supervisors. Such resolution shall be delivered to the supreme court on or before June 15.”

2. and 3. [No Changes]

4. A.R.S. §_12-268(A)(3)(~~a~~c) provides a chief fiscal officer shall “...establish and administer a juvenile probation fund consisting of...monies for family counseling services established by title 8, chapter 2, article 5.”

5. through 8. [No Changes]