

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
1-302: Education and Training

1. **Effect of the proposal:** The effect of the proposal was to change the timeframe required for officers to complete defensive tactics training from one year to as soon as practical, but no later than 90 days from the date of employment.
2. **Significant new or changed provisions:** Subsection K. 3. d. (1).
3. **Committee actions and comments:** The Committee on Probation (COP) met on January 11, 2019 and recommended approval with suggested changes. The motion at COP included changing this timeframe to 120 days as first suggested by the Committee on Judicial Education (COJET) at their 12/6/2018 meeting.
4. **Controversial issues:** Even with the change to 120 days, some departments expressed concern about exceptions to this timeframe for good cause and advocated for a provision to permit extensions. This issue was resolved with a motion to provide language for departments to request an extension of the 120-day timeframe from the administrative director for good cause.
5. **Recommendation:** Recommend approval of this section as approved by COP.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 1-302: Education and Training

A. – J. [No Changes]

K. 1. – 2. [No Changes]

3. a. – c [No Changes]

d. Defensive tactics and firearms. All probation and surveillance officers in safety sensitive positions shall:

- (1) Successfully complete the Defensive Tactics Academy as soon as practical, but no later than within the first 120 days ~~twelve months~~ from the date of employment, and annually thereafter a minimum of eight hours of defensive tactics refresher training in accordance with ACJA § 6-107; and
- (2) If approved to attend, successfully complete the Firearms Academy and participate in mandatory training thereafter, re-qualifying annually in accordance with ACJA § 6-113.
- (3) A chief probation officer or director of juvenile court services, having good cause, may request an extension of time for an officer to complete the Defensive Tactics Academy from the administrative director.

4. - 6. [No Changes]

L. - N. [No Changes]

Comments and Responses to ACJA Section 1-302 Education and Training

PARAGRAPH	COMMENT	RESPONSE
1-302 K. 3. d. (1)	Change “90” to “120” and change “employment” to “placement in position”	“120” incorporated “placement in position” not incorporated
1-302 K. 3. d.	Revise 90-day timeframe	Change incorporated
1-302 K.3. d.	1/11/2019 COP motion to add: A chief probation officer or director of juvenile court services, having good cause, may request an extension of time for an officer to complete the Defensive Tactics Academy from the administrative director. (It should be noted that a definition of “administrative director” is not being added since the administrative director is referenced in existing language in 1-302.	Motion passed/change incorporated

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 6: Probation
Chapter 1: General Administration
6-106: Personnel Practices

1. **Effect of the proposal:** Provide model job descriptions for adult and juvenile probation departments.
2. **Significant new or changed provisions:** New Appendices B-1 through B-5. Technical amendments to subsections I.1.b., J.1.i. and J.3.f.
3. **Committee actions and comments:** The Committee on Probation (COP) met on January 11, 2019, and recommended approval with suggested changes.
4. **Controversial issues:** The 120-day timeframe for officers to complete the Defensive Tactics Academy. This issue was resolved with a motion to provide language for departments to request an extension of the 120-day timeframe from the administrative director. Additionally, COP voted to add language at the beginning of each job description for departments to follow evidence-based practices.
5. **Recommendation:** Recommend approval of the section as approved by COP.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-106: Personnel Practices

A. – D. [No Changes]

E. 1. - 3. [No Changes]

4. The probation department adopts, integrates and uses, at a minimum, the model job descriptions as set forth and attached as Appendices B-1, B-2, B-3, B-4 and B-5. Any additions to these minimum requirements must be in writing.
45. The probation department's personnel system adheres to all applicable federal and state statutes, the Federal Drug-Free Workplace Act of 1988, local ordinances, the Arizona Code of Judicial Administration (ACJA) and all administrative orders regarding employment and labor practices.

F. - H. [No Changes]

I. Disqualifiers for Officer and Safety Sensitive Position Applicants

1. a. [No Changes]

- b. An applicant for a juvenile officer position is awaiting trial or has been convicted of or admitted committing any offense listed in A.R.S. § 8-203.01 or a similar offense in another state or jurisdiction whether or not the conviction has been sealed or expunged.

c. - g. [No Changes]

2. - 4. [No Changes]

J. Continuing Employment Requirements.

1. a. - c. [No Changes]

- d. Adopt, integrate, and use, at a minimum, the model job descriptions as set forth and attached in Appendices B-1, B-2, B-3, B-4 and B-5. Any additions to these minimum requirements must be in writing.

de. Have a written policy and procedure requiring all employees to immediately disclose to the employee's supervisor if the employee is the subject of any of the following:

- (1) Citation for a misdemeanor or felony offense;
- (2) Arrest;

- (3) Conviction;
 - (4) Order of protection; and
 - (5) Warrant.
- ef. Have a written policy and procedure addressing department action in response to a disclosure or discovery that the employee is the subject of any action identified in (J)(1)(d).
- fg. Conduct criminal history and MVD records checks of all probation employees every two years, at minimum. For department employees that have need to operate a state, county or personal vehicle in the execution of their duties, conduct annual MVD reviews pursuant to ACJA 6-111.
- gh. Remove any probation department employee from the chain of supervision of relatives or members of the officer's household who are on probation.
- hi. Establish a program for probation and surveillance officers pursuant to A.R.S. §38-962 672 which provides:

A. Notwithstanding any other law, this state or a political subdivision of this state shall establish a program to provide public safety employees who are exposed to any one of the following ~~persons who are exposed to any one of the following~~ events while in the course of duty up to twelve visits of licensed counseling, which may be provided via telemedicine, paid for by the employer:

....

- 3. In the case of a public safety employee:
 - (a) Visually witnessing the death or maiming or visually witnessing the immediate aftermath of such a death or maiming of one or more human beings.
 - (b) Responding to or being directly involved in a criminal investigation of a dangerous crime against a child punishable under section 13-705.
 - (c) Requiring rescue in the line of duty where one's life was endangered.

2. **[No Changes]**

3. **a. - e. [No Changes]**

f. Adhere to:

- (1) Federal, state and local laws and ordinances;-
- (2) The Code of Conduct for Judicial Employees; and
- ~~(3) The Code of Ethics for Arizona Probation Personnel; and~~
- (3) (4) The Arizona Code of Judicial Administration (ACJA).

g. [No Changes]

K. – M. [No Changes]

**Section 6-106: Personnel Practices
APPENDIX A**

MODEL POLICY FOR DRUG TESTING

[No Changes]

Section 6-106: Personnel Practices
APPENDIX B-1
Adult Probation Officer Job Description

Position Summary:

Probation Officers provide casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a Probation Officer include supervising the caseloads of assigned probationers, meeting with probationers in their homes or at their places of work, conducting interviews and social or pre-sentence investigations, evaluating probationers' progress, performing searches, and making arrests. Because probationers under Court supervision are convicted felons and/or persons with domestic violence convictions, these job duties expose the Probation Officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the Probation Officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All Probation Officers must "demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy." ACJA § 6-107(G)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured supervision and observation concerning compliance with conditions of probation, including directing and counseling the probationer and conducting field contacts (home, work, treatment facilities, community restitution or jail) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation including arrest reports, contact notes regarding compliance with terms of probation and case plan to prepare written reports for the court.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work site contacts, day, and evening home contacts.
- Directs and/or refers probationers to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and make a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Probation officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims' notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics and techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin Capsicum (OC) spray, 11) Engage in fighting techniques while on the ground 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing technique), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Investigates cases referred to the officer and makes a written report to the court.
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a bachelor's degree with a preference in the behavioral sciences or a related field from an accredited college or university.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.
- Must successfully complete eight (8) hours of Defensive Tactics Training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Probation Certification Academy and Intensive Probation Institute, if assigned, within the first twelve (12) months of employment [see ACJA 6-107(F)].
- Must submit to a medical examination required by Corrections Officers Retirement Program.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.

- Vision sufficient to see and read.
- Hearing and speech sufficient to communicate in person and over the phone.
- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of general human behavior; and Evidence based practices in community corrections.

Section 6-106: Personnel Practices
APPENDIX B-2
Juvenile Probation Officer Job Description

Position Summary:

Probation Officers provide casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a Probation Officer include supervising the caseloads of assigned probationers, meeting with probationers in their homes or at their places of school/work, conducting interviews and social or pre-sentence investigations, evaluating probationers' progress, performing searches, and making arrests. Because probationers under Court supervision are convicted felons, felony adjudicated delinquents, and/or persons with domestic violence convictions/adjudications, these job duties expose the Probation Officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the Probation Officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All Probation Officers must "demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy." ACJA § 6-107(G)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured supervision and observation concerning compliance with conditions of probation, including directing and counseling the probationer and parents/guardians and conducting field contacts (home, work, treatment facilities, schools, community restitution or detention) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including contact notes regarding compliance with terms of probation and case plan to prepare written reports for the court.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work/school site contacts, day, and evening home contacts.
- Directs and/or refers probationers and parents/guardians to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and make a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Probation officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims' notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin (OC) spray, 11) Engage in fighting techniques while on the ground 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a bachelor's degree with a preference in the behavioral sciences or a related field from an accredited college or university.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.
- Must successfully complete eight (8) hours of Defensive Tactics Training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Probation Certification Academy and Intensive Probation Institute, if assigned, within the first twelve (12) months of employment [see ACJA § 6-107(F)].
- Must submit to a medical examination required by Corrections Officers Retirement Program.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.
 - Vision sufficient to see and read.

- Hearing and speech sufficient to communicate in person and over the phone.
- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.

- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of adolescent and general human behavior; and Evidence based practices in community corrections.

Section 6-106: Personnel Practices
APPENDIX B-3
Adult and Juvenile Probation Officer Job Description

Position Summary:

Probation Officers provide casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a Probation Officer include supervising the caseloads of assigned probationers, meeting with probationers in their homes or at their places of school/work, conducting interviews and social or pre-sentence/pre-disposition investigations, evaluating probationers' progress, performing searches, and making arrests. Because probationers under Court supervision are convicted felons, felony adjudicated delinquents and/or persons with domestic violence convictions/adjudications, these job duties expose the Probation Officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the Probation Officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All Probation Officers must "demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy." ACJA § 6-107(G)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured supervision and observation concerning compliance with conditions of probation, including directing and counseling the probationer and parents/guardians when supervising juveniles and conducting field contacts (home, work, treatment facilities, schools, community restitution or detention) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including arrest reports, contact notes regarding compliance with terms of probation and case plan to prepare written reports for the court.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work/school site contacts, day, and evening home contacts.
- Directs and/or refers probationers and parents/guardians when supervising juveniles, to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and make a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Probation officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims' notification rights are provided according to statutory requirements.

- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.
- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin (OC) spray, 11) Engage in fighting techniques while on the ground 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Investigates cases referred to the officer and makes a written report to the court.
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a bachelor's degree with a preference in the behavioral sciences or a related field from an accredited college or university.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.
- Must successfully complete eight (8) hours of Defensive Tactics Training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must successfully complete the Probation Certification Academy and Intensive Probation Institute, if assigned, within the first twelve (12) months of employment [see ACJA § 6-107(F)].
- Must submit to a medical examination required by Corrections Officers Retirement Program.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.

- Vision sufficient to see and read.
- Hearing and speech sufficient to communicate in person and over the phone.
- The ability to withstand varying weather temperatures.
- The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.
 - Time management and organization with the ability to apply principles and methods of correctional casework.
 - Critical analysis of individuals and situations in order to problem solve and make sound decisions.
 - Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of adolescent and general human behavior; and Evidence based practices in community corrections.

Section 6-106: Personnel Practices
APPENDIX B-4
Adult Surveillance Officer Job Description

Position Summary:

Surveillance Officers provide surveillance and supportive casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a Surveillance Officer include monitoring the assigned probationers, and meeting with probationers in their homes or at their places of work. Surveillance officers may perform searches and make arrests. Because probationers under Court supervision are convicted felons and/or persons with domestic violence convictions, these job duties expose the Surveillance Officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the Surveillance Officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All Surveillance Officers must “demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.” ACJA § 6-107(G)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured surveillance and observation concerning compliance with conditions of probation, including directing and counseling the probationer and conducting field contacts (home, work, treatment facilities, community restitution or jail) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including arrest reports, contact notes regarding compliance with terms of probation and case plan to prepare written reports for the probation officer.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work site contacts, day, and evening home contacts.
- Directs and/or refers probationers to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and make a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Surveillance officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims’ notification rights are provided according to statutory requirements.
- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.

- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics and techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) throw hand strikes (fist strikes and palm heel strikes), 6) Use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24” (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin Capsicum (OC) spray, 11) Engage in fighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver’s license.
- Have a high school diploma or GED.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.
- Must successfully complete eight (8) hours of Defensive Tactics Training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must submit to a medical examination required by Corrections Officers Retirement Program.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.
 - Vision sufficient to see and read.
 - Hearing and speech sufficient to communicate in person and over the phone.
 - The ability to withstand varying weather temperatures.
 - The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating, and interpersonal relationships.

- Time management and organization with the ability to apply principles and methods of correctional casework.
- Critical analysis of individuals and situations in order to problem solve and make sound decisions.
- Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of general human behavior; and Evidence based practices in community corrections.
- Associates Degree in the behavioral sciences or a related field from an accredited college.

Section 6-106: Personnel Practices
APPENDIX B-5
Juvenile Surveillance Officer Job Description

Position Summary:

Surveillance Officers provide surveillance and supportive casework services to probationers at the direction of the Superior Court under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration. The duties of a Surveillance Officer include monitoring the assigned probationers, and meeting with probationers in their homes or at their places of school/work. Surveillance officers may perform searches and make arrests. Because probationers under Court supervision are convicted felons, felony adjudicated delinquents, and/or persons with domestic violence convictions/adjudications, these job duties expose the Surveillance Officers to a risk of being assaulted by probationers, family members and others in proximity to the probationers. As a result, the Surveillance Officer position is designated as a safety-sensitive position in accordance with ACJA § 6-106(A) and ACJA § 6-107(A). All Surveillance Officers must “demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.” ACJA § 6-107(G)(1)(b). The proficiency testing is based upon whether they can perform the skills or tactics (or comparable alternatives) necessary for self-defense.

Essential Job Functions:

- Performs closely structured surveillance and observation concerning compliance with conditions of probation, including directing and counseling the probationer and parents/guardians and conducting field contacts (home, work, treatment facilities, schools, community restitution or detention) as a member of a team.
- Obtains, assembles, secures, keeps and files a complete identification record concerning the person on probation, including contact notes regarding compliance with terms of probation and case plan to prepare written reports for the probation officer.
- Builds relationships to encourage compliance with the case plan including conditions of probation through frequent telephone contacts, work site contacts, day, and evening home contacts.
- Directs and/or refers probationers to community resources, treatments or other interventions based on assessments, behaviors and conditions of probation.
- Participates in case review conferences to determine if change in level of supervision is warranted.
- Performs searches, breathalyzers/urinalysis collection, and make a documented effort to locate absconders.
- Serves warrants, makes arrests, and brings persons before the court who are on probation including defaulting probationers facing revocation. Surveillance officers have the authority of peace officers in the performance of his or her duties.
- Appears and testifies in court.
- Monitors payment of restitution and probation fees and ensures victims’ notification rights are provided according to statutory requirements.
- In confrontational situations with probationers or others, appropriately and effectively responds and uses defensive tactics and techniques, as learned at the Defensive Tactics Safety Training Academy, when necessary.

- Performs and demonstrates through proficiency testing, competency in, and an understanding of physical and verbal defensive tactics and techniques, including the following, or their comparable alternatives: 1) Forcefully raise arms above head (straight arm wristlock and takedown), 2) Perform minor aerobic activity, 3) Stand for up to 2 hours at a time, 4) Engage in balanced movements, 5) Throw hand strikes (fist strikes and palm heel strikes), 6) use impact weapons (ability to swing arms in a striking action with a baton that weighs 16 ounces), 7) Kick at targets below 24" (front snap kicks), 8) Perform controlled falls and return to standing position unassisted (break falls and recovery), 9) Complete hand strikes and kick drills at partial speed, 10) Sustain exposure to Oleoresin Capsicum (OC) spray, 11) Engage infighting techniques while on the ground, 12) Be able to bend knees lower center and touch the ground with one hand (break fall recovery and baton closing techniques), 13) Be able to bend knees to a 45 degree angle (all ground techniques).
- Performs other duties as assigned.

Minimum Job Qualifications:

- Be a United States citizen or legal resident.
- Must possess a valid driver's license.
- Have a high school diploma or GED.
- Be a minimum age of twenty-one (21) years.
- Complete background/reference checks, interviews, polygraph and/or drug testing, and pre-employment psychological examinations.
- Must successfully complete 40-hour Defensive Tactics Academy as soon as practical, but no later than 120 days from the date of employment [see ACJA § 6-107(G)].
- Must demonstrate, by proficiency testing, competency and understanding of the physical and verbal techniques and tactics presented at the defensive tactics training academy.
- Must successfully complete eight (8) hours of Defensive Tactics Training on an annual basis.
- Must maintain certificate of successful completion of defensive tactics training.
- Must submit to a medical examination required by Corrections Officers Retirement Program.

Required Knowledge, Skills and Abilities:

- Must have the ability to operate a variety of equipment necessary to perform job duties such as motor vehicles, computers, telephones, radios, handcuffs, body armor and other equipment depending on case assignments.
- Must possess:
 - Independent body mobility to stand, walk, bend and sit for prolonged periods of time and/or drive a vehicle.
 - The manual dexterity necessary to reach, grasp, handwrite, and use a computer.
 - Vision sufficient to see and read.
 - Hearing and speech sufficient to communicate in person and over the phone.
 - The ability to withstand varying weather temperatures.
 - The ability to lift, drag, push and carry items of various weight.
- Must have skills in the areas of:
 - Self-control, patience, initiative, courtesy, tact and diplomacy in order to maintain effective relationships with a diverse population.
 - Interviewing, motivating and interpersonal relationships.

- Time management and organization with the ability to apply principles and methods of correctional casework.
- Critical analysis of individuals and situations in order to problem solve and make sound decisions.
- Effective oral and written communication.

Preferred Knowledge, Skills and Abilities:

- Possess knowledge and understanding of:
 - The criminal justice system and community resources.
 - Diversion, Standard and Juvenile and/or Adult Intensive Probation and community supervision.
 - Social and community corrections casework.
 - Principles of adolescent and general human behavior; and Evidence based practices in community corrections.
- Associates Degree in the behavioral sciences or a related field from an accredited college.

Comments and Responses to ACJA Section 6-106 Personnel Practices

PARAGRAPH	COMMENT	RESPONSE
6-106 Appendices B1- B5, page 1. bullet 3	Change “visits” to “contacts”	Change incorporated
6-106 Appendices B1- B5	Do not capitalize the words probation officer, surveillance officer, superior court or court, to keep consistent with ACJA.	Change not incorporated
6-106 Appendix B1, page 1. Bullet 6	Change “make” to “makes”	Change not incorporated
6-106 Appendices B1- B5, page 3. last bullet	Do not capitalize the word “Evidence”	Change not incorporated
6-106 E. 4.	Add “at a minimum” before “the model job descriptions”	Change incorporated
6-106 J. 1. d.	Add “at a minimum” before “the model job descriptions”	Change incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Position Summary section	Add: Probation/Surveillance Officers coach individuals under their supervision, teach problem-solving skills, and foster professional relationships that help to reduce recidivism. Probation Officers implement the use of risk-reduction strategies and other evidence-based practices in their supervision to encourage long-term, positive behavioral change.	Change not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Essential Job Functions section	Revise bullet one: Coaches probationers on cognitive-behavioral and problem-solving skills for the purposes of upholding compliance with conditions of probation, while simultaneously working to reduce future criminal behavior.	Change not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Essential Job Functions section	Add: Conducts accurate assessments to identify risk and needs and develops/implements individualized case plans focusing on risk reduction.	Change not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Essential Job Functions section	Revise bullet one: Conducts meaningful contacts, including directing and counseling the probationer and conducting field contacts (home, work, treatment facilities, community restitution, jail) and office visits, independently or as a member of a team, to employ appropriate risk-reduction strategies based on assessment results.	Change not incorporated

6-106 Appendix B1-B5 (Same comment for all 5) Essential Job Functions section	Revise bullet two: Change “person on probation” to probationer and Change “terms” to “conditions”	Changes not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Essential Job Functions section	Add to bullet four: Works with probationers by using targeted interventions in order to help build skills in areas connected to criminogenic risk;	Change not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Essential Job Functions section	Add a new bullet: Collaborates, cooperates, and maintains contact with stakeholders, including social and law enforcement agencies, to further rehabilitative and/or public safety goals	Change not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Minimum Job Qualifications section	Change “90” to “120”; Change “employment” to “placement in position”	120 change incorporated; placement in position change not incorporated
6-106 Appendix B1-B5 (Same comment for all 5) Minimum Job Qualifications section	Change “must possess a valid Arizona driver’s license” to “must possess a valid driver’s license”	Change incorporated
6-106 Appendix B-2	The juvenile job description does not reference a DCS check; should it?	No, a DCS check is currently not required in ACJA 6-106
6-106 E. 4.	1/11/2019 COP motion to add: “Any additions to these minimum requirements must be in writing.”	Motion passed/change incorporated
6-106 J.1. d.	1/11/2019 COP motion to add “Any additions to these minimum requirements must be in writing.”	Motion passed/change incorporated
6-106 Appendix B1-B5 (Same language for all 5) in “Position Summary, first sentence”	1/11/2019 COP motion to add “under the provisions of evidence-based practices and consistent with the Arizona Code of Judicial Administration.”	Motion passed/change incorporated
6-106 Appendix B1, B2 and B3 in Minimum Job Qualifications	Second to last bullet: 1/11/2019 COP motion to add: “if assigned” after “Intensive Probation Institute”.	Motion passed/change incorporated

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 6: Probation
Chapter 1: General Administration
6-107: Safety Training

1. **Effect of the proposal:** The effect of the proposal was to change the timeframe required for officers to complete defensive tactics training from one year to as soon as practical, but no later than 90 days from the date of employment.
2. **Significant new or changed provisions:** Subsection G. 8.
3. **Committee actions and comments:** The Committee on Probation (COP) met on January 11, 2019, and recommended approval with suggested changes. The motion at COP included changing this timeframe to 120 days as first suggested by the Committee on Judicial Education (COJET) at their 12/6/2018 meeting.
4. **Controversial issues:** Even with the change to 120 days, some departments expressed concern about exceptions to this timeframe for good cause and advocated for a provision to permit extensions. This issue was resolved with a motion to provide language for departments to request an extension of the 120-day timeframe from the administrative director for good cause.
5. **Recommendation:** Recommend approval of this section as approved by COP.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-107: Safety Training

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

B. – F. [No Changes]

G. 1. - 7. [No Changes]

8. The chief probation officer or director of juvenile court services shall ensure that all officers attend and successfully complete the COPE approved defensive tactics safety training academy as soon as practical, but no later than 120 days from the date of employment. A chief or director, having good cause, may request an extension of time for an officer to complete the Defensive Tactics Academy from the administrative director.

9. - 12. [No Changes]

H. - I. [No Changes]

Comments and Responses to ACJA Section 6-107 Safety Training

PARAGRAPH	COMMENT	RESPONSE
6-107 G. 8.	“not” should be “no” as in 1-302	Change incorporated
6-107 G.8.	Change “90” to “120” and change “employment” to “placement in position”	“120” incorporated “placement in position” not incorporated
6-107 G.8.	Revise 90-day timeframe	Change incorporated
6-107 G. 8.	1/11/2019 COP motion to add: A chief or director, having good cause, may request an extension of time for an officer to complete the Defensive Tactics Academy from the administrative director.	Motion passed/change incorporated.
6-107 A.	1/11/2019 As a result of COP motion: Add definition of “administrative director” since not previously defined in 6-107 A.	Change incorporated

JOEY'S LAW

8-509 Licensing of Foster Homes

- A. The department shall license and certify foster homes. Licenses are valid for a period of two years.
- B. The department shall not issue a license without satisfactory proof that the foster parent or parents have completed six actual hours of approved initial foster parent training as set forth in section 8-503 and that each foster parent and each other adult member of the household has a valid fingerprint clearance card issued pursuant to section 41-1758.07. The foster parent and each other adult member of the household must certify on forms that are provided by the department and that are notarized whether the foster parent or other adult member of the household is awaiting trial on or has ever been convicted of any of the criminal offenses listed in section 41-1758.07, subsections B and C in this state or similar offenses in another state or jurisdiction.

THE DEPARTMENT OF CHILD SAFETY SHALL NOT ISSUE A LICENSE TO AN APPLICANT IF AN APPLICANT, OR OTHER ADULT IN THE HOME, HAS A SUBSTANTIATED RECORD OF ABUSE IN ANY OF THE CHILD SAFETY CENTRAL REGISTRY CHECK OF ANY STATE IN WHICH THE APPLICANT AND EACH OTHER ADULT MEMBER OF THE HOUSEHOLD HAS RESIDED IN THE PAST TEN YEARS.

8-514.02 Placement of Child

- A. The department may place a child with a parent, a relative or a person who has a significant relationship with a child.
- B. During an emergency situation when a child must be placed, the department shall not place a child with a relative or a person who has a significant relationship with the child unless each adult member of the relative's or person's household consents to **AND PARTICIPATES IN** both of the following:
1. A preliminary state and federal name-based background check **PRIOR TO PLACEMENT OF THE CHILD**.
 2. Within fifteen calendar days from the **PLACEMENT OF THE CHILD**, ~~date the name-based background check is conducted,~~ **THE DEPARTMENT SHALL SUBMIT** ~~the submission of~~ a full set of the person's fingerprints to obtain a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.
- C. Except for a placement pursuant to section 8-861, before a child who has been in out-of-home care is placed with a parent, the department shall conduct a background check pursuant to section 41-1750 of all adult household members and all adults who have been identified as having caregiving responsibilities of the child in the home. The results of this background check shall be considered when making a safety assessment of the placement.
- D. The department shall immediately remove a child from a home if any adult household member fails to provide fingerprints as provided in subsection B of this section. **THE DEPARTMENT SHALL IMMEDIATELY REMOVE A CHILD FROM A HOME IF AN ADULT HOUSEHOLD MEMBER OR ADULT WHO HAS BEEN IDENTIFIED AS HAVING CAREGIVING RESPONSIBILITIES OF THE CHILD IN THE HOME HAS**

BEEN CONVICTED IN ANY STATE OF FELONY CHILD ABUSE OR NEGLECT, SPOUSAL OR DOMESTIC ABUSE, ANY CRIME AGAINST CHILDREN (INCLUDING PORNOGRAPHY), IS REQUIRED TO REGISTER AS A SEX OFFENDER IN THIS OR ANY OTHER STATE, OR FOR A CRIME INVOLVING VIOLENCE, INCLUDING RAPE, SEXUAL ASSAULT, OR HOMICIDE, OR OTHER PHYSICAL ASSAULT, BATTERY, OR A FELONY DRUG-RELATED OFFENSE IF COMMITTED WITHIN THE PAST TEN YEARS, UNLESS THE COURT FINDS GOOD CAUSE FOR THE PLACEMENT. If placement of the child in the home was ordered by the court, the department shall immediately request a change of physical custody from the court.

8-514.03 Kinship Foster Care; requirements; investigation

B. A kinship foster care parent applicant who is not a licensed foster care parent shall be at least eighteen years of age. The applicant and each member of the applicant's household who is at least eighteen years of age shall submit a full set of fingerprints to the department of child safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The department of child safety shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant. The department of child safety may interview other household members, review the applicant's personal and professional references and conduct department of child safety central registry checks **IN ALL STATES IN WHICH THE APPLICANT HAS RESIDED IN THE PAST TEN YEARS.**

ISAAC'S LAW

8-112. Social studies; requirements

A. The division, an agency or an officer of the court shall conduct and submit a social study to the court ten days before the hearing on the petition to adopt. Notwithstanding any other provisions of this section, the court may order an additional social study or waive the social study if it determines that this is in the child's best interests because of special circumstances.

B. Except as provided in subsection D or E of this section, the social study shall include the following:

1. The social history, heritage and mental and physical condition of the child and the child's birth parents.

2. The child's current placement in the prospective adoptive parent's home and the child's adjustment to that home.

3. The prospective adoptive parent's suitability to adopt.

4. The existing and proposed arrangements regarding the child's custody.

5. Any financial arrangement concerning the proposed adoption made by the birth parents, the division, an agency, an attorney or the prospective adoptive parents.

6. A state and federal criminal records check of the prospective adoptive parent and each adult who is living permanently with the prospective adoptive parent except a birth or legal parent with custody of the child. A valid fingerprint clearance card pursuant to section 41-1758.07 satisfies this requirement. The court may order an additional state and federal criminal records check for good cause.

7. A central registry records check, including any history of child welfare referrals, with the division of the prospective adoptive parent and each adult who is living permanently with the prospective adoptive parent **IN ALL STATES IN WHICH THE PROSPECTIVE PARENTS HAVE LIVED IN THE LAST TEN YEARS.**

8. Any other information that is pertinent to the adoption proceedings.

C. The social study conducted pursuant to subsection A of this section is part of the case file and shall contain a definite recommendation for or against the proposed adoption and the reasons for that recommendation.

D. The social study conducted pursuant to subsection A of this section shall consist only of the results of the state and federal criminal records check and the central registry records check conducted pursuant to subsection B of this section if either of the following is true:

1. The prospective adoptive parent is the child's stepparent who has been legally married to the child's birth or legal parent for at least one year and the child has resided with the stepparent and parent for at least six months.

2. The prospective adoptive parent is the child's adult sibling, by the whole or half blood, or the child's aunt, uncle, grandparent or great-grandparent and the child has resided with the prospective adoptive parent for at least six months.

3. THE CHILD IS SIXTEEN YEARS OF AGE OR OLDER.

E. If the child being considered for adoption has resided with the prospective adoptive parent for at least six months and the prospective adoptive parent either has adopted a child or was appointed the permanent guardian of the child within three years preceding the current application, or is a foster parent who is licensed by this state, the social study conducted pursuant to subsection A of this section may consist only of the following:

1. The results of the central registry records check conducted pursuant to subsection B of this section.
2. A review of any material changes in circumstances that have occurred since the previous adoption, permanent guardianship or license renewal that affect the prospective adoptive parent's ability to adopt the child or for the child to be placed in the prospective adoptive parent's home.

8-113. Removal from home; expedited hearings; probationary period; rights and responsibilities; visitation limitations

A. A child who has been placed in a certified adoptive home by any agency or the division shall not be removed from the home except on order of the juvenile court. The agency or the division may request a hearing for removal before the juvenile court, and in those cases, a hearing shall be held not less than ten days after notice has been given to the certified prospective adoptive parent or parents.

B. This section does not prohibit prospective adoptive parents from voluntarily returning any child to the placing agency or the division or does not prevent the removal of a child pursuant to section 8-456 or 8-821.

C. Pending the final adoption hearing, the child is subject to further investigation by the division, an officer of the court or an agency that is required to do the social study pursuant to section 8-105.

D. The court shall hold the hearing on the petition:

1. Within sixty days if the child has resided in the home of the prospective adoptive parent or parents for at least one year immediately preceding the filing of the petition for adoption. If the prospective adoptive parent is the stepparent of the child, this requirement applies only if the stepparent has been married to the birth or legal parent of the child for at least one year.

2. Within ninety days if the child is under three years of age or has resided in the home of the prospective adoptive parent or parents for at least six months preceding the filing of the petition for adoption. If the prospective adoptive parent is the stepparent of the child, this requirement applies only if the stepparent has been married to the birth or legal parent of the child for at least one year.

3. In all other cases, within six months after the filing of the petition for adoption.

E. If subsection D, paragraph 1 or 2 of this section applies, the petitioner shall file a notification of that fact with the petition to adopt.

F. The court shall postpone a hearing scheduled to be held pursuant to subsection D of this section if the court has not received the results of the criminal records check at least forty-eight hours before the final hearing. The court shall reschedule the hearing within twenty-one days after receiving the results.

G. The court or the petitioner may postpone the final hearing up to sixty days in order to give notice to any interested party or for other good cause.

H. The court shall hold an expedited hearing on a motion that is supported by a sworn affidavit that the expedited hearing is in the child's best interests and that any of the following is true:

1. The child is suffering from a chronically debilitating, progressive or fatal disease as diagnosed by a licensed physician.

2. A prospective adoptive parent, birth parent or legal parent is terminally ill, as diagnosed by a licensed physician.

3. THE CHILD IS CONSIDERED HARDER TO ADOPT, IS 16 YEARS OF AGE OR OLDER, OR HAS BEEN IN DCS CUSTODY FOR A CONTINUOUS THREE YEARS OR MORE.

4. The court finds other compelling reasons relating to the special needs and welfare of the child to expedite the hearing.

ALMAS COMPLIANT

ARS 8-533 Petition; who may file; grounds

A. Any person or agency that has a legitimate interest in the welfare of a child, including, but not limited to, a relative, a foster parent, a physician, the department or a private licensed child welfare agency, may file a petition for the termination of the parent-child relationship alleging grounds contained in subsection B of this section.

IN RULING ON A PETITION FOR TERMINATION, THE COURT SHALL CONSIDER:

A. THE BEST INTERESTS OF THE CHILD, AND

B. Evidence OF UNFITNESS Sufficient to justify the termination of the parent-child relationship shall include **CLEAR AND CONVINCING EVIDENCE OF** any one of the following, ~~and in considering any of the following grounds, the court shall also consider the best interests of the child:~~

1. That the parent has abandoned the child.
2. That the parent has neglected or wilfully abused a child. This abuse includes serious physical or emotional injury or situations in which the parent knew or reasonably should have known that a person was abusing or neglecting a child.
3. That the parent is unable to discharge parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse of dangerous drugs, controlled substances or alcohol and there are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period.
4. That the parent is deprived of civil liberties due to the conviction of a felony if the felony of which that parent was convicted is of such nature as to prove the unfitness of that parent to have future custody and control of the child, including murder of another child of the parent, manslaughter of another child of the parent or aiding or abetting or attempting, conspiring or soliciting to commit murder or manslaughter of another child of the parent, or if the sentence of that parent is of such length that the child will be deprived of a normal home for a period of years.
5. That the potential father failed to file a paternity action within thirty days of completion of service of notice as prescribed in section 8-106, subsection G.
6. That the putative father failed to file a notice of claim of paternity as prescribed in section 8-106.01.
7. That the parents have relinquished their rights to a child to an agency or have consented to the adoption.
8. That the child is **THE SUBJECT OF A DEPENDENCY** ~~being cared for in an out-of-home placement~~ under the supervision of the juvenile court, the division or a licensed child welfare agency, that the agency

responsible for the care of the child has made a diligent effort to provide appropriate reunification services and that one of the following circumstances exists:

(a) The child has been ~~in an out-of-home placement~~ **THE SUBJECT OF A DEPENDENCY**,⁷ for a cumulative total period of nine months or longer pursuant to court order or voluntary placement pursuant to section 8-806 and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.

(b) The child who is under three years of age has been **THE SUBJECT OF A DEPENDENCY** ~~in an out-of-home placement~~ for a cumulative total period of six months or longer pursuant to court order and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement, including refusal to participate in reunification services offered by the department.

(c) The child has been **THE SUBJECT OF A DEPENDENCY** ~~in an out-of-home placement~~ for a cumulative total period of fifteen months or longer pursuant to court order or voluntary placement pursuant to section 8-806, the parent has been unable to remedy the circumstances that cause the child to be in an out-of-home placement and there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care and control in the near future.

9. That the identity of the parent is unknown and continues to be unknown following three months of diligent efforts to identify and locate the parent.

10. That the parent has had parental rights to another child terminated within the preceding two years for the same cause and is currently unable to discharge parental responsibilities due to the same cause.

11. That all of the following are true:

(a) The child was cared for in an out-of-home placement pursuant to court order.

(b) The agency responsible for the care of the child made diligent efforts to provide appropriate reunification services.

(c) The child, pursuant to court order, was returned to the legal custody of the parent from whom the child had been removed.

(d) Within eighteen months after the child was returned, pursuant to court order, the child was removed from that parent's legal custody, the child is being cared for in an out-of-home placement under the supervision of the juvenile court, the division or a licensed child welfare agency and the parent is currently unable to discharge parental responsibilities.

C. Evidence considered by the court pursuant to subsection B of this section shall include any substantiated allegations of abuse or neglect committed in another jurisdiction.

D. In considering the grounds for termination prescribed in subsection B, paragraph 8 or 11 of this section, the court shall consider the availability of reunification services to the parent and the participation of the parent in these services.

E. In considering the grounds for termination prescribed in subsection B, paragraph 8 of this section, the court shall not consider the first sixty days of the initial out-of-home placement pursuant to section 8-806 in the cumulative total period.

F. The failure of an alleged parent who is not the child's legal parent to take a test requested by the department or ordered by the court to determine if the person is the child's natural parent is prima facie evidence of abandonment unless good cause is shown by the alleged parent for that failure.

PROTECT MISSING & TRAFFICKED CHILDREN

8-810. Missing children; notification; entry into databases

A. If the department receives a report made pursuant to section 13-3620 or receives information during the course of providing services that indicates a child is at risk of serious harm ~~and~~ **OR** the child's location is unknown, the department shall notify the appropriate law enforcement agency and provide the information required to make the record entry into the Arizona crime information center and the national crime information center missing person databases. This includes information about the child and child's parent, guardian, custodian or person of interest.

B. The appropriate law enforcement agency shall immediately enter the information provided by the department pursuant to subsection A of this section into the Arizona crime information center and the national crime information center missing person databases.

D. THE DEPARTMENT SHALL NOT PETITION FOR DISMISSAL OF A MISSING CHILD'S DEPENDENCY ACTION BEFORE THE CHILD TURNS 18.

REMOVING THE BARRIERS TO SPECIAL EDUCATION

8-514.05. Foster care provider and department access to child health information; consent to treatment; EDUCATION RIGHTS

A. If a health plan, a health care provider licensed or certified pursuant to title 32 or title XIX of the social security act or a health care institution licensed pursuant to title 36, chapter 4 has provided or is providing services to a child placed in out-of-home placement and has custody or control of that child's medical or behavioral health records, the plan, provider or institution must provide the following to the child's foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed pursuant to this article or article 6 of this chapter:

1. Medical records.
2. Behavioral health records.
3. Information relating to the child's condition and treatment.
4. The child's prescription and nonprescription drugs, medications, durable medical equipment, devices and related information.

B. If a health plan, a health care provider licensed or certified pursuant to title 32 or title XIX of the social security act or a health care institution licensed pursuant to title 36, chapter 4 has provided or is providing services to a child for whom the department has legal custody or is providing foster care or substance abuse services and has custody or control of that child's medical or behavioral health records, the plan, provider or institution must provide the following to the department's employees who are involved in the child's case management:

1. Medical records.
2. Behavioral health records.
3. Information relating to the child's condition and treatment.
4. The child's prescription and nonprescription drugs, medications, durable medical equipment, devices and related information.

C. If the department has temporary custody of a child pursuant to this title or has legal custody pursuant to a court order, the department:

1. May consent to any of the following:
 - (a) Evaluation and treatment for emergency conditions that are not life threatening.
 - (b) Routine medical and dental treatment and procedures, including early periodic screening diagnosis and treatment services, and services by health care providers to relieve pain or treat symptoms of common childhood illnesses or conditions.

(c) Surgery.

(d) Blood transfusions.

(e) General anesthesia.

(f) Testing for the presence of the human immunodeficiency virus.

2. May not consent to abortions.

3. To the extent possible, shall consult with each biological parent of the child whose parental rights have not been terminated when making health care decisions for a child in the department's custody.

D. The foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed pursuant to this article or article 6 of this chapter:

1. May give consent for the following:

(a) Evaluation and treatment for emergency conditions that are not life threatening.

(b) Routine medical and dental treatment and procedures, including early periodic screening diagnosis and treatment services, and services by health care providers to relieve pain or treat symptoms of common childhood illnesses or conditions.

(c) Testing for the presence of the human immunodeficiency virus.

2. Shall not consent to:

(a) General anesthesia.

(b) Surgery.

(c) Blood transfusions.

(d) Abortions.

E. A BIOLOGICAL OR ADOPTIVE PARENT WHOSE CHILD IS IN THE CUSTODY OF THE DEPARTMENT OF CHILD SERVICES BUT WHOSE RIGHTS HAVE NOT BEEN TERMINATED SHALL BE PROVIDED NOTICE OF MEETINGS INVOLVING EDUCATIONAL DECISIONS FOR THE CHILD, UNLESS OTHERWISE ORDERED BY THE COURT. IF THE BIOLOGICAL OR ADOPTIVE PARENTS OF A CHILD WHO IS IN STATE CARE FAIL TO PARTICIPATE IN EDUCATIONAL DECISIONS, THE PARENTS, AS DEFINED BY 34 C.F.R. § 300.30, ARE ABLE TO MAKE EDUCATIONAL DECISIONS ON BEHALF OF THE CHILD.

TRANSPARENCY OF INFORMATION FOR FATALITIES

8-807.01. Incidents involving fatality or near fatality; definition

A. The department shall promptly provide DCS information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality as follows:

1. The department shall provide preliminary information including at a minimum:

(a) In the case of a fatality, the name of the child who has died.

(b) The age, gender, county and general location of the residence of the child who has suffered a fatality or a near fatality.

(c) The fact that a child suffered a fatality or near fatality as the result of abuse, abandonment or neglect.

(d) The name, age and city, town or general location of the residence of the alleged perpetrator, if available, unless the disclosure would violate the privacy of victims of crime pursuant to article II, section 2.1, Constitution of Arizona.

(e) Whether there have been reports, or any current or past cases, of abuse, abandonment or neglect involving the child or the alleged perpetrator.

WHETHER THE CAREGIVER OR ADULT IN THE HOME WAS RECEIVING SUBSTANCE ABUSE SERVICES WITHIN THE HOME.

WHETHER THE PERPETRATOR WAS UNDER THE UNFLUENCE OF ALCOHOL OR DRUGS, AS DEFINED IN 8-201, PARAGRAPH 25, SUBDIVISION (C) AT THE FATALITY OR NEAR FATALITY.

(f) Actions taken by the department in response to the fatality or near fatality of the child.

(g) A detailed synopsis of prior reports or cases of abuse, abandonment or neglect involving the child or the alleged perpetrator and of the actions taken or determinations made by the department in response to these reports or cases.

2. On request by any person, the department shall promptly provide additional DCS information to the requestor in a case of child abuse, abandonment or neglect that has resulted in a fatality or a near fatality. Before releasing additional DCS information, the department shall promptly notify the county attorney of any decision to release that information, and the county attorney shall promptly inform the department if it believes the release would cause a specific, material harm to a criminal investigation or prosecution. After consulting with the county attorney, pursuant to paragraph 3 of this subsection, the department shall produce to the requestor as much additional DCS information as promptly as possible about a case of child abuse, abandonment or neglect that resulted in a fatality or near fatality.

3. On request, the department shall continue to provide DCS information promptly to the public about a fatality or near fatality unless:

(a) After consultation with the county attorney, the county attorney demonstrates that release of particular DCS information would cause a specific, material harm to a criminal investigation or prosecution.

(b) The release would violate section 8-807, subsection A or L or the privacy of victims of crime pursuant to article II, section 2.1, Constitution of Arizona.

4. If any person believes that the county attorney has failed to demonstrate that release would cause a specific, material harm to a criminal investigation or prosecution, that person may file an action in superior court pursuant to title 39, chapter 1, article 2 and section 8-807, subsection J and request the court to review the DCS information in camera to determine if disclosure should be ordered.

5. Within ninety days after the date of the DCS report for a case involving a fatality or a near fatality, the department shall provide to the public a summary report that:

(a) May include any actions taken by the department in response to the case, any changes in policies or practices that have been made to address any issues raised in the review of the case and any recommendations for further changes in policies, practices, rules or statutes to address those issues.

(b) Shall include the information prescribed in subsection B of this section if the child was residing in the child's home and in subsection C of this section if the child was placed in an out-of-home placement.

B. If the summary report prescribed in subsection A, paragraph 5 of this section involves a child who was residing in the child's home, the summary report shall contain a summary of all of the following:

1. Whether services pursuant to this chapter were being provided to the child, a member of the child's family or the person suspected of the abuse or neglect at the time of the incident and the date of the last contact before the incident between the entity providing the services and the person receiving the services.

2. Whether the child, a member of the child's family or the person suspected of the abuse or neglect was the subject of a DCS report at the time of the incident.

3. All involvement of the child's parents and of the person suspected of the abuse or neglect in a situation for which a DCS report was made or in services provided pursuant to this chapter in the five years preceding the incident involving a fatality or a near fatality.

4. Any investigation pursuant to a DCS report concerning the child, a member of the child's family or the person suspected of the abuse or neglect or services provided to the child or the child's family since the date of the incident involving a fatality or a near fatality.

C. If the summary report prescribed in subsection A, paragraph 5 of this section involves a child who was in out-of-home placement, the summary report shall include the name of any agency the licensee was licensed by, the licensing history of the out-of-home placement, including the type of license held by the operator of the placement, the period for which the placement has been licensed and a summary of all violations by the licensee and any other actions by the licensee or an employee of the licensee that constitute a substantial failure to protect and promote the health, safety and welfare of a child.

D. For the purposes of this section, "near fatality" means an act that, as certified by a physician, including the child's treating physician, places a child in serious or critical condition.

OPIOID CRISIS & EQUAL PROTECTION

8-830. Residential drug treatment center; services; program termination; definitions

A. The department shall contract with a provider to conduct family assessments, provide case management and provide the necessary services, including residential drug treatment services, to protect the child and support the family on referral from the department pursuant to section 8-821.

B. The contract shall require that the provider establish a continuum of services for families through written agreements with community agencies and organizations to provide required services to families. The provider may purchase or obtain without cost the services of any agency or organization that may provide resources to assist the family.

C. The contract shall require that the provider initiate a thorough family assessment and **START** necessary services ~~as soon as practicable~~ **WITHIN THIRTY DAYS** after the provider receives the referral from the department.

D. The department shall provide information to the provider concerning the current report and may provide any information from records it deems appropriate. All information received by the provider regarding the report of abuse or neglect and department records is subject to the confidentiality requirements of section 8-807. Information in the records of the provider concerning the families served by the program is available for the purposes of evaluating the program.

E. If at any time during the course of service delivery the provider determines that the child is in imminent danger of abuse or neglect, the provider shall immediately report the case to the department or the appropriate law enforcement agency, or both, for appropriate action. In all cases the provider and any agency under subcontract to the provider shall retain records of information on initial and ongoing contact with the family and the final disposition of the case and shall provide this information to the department.

F. The department shall require that the provider establish a local advisory board composed of appropriate community representatives, including representation from families in the community and local public agencies. The local advisory board shall ensure that a continuum of services is provided for families and shall provide oversight to the program.

G. The department shall develop performance standards for the contracts provide training to the provider or organization staff involved in service delivery to these families regarding child abuse and neglect and monitor the performance of the providers.

8-841. Dependency petition; service; preliminary orders

A. Any interested party may file a petition to commence proceedings in the juvenile court alleging that a child is dependent. **THE DEPARTMENT SHALL FILE A DEPENDENCY PETITION IF A HEALTH PROFESSIONAL HAS DETERMINED THAT A CHILD WHO IS UNDER SIX MONTHS OF AGE HAS BEEN EXPOSED PRENATALLY OR AFTER BIRTH TO A DRUG OR SUBSTANCE LISTED IN SECTION 13-3401 AND THAT THIS EXPOSURE WAS NOT THE RESULT OF MEDICAL TREATMENT TO THE MOTHER OR INFANT BY A HEALTH PROFESSIONAL.**

B. The petition shall be verified and shall contain all of the following:

1. The name, age and address, if any, of the child on whose behalf the petition is brought.
2. The names and addresses, if known, of both parents and any guardian of the child.
3. A concise statement of the facts to support the conclusion that the child is dependent.
4. If the child was taken into temporary custody, the date and time the child was taken into custody.
5. Whether the department believes that an aggravating circumstance described in section 8-846, subsection D, paragraph 1 exists.
6. A statement whether the child is subject to the Indian child welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code sections 1901 through 1963).

C. The person who files the petition shall have the petition and a notice served on:

1. The parents and any guardian of the child.
2. The child's guardian ad litem or attorney.
3. Any person who has filed a petition to adopt or who has physical custody pursuant to a court order in a foster-adoptive placement.

D. The notice shall contain all of the following:

1. The name and address of the person to whom the notice is directed.
2. The date, time and place of the hearing on the petition.
3. The name of the child on whose behalf the petition has been filed.
4. A statement that the parent or guardian and the child are entitled to have an attorney present at the hearing and that, if the parent or guardian is indigent and cannot afford an attorney and wants to be represented by an attorney, one will be provided.

5. A statement that the parent or guardian must be prepared to provide to the court at the initial dependency hearing the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child.

6. A statement that the hearing may result in further proceedings for permanent guardianship or to terminate parental rights.

E. The petition and notice shall be served on a parent or guardian as soon as possible after the petition is filed and at least five days before the initial dependency hearing if the parent or guardian did not attend the preliminary protective hearing. If a parent or guardian does attend the preliminary protective hearing, the petition and notice shall be served at the preliminary protective hearing.

F. On the filing of the petition, the court may issue any temporary orders necessary to provide for the safety and welfare of the child.