

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-302: Juvenile Intensive Probation Supervision

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

“Absconder” means a juvenile probationer has left the primary place of residence without permission of the probation officer and whose whereabouts are unknown.

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

“Administrative status” means the status of 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 or identifiable substances in the body including, but not limited to, breath, blood, oral fluid, urine, hair, and sweat testing.

“Case record” means any record pertaining to a particular probationer maintained by the probation department in electronic or paper medium.

“Combined department” means a county probation agency that provides both adult and juvenile probation services.

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

“Court” means superior court.

“Director” means the director of the juvenile court or chief probation officer in combined departments.

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

“High risk” means a juvenile that is currently on standard probation and is determined to have a strong probability to re-offend and is supervised by an intensive probation officer.

“JIPS team” means one probation officer and one surveillance officer, or one probation officer and two surveillance officers, or two probation officers and one surveillance officer, or one probation officer if a waiver of standards is granted.

“Long term residential placement” means placement of a juvenile in an out of home facility for more than 30 days.

“Risk needs assessment” means a state approved tool used to indicate the individual’s propensity to re-offend and the treatment services needed to help prevent further illegal activities.

“Short term residential placement” means placement of a juvenile living in an out-of-home facility for less than 30 days.

“Visual contact” means a face-to-face communication with the probationer at any place, including but not limited to, the probation department and the probationer’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters.

B. Applicability. Az. Const. Art. 6, § 3 and A.R.S. § 8-358 (A) provide, “[t]he supreme court shall establish juvenile intensive probation guidelines.” The Administrative Office of the Courts (AOC) shall administer Juvenile Intensive Probation Supervision (JIPS) programs on behalf of the supreme court.

C. Purpose. JIPS is, as A.R.S. § 8-351 provides “a program which is established pursuant this article of highly structured and closely supervised juvenile probation and which emphasizes surveillance, treatment, work, education and home detention.” The purpose of JIPS programs is to reduce commitments to the state department of juvenile corrections and other institutional or out of home placements.

D. General Administration.

1. The AOC shall:

- a. Administer and direct the JIPS programs on behalf of the supreme court;
- b. Monitor JIPS programs;
- c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the operation and management of JIPS and distribute this material to appropriate superior and juvenile court judges and probation personnel;
- d. Inspect, audit or have audited the records of any juvenile court operating a JIPS program;
- e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration, operation and management of JIPS;

- f. Conduct seminars and educational sessions regarding the purpose and operation of JIPS;
- g. Establish performance measures and expectations in consultation with juvenile courts for determining compliance with each court's JIPS plan and budget request;
- h. Assist juvenile courts in developing their JIPS program plans and budgets;
- i. Provide general assistance to juvenile courts on the operation of JIPS;
- j. Adopt other administrative practices and procedures, consistent with this section, as necessary for the administration of JIPS; and
- k. A.R.S. § 8-358(B) provides:

The supreme court shall annually submit a report stating the number of juveniles supervised on intensive probation during the prior year, the nature of the offense and the delinquent history of each of these juveniles to the governor, the speaker of the house of representatives and the president of the senate at the time of its annual budget request and shall provide a copy of this report to the secretary of state. Beginning July 1, 2011, the report shall be submitted electronically.

- 2. For purposes of uniform administration, each juvenile court and juvenile probation department receiving state JIPS funds shall comply with this section.

E. Budget Request Preparation.

- 1. A.R.S. § 8-357 provides: “The presiding juvenile judge of the superior court in the county shall annually submit a proposed budget for the following fiscal year for the juvenile intensive probation program to the supreme court.”
 - a. The director shall include, with the budget, a plan for the operations of JIPS for the following fiscal year.
 - b. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.
- 2. A.R.S. § 8-357 provides, “The supreme court shall review each request and include the counties’ requests in its annual budget request and shall allocate to the participating counties the monies appropriated by the legislature for intensive probation.”
 - a. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations.

- b. The AOC shall include the court's request or modified request in the supreme court's annual budget.
 - c. The administrative director shall allocate to the court the monies appropriated by the legislature for JIPS based on the proposed plan, availability of funds, caseload population, past year use and program effectiveness.
3. If a juvenile court does not agree with the allocations, and requests further review, the chief justice shall make the final determination.
 4. Each participating juvenile court shall support the budget request with written justification and explanation as required by the administrative director.

F. Program Plan and Financial Management.

1. Each juvenile court requesting state funding shall submit an expenditure plan to the administrative director. The expenditure plan and any plan modification shall be consistent with A.R.S. §§ 8-351 through -358, this section, the supreme court's budget request and available monies appropriated by the legislature for JIPS programs. The participating juvenile court shall submit the plan within the prescribed time frame and on forms required by the administrative director.
2. Each presiding judge of a juvenile court shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. In the event the administrative director disapproves a plan or plan modification submitted by a juvenile court, the presiding judge of the juvenile court may request that the administrative director submit the plan to the chief justice of the supreme court for consideration and final determination.
4. Upon approval of the plan as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting juvenile court for the distribution of funds. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or due to the juvenile court's failure to comply with applicable statutes, the approved plan, funding agreement, or this section.
5. The administrative director may also reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
6. A.R.S. § 12-268(A) provides, "The board of supervisors shall designate a chief fiscal officer who shall establish and administer a juvenile probation fund consisting of... (d) Monies for juvenile intensive probation services established by title 8, chapter 3, article 4."

7. A.R.S. § 12-268(C) provides, “The state monies in the juvenile probation services fund shall be used in accordance with guidelines established by the supreme court or the granting authority.”
8. Each participating juvenile court shall use allocated state funds and interest only for the support and operation of JIPS.
9. On agreement with a participating court, the administrative director may withhold funds allocated to the court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
10. The presiding judge of the juvenile court of each participating juvenile court shall submit to the AOC, by January 31 of each year, a mid-year financial and program activity report related to the court’s plan through December 31. Failure to submit the report in a timely manner may result in financial sanctions.
11. The presiding judge of the juvenile court of each participating juvenile court shall submit to the AOC, by August 31 of each year, a closing financial and program activity report related to the court’s plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.
12. The presiding judge of the juvenile court of each participating juvenile court shall return to the AOC by August 31 of each year, all JIPS funds distributed to the juvenile court which are unencumbered through June 30 and unexpended through July 31. Failure to revert unexpended funds in a timely manner may result in financial sanctions.
13. The administrative director shall determine how the funds are used in the event that a juvenile court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for JIPS programs.
14. Each participating juvenile court and its juvenile probation department shall maintain and provide to the AOC data and statistics as may be required by the supreme court to administer JIPS programs.
15. On request of the AOC, the director shall conduct hand counts of the department’s juvenile intensive probation population. The director shall submit the results of the hand counts to the AOC.
16. Each participating juvenile court and its probation department shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five years from the close of each fiscal year.
17. Each participating 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.

G. Allocation and Management of JIPS Personnel Placements. 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.

H. Eligibility Requirements for JIPS.

1. A.R.S. § 8-358(A) provides:

A. The supreme court shall establish juvenile intensive probation guidelines. In establishing these guidelines the supreme court shall ensure that both:

1. Juveniles who are granted intensive probation meet the requirements of § 8-352.
2. Based on the nature of the offense and the delinquent history of the juvenile, there are reasonable grounds to believe that the juvenile is able to remain at liberty without posing a substantial risk to the community.

2. A.R.S. § 8-352(B) provides that prior to recommending intensive probation:

The juvenile probation officer shall evaluate the needs of the juvenile and the juvenile's risk to the community, including the nature of the offense, the delinquent history of the juvenile, the juvenile's history of referrals and adjustments and the recommendation of the juvenile's parents. The juvenile probation officer shall include the recommendation of the juvenile's parents in the disposition summary report. If the nature of the offense and the prior delinquent history of the juvenile indicate that the juvenile should be included in an intensive probation program pursuant to supreme court guidelines for juvenile intensive probation, the juvenile probation officer may recommend to the court that the juvenile be granted intensive probation.

3. Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS.

4. The court shall not grant intensive probation to juveniles placed in a residential treatment center for more than 30 days. The court shall suspend JIPS or reduce the juvenile to standard probation if the juvenile is currently on JIPS and requires placement over 30 days.

5. A juvenile probation officer who recommends intensive probation shall state the reasons for the recommendation in the pre-dispositional report. The officer shall recommend and the court shall order JIPS only for:

- a. Juveniles who would otherwise have been recommended for commitment to the state department of juvenile corrections;
 - b. Juveniles who would otherwise have been recommended for placement in an out-of-home institutional or residential setting;
 - c. Juveniles who meet the requirements set forth in A.R.S. § 8-352 (B) and (H)(2) of this section; or
 - d. Juveniles who are repeat felony juvenile offenders.
6. A.R.S. § 8-352(C) provides, “After reviewing the juvenile’s prior record, the facts and circumstances of the current delinquent act or technical violation of probation and the disposition summary report, the court may grant the juvenile a period of intensive probation.
7. Prior to placing a juvenile into a JIPS program, the court shall consider:
- a. The juvenile probation officer’s recommendations;
 - b. The factual basis and circumstances leading to the juvenile’s disposition;
 - c. Monies and funds appropriated and the availability of adequate staff and treatment resources to ensure the level of intensive supervision required; and
 - d. Other factors appropriate to the ends of justice.
8. A.R.S. § 8-352 (D) provides, “When granting intensive probation the court shall set forth on the record the factual reasons for using the disposition.”

I. Dispositional Provisions. As provided by A.R.S. § 8-352 (E), juvenile intensive probation shall be conditioned on the juvenile:

1. Participating in one or more of the following throughout the term of intensive probation for not less than thirty-two hours each week:
 - (a) School.
 - (b) A court-ordered treatment program.
 - (c) Employment.
 - (d) Supervised community restitution work.
2. Paying restitution and probation fees except that the inability to pay probation fees or restitution does not prohibit participation in the intensive probation program.

3. Remaining at a place of residence at all times except to attend school, work or treatment, to perform community restitution or to participate in some activity, as specifically allowed in each instance by the supervising juvenile probation officer, or if in the direct company of a parent, guardian or custodian, as approved by the juvenile probation officer.
4. Allowing administration of drug and alcohol tests as directed by a juvenile probation officer.
5. Meeting any other conditions imposed by the court, including electronic monitoring, to meet the needs of the juvenile or to limit the risks to the community.

J. Caseload Limit. A.R.S. § 8-353(B) provides that: “A two person intensive probation team shall supervise no more than twenty-five juveniles at one time. A three person team shall supervise no more than forty juveniles at one time.”

K. Active Cases.

1. Intensive probation officers shall only supervise juveniles on intensive probation, except as provided in subsection (L), Waiver Procedure.
2. A JIPS team’s active caseload shall include:
 - a. Juveniles residing in their county and receiving intensive probation,
 - b. Juveniles in short term residential placement,
 - c. Juveniles incarcerated in detention,
 - d. Juveniles in residential placement in another county and actively supervised by the county of origin in accordance with established policies and procedures, and
 - e. Juveniles on warrant status for less than 90 days.
3. A JIPS team’s active caseload shall not include:
 - a. Juveniles on administrative status for one of the following reasons:
 - (1) Juveniles traveling for more than 30 days out of county/state/country with the approval of the juvenile probation department,
 - (2) Juveniles direct filed to adult court and currently held in adult jail pending the adult court action, or
 - (3) Juveniles residing for more than 30 days out of county/state/country, and the department has retained jurisdiction of the juvenile.

- b. Juveniles on warrant status for 90 days or more; and
- c. Juveniles not yet dispositioned to JIPS.

L. Waiver Provisions. On request of the participating juvenile court, the administrative director may waive supervision, contact, and caseload limit requirements.

1. A.R.S. § 8-356 (A) provides:

The supreme court may waive the requirements of section 8-353, subsections A and B and subsection C, paragraph 2 for a county if the case load of officers supervising juveniles on intensive probation is not more than fifteen juveniles and the program requires visual contact with each probationer at least one time a week.

2. A.R.S. § 8-356 (B) provides:

If a waiver is granted and the intensive probation case load for each officer does not exceed fifteen, officers may supervise other additional juveniles on probation who in the judgment of the chief probation officer require additional supervision or pose a greater than normal risk to the community, as long as the total case load does not exceed fifteen.

3. The presiding juvenile court judge shall file a waiver request pursuant to A.R.S. § 8-356 with the AOC on a form prescribed by the administrative director. The administrative director shall consider the following when determining whether to grant the waiver:
 - a. The number of juveniles on intensive probation in the requesting county;
 - b. The geographical make up of the requesting county and the communities that would be served under the waiver; and
 - c. The impact to the program and the implementation of evidence-based supervision by utilizing one-person teams.
4. If a waiver is granted, it will be in force until such time as the presiding juvenile court judge notifies the AOC in writing that use of the waiver is no longer necessary or when the AOC notifies the presiding juvenile court judge that the waiver is no longer authorized.

M. Program Operations.

1. Each participating department shall:
 - a. Have a written procedure regarding the alcohol and drug testing of juveniles on intensive probation. The procedure shall address the methods used to select juveniles for testing, the frequency of testing, and the type of test to be administered;
 - b. Work with the office of the clerk of the superior court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections;
 - c. Ensure the collection of monies owed as a condition of probation; and
 - d. Develop policies and procedures that ensure that probation officers providing intensive supervision shall reexamine and reassess the risk and needs of each juvenile under their supervision and the factors associated with reducing, maintaining or increasing the juvenile's level of supervision.
2. Each JIPS team shall:
 - a. "Exercise close supervision and observation over juveniles who are ordered to participate in the intensive probation program" as required by A.R.S. § 8-353(C)(2);
 - b. Make documented efforts to locate an absconder. The supervising probation officer shall request a warrant be issued if the juvenile is not located. Efforts to locate the juvenile shall continue pursuant to the court's departmental policy;
 - c. "[E]nsure that each juvenile under its supervision is either employed, attending school, participating in a community restitution program or attending a court ordered treatment program or any combination thereof as ordered by the court for not less than thirty-two hours each week" as required by A.R.S. § 8-355. This shall be accomplished by:
 - (1) Assisting juveniles seeking employment and closely monitoring employment of juveniles if the juveniles are authorized to work in the United States;
 - (2) Closely monitoring participation in court-ordered treatment programs, involving the parent or guardian in the rehabilitation and treatment of the juvenile;
 - (3) Closely monitoring participation in court-ordered treatment programs; and
 - (4) Providing or arranging for appropriate supervision of juveniles performing community restitution work.
 - d. Involve the parent or guardian in the rehabilitation and treatment of the juvenile;

- e. Ensure that juveniles placed on intensive probation pay restitution and probation fees by establishing monthly payment schedules which emphasize payment of restitution and probation fees in the absence of specific court ordered monthly payment schedules. The inability to pay probation fees or restitution does not prohibit participation in the intensive probation program.
 - f. “[P]eriodically examine the needs of each juvenile who is granted intensive probation and the risks of modifying the level of supervision of the juvenile.” as provided by A.R.S. § 8-354(A).
 - g. “Request the county attorney to bring a noncompliant probationer before the court.” if the juvenile’s conduct justifies revocation, as provided by A.R.S. § 8-353(C)(4);
3. A.R.S. § 8-354(A) provides “The juvenile probation officer shall periodically examine the needs of each juvenile who is granted intensive probation and the risks of modifying the level of supervision of the juvenile. The court may at any time modify the placement or the level of supervision of a juvenile who is granted intensive probation.”
 - a. Levels of supervision may be progressively increased or decreased over the term of supervision dependent on compliance by the juvenile with the conditions of probation, and continued law-abiding behavior.
 - b. Requests by the JIPS team for a change in the level of supervision of a juvenile shall be in accordance with minimum requirements. The level of supervision shall not be decreased beyond the minimum level described in section N, Minimum Contact Requirements.
 4. The probation officer may petition the court to terminate the period of intensive probation based on the use of a risk needs assessment and an evaluation of the juvenile’s compliance with the conditions of probation. If the court transfers the juvenile to standard probation, the juvenile shall be assigned to a standard probation officer.
 5. Recommendations by a JIPS officer to the court to terminate a juvenile’s intensive probation supervision or to reduce the level of supervision shall be preceded by a reassessment of the risks and needs of the juvenile and shall be based on satisfactory compliance and performance by the juvenile with the conditions and terms of intensive probation.
 6. Victim notification. A.R.S. § 8-396 (A)(B)(C) provides:
 - A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:
 1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against the victim.

2. Any hearing on a proposed modification of the terms of probation or intensive probation.
 3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.
- B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:
1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the delinquent's contact with or the safety of the victim.
 2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
 3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
 4. That a petition to revoke probation alleging that the juvenile absconded from probation has been filed with the court.
 5. Any conduct by the juvenile that raises a substantial concern for the victim's safety.
- C. If a victim has requested postadjudication notice and probation is revoked and the juvenile is committed to the department of juvenile corrections, the court shall notify the department of juvenile corrections of the victim's request.

N. Minimum Contact Requirements.

1. The following contact requirements are established as minimum thresholds. Each juvenile probation department may establish more rigorous contact requirements for any supervision level. Each director shall ensure that all established minimum contact requirements are provided in writing to each JIPS team, along with appropriate training on adherence to those requirements.
2. Supervision Level I shall include:
 - a. Visual contacts. The JIPS team shall have a minimum of four visual contacts with each juvenile per week. Visual contacts shall be varied and unscheduled, and include evenings, weekends and holidays;
 - b. Employment verification. The JIPS team shall make weekly contact with the employer of an employed juvenile;

- c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
 - d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
 - e. Curfew. The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
 - f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance; and
 - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.
3. Supervision Level II shall include:
- a. Visual contacts. The JIPS team shall have a minimum of two visual contacts with each juvenile per week. Visual contacts shall be varied and unscheduled, and include evenings, weekends and holidays;
 - b. Employment verification. The JIPS team shall make contact with the employer of an employed juvenile once every two weeks;
 - c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
 - d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
 - e. Curfew. The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
 - f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance; and
 - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.

4. Supervision Level III shall include:

- a. Visual contacts. The JIPS team shall have a minimum of one visual contact with each juvenile per week. Visual contact shall be varied and unscheduled, and include evenings, weekends and holidays;
- b. Employment verification. The JIPS team shall make contact with the employer of an employed juvenile once every two weeks;
- c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
- d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
- e. Curfew. The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
- f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance; and
- g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.

O. Program Length.

1. A juvenile shall be on intensive probation from the date ordered by the juvenile court until revoked, successfully discharged or otherwise discharged from JIPS by the court.
2. The juvenile's case and the supporting risk needs assessment shall determine the juvenile's level within the program. Juveniles may enter or exit the program at any level.
3. The supervising probation officer shall recommend an increase or decrease of the juvenile's supervision level through the use of the level system pursuant to the court's departmental policy. The JIPS team shall make a written recommendation regarding the length of time a juvenile remains at each level based upon satisfactory compliance.

P. Required Case Records.

1. A.R.S. § 8-353(C)(1) provides, "The juvenile intensive probation team shall...[s]ecure and keep a complete identification record of each juvenile supervised by the team and a written statement of the conditions of the probation."

2. Each JIPS team shall maintain verifiable case records for each juvenile supervised, including, but not limited to:
 - a. An individual service plan or court report setting forth behavioral and program expectations and recommendations subject to the approval of the director;
 - b. Contact logs detailing the time, nature, and location of each contact related to each juvenile on JIPS; and
 - c. Current photograph and profile of each juvenile on JIPS.

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