Committee on Juvenile Courts *Committee Minutes*

Meeting Date: 02/05/2019

The meeting was called to order by Judge Quigley at 12:17pm

Minutes taken by: Kathy Gillmore
Inna Lower-Bilichenko

Roll Call
Present:
Honorable C. Allen Perkins, Honorable Margaret McCullough, Honorable Travis Ragland, Honorable Monica Stauffer, Honorable Jessica Quickle, Honorable Tim Ryan, Honorable Kathleen Quigley, Honorable Daniel Washburn, Honorable Anna Young, Honorable Sam Thumma, Honorable Christopher Staring, Eric Meaux, Jennifer Torchia. Joe Kelroy and Caroline Lautt-Owens (AOC).

Excused/Absent:
Honorable Terry Bannon, Honorable Bryan Chambers, Honorable Rick Williams, Honorable Robert Higgins, Honorable Thomas Fink, Honorable David Haws, Ernest Rose, Denise Smith.

Guests/Staff Present:
In person: Nina Preston.
By phone: Director Jeff Hood, Amy Love, Melissa Watkins, Jerry Landau, Honorable Randall Warner.

Introductions were made around the room and on the telephone.

Adoption of Minutes:

Motion: To accept and adopt minutes from the January 17, 2019 meeting.
Moved by: Judge Stauffer; **Seconded by**: Judge McCullough.
No discussion.
Action: Motion passed unanimously.

Topic: Legislative Proposals Update (Formal action requested)

Speaker: Amy Love, *AOC Deputy Director of Legislative Affairs*

Summary of Discussion *(Action Item / Handouts)*:

House Bills 2377 and 2378 have been dropped and assigned. House Bill 2377 titled "Dependency; Substance Abuse; Services; Petition" would require DCS to file a dependency petition if a health care professional determines that a child, who is under the age of 6 months, has

been exposed prenatally or after birth to a drug or substance listed in the criminal code if it is determined that the exposure was not a result of a medical treatment to the mother. The Department has some significant concerns because the exact data on how many children this bill would affect cannot be provided as their case management system is still being developed. Moreover, there is a new Legislative Liaison, so it has been a little difficult to get information to determine what impact there would be on the court, in terms of an increased number of petitions, and on attorneys for parents and the AGs. At this point, this bill is not being moved forward given the requirement and the burden it would place on the Department. As of now, it is just being monitored.

A copy of House Bill 2378 "Adoption; Child Welfare; Placement; Dependency" will be sent out to the COJC Committee members by the end of the day so they can provide feedback electronically. This bill is focused on older children who are harder to adopt – children who are at least 16 years of age and who lived with the perspective placement for at least 6 months. Some of the additional social study requirements, that are currently in place, are going to be waived so that older children would be moved towards permanency as quickly as possible before they age out of the system.

The COJC Committee was previously asked whether they see any concerns with having an expedited hearing in circumstances when juveniles would be 16 years of age. A few COJC members responded that there would be no issue because there are not many adoption hearings for older kids.

Right now, the Court has an ability to waive the social study when it finds Cause to do so. This would add the narrow population of kids that would not require the social studies. There will be criminal background checks and the central registry, but additional social studies would not be required.

AJC Bill 2055 is an omnibus bill about juvenile court jurisdiction that would allow retroactive designation of misdemeanors for open-ended class fixes, cleaning up of the set aside and destruction of records bill. The bill made it through rules committee on 2/4/2019, was heard in caucus on 2/5/2019, and it is moving forward. Amy will follow up with those who have some procedural questions.

There are bills related to Detention, Dangerous Offences and Mandatory Placement of Children that were held out for a few weeks to work through some issues that the Department of Child's Safety has raised. The bill about automatic JIPS for a second adjudicated felony made it out of the committee but did not go through caucus as well because there are still ongoing conversations with the department.

Call to the Public:

Topic: John Doe Publications (Actions requested)

Speaker: Judge Warner, *Juvenile Court Judge, Maricopa County*

Summary of Discussion *(Action Item)*:

The service of John Doe publications raises some concerns for a number of reasons: they use court resources, require lawyers for hearings and cost money to publish. It sometimes leads to the delay of cases and permanency for children while not really providing to the process. There might be other things done to better satisfy the Due Process and not spend judicial time and other resources on this particular practice.

In addition, there are some concerns about serving actual people by publication because, under the civil rules, you only use the publication when it is the best means practicable for providing someone with notice, and it is hardly ever best means practicable, especially with the popularity of the Internet.

Comments:

- Speaker: Honorable Tim Ryan.

Even when the father is known, John Doe hearings are still set because it takes a very long time to get a DNA test from someone who is in a prison facility. There are inmates who were processed through the Maricopa county jails, where they did a buckle swab sample, and yet there is still a complicated way that takes from 8 weeks to 3 months to get DNA results back.

Hon. Tim Ryan has suggested reaching out to the sheriff's office of different counties about providing access to the DPS, so they could do a DNA comparison. Some staff from the sheriff's office help on the id issues, take photos and prints so there would be an ability to id the father stepping apart from saying it was his DNA sample as well. Both those who know that they are the fathers, as well as those who want to find if they usually want a paternity to be established, and they do not want it to be slowed down. They usually do not go to John Doe hearings.

Actions approved:

Requested by Judge Warner:

1) Set up a work group directed by Caroline Lautt-Owens and staffed through the DCSD to address the issue of John Doe publications;
2) Add this issue to the agenda for the next COJC meeting is August.

Topic: Code Section Amendments *(Formal Action Requested)*

Speaker: Kathy Waters, *APSD Director;* Nina Preston, *AOC Legal Representative*

Summary of Discussion *(Action Item / Handouts)*:

There are three Codes of Judicial Administration that come as a package deal because changes to 6-106 prompt the changes to 1-302 "Education and Training" and 6-107 "Safety Training". These amendments took place because most counties are the hiring authority for safety sensitive positions which would be POs, SOs and any other designated safety sensitive positions.

They have always had their job descriptions for these positions either through the court, HR or the county HR.

As a result, there is a case that has been going for about 10 years: there was a probation officer that had a case load and was working for one of the counties. Eventually, it was time for him to go to the defensive tactics under time frame requirements that exist for probation officers who have been normally within the first year of employment. He came to the defensive tactics academy and was not able to complete it, even after accommodations were made, because of physical limitations. As the code requires, he was sent for the medical evaluation, however it did not work out, and he was reassigned to a different case load. Consequently, he filed an EEOC complaint, and the Attorney General became involved.

The Attorney General explained that there should be a standardized job description that outlines every detail of what is required prior to person applying for this job. Moreover, over the course of this case, there was a company hired to do a human performance evaluation and there was a cooperative work done with the Department of Administration and Department of Corrections over risk management and physical requirements. As a result, there has been what's called a "Model Job Description" created, which all counties would use for adult and juvenile probation officers, surveillance officers and other safety sensitive positions.

These proposals have been added to the normal course and presented to the Committee on Probation on January 11, 2019. The Committee has approved to change an original recommended timeframe of 90 days to 120 days for probation officers to get their defensive tactics done. In addition, it was voted on to add the language at the beginning of each job description stating that they have accepted the 120-day time frame from the Administrative Director and can also request and get an extension in certain cases. That language would be added into all three of the ACJAs. Because there was a concern regarding being too much focus on physical and law enforcement direction, the job description at the beginning now also adds that they will follow evidence-based practice. The proposals did pass out of the Committee on Probation with above-described recommended changes. On 2/1/19, they passed out of the Committee on Superior Court accepting all of the recommended changes from the Committee on Probation.

1. Personnel Practices- ACJA § 6-106

Motion: Adoption ***of ACJA § 6-106*** with amendments.
Moved by: Jennifer Torchia; **Seconded by**: Judge Anna Young
Discussion took place.
Amendments:

1) *Suggested by Honorable Margaret McCullough:*
   Replace the word "pre-sentence" with "predisposition" under Juvenile Probation.

2) *Suggested by Eric Meaux:*
   Replace the word "are" with "may include" in the line 7 of the Job Description where it says: "Juveniles under court supervision are convicted felons…".

Action: Motion passed unanimously.

2. Safety Training- ACJA § 6-107

Motion: Approve ***ACJA § 6-107*** as stated.
Moved by: Judge Ryan; **Seconded by**: Eric Meaux
No discussion.
Action: Motion passed unanimously.

3. Education and Training- ACJA § 1-302

Motion: Approve ***ACJA § 1-302*** as written.
Moved by: Judge Ryan; **Seconded by**: Judge Young
No discussion.
Action: Motion passed unanimously.

Additional Call to the Public:

The following public members addressed the committee:

None

Adjournment:

Motion: To adjourn.
Moved by: Judge Tim Ryan; **Seconded by**: Judge Margaret McCullough.
Action: Meeting adjourned at 12:54 p.m.

Next COJC Meetings:

- April COJC meeting will not take place.
- The next COJC meeting is scheduled for Thursday, August 29, 2019, at the Arizona Courts Building, Rooms 119A/B.