ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-206: Adult Probation Services Fund, Probation Fees Account

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.

"AOC" means Arizona Supreme Court, Administrative Office of the Courts.

"Court" means the superior court.

B. Applicability. Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-267 authorize the supreme court to establish guidelines for the use of state monies in the adult probation services fund.

C. Purpose. The probation fees account within the adult probation services fund is to be used to pay probation employee salaries and employee related benefits and to otherwise improve, maintain, or expand adult probation services within the county.

D. General Administration. A.R.S. § 12-267 provides:

> A. The board of supervisors shall designate a chief fiscal officer who shall establish and administer an adult probation services fund consisting of:
> 1. County general fund appropriations for adult probation.
> 2. State appropriations for adult probation including:
> (a) Monies for adult probation officers authorized by article 6 of this chapter.
> (b) Monies for state aid for adult probation services authorized by this article.
> (c) Monies for adult community punishment programs established pursuant to article 11 of this chapter.
> (d) Monies for adult intensive probation pursuant to title 13, chapter 9.
> …
> 3. Probation fees collected pursuant to section 13-901 and section 13-902, subsection G.
> 4. Federal monies provided for adult probation.
> 5. Adult probation monies from any other source.
> B. The chief fiscal officer shall establish and maintain separate accounts in the fund showing receipts and expenditures of monies from each source listed in

subsection A of this section. The presiding judge of the superior court shall annually present to the board of supervisors for approval a detailed expenditure plan for the adult probation services fund accounts. Any modifications to the expenditure plan affecting state appropriations shall be made in accordance with the rules and procedures established by the supreme court. Any modifications to the expenditure plan affecting county appropriated funds shall be made in accordance with the policies established by the county. The chief fiscal officer shall disburse monies from the fund accounts only at the direction of the presiding judge of the superior court. The chief fiscal officer of each county, on or before August 31 of each year for the preceding fiscal year, shall submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the adult probation services fund.

C. The state monies in the adult probation services fund, and probation fees collected pursuant to section 13-901 and section 13-902, subsection G, shall be used in accordance with guidelines established by the supreme court or the granting authority.

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E. Reporting Requirements.

1. A.R.S. § 12-267(B) provides: " ...the chief fiscal officer of each county shall, on or before August 31 of each year for the preceding year, submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the adult probation services fund." The administrative director shall provide the chief fiscal officer with the form to be used for submission.

2. A.R.S. § 12-267(B) provides: " ...The presiding judge of the court in each county shall annually present to the board of supervisors for approval a detailed expenditure plan for the adult probation services fund accounts." At the time the plan is submitted to the board of supervisors, the presiding judge shall provide a copy of the expenditure plan for the probation fees account to the administrative director. If the expenditure plan for the probation fees account is modified by the presiding judge, the modified plan shall be submitted to the administrative director.

F. Expenditure Guidelines.

1. At least 60% of the expenditures from the probation fees account during the fiscal year, excluding amounts provided in (F)(7) and (F)(8), shall be used to pay probation employee salaries and employee related benefits.

2. The presiding judge may request an expenditure less than 60% and shall submit to the administrative director a written request for authority to waive the expenditure guidelines. The written request shall include an explanation of the circumstances surrounding the need to waive the expenditure guidelines and the current balance of the probation fees account. If granted, the authority to waive the expenditure guidelines is valid for one fiscal year.

3. The chief fiscal officer of the county shall not use the probation fees account for any indirect costs that may be incurred by the county for administering the probation fees account. Indirect costs include, but are not limited to, costs for services such as accounting, payroll, data processing, purchasing, personnel, and building use incurred by the county to administer these monies.

4. A.R.S. § 12-267(D) provides: "State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department."

5. A.R.S. § 12-267(E) provides: "Monies in the adult probation services fund shall be used to pay the annual assessment on member states of the interstate compact for the supervision of adult offenders established in section 31-467, article X, subsection B."

6. A.R.S. § 12-267(F) provides: "County monies in the adult probation services fund shall be used in accordance with the fiscal policies and procedures established by the board of supervisors."

7. A.R.S. § 12-267(G) provides:

> The administrative office of the courts shall periodically charge each local probation fees account an amount established annually by the supreme court to cover a proportional share of the cost of monitoring devices required pursuant to section 13-902, subsection G consistent with guidelines established to implement section 13-902, subsection G.

8. A.R.S. § 12-267(H) provides:

> The administrative office of the courts shall charge annually the local probation fees account of each county an amount that is established annually by the administrative office of the courts to reflect each county's portion of the superior court risk management premium that is allocated to the judiciary.

G. Assessment Guidelines.

1. The probation department shall have a written policy addressing requirements of probation officers and their duty to:

a. Recommend the imposition of probation service fees, pursuant to A.R.S. § 13-901. A recommended start date for payment shall be included. The policy shall also include the statement that in recommending the imposition of probation service fees, and in considering the ability or inability of the probationer to pay, the probation officer shall determine whether the probationer receives income-based public assistance, including but not limited to, Temporary Assistance for Needy Families (TANF); Supplemental Security Income (SSI); Social Security Disability Insurance (SSDI); veteran's disability benefits, or, under A.R.S. § 46-208, state-based benefits provided through the Arizona Department of Economic Security. All such benefits are not subject to attachment, garnishment, execution, levy or other legal process. Accordingly, these sources of income shall be excluded from funds probationers may be required to use to pay probation services fees.

b. Monitor the payment of probation services fees, including responsibilities in addressing arrearages and submitting petitions to the court recommending suspension of probation service fees when:

(1) A probationer has absconded, a warrant and petition to revoke has been issued, and the probation term has been tolled,
(2) A probationer is incarcerated for more than 30 days

2. Probation service fees shall only be assessed for each month a probationer is on probation for one or more days. The probation department shall ensure the terms and conditions of probation identify a monthly probation service fee amount with a specified date for when payment is to commence. If the monthly fee is not specified, the assigned probation officer shall submit a petition to modify to the court recommending an appropriate monthly fee, pursuant to A.R.S. § 13-901(A).

Adopted by Administrative Order 2000-81, effective November 9, 2000. Amended by Administrative Order 2004-74, effective September 3, 2004. Amended by Administrative Order 2009-55, effective June 10, 2009. Amended by Administrative Order 2011-120, effective November 28, 2011. Amended by Administrative Order 2019-150, effective November 27, 2019.