

# Committee on Juvenile Courts

## Meeting Minutes

Meeting Date: January 28, 2021

The meeting was called to order by:  
Judge Quigley at 10:04 a.m.

Minutes taken by Kathy Gillmore

*Meeting conducted through Zoom platform due to COVID-19 safety protocols.*

### **Call to Order**

#### **Present:**

Hon. Kathleen Quigley (Chair, Pima), Hon. Terry Bannon (Cochise), Hon. Bryan Chambers (Gila), Hon. Travis Ragland (Graham), Hon. Monica Stauffer (Greenlee), Tyson Ross (proxy for Hon. Jessica Quickle - La Paz), Hon. Joseph Kreamer (Maricopa), Natalie Eggers (proxy for Hon. Rick Williams - Mohave), Hon. Michala Ruechel (Navajo), Hon. Peter Hochuli (Pima), Hon. Daniel Washburn (Pinal), Hon. Denneen Peterson (proxy for Hon. Thomas Fink - Santa Cruz), Hon. Anna Young (Yavapai), Hon. Erin Farrar (Yuma), Hon. Kami Hart (Gila River Indian Community Court), Hon. Sam Thumma (COA, Div. 1), Hon. Christopher Staring (COA, Div. 2), Hon. Amy Hunley (Cochise County Clerk of the Court), Joannie Collins (Public Member), Eric Meaux (Maricopa County Juvenile Court Director), Tim Hardy (Yuma County Juvenile Court Director), Jennifer Torchia (Pima County Juvenile Court Director).

#### **Excused/Absent:**

Valerie VanAuker (FCRB), Judge C. Allan Perkins (Apache), Janet Garcia (Public Member), Judge Ted Reed (Coconino).

#### **Staff/Guests Present:**

Joe Kelroy (JJSD), Caroline Lutt-Owens (DCSD), Kathy Gillmore (JJSD), Shantelle Bagnall (DCSD), Liana Garcia (AOC Legislative Liaison), Nina Preston (AOC Legal), Chris Varner (JJSD), Teasie Colla (JJSD), Mark Meltzer (Court Services), Savita Kasturi (ADJC), Deidre Calcoate (JEC), Susan Pickard (Court Services), Laura Ritenour (Court Services), the Hon. Dave Gass (COA, Div. 1), Steve Selover (GOYFF), Beth Broeker (ADJC), James Simpson (Attorney General's Office), Mary Jo Pitzl (Arizona Republic), Tina Mattison (Pima County), Anndrea Kawamura (Attorney General's Office), Mike Faust (DCS), Jeff Hood (ADJC), John Schow (Juvenile Court Director, Cochise County), Dave Brown, Sara Crocker, Joanne MacDonnell (Office of Arizona Ombudsman), Randi Alexander (DCS), Beth Rosenberg, Brad Cosman (Valley Leadership), Jeannine Bashir (Valley Leadership), Bailey Reynolds (Valley Leadership), Molly Dunn (Children's Action Alliance).

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Roll Call was read by Judge Quigley. A quorum was established for this meeting.

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**Adoption of Minutes:**

**Motion:** To accept and adopt minutes from the October 29, 2020 meeting.

**Moved by:** Hon. Joseph Kreamer; **Seconded by:** Hon. Monica Stauffer.

No Discussion.

**Action:** Motion passed unanimously.

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**Topic:** ADJC Update

Speaker: Mr. Jeff Hood, *Director; ADJC*

Summary of Discussion:

Current ADJC numbers: There are currently 176 youth in secure care (155 boys and 21 girls). The community corrections officers are currently supervising 141 youth in the community (65 boys and nine girls; 67 youth through interstate compact). There are currently 39 ADJC youth dually involved with DCS (just over 14% of ADJC population). Currently there are 21 extended jurisdiction youth (two girls and 19 boys); fifteen are in secure care, with six on parole.

ADJC is requesting that when we do receive extended youth, that the committing judge could consider making that status clear in the commitment order or minute entry. This would help us properly identify them as such.

In August of 2020 we were able to resume in-person visitation on a limited basis. However, we had to suspend in-person visitation in November due to a spike in COVID-19 infection rates. Video visit access was at that time implemented for all youth, which has proven to be popular for all. Once we resume in-person visitation, we will continue the video visit access.

We continue to do intake every other Tuesday as we are continuing to quarantine youth for 14 days upon their arrival, with all youth tested upon intake. We are also limiting access to Adobe Mountain to essential staff only, with all staff that enter on a regular basis tested weekly.

Our health care staff were eligible to receive vaccination in the 1B deployment; all staff at ADJC are also now eligible to receive the vaccine.

On January 13<sup>th</sup>, Director Kelroy and his staff were able to provide us a briefing on the status of the deployment of the Dispositional Matrix, which was very helpful as we look forward to collaboration.

Comments: None

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**Topic:** DCS Update

Speaker: Mr. Mike Faust, *Director; DCS*

Summary of Discussion:

There has been some discussion on our timeliness with regard to court documents. We have had some challenges of late, with many employees being out and recovering with COVID-19. Approximately 20% of our workforce has been impacted in some way. We appreciate your patience as we are working diligently to make deliverables in a timely manner.

We are going live soon on our CHILDS replacement, the GUARDIAN system. There are bound to be challenges and barriers as we move through implementation; our commitment to everyone is that we will be transparent as to any challenges as we encounter them.

Comments:

**Question (Judge Washburn):** How was the count in terms of the number of youths in care? It appears that placements, particularly for young women, have been hard to come by. Or is this an issue we are only seeing in Pinal County?

**Response:** We have had 359 total youth test positive for COVID-19. The majority of those have been in congregate care settings. Caregiver options for teen girls has been a challenge. We are finalizing some contracts this week. Our strategy is to block-buy a set of beds 24/7 for the next six months with a couple of providers to make sure that we have some flexible caregiver options to avoid seeking last minute solutions. We typically see caregiver options shrink during the holidays, as foster families are less inclined to open their homes at that time of year. The percentage of children placed in the kinship care has increased from 41% to 47% in the last year. Throughout the pandemic, we have seen more kids placed with kin, and less kids placed in foster care. At the same time, we have been able to maintain our congregate care population. Having caregiver options before we need them is extremely important.

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**Topic:** 2021 Legislative Proposals  
**POSSIBLE FORMAL ACTION ITEM**

*Agenda item taken out of order*

Speaker: Ms. Liana Garcia, *AOC Legislative Liaison*  
*Handout (1)*

Summary of Discussion:

We are in week three of legislative session and are starting to move some of our bills through the process. Next week is the bill filing deadline.

Several bills were shared:

- H2048- *Counties; Committed Youth Contributions; Repeal*
- H2070- *Adoption; Original Birth Certificate; Release*

- H2385- *Juveniles; Monetary Sanctions; Repeal*
- H2401- *Juvenile Dependency; State Aid; Appropriation*
- S1018- *DCS; Report Requirement*
- S1391- *Juvenile Proceedings; Appointment of Attorney-* This is a big monetary lift which could require funding.

Comments:

**Judge Kreamer:** The subject of this bill led to some extensive discussion in the Rules Taskforce. At its core it is essentially altering the statute to require that all children be appointed an attorney. This is actually already happening in one form or another. This would require a change in the process that Maricopa County follows. Maricopa County automatically appoints a guardian ad litem (GAL) for every child and then appoints an attorney where necessary. This is a different practice from Pima County and perhaps some of the other counties, where an attorney is appointed and then, if necessary, a GAL. The passage of this bill would change the status quo for Maricopa County. The Rules Taskforce voted to change the applicable rule to reflect essentially what this bill is doing, and it addresses one of the concerns raised in the Rules Taskforce about the current statute likely conflicting with the practice in the non-Maricopa counties. Judge Kreamer would suggest changing the statute that would give some flexibility to the counties to appoint either a GAL *or* an attorney.

**Judge Hochuli:** Pima County has had some problems in that we cannot always find counsel quickly enough before the first hearing .We should try to appoint before the first hearing and then, given what Judge Kreamer said, that it be almost “an attorney/guardian ad litem appointed, as the presiding judge in the respective county determines”.

Judge Kreamer and Judge Hochuli have agreed to work with Liana and bill sponsor Senator Barto on this bill.

No formal action taken.

**Topic:** Arizona Child Support Guidelines (Guidelines)

**FORMAL ACTION ITEM**

Speaker: The Honorable David Gass, *FCIC- Child Support Guidelines Review Subcommittee Chair*

*Handout (1)*

Summary of Discussion:

The Child Support Guidelines Review Subcommittee of the Family Court Improvement Committee (FCIC-CSGRS) was established to conduct the federal and state mandated quadrennial review of the Guidelines. Along with economic and case file reviews, the members conducted research on a variety of topics that were recommended by the previous committee, raised by changes to federal and state law, and case law. Amendments to the Guidelines based upon that research in a restyled, easier to read format are presented for Committee input.

The Subcommittee came to this with a charge of two things: updating the guidelines, and access to justice. We reorganized the guidelines and changed verbiage. We also hope to have them translated into Spanish for the general public.

The goal is to have this approved by the end of July and then take effect on January 1, 2022. The new calculator is in the works and will be available statewide.

**Motion:** To approve as presented or with recommended amendments.

**Moved by:** Judge Stauffer; **Seconded by:** Judge Kreamer

No further discussion.

**Action:** Motion passed unanimously.

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**Topic:** ACJA § 1-107: Commission on Minorities in the Judiciary Code Revision Proposal  
**FORMAL ACTION ITEM**

Speaker: The Honorable David Gass, *Justice, Arizona COA, Division One*  
*PowerPoint Presentation; Handout (1)*

Summary of Discussion:

This proposal will align the Commission on Minorities in the Judiciary (COM) with other state court commissions and national organizations that are working towards racial justice, equity and inclusion in the justice system. The name change and general purpose updates will more accurately list the current goals and policies the commission hopes to collaborate on with its judicial branch partners and other stakeholders in Arizona's justice system.

At their November 5, 2020 meeting, COM members voted unanimously to recommend a name and General Purpose change to the Arizona Judicial Council (AJC). The new name of The Commission on Diversity, Equity and Justice (DEJ) reflects the goals of the commission and is aligned with many other state court commissions such as Florida, Massachusetts, New Jersey, New Mexico, North Carolina and Washington. Since the Commission was created in 1990, several of the projects listed in the General Purpose section of the code have been implemented. The proposed General Purpose section outlines the updated objectives of the Commission as it seeks initiatives that promote racial justice, equity and inclusion.

This proposal has been posted for comment; there have many viewings but no comments.

Comments: Joannie Collins (Public Member) has expressed interest in joining the process.

**Motion:** The Committee on Juvenile Courts moves to support the ACJA § 1-107: Commission on Minorities in the Judiciary code revision proposal as written.

**Moved by:** Judge Ruechel; **Seconded by:** Eric Meaux

No further discussion.

**Action:** Motion passed unanimously.

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**Topic:** Call to the Public

Speakers: Brad Cosman and Jeannine Bashir (Valley Leadership)

One of our efforts at Valley Leadership is to increase CASA volunteers and diversity among CASA volunteers. Our view is that the polygraph requirement is a barrier to CASA volunteers, especially those of diversity. We have learned that Arizona is the only state that has this requirement for CASA volunteers; in speaking with National CASA they do not have the polygraph as a guideline for their local chapters. We are in the process of pulling this research and input into a White Paper. We would ask today that this committee wait to have a vote on this until we can submit materials.

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**Topic: CASA Polygraph Discussion**

**Speaker:** Ms. Caroline Lault-Owens, *Director, DCSD*

**FORMAL ACTION ITEM**

Summary of Discussion:

As you recall, we discussed the use of Polygraph examinations as a tool to screen potential CASA volunteers at our last meeting. The discussion today is to reach a recommendation to either keep the polygraph screening process for CASA applicants (with revisions) or eliminate the requirement altogether. The system has been in place since the beginning of the program; if retained, the polygraph would need to be reworked. Many of you attended the meeting that was scheduled with the local county CASA Coordinators to hear their view on the matter. Most of the coordinators in attendance strongly supported retaining the requirement. No coordinator indicated that they lost applicants because of the requirement, except Pima County who reported losing two. Pima County also reported that they learned later one of the two would not have made an acceptable CASA and they did not know about the others. As we look at increasing the pool of CASA volunteers, we must also look at the number of volunteers leaving the program each year. Looking over the stats for the last five years, retention of volunteers has been identified as an issue.

Judge Kreamer recommended postponing the conversation until the next COJC meeting so that more information can be available for consideration. It was suggested that a subcommittee be established. The workgroup will consist of Judge Hochuli, Judge Kreamer, Judge Young and Caroline Lault-Owens. This item will be added to our April 22, 2021 COJC agenda.

**Motion:** The motion was made to table this issue until the April 22, 2021 COJC meeting.

**Moved by:** Judge Kreamer; **Seconded by:** Judge Hochuli

**Action:** Motion passed unanimously.

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**Topic: JJSD Updates: Juveniles with Sexually Abusive Behaviors (JSAB) and Juvenile Justice System Improvement (JJSIP)**

**Speaker:** Mr. Joe Kelroy, *Director, JJSD*; Ms. Teasie Colla, *Program Manager, JJSD*

Summary of Discussion:

*JSAB:*

The new polygraph code became effective on January 1, 2021 and was written into all service specifications with all AOC contracted providers. The trainings from last year can be found on Granicus; we can send this out to this group upon request. We are also preparing an additional training for judges, attorneys, probation officers and treatment providers that will offer a more in depth look at psychosexual reports. This training will be coming out in late February/March and will also be videotaped for later review.

*JJSIP Codes:*

The codes previously approved by this Committee became effective on January 1, 2021. The changes are the timeline change for warrant notification to the court for juvenile intensive probation, as well as virtual contacts. On April 1, 2021 risk-based supervision will go into effect, and the Recommendation Matrix will go into effect on July 1, 2021. Training on the Recommendation Matrix continues in the counties, with continued AOC support. Automation on the Matrix is currently in development. In May/June we will be providing AZYAS/Matrix trainings for judges, attorneys and probation leadership, which will be ongoing and videotaped.

*Training Modules:*

JJSD has developed a Delinquency 101 curriculum in response to the many inquiries that we have received from judges. We will be sending out a flyer that describes the current available curriculum and the link to TraCorp for all to access. The trainings are taught by judges Colleen McNally (ret.) and Peter Cahill (ret.). We are planning to add to the curriculum and would like to know what areas are most needed when it comes to the training of judges who are new to the delinquency bench. We will be sending out an eight question survey; the eight topic areas are from NCJFCJ's enhanced juvenile justice guidelines. We are asking you to rank them as either high, medium or low priority. This anonymous survey will take approximately two minutes of your time and will provide us a wealth of information in moving forward to meet the training needs of the delinquency bench. The survey can be shared with others on your bench.

Comments:

None

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**Topic: Detention Standards Workgroup Update**  
**FORMAL ACTION ITEM**

Speaker: Mr. Chris Varner, *JJSD Program Manager*; Mr. Joe Kelroy  
*Handout (1)*

Summary of Discussion:

The Detention Standards workgroup has developed nine proposed revisions for review.

**Section I A 2- Hiring Qualifications**

Section specifically requires a minimum age of 21 and either a high school diploma or GED for newly hired detention officers.

**Motion:** To approve as presented

**Moved by:** Judge Stauffer; **Seconded by:** Judge Thumma

Discussion: Judge Ruechel: Why is the minimum age being changed? Detention officers in the adult facilities do not have to be 21 years of age. Response: The individual departments currently have 21 years of age as a requirement, so it was agreed upon that the 21 year old requirement be added to the detention standards.

**Action:** Motion passed unanimously

### **Section I E 1- Contractors and Volunteers**

Distinguishes between persons who may come to the detention center on a limited basis from volunteers who provide services on a continuing or long-term basis.

**Motion:** To approve as presented

**Moved by:** Judge Thumma; **Seconded by:** Judge Staring

Discussion: None

**Action:** Motion passed unanimously

### **Section I F 1- Detention Screening Instrument**

Incorporates the requirements of the statewide detention screening instrument that was recently approved by the COJC and the AJC.

**Motion:** To approve as presented

**Moved by:** Eric Meaux; **Seconded by:** Judge Thumma

Discussion: None

**Action:** Motion passed unanimously

### **Section II B 2- Health Screening**

Sections were moved to provide a more sequential order of how the health assessment is to be conducted during the admission process. Screening questions conducted by detention officers were moved to Section II B 3- Health Care Assessment.

**Motion:** To approve as presented

**Moved by:** Judge Peterson; **Seconded by:** Judge Thumma

Discussion: None

**Action:** Motion passed unanimously

### **Section II B 3- Health Care Assessment**

The questions moved from Section II A 2 were added to the assessment conducted by medical staff outlined in II B 3.1.

**Motion:** To approve as presented

**Moved by:** Judge Stauffer; **Seconded by:** Judge Thumma

Discussion: None

**Action:** Motion passed unanimously

### **Section II D 1- Juvenile Rights**

Require detention centers to provide juveniles who choose not to attend religious programming with alternative programming.

**Motion:** To approve as presented

**Moved by:** Judge Peterson; **Seconded by:** Jennifer Torchia

Discussion: None

**Action:** Motion passed unanimously

### **Section III A 4- Classification**

The PREA requirement to conduct a review of a juvenile segregated from the population was changed to “weekly”.

**Motion:** To approve as presented

**Moved by:** Judge Staring; **Seconded by:** Jennifer Torchia

Discussion: None

**Action:** Motion passed unanimously

### **Section III A 8- Behavior Room Confinement**

Allows staff to impose room confinement to juveniles who are being disruptive to programming. Allows staff to request a time out for a juvenile. Require supervisors to document the reasons for extending a time out or elevating the time out to room confinement.

**Motion:** To approve as presented

**Moved by:** Judge Chambers; **Seconded by:** Judge Bannon

Discussion: None

**Action:** Motion passed unanimously

### **Section III A 9- Protection from Harm**

The reference to A.R.S. §§ 8-201, 13-3623 (A)-(C) in A 9.1 was removed.

**Motion:** To approve as presented

**Moved by:** Eric Meaux; **Seconded by:** Judge Peterson

Discussion: None

**Action:** Motion passed unanimously

Comments:

None

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## **Topic: Juvenile Rules Task Force (JRTF) Status Update**

Speaker: Hon. Kathleen Quigley; *Chair*

### Summary of Discussion:

The JRTF editorial group has done amazing work and spent many hours on this process. There are nine delinquency rules left to review, along with four dependency rules and four guardianship rules. We meet again as a task force on February 5<sup>th</sup>, at which time there are a few more rules to review. The task force will then pull everything into a packet. The packet will be reviewed for organization and consistency and then will be put out for comment. We ask you that when it comes out for your review and comments that you please review very carefully and perhaps share with your bench for their input.

Comments:

None

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**Topic: Old Business**

None

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**Topic: Around the State Updates**

Speaker:

Judge Kreamer (Maricopa)- Things have settled down in the numbers of dependency and delinquency. We are status quo with everything still being done remotely.

Judge Ruechel (Navajo) – There will be a new judge on the Navajo County bench to handle all new dependencies, which will give Judge Ruechel time to work on other juvenile issues.

Judge Hochuli (Pima)- Two new openings on the bench; numbers are also down in Pima County.

Judge Peterson (Santa Cruz) – We have a newly elected judge who we are cross training in dependency cases. We are doing almost all dependency hearings remotely and working on getting DAP program set up.

Judge Young (Yavapai) – The numbers have gone down in Coconino, dependency calendar all done on Teams during snowstorm. \*silver lining\*

Judge Farrar (Yuma) – Has received a warm welcome as new Yuma County presiding juvenile court judge.

Judge Thumma (COA, Div. One)- We have a full slate of judges now. The CaseLine product (Thomson Reuters) evidentiary portal concept is being piloted around the state and is tailor made for COVID-19 virtual hearings. We hope to get this out as quickly as possible. Juvenile filings are up just a bit over last year. We are seeing some challenges on use of telephonic and remote hearings (due process rights).

Joannie Collins (Public Member) – Today is the iCivics regional tournament. This teaches Arizona kids civics through gaming. Arizona is the only state with this concept. We have 310 students from across the state participating in the tournament. Those who win the region will advance to the state level tournament. This year we will be doing the state tournament online; hopefully next year we can have this back at the facility. This program is funded by the JCRF grant through the AOC.

Tim Hardy (Yuma County Juvenile Probation) – Yuma County Juvenile Probation was sad to see Judge Stocking-Tate retire, but are very excited to welcome Judge Farrar.

Eric Meaux (Maricopa County Juvenile Probation) – Today is the first date that we are below 100 kids in the detention center, even though the juvenile population in general has increased.

Caroline Lutt-Owens (DCSD)- Beginning in February and throughout 2021, DCSD will be offering monthly virtual training opportunities for FCRB and CASA volunteers, including several on reasonable efforts. The FCRB has had access to CHILDS for over 20 years. In January, the program was notified that it would not be getting access to Guardian. We are working with DCS to rectify this problem as the boards are not able to do their jobs without the information.

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**Closing Comments/Adjournment:**

Joe Kelroy would like to recognize Nina Preston upon her retirement, for all of her work with juvenile justice. She has been invaluable to our work throughout the years and will be greatly missed.

The meeting was adjourned by Judge Quigley at approximately 12:24pm.

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**Next COJC Meeting:**

The next meeting of COJC will take place Thursday, April 22, 2021 at 10:00am via Zoom or at the Arizona State Courts Building Room 345.

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