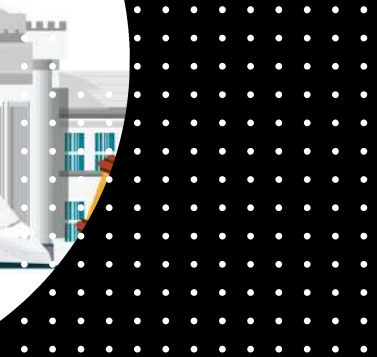


The Court Programs Unit:

A Compass for the Courts



Agenda

- Overview of the Court Programs Unit
- Committee Process and SMEs
- Victim's Rights under Arizona Law and the Court's responsibilities
- AZPOINT Overview



What does the Court Programs Unit do?

- Staffing committees, commissions and workgroups looking at policy issues
- Identify the impact of rule and legislative changes on Court operations
- Forms development
- Records retention and records management issues
- Subject Matter Experts



Court Policy: Committee Process

-
- Arizona Judicial Council
 - Standing Committees
 - Ad Hoc Committees
 - Informal workgroups



Arizona Judicial Council

- A policy-making body that oversees the judicial system in Arizona. AJC was created in 1990 and, in accordance with the Arizona Code of Judicial Administration §1-104, assists the Supreme Court and the Chief Justice in the development and implementation of policies and procedures for the administration of all courts, uniformity in court operations, and coordination of court services that will improve the administration of justice in the state of Arizona.



Standing Committees of the AJC

- Look at relevant issues, policies, proposed rules and legislation to analyze the impact on court operations
- Each standing committee established and regulated by a section of the Arizona Code of Judicial Administration
- Composed of appointed Judges, Attorneys, Court Staff, and members of the public.
- Members serve at the pleasure of the Chief Justice.
- <https://www.azcourts.gov/committeescommissions/>



Standing Committees of the AJC





Committees of interest to you

- Committee on Limited Jurisdiction Courts
- Arizona Commission on Access to Justice
- Committee on the Impact of Domestic Violence and the Courts
- Commission on Victims in the Courts

Committee on Limited Jurisdiction Courts

Established as a standing committee of the AJC to assist the Supreme Court in the development and implementation of policies designed to improve the quality of justice, access to the courts and efficiency in court operations.

Chair: Hon. Alicia Skupin,
Chandler Municipal Court

Staff: Julie Graber

Contact: jgraber@courts.az.gov



Arizona Commission on Access to Justice

Established to help serve the important strategic agenda of promoting access to justice for Arizona's litigants.

Chair: Hon. Samuel Thumma,
Court of Appeals Div 1

Staff: Kathy Sekardi

Contact: Ksekardi@courts.az.gov



Committee on the Impact of Domestic Violence and the Courts (CIDVC)

Makes recommendations regarding policies that acknowledge the severity of the problem of domestic violence in Arizona. It recommends system changes that will promote enhanced safety for victims and the professionals who interact with them.

AZPOINT Issues

Chair: Hon. Wendy Million,
Tucson City Court

Staff: Shanneyvie Halk

Contact: Shalk@courts.az.gov



Commission on Victims in the Courts(COVIC)

Advises the AJC by reviewing and submitted policy recommendations and procedures to improve victim access and ensure fair treatment during their involvement in the criminal justice system.

Chair: Hon. Ron Reinstein, Ret.

Staff: David Tascoe

Contact: datascoe@courts.az.gov



Subject Matter Experts in the Court Programs Unit

- Julie Graber jgraber@courts.az.gov

- Limited Jurisdiction Courts
- Poverty Guidelines
- Fee Waiver and Deferral
- Forms Issues
- Website Issues

- Shanneyvie Halk shalk@courts.az.gov

- Racial Justice
- Domestic Violence
- Arizona Protective Order Initiation and Notification Tool (AZPOINT)

- Mark Meltzer mmeltzer@courts.az.gov

- Rule Petitions
- Court Rules
- Rules Restyling

- Teri Munn tmunn@courts.az.gov

- Jury Management
- Arizona Trial and Digital Evidence Fund (ATDEF)
- RRDS
- Probate
- Rule 123
- Specialty Courts

Subject Matter Experts in the Court Programs Unit

- Susan Pickard spickard@courts.az.gov

- Child Support IV-D
- Family Law
- Spousal Maintenance

- Kathy Sekardi ksekardi@courts.az.gov

- Evictions
- Debt Collection
- Family Law, non-IV-D child support
- Parent Education Program
- Legal information versus legal advice

- David Tascoe datascoe@courts.az.gov

- Victim's Rights
- Probate/Guardianships/Conservatorship
- Mental Health (Rule 11/Title 36)
- Specialty Courts

Theresa Barrett tbarrett@courts.az.gov

Court Programs Unit Manager



Questions?



Victim's Rights and the Court's responsibilities

Arizona Constitution, Article 2, Section 2.1.

Victims' Bill of Rights

- A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:
1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
 2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
 3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
 4. To be heard at any proceeding involving a post arrest release decision, a negotiated plea, and sentencing.
 5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
 6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
 7. To read pre sentence reports relating to the crime against the victim when they are available to the defendant.
 8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
 9. To be heard at any proceeding when any post conviction release from confinement is being considered.
 10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
 11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.
 12. To be informed of victims' constitutional rights.
- (B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.
- (C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.
- (D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.
- (E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

Ariz. Const. art. 2, §2.1

In 1990, Arizona voters passed an initiative creating the Arizona Victims' Bill of Rights. The following year, legislation was implemented guaranteeing specific rights for crime victims

- Arizona Revised Statutes Title 13, Chapter 40
- Rule 39 of the Arizona Rules of Criminal Procedure
- Victim's Rights throughout Criminal Rules
- Arizona Code of Judicial Administration § 5-204

Who is a Victim?



“A person against whom a criminal offense has been committed or, if the person is killed or incapacitated, the person’s spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.”

- **Ariz. Const. Art. 2 Sec 2.1(C)**

“A corporation, partnership, association or other legal entity.”

- **A.R.S. §13-4404**

Can also include neighborhood associations

- **A.R.S. §13-4401.01**

If a criminal offense against a victim has been charged but the prosecution dismisses the count or counts involving the victim as part of a plea agreement, the victim may still exercise all the applicable rights of a crime victim.

-**A.R.S. 13-4402.01**

Who is a Victim? cont.



A.R.S. §13-4403 Victim's inability to exercise rights

Victim who is physically or emotionally unable to exercise any right, can designate a lawful representative who is not a witness to the case.

If Victim is incompetent, deceased or otherwise incapable of designating a representative to act in the victim's place, the court may appoint a lawful representative.

If victim is a minor or vulnerable adult, an immediate family member may exercise all the victim's rights on behalf of the victim.



Duties of the Court

- Notification of Rights
- Notification of Proceedings
- Victim's Safety and Security
- Right to be heard
- Restitution

Notification of Rights

- The Statement of Victim Rights shall be prominently posted in each Superior, Justice and Municipal Court in the state and shall be read out loud by the judge at the commencement of the regular criminal or delinquent docket.
- ARS §13-4438



Notification of Proceedings

- The court must notify prosecutor's office of scheduled proceedings at least 5 days in advance to allow for victim notice. If 5-day notice is not possible, the reason must be stated on the record. **ARS §13-4438**
- This includes post-adjudication if Victim has opted-in. Ariz. Const. art 2, §2.1(A)(2); ARS §13-4415



Victim's Safety and Security

- The court shall provide appropriate safeguards to minimize contact between the victim and defendant before, during, and after court proceedings.
- ARS §13-4431



Right to be Heard



- Victim has the express right to be heard at any proceeding involving a post arrest release decision, negotiated plea, and sentencing.

ARS §13-4437

- In-custody victims may exercise their right to be heard via written statements.

ARS §13-4428(C)

- At any hearing at which the victim has the right to be heard, the court shall inquire from the state if the victim has been notified.

Ariz. R. Crim. P. 39(g)

Victim Restitution

- Restitution Statutes: ARS §§ 13-804 and 13-805
- Victim has a right to present evidence and make an argument to determine the amount of restitution Ariz. Const. art. 2 §2.1(a)(8)
- Court shall forward all payments made with cash, cashier's check, credit card or money order to victims within ten (10) business days unless amount of any single disbursement is less than 30 dollars. ACJA §5-204
- Court shall forward all payments made by personal check to victims 21 calendar days of receipt. ACJA §5-204
- Payment and enforcement of restitution takes priority over payments to the state." ACJA §4-301



Questions?





Arizona Protective Order Initiation & Notification Tool

Español

Login

quick exit



About

Get Started

Help

Contact

Search...



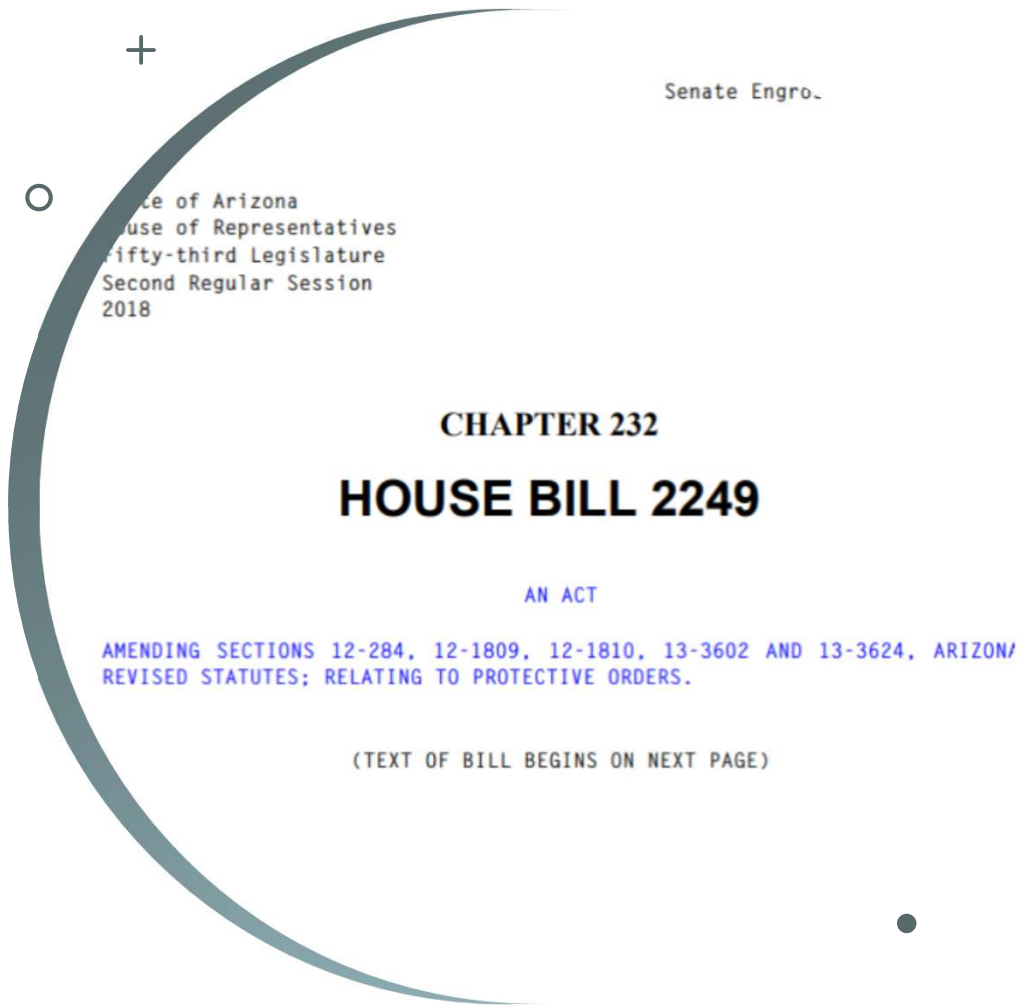
AZPOINT

This guided interview will help you fill out the forms you'll need to ask for an Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment at an Arizona court.

There is **no fee** to use AZPOINT.

 Start or View Petitions





Quick Facts

- House Bill 2249 Legislation; eff January 1, 2020
 - Changed service Process for Orders of Protection
 - Plaintiff responsible for requesting service of IAH service.
 - Court transmits OP and Petition to law enforcement officer or constable for service.
 - The Supreme Court maintains a central repository for injunctions.
 - Registers orders with NCIC
- **NOT FOR USE WITH LIFETIME INJUNCTIONS****



Filing Process

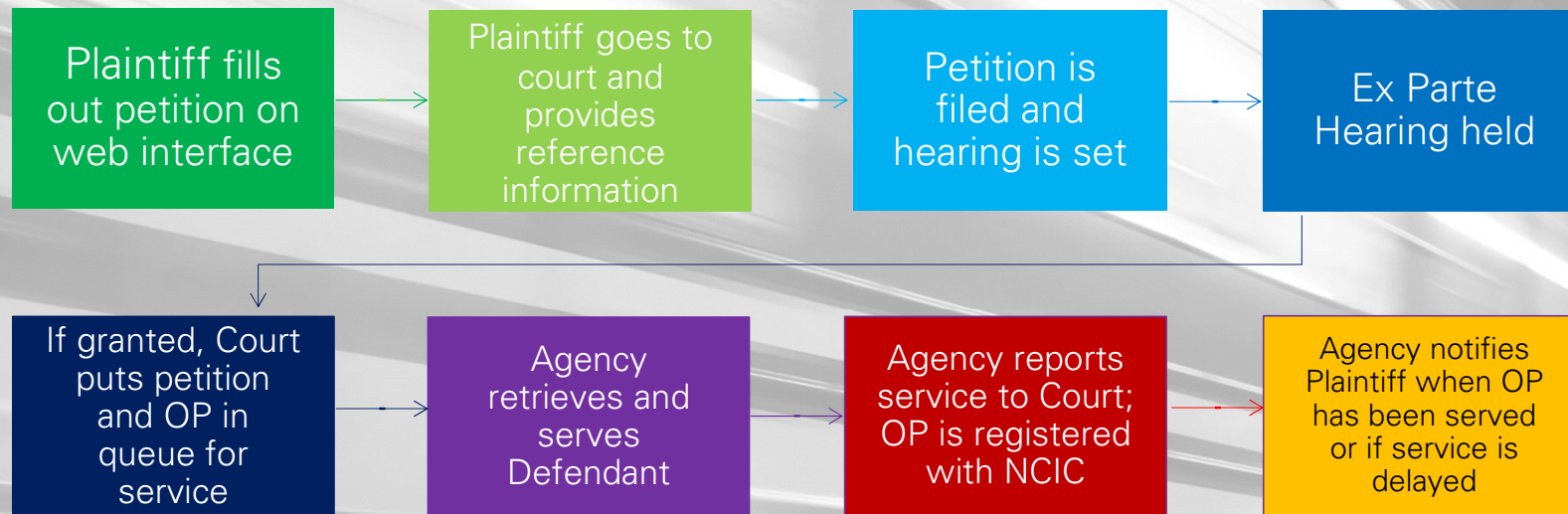
- AZPOINT is a public web portal
- Plaintiff fills out petition form online
- Petition is stored in “cloud” for a period of 90 days
- Plaintiff goes to a court of choice and asked for the petition to be retrieved. Petition is then filed into the court’s case management system.
- Ex Parte hearing is then set.



Service Portal

- Court puts the petition and order of protection in service queue
- Serving agency retrieves documents and serves Defendant
- City Courts
 - City Police where Defendant can be served
 - Sheriff or constable in the county where Defendant can be served
- Justice of the Peace
 - Sheriff or constable in the county where Defendant can be served
 - City Police where Defendant can be served
- Serving agency records service within 72 hrs; court's system is updated; OP registered with NCIC
- Serving agency notified Plaintiff when OP has been served or if service is delayed (within 15 days)

Process Overview



Questions?



David Tascoe

- Phone: 602-452-3255
- Email: datascoe@courts.az.gov

