

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2023 - <u>166</u>
§§ 6-304, 6-307 & 6-311)	(Affecting Administrative Order
)	Nos. 2001-67, 2009-47, & 2018-79)
)	

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.

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

IT IS ORDERED that the amendments to ACJA §§ 6-304, 6-307, and 6-311 as indicated on the attached documents are adopted. All other provisions of these code sections remain unchanged and in effect.

Dated this 1st day of November, 2023.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 3: Juvenile Services

Section 6-304: Commitment Guidelines

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

“Commitment” means the issuing of a court order that assigns legal care and custody of a juvenile to the Arizona Department of Juvenile Corrections (ADJC).

“Delinquent act” means the same as provided by A.R.S. § 8-201 (~~1012~~), that is: “...an act by a juvenile which if committed by an adult would be a criminal offense or a petty offense...”

"Incorrigible offense" means an offense that can only be committed by a child under the age of 18, and which would not be a crime if committed by an adult; for example truancy and running away.

“Secure care” means the same as provided by A.R.S. § 8-201 (~~2532~~), that is: “confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.”

B. General Purpose.

1. A.R.S. § 8-246 (C) requires the development of guidelines by the supreme court, in cooperation with ADJC, “...to be used by the juvenile court judges in determining those juveniles who should be committed to the department of juvenile corrections.”
2. [No change]

C. Administration: Guidelines for Commitment.

1. [No change]
2. The juvenile court shall not consider juveniles for commitment to ADJC when charged with an incorrigible offense or offenses or a violation of a court order while under protective supervision for an incorrigible offense. A.R.S. § 8-342 (A) provides: “A child who is any of the following~~under the age of eight years~~ shall not be committed or awarded to the department of juvenile corrections: 1. Adjudicated delinquent for an offense that is not a felony unless the child has been previously adjudicated delinquent for an offense that is a felony or is seriously mentally ill. 2. Under fourteen years of age. 3. A ~~nor shall a dependent or incorrigible child unless the child is adjudicated delinquent and is not excluded under paragraph 1 or 2 of this subsection~~be awarded to the department of juvenile corrections.”

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-307: Uniform Conditions of Supervised Juvenile Probation

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

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

“Presiding juvenile judge” means the presiding judge of the juvenile court in each county.

B. through D. [No change]

Section 6-307: Uniform Conditions of Supervised Juvenile Probation
Appendix A
Uniform Conditions of Supervised Juvenile Probation Form

In the matter of _____ JV#(s) _____ SWID# _____
F# _____

The _____ County Juvenile Court has placed or re-instated me on
Supervised Probation beginning on _____ with an expiration date of _____,

this initial or re-instated term of Supervised Probation exceeds 12 months and
the Court has made findings on the record pursuant to A.R.S. § 8-341(B).

this initial or re-instated term of Supervised Probation extends past the age of
18 and this term is predicated upon timely and proper invocation of A.R.S. § 8-202 (H).

For the offense of _____ a delinquent act, which would be a: felony;
 misdemeanor; or status offense, if I were an adult or a probation violation.

I SHALL ALSO OBEY THE FOLLOWING TERMS AND CONDITIONS #1-13 AS ORDERED:

1. I will obey all laws.
2. I will follow the rules of my parents, guardians and the juvenile probation officer (JPO); I will report to my probation officer and I will report any contact with law enforcement to the JPO within 24 hours.
3. I will tell my probation officer of any change of residence, address, and/or phone number;
I will not leave: the County of _____ and/or the State of Arizona, without written permission from the JPO.
4. I will not use or possess any illegal drugs, toxic substances or vapors. I will not use alcohol or tobacco. I will not abuse any prescription or over the counter medication.
5. I will submit to random or periodic drug or alcohol testing directed by the JPO or the court.
6. I will submit to search and seizure of my person and/or property by an officer of the Court without benefit of a search warrant.
7. I will not have or use a firearm, dangerous, deadly or prohibited weapon.
8. I will not knowingly associate with anyone who is violating the law. I will not associate with anyone who is a known gang member or who has a criminal record without the permission of my probation officer. I will not associate with any of the following persons: _____.
9. I will go to school, have no unexcused absences and follow all rules and regulations. **OR**
10. I will seek and maintain regular full time employment, if legally permitted to do so, and provide a copy of my scheduled work hours to the JPO as directed.
11. I will perform _____ hours of community restitution service as directed by the JPO by ____ / ____ / ____.
12. I will abide by the following curfew: Sun. – Thurs: _____ Fri – Sat: _____.

ARIZONA CODE OF JUDICIAL ADMINISTRATION Part 6: Probation

Part 6: Probation

Chapter 3: Juvenile Services

Section 6-311: Detention Operations

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

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

“Detention operations standard” means a requirement that is essential to ensuring the welfare, health, safety and security of the juvenile, personnel and the public, in conformance with constitutional, statutory, court rule and Arizona code of judicial administration mandates; with which a juvenile detention center must conform to achieve compliance.

“Secure care” means “confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress” as provided in A.R.S. § 8-201(~~2632~~).

“Detention” means “... the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation” as provided in A.R.S. § 8-201(~~4416~~).

B. and C. [No change]

D. Review of juvenile detention standards.

1. Through 5. [No change]

6. The COJC shall forward the report -and all recommendations received and made by the COJC to the administrative director for consideration and action.

E. [No change]