

**Arizona Judicial Branch  
2015-2019 Strategic Agenda  
Planning Update**

- All committees actively engaged in strategic planning discussion
- Resulted in significant amount of input
- Ideas synthesized down to “reasonable” size
- AJC strategic agenda subcommittee input on initial draft in June
- STILL A WORK IN PROCESS
- First presentation to AJC in October for input
  - Final AJC presentation in December
  - Adoption by AJC in March
  - Plan effective July 1, 2014

## Process overview

- **Emerging Themes**

- Emphasis on courts as part of AZ communities
- Access to justice emphasis
  - Broader community participation in developing solutions
  - Projects addressing needs of unrepresented litigants
  - Projects addressing language barriers to access
- Following the evidence and research to “protect our children, families, and communities”
  - Center for Evidence-based Practices
    - More formal, more resources
  - Specialty courts

The law guides judges in making decisions – the evidence and research helps guide us in solving problems

# Emerging Themes

- **Emerging Themes**

- Process improvement

- Time standards and case management
- E-everything (filing, document access, online payments, video conferencing and more)

- Enhancing professionalism and operational efficiencies

- Judges and court employee excellence
- Safe and functional courthouses
- Modern case management systems that contribute to productivity today and into the future
- Data integrity, accuracy and sharing

- Communications and community involvement

- We have an “army” of volunteers; we need more!
- We have an obligation to participate in the education of the public and our students on the important role of the courts in preserving the rule of law

**Emerging Themes**

# Goal #1: Promoting Access to Justice

- Access to Justice
  - Blue ribbon commission
  - Increased participation & recognition for lawyers in pro bono work
  - Identify ways to improve judicial branch funding
- Services for Unrepresented Litigants
  - More web-based forms, e-filing, etc.
  - Expand self-help services
  - Collaborate with legal services agencies
  - Explore availability of other programs to assist in meeting needs

**Draft Agenda Outline**

## Goal #1: Promoting Access to Justice

- Services for Limited English Proficient Litigants, Defendants, and Other Court Participants
  - Expand remote video interpreting project
  - Identify other opportunities to use technology
  - Increase availability & quality of interpreting services
  - Provide alternative language forms, instructions & information (at courthouse and online)

**Draft Agenda Outline**

## Goal #1: Promoting Access to Justice

- Regulating the Practice of Law to Protect the Public
  - Attorney admissions requirements & protocols
  - State Bar governance
  - Review ABA's "Commission on Ethics 20/20" proposed rule changes
  - State Bar exam requirements
  - Training on dependency cases
  - New attorney mentoring

**Draft Agenda Outline**

## Goal #2: Protecting Children, Families & Communities

- Center for Evidence-Based Practices
  - Improve/expand use of evidence-based practices in pre-trial release decisions
  - Research new programs for probation programs
- Specialty Courts
  - Expand through collaboration w/ justice partners, treatment providers and others
  - Develop evidence-based practices bench books, training, etc.

**Draft Agenda Outline**

## Goal #3: Improving Court Processes to Better Serve the Public

- Judicial System Process Improvement
  - Improve case processing timeliness and efficiency
    - Case processing time standards
    - Revitalizing caseload management efforts
      - Differentiated case management
      - Case management reports
    - E-bench tools for judges and other workload tools; performance measures
    - Jury process improvement
- Access to Courts and Court Information Using Technology
  - Expanding electronic access and e-filing
  - Web-based online payment capability
  - Electronic noticing
  - Opportunities for using video/audio conference capability

**Draft Agenda Outline**

## Goal #4: Enhancing Professionalism & Efficiency Within the Judicial System

- Judicial Excellence
  - Ensure new & veteran judges are well-prepared for courtroom:
    - Assess new judge training and orientation
    - Mentoring program
    - Ensure efficient and effective judicial oversight
  - Judicial education needs assessment
  - Expand training opportunities for appellate judges
  - Collaborate with State Bar
  - Develop training on best practices for domestic violence hearings & criminal case proceedings involving child victims

**Draft Agenda Outline**

## Goal #4: Enhancing Professionalism & Efficiency Within the Judicial System

- Judicial Branch Leadership
  - Leadership team development programs
  - Prepare for next generation case management systems & technology
  - Succession planning
- Workforce Development
  - Web-based conference capability for training staff
  - Address compensation issues; provide avenues for promotion
  - Training standards for court security
  - Guidelines on use of social media by court employees

**Draft Agenda Outline**

## Goal #4: Enhancing Professionalism & Efficiency Within the Judicial System

- Courthouse Facilities and Services
  - Improve access through strategic & stable funding
  - Needs assessment for security infrastructure
  - Minimum standards for facilities and security
- Next Generation Case Management Systems
  - Replace AZTEC w/ AJACS
  - JOLTSaz implementation
  - APETS/AJACS integration
  - Pima County Consolidated Justice Courts' migration to AGAVE
  - Appellate case management system

**Draft Agenda Outline**

## Goal #4: Enhancing Professionalism & Efficiency Within the Judicial System

- Court Data Repositories & Justice System Data Exchanges
  - Complete transition from central data warehouse to Central Case Index (CCI) system
  - Collaborate w/ other justice system entities
    - Expand e-warrants project
    - Modernize statewide warrant repository system
    - Availability of mental health orders
    - Data accuracy in criminal history repository & NICS

**Draft Agenda Outline**

## Goal #5: Improving Communications and Community Participation

- Volunteerism
  - Volunteer recruitment & recognition programs
  - Retired judges as “ambassadors”
- Communications w/ Public and Education Communities
  - Engage in more proactive communication
  - Promote civic education
  - Juror “downtime” as an opportunity to educate public
  - Update “Speaker’s Toolkit”
  - Increase use of social media to improve communications

**Draft Agenda Outline**

## Goal #5: Improving Communications and Community Participation

- Communications w/in Branch and w/ Other Branches of Gov't
  - Reinstitute "View from the Bench"
  - Electronic newsletter
  - Improve communication among and between branches

**Arizona Judicial Branch  
2015-2019 Strategic Agenda  
Planning Update**

Contact: [ctrimble@courts.az.gov](mailto:ctrimble@courts.az.gov)

**ARIZONA CODE OF JUDICIAL ADMINISTRATION  
Proposal Cover Sheet**

**Part 6: Probation**

**Chapter 1: General Administration**

**Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices**

1. **Effect of the proposal:** Introduce and instill evidence-based principles, as outlined in Justice 20/20
  
2. **Significant new or changed provisions:**
  - Expanded terms in definition section to more accurately capture juvenile court activities, especially those already defined in statute
    - Alcohol and drug testing – updated to reflect recent code changes
    - Case Plan - added
    - Child, youth, or juvenile – added
    - Complaint – added
    - Criminogenic need – slight adjustments
    - Default – added
    - Delinquent act – added
    - Delinquent juvenile – added
    - Dependent child – added
    - Evidence-based practice – added
    - Incurable child – added
    - Juvenile court – added
    - Petition – added
    - Referral – added
    - Youth assessment - added
  - Conduct a youth assessment for each juvenile who is referred to the juvenile court and update the assessment on each subsequent referral. The court shall use the assessment to determine the appropriate disposition of the juvenile, for establishment of a level of supervision, and for formulation of case plan.
  
3. **Committee actions and comments:** (Summarize comments and responses)

Seeking recommendation and support for adoption:

- Juvenile Administrator’s Meeting 8/22/2013
  - (E) (3) (c) Question as to whether an “information sharing requirement” belongs in the powers and duties of officers – no further recommendation as this is existing language in current code
  - (E) (3) (f) (4) Maricopa County expressed concern as to the 72 hour time frame being too short – no further recommendation as this is existing language in current code
  - JAM voted to approve this code section
  
- Committee on Probation 8/23/2013

- Reviewed Above Comments from JAM
- COP voted to approve this code section

- Committee on Juvenile Courts 9/5/2013

Seeking adoption:

- Arizona Judicial Council 10/17/2013

See comments table attached

4. **Controversial issues:**

N/A

5. **Recommendation:**

N/A

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 1: General Administration**  
**Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices**

**Courts shall be governed by section 6-105, except and until approved by the Administrative Director to be governed by section 6-105.01.**

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

“Absconder” as provided in A.R.S. § 13-105(1) “means a probationer who has moved from the probationer’s primary residence without permission of the probation officer, who cannot be located within ninety days of the previous contact and against whom a petition to revoke has been filed in the superior court alleging that the probationer’s whereabouts are unknown. A probationer is no longer deemed an absconder when the probationer is voluntarily or involuntarily returned to probation service.”

“Alcohol and drug testing” means any validated or verified method of determining the ~~presence or~~ level of identifiable substances in the body including, but not limited to, breathalyzer, blood, oral fluid tests and urine, hair, and sweat testing samples.

“Arrest notification” means notice, by any means, that the probationer has been arrested, cited or had official contact with a law enforcement officer.

“Case plan” means the documented behavior change plan and supervision strategy developed by the supervising probation officer in collaboration with the juvenile and family or adult probationer which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

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

“Child,” “youth,” or “juvenile” means “an individual who is under the age of eighteen years” as provided in A.R.S. § 8-201(6).

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

“Complaint” means “a written statement of the essential facts constituting a public offense ...” as provided in A.R.S. § 8-201(7).

“Court” means superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal or delinquent behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes,

values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment, and lack of education.

“Default” means has not met obligations of supervision as outlined in terms of probation.

“Delinquent act” means “an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense” as provided in A.R.S. § 8-201(10).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act,” as provided in A.R.S. § 8-201(11).

“Dependent child” means “(a) a child who is adjudicated to be: (i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control. (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care. (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child. (iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child. (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-706. (b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists,” as provided in A.R.S. § 8-201(13).

“Evidence-based practice” means strategies that have been shown, through current, scientific research to lead to a reduction in recidivism.

“Incorrigible child” means “a child who:

- (a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person.
- (b) Is habitually truant from school as defined in section 15-803, subsection C.
- (c) Is a runaway from the child’s home or parent, guardian or custodian.
- (d) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others.
- (e) Commits any act constituting an offense that can only be committed by a minor and that is not designated a delinquent act.
- (f) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action.” as provided in A.R.S. § 8-201(16).

“Juvenile court” means “the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility” as provided in A.R.S. § 8-201(18).

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(24).

“Referral” means “a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act” as provided in A.R.S. § 8-201(27).

“Standardized assessment” means the state-approved tool to determine the offender’s needs related to criminal behavior and propensity to re-offend.

“Standardized reassessment” means the state-approved tool designed to measure changes in an offender’s needs related to criminal behavior and propensity to re-offend.

“Target interventions” means supervision related services determined by the probationer’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Youth assessment” means the state approved system of actuarial tools designed to assess risk, need, and responsivity factors of youth at various stages of the juvenile justice system.

**B. Applicability.** Az. Const. Art. 6, § 3, ~~and~~ A.R.S. §§ 12-253, ~~and~~ 12-254, ~~and~~ 8-205 authorize the supreme court to establish powers and duties of officers. A.R.S. § 13-805(A)(B)(C) provides:

A. The trial court shall retain jurisdiction of the case for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires.

B. At the time the defendant is ordered to pay restitution by the superior court, the court may enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

C. At the time the defendant completes the defendant's period of probation or the defendant's sentence or the defendant absconds from probation or the defendant's sentence, the court shall enter both:

(1.) A criminal restitution order in favor of the state for the unpaid

balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

(2.) A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection B of this section.

The provisions of this code section requiring a probation officer to request a criminal restitution order apply to a probationer who moved from the probationer's primary residence on or after July 20, 2011, without permission of the probation officer.

**C. Purpose.** ~~Outline and clarify the powers and duties, with an emphasis on evidence based practices, of directors of juvenile court directors services, chief probation officers, probation officers, and surveillance officers.~~

**D. Duties of Directors of Juvenile Court Services and Chief Probation Officers.**

1. Directors of juvenile court services and chief probation officers shall:

- a. Abide by the Code of Conduct for Judicial Employees and the Code of Ethics for Arizona Probation Personnel;
- b. Treat probationers, victims, criminal justice personnel and the public with dignity and respect;
- c. Require that all probation employees adhere to all federal and state statutes, local ordinances, the Arizona Code of Judicial Administration (ACJA) and all administrative orders concerning adult and juvenile probation services;
- d. Require that probation employees are provided with, or have access to:
  - (1) Applicable local policies and procedures; and
  - (2) ACJA sections pertaining to probation related matters.
- e. Require all probation employees to comply with all applicable policies and procedures;
- f. Promote and support the existence of a drug-free workplace through the enactment and enforcement of ACJA sections or local policy;
- ~~g. Uphold the mission and strive to meet all related performance measures of state funded probation services;~~
- hg. Maintain accurate and verifiable records of all persons under supervision of the court; and

- h. Support the implementation of all probation and court- related goals contained within the strategic agenda for Arizona’s courts.
2. The chief probation officer, with the approval of the presiding judge, shall also:
    - a. As provided by A.R.S. § 12-251(A), “...[A]ppoint such deputy adult probation officers and support staff as are necessary to provide presentence investigations and supervision services to the court,” and ensure that the appointed positions shall also contribute to the effective and efficient operation of the probation department;
    - b. “Establish organizational and operational procedures for the deputy adult probation officers of the county” as provided in A.R.S. § 12-254(A)(1), and ensure that policies and procedures for the organization and operation of the probation department shall be consistent with federal and state statutes, existing supreme court administrative orders, and the ACJA;
    - c. “Direct the work and activities of the deputy adult probation officers of the county” as provided by A.R.S. § 12-254(A)(2); and
    - d. “Perform other duties assigned by the presiding judge, which duties may include serving as a juvenile probation officer, if such officer meets the minimum qualifications prescribed by § 8-203, subsection C” as provided in A.R.S. § 12-254(A)(4).
  3. The director of juvenile court services, with the approval of the presiding juvenile judge, shall also:
    - a. As provided by A.R.S. § 8-203 (B)” “... recommend the appointment of deputy probation officers, detention personnel, other personnel and office assistants as the director deems necessary.”;
    - b. Establish policies and procedures for the organization and operation of the probation department consistent with federal and state statutes, existing supreme court administrative orders and the ACJA;
    - c. Direct the work activities of the deputy juvenile court officers of the county; and
    - d. Perform other duties as assigned by the presiding judge of the juvenile court.

**E. Duties of Probation Officers.**

1. Adult and juvenile probation officers shall:
  - a. Abide by the Code of Conduct for Judicial Employees and the Code of Ethics for Arizona Probation Personnel;
  - b. Treat probationers, victims, criminal justice personnel, and the public with dignity and

respect;

- c. Adhere to all federal and state statutes, local ordinances, the ACJA and all administrative orders concerning adult and juvenile probation services;
- d. Comply with all current departmental policies and procedures;
- e. Acknowledge the impact of crime on victims by adhering to the Victim's Bill of Rights and other applicable legislation;
- f. Communicate and coordinate with treatment providers concerning probationer participation in and compliance with treatment requirements, to ~~ensure~~ monitor probationer rehabilitation, community protection, and victim restoration;
- g. Work with the community and department personnel to develop resources and opportunities for treatment and rehabilitation for persons on probation and under their supervision;
- h. Ensure that persons under their supervision are referred to available treatment and rehabilitation resources as needed within the level of authorized appropriations, and adhering to department policies and procedures and the ACJA;
- i. Maintain accurate and verifiable case records of all persons assigned to them for supervision; and
- j. Perform other duties as prescribed by the chief probation officer or director of juvenile court services.

2. Adult probation officers shall also:

- a. As provided by A.R.S. § 12-253(1), "Make and file a complete record of persons placed under suspended sentence by the court, and of all reports made to the officer in writing or in person, in accordance with the conditions imposed by the court";
  - (1) Adult probation officers shall immediately contact the law enforcement officer or agency involved on receipt of an arrest notification to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation.
  - (2) The supervising probation officer shall document in the case record all contacts and information received pertaining to the incident, as well as the actions taken as a result of the incident.
- b. As provided by A.R.S. § 12-253(2), "Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court";
  - (1) Adult probation officers shall:
    - (a) Administer the standardized assessment within 30 days of a probationer's

- placement on probation or initial release from custody if an assessment was not completed prior to sentencing;
- (b) Re-evaluate the adequacy of the court-ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications;
  - (c) Utilize the results of the standardized assessment to establish a level of supervision and address needs for behavioral changes and monitor probationer behavior and compliance with the conditions of standard or intensive probation and, when appropriate, increase or decrease the probationer's level of supervision;
  - (d) Develop a case plan for all probationers that assess as medium or high risk on the standardized assessment within 60 days of a probationer's placement on standard probation or initial release from custody and within 30 days of a probationer's placement on intensive probation or initial release from custody. The officer shall ensure the case plan includes signatures of the officer and probationer and objectives in the case plan are measurable;
  - (e) Develop and implement supervision strategies that are matched by standardized assessment results and criminogenic factors with the probationer's risks, needs and strengths that promote supervision goals and to provide effective supervision that is individualized, proportional and purposeful;
  - (f) Target interventions to higher-risk cases to promote public safety;
  - (g) Administer the standardized reassessment every 180 days for probationers on intensive probation and for standard probationers that assess as medium or high risk to measure behavior changes until later assessments indicate a decrease in risk factors which assess the probationer as low risk.
  - (h) Review the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior;
  - (i) Reassess standard probationers that assess as low risk upon discovery of changes in criminogenic risk and needs or involvement in criminal conduct, if the current assessment is more than 180 days old;
  - (j) Complete a case plan if a standard probationer assessed as low risk has criminogenic risks and needs that require intervention;
  - (k) Document in the case record that a case plan is not needed for an assessed low risk standard probationer if no intervention is required;
  - (l) Conduct case file reviews for standard probationers assessed as low risk every 365 days. Case file reviews shall include, but are not limited to, case notes, collateral information and investigation of any arrest notification. Actions shall be taken in response to indicators of changes in criminogenic risk and needs or involvement in criminal conduct. Standard probationers that are eligible and in compliance with court-ordered conditions of probation may be recommended for early termination. The officer shall recommend that any outstanding financial obligations be reduced to a criminal restitution order. Probationers with outstanding restitution are not eligible for early termination;

- (m) Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy;
  - (n) Reduce the level of supervision, up to and including recommendation for early termination of supervision, as risk issues are addressed and probationers meet their objectives;
  - (o) Provide probationers with feedback on the results of an assessment or reassessment and progress with the established behavioral goals and conditions of probation and provide positive reinforcement to encourage behavioral changes; and
  - (p) Consider the suitability of early termination for all eligible cases.
- (2) Adult probation officers shall provide a written directive to the probationer referring the probationer to an appropriate service provider within 60 days of sentencing, release from custody, or identification of the need if a need for treatment, education or counseling is identified through the use of a statewide standardized assessment or is ordered by the court. If more than one area of treatment or counseling is identified, the supervising probation officer shall prioritize the needs and address the one with highest priority within the prescribed time frame. The supervising probation officer shall then address the remaining treatment or counseling areas in descending order.
  - (3) The supervising officer shall administer alcohol and drug tests on a variable schedule, if appropriate. The frequency of testing shall be dependent upon the probationer's substance abuse history, unless otherwise directed by the court, and shall be documented in the case record.
  - (4) Adult probation officers shall ensure the collection of monies owed as a condition of probation and immediately address any arrearage. The probation officer shall also encourage the probationer's payment of other assessments, such as child support or traffic fines, ordered by any court.
  - (5) Adult probation officers shall monitor and enforce probationer compliance with court-ordered community restitution requirements. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless otherwise authorized by the court.
- c. As provided by A.R.S. § 12-253(3), "Serve warrants, make arrests and bring persons before the court who are under suspended sentences. The officer has the authority of a peace officer in the performance of the officer's duties."
  - d. As provided by A.R.S. § 12-253(4), "Investigate cases referred to the officer for investigation by the court in which the officer is serving and report to the court. In an investigation for a presentence report, the adult probation officer shall promptly inquire into the circumstances of the offense, the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, including the ability to contribute to reimbursement for the costs of the person's legal defense pursuant to § 11-584, education and personal habits. The presentence report shall contain a recommendation by the officer regarding contribution by the convicted person toward the cost of legal defense pursuant to § 11-584. The officer shall also promptly inquire into the physical, emotional and financial impact of the offense on the victim and the emotional and financial impact

of the offense on the immediate family of the victim and shall notify the victim or the immediate family of the victim of the right to appear personally or by counsel at any aggravation or mitigation proceeding.

- e. As provided by A.R.S. § 12-253(5), “Secure and keep a complete identification record of every person released under a suspended sentence and a written statement of the conditions of the suspension.” Probation officers shall maintain verifiable case records for each probationer supervised, including, but not limited to:
  - (1) A written statement of the conditions of probation;
  - (2) An individual case plan setting forth behavioral and program expectations for probationers on intensive probation supervision and for standard probationers that assess as medium or high risk on the standardized assessment, or for those standard probationers assessing as low risk on the standardized assessment and have identified criminogenic needs; and
  - (3) Contact logs detailing the time, nature and location of each contact made with each person on probation.
  
- f. As provided by A.R.S. § 12-253(6), “Obtain and assemble information concerning the conduct of persons placed under suspended sentence and report the information to the court.” Reports shall contain case information, including but not limited to, violation behavior, positive progress and behavioral changes while under supervision. Adult probation officers shall petition the court to terminate the period of probation based on the use of standardized assessments and an evaluation of the probationer’s compliance with the conditions of probation; and
  
- g. As provided by A.R.S. § 12-253(7), “Bring defaulting probationers into court when in the probation officer’s judgment the conduct of the probationer justifies the court to revoke suspension of the sentence.”
  - (1) Adult probation officers shall make documented efforts to locate a probationer they believe to have defaulted.
  - (2) A supervising officer shall consider the following risk factors in determining the time frame necessary to file a petition to revoke probation and request that the court issue a warrant once an officer has reason to believe that a probationer has defaulted:
    - (a) Probationer’s general history;
    - (b) History of violence, including weapons use;
    - (c) History of drug or alcohol abuse;
    - (d) History of mental illness;
    - (e) Offense history;
    - (f) Supervision history;
    - (g) Illegal use of drugs or alcohol;
    - (h) Failure to participate in or complete treatment;
    - (i) Current or recent patterns of avoiding officer contact;
    - (j) Emotional or mental instability or distress on the part of the probationer or the family unit, including evidence of domestic violence; or

- (k) Current or recent unstable pattern of employment, residence, or associations.
  - (3) If the probationer is on standard probation supervision and is not located within 90 days, the supervising probation officer shall file a petition to revoke probation, seek a criminal restitution order pursuant to A.R.S. § 13-805(AC)(1)(2) for a probationer who is an absconder as defined in A.R.S. § 13-105(1), and request that the court issue a warrant. The supervising officer shall file the petition to revoke sooner, when required by local departmental policies, the circumstances surrounding the case or the need for community protection.
  - (4) If the probationer is on intensive probation supervision and is not located within 72 hours, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The supervising officer shall file the petition to revoke sooner, when required by local departmental policies, the circumstances surrounding the case or the need for community protection.
  - (5) The probation department shall make documented efforts to locate the probationer until the probationer is apprehended.
  - (6) When a petition to revoke is filed prior to the expiration of 90 days, the probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(AC)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1). The probation officer shall ensure any criminal restitution order is for monies not already ordered in a previous criminal restitution order.
- h. Monitor the payment of restitution.
3. Juvenile probation officers shall also:
- a. As provided by A.R.S. § 8-205(1), “Except as provided by § 8-323, receive and examine all referrals or Arizona uniform traffic ticket and complaint forms involving an alleged delinquent juvenile or incorrigible child.”
  - b. As provided by the juvenile court and ~~as provided by~~ A.R.S. § 8-205(3), “~~...Have the~~ authority of a peace officer in the performance of the court officer’s duties.” These duties shall include, but are not limited to:
    - (1) Serve warrants;
    - (2) Make arrests; and
    - (3) Bring non-compliant probationers before the court.
  - c. As provided by A.R.S. § 8-205(4), “Receive petitions alleging a child or children as dependent and transmit the petitions to the juvenile court.”
  - d. Maintain verifiable case records for each juvenile supervised, including, but not limited to:
    - (1) A written statement of the conditions of the probation;
    - (2) An individual ~~service case plan or court report setting forth~~ establishing

behavioral and program expectations and recommendations subject to the approval of the director; and

- (3) ~~Contact Logs~~ detailing the time, nature, and location of ~~each~~ contacts made with each juvenile ~~on probation~~.

- e. As provided by A.R.S. § 8-321(F)(1) through (7):

If the county attorney diverts the prosecution of a juvenile to the juvenile court, the juvenile probation officer shall conduct a personal interview with the alleged juvenile offender. At least one of the juvenile's parents or guardians shall attend the interview. The probation officer may waive the requirement for the attendance of the parent or guardian for good cause. If the juvenile acknowledges responsibility for the delinquent or incorrigible act, the juvenile probation officer shall require that the juvenile comply with one or more of the following conditions:

1. Participation in unpaid community restitution work.
2. Participation in a counseling program that is approved by the court and that is designed to strengthen family relationships and to prevent repetitive juvenile delinquency.
3. Participation in an education program that is approved by the court and that has as its goal the prevention of further delinquent behavior.
4. Participation in an education program that is approved by the court and that is designed to deal with ancillary problems experienced by the juvenile, such as alcohol or drug abuse.
5. Participation in a nonresidential program of rehabilitation or supervision that is offered by the court or offered by a community youth serving agency and approved by the court.
6. Payment of restitution to the victim of the delinquent act.
7. Payment of a monetary assessment.

- f. Exercise general supervision and observation over juveniles on probation, enforcing all court orders and emphasizing ~~probationer~~-accountability, and notify the court when ~~probationer~~ juvenile conduct displays an inability or unwillingness to comply with the conditions of probation and all court orders.

- (1) Juvenile probation officers shall make documented efforts to locate a juvenile ~~probationer~~ they believe to have defaulted.

- (2) A supervising officer shall consider the following ~~risk~~ factors in determining the time frame necessary to file a petition to revoke probation and request that the court issue a warrant once an officer has reason to believe that a juvenile ~~probationer~~ has defaulted:

- (a) ~~Probationer~~ Juvenile's general history;
- (b) History of violence, including weapons use;
- (c) History of drug or alcohol abuse;

- (d) History of mental illness;
  - (e) Offense history;
  - (f) Supervision history;
  - (g) Illegal use of drugs or alcohol;
  - (h) Failure to participate in or complete treatment;
  - (i) Current or recent patterns of avoiding officer contact;
  - (j) Emotional or mental instability or distress on the part of the juvenile probationer or the family unit, including evidence of domestic violence; or
  - (k) Current or recent unstable pattern of education, employment, residence, or associations.
- (3) If the defaulted juvenile probationer is on standard probation supervision and is not located within 90 days, the supervising probation officer shall file a petition to revoke probation and request that the court issue a warrant. The supervising probation officer shall file the petition to revoke sooner, based on local departmental policies, the circumstances surrounding the case and the need for community protection.
  - (4) If the defaulted juvenile probationer is on intensive probation supervision and is not located within 72 hours, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The supervising probation officer shall file the petition to revoke sooner, based on local departmental policies, the circumstances surrounding the case and the need for community protection.
  - (5) Probation officers shall make documented efforts to locate the defaulted juvenile probationer until the juvenile probationer is ~~located~~ found pursuant to local departmental policy.
- g. Ensure that juveniles placed on probation pay restitution and probation fees as ordered ~~and establish monthly payment schedules which emphasize payment of restitution and probation fees in the absence of specific court-ordered monthly payment schedules.~~
- h. Conduct a ~~risk needs~~ youth assessment on every for each juvenile who is referred to the juvenile court and update the assessment on each subsequent referral supervised within 30 days, if not completed during the pre-dispositional process. The court shall use the assessment to determine the appropriate disposition of the juvenile. The results of the assessment shall be used by the probation officer to establish recommend a level of supervision and to formulate a case plan for the juvenile and formulate a supervision plan.
- (1) Unless an offense does not warrant diversion, the diversion tool shall be completed at initial contact with the juvenile justice system and be used to assist decisions of diversions.
  - (2) The disposition tool shall be completed post adjudication / pre-disposition. The probation officer shall use results of the assessment to recommend level of placement and supervision.
- i. Closely monitor school attendance and performance.

- j. Assist those juveniles authorized to work in the United States who are seeking employment and closely monitor employment of juveniles ~~probationers~~.
- k. Involve the parent or guardian in ~~the~~ rehabilitation and treatment of the juvenile.
- l. Provide or arrange for appropriate supervision of juveniles performing community service.
- l. Bring before the court, at another scheduled proceeding, including a drug court proceeding, or by filing a new petition, a juvenile on probation for an offense involving the purchase, possession, or consumption of spirituous liquor or a violation of Title 13, Chapter 34 if the officer has probable cause to believe the juvenile ~~probationer~~ consumed any spirituous liquor or used any drug listed in A.R.S. § 13-3401 for the third or subsequent time while on probation.

**F. Duties of Surveillance Officers.**

- 1. Adult and juvenile surveillance officers shall:
  - a. Abide by the Code of Conduct for Judicial Employees and the Code of Ethics for Arizona Probation Personnel;
  - b. Treat probationers, victims, criminal justice personnel and the public with dignity and respect;
  - c. Adhere to all federal and state statutes, local ordinances, the ACJA and all administrative orders concerning adult and juvenile probation services;
  - d. Comply with all current departmental policies and procedures;
  - e. Acknowledge the impact of crime on victims by adhering to the Victims Bill of Rights and other applicable legislation;
  - f. Maintain accurate and verifiable case records of all persons assigned to them for supervision;
  - g. Enforce the collection of monies owed as a condition of probation;
  - h. Monitor and enforce probationer compliance with court-ordered community restitution requirements;
  - i. Make documented efforts to locate defaulting probationers pursuant to local departmental policy; and
  - j. Perform other duties as prescribed by the presiding judge, chief probation officer or director of juvenile court services.

2. Adult surveillance officers, as provided by A.R.S. §§ 13-916(E) and 12-259.01(1), “~~...H~~ave the authority of a peace officer in the performance of the officer’s duties.”
3. Juvenile surveillance officers, as authorized by the juvenile court and as provided by A.R.S. §§ ~~8-353~~ and 8-205(3), “~~...h~~ave the authority of a peace officer in the performance of the court officer’s duties.”

**Comments and Responses to ACJA Section 6-105.01: Powers and Duties of Officers  
Evidence Based Practices**

PARAGRAPH	COMMENT	RESPONSE
(E)(3)(f)	I recommend that you also emphasize notification to the court when the juvenile conduct displays the "ability or willingness to comply" as well as the "inability or unwillingness."	Arizona Court Rules outline the obligation of juvenile to comply with conditions of probation. While officers can absolutely report "ability or willingness," the juvenile probation officer responsible for supervising may petition the court to revoke probation if there is probable cause to believe that the juvenile has violated a condition or regulation of probation.
(E)(3)(f)(3)	I recommend a shorter time than 90 days for the warrant request. I would issue @15 days.	After the 90 day maximum time is noted, the code further explains that the supervising probation officer shall file the petition to revoke sooner, based on local departmental policies, the circumstances surrounding the case and the need for community protection.
(E)(3)(i)	I recommend there be a school match assessment for the best school match for the minor.	No such specific assessment exists and this would be difficult to adopt in rural areas, however during the case planning process the youth / family, school, probation, and other involved stakeholders should be assessing school plans that are in the best interest of the youth.

**ARIZONA CODE OF JUDICIAL ADMINISTRATION  
Proposal Cover Sheet**

**Part 6: Probation**

**Chapter 1: General Administration**

**Section 6-301.01: Juvenile Standard Probation Evidence-Based Practices**

1. **Effect of the proposal:** Introduce and instill evidence-based principles, as outlined in Justice 20/20
  
2. **Significant new or changed provisions:**
  - Expanded terms in definition section to portray juvenile court activities, especially those already defined in statute
  - Case plan within 30 days of disposition
  - Assessment every six months (and upon new referral), which also includes case plan update
  - Graduated responses, incentives, consequences, and supervision
  - Supervision strategies and resource allocation based on assessment
  - Administrative status no longer includes youth who are in the state, unless they are on warrant or pending charges in the adult system
  - Visual contacts moved from once a month, to once every 30 days (modeled after adult)
  - Visual contacts shall continue when in out-of-home placement or detention, youth no longer go on an administrative status
  
3. **Committee actions and comments:** (Summarize comments and responses)

Seeking recommendation and support for adoption:

- Juvenile Administrator’s Meeting 8/22/2013
  - (J) (1) (j) Concern surrounding this practice – recommendation to remove
  - JAM voted to approve this code section
  
- Committee on Probation 8/23/2013
  - (J) (1) (j) – Deleted per JAM discussion
  - (J) (3) (d) (3) Concern surrounding the statement “provide and arrange for appropriate supervision” – ultimately, no change recommended
  - COP voted to approve this code section
  
- Committee on Juvenile Courts 9/5/2013

Seeking adoption:

- Arizona Judicial Council 10/17/2013

See comments table attached

4. **Controversial issues:**

N/A

5. **Recommendation:**

N/A

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 3: Juvenile Services**  
**Section 6-301.01: Juvenile Standard Probation Evidence-Based Practices**

**Courts shall be governed by section 6-301, except and until approved by the Administrative Director to be governed by section 6-301.01.**

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

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

“Administrative status” means a juvenile is not currently receiving active supervision or contact requirements have been suspended by the juvenile probation department.

“Alcohol and drug testing” means any validated or verified method of determining the level of identifiable substances in the body including, but not limited to, breath, blood, oral fluid, urine, hair and sweat testing.

“Average caseload” means the total active cases divided by total number of supervising probation officers.

“Case plan” means the documented behavior change plan and supervision strategy developed by the supervising probation officer in collaboration with the juvenile and family or adult probationer which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

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

“Child” “youth” or “juvenile” means “an individual who is under the age of eighteen years,” as provided in A.R.S. § 8-201(6).

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

“Court” means the superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal or delinquent behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment, and lack of education.

“Default” means a juvenile has not met obligations of supervision as outlined in terms of probation.

“Delinquent act” means “an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense” as provided in A.R.S. § 8-201(10).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act,” as provided in A.R.S. § 8-201(11).

“Delinquency risk” means measurable factors that have been correlated to the probability of recidivism that are gathered informally through routine interactions and observations with juveniles and by formal assessment guided by instruments.

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

“Evidence-based practice” means strategies that have been shown, through current, scientific research to lead to a reduction in recidivism.

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

“Out-of-home placement” means “the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian ...” as provided in A.R.S. § 8-501(8).

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(24).

“Protective supervision” means “supervision that is ordered by the juvenile court of children who are found to be dependent or incorrigible” as provided in A.R.S. § 8-201(26).

“Referral” means “a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act” as provided in A.R.S. § 8-201(27).

“Specialized caseload” means a group of juveniles with similar presenting problems or needs who are supervised by a probation officer focusing on addressing the problem or need.

“Target interventions” means supervision related services determined by the juvenile’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Visual contact” means face-to-face communication with the juvenile at any place, including but not limited to, the probation department and the juvenile’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters. Contacts with juveniles are not ends in themselves but are opportunities for officers to achieve specific objectives. These objectives include establishing rapport with the juvenile, assessing the juvenile’s criminogenic factors and triggers, developing and, when needed, modifying a case plan, and using both subtle and overt incentives and sanctions to guide the juvenile toward positive change.

“Youth assessment” means the state approved system of actuarial tools designed to assess risk, need, and responsivity factors of youth at various stages of the juvenile justice system.

**B. Applicability.** Az. Const. Art. 6, § 3 and A.R.S. § 12-261 authorize the supreme court to administer state funding to aid probation services. The Administrative Office of the Courts (AOC) shall administer state aid funding for juvenile standard probation on behalf of the supreme court.

**C. Purpose.** The purpose of juvenile standard probation in Arizona is to provide the highest quality service to the court, community, juveniles being supervised and their families. This is accomplished by promoting public safety through effective community based supervision and enforcement of court orders, offering accurate and reliable information and affording juveniles opportunities to be accountable and initiate positive changes.

**D. General Administration.**

1. The AOC shall:
  - a. Administer and direct juvenile standard probation state appropriations on behalf of the supreme court;
  - b. Monitor state appropriations for juvenile standard probation;
  - c. Prepare written material establishing various techniques, practices, guidelines and other recommendations regarding the operation and management of juvenile standard probation and distribute this material to appropriate superior and juvenile court judges and probation personnel;
  - d. Inspect, audit or have audited the records of any court operating a juvenile standard probation;

- e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration and operation, and management of juvenile standard probation;
  - f. Conduct seminars and educational sessions regarding the purpose and management of juvenile standard probation;
  - g. Establish performance measures and expectations in consultation with juvenile courts, for determining compliance with each courts' juvenile standard probation plan and budget request;
  - h. Assist juvenile courts in developing their juvenile standard probation plans and budgets;
  - i. Provide general assistance to juvenile courts on the administration and management of juvenile standard probation; and
  - j. Adopt other administrative practices and procedures, consistent with this section, as necessary for the administration of juvenile standard probation.
2. Each juvenile court and juvenile probation department receiving state juvenile standard probation funds shall comply with this section, to promote uniform administration.

**E. Budget Request Preparation.**

1. A.R.S. § 12-262 provides "The presiding judge of the superior court in each county desiring to improve, maintain or expand juvenile probation services ... may prepare a plan in accordance with guidelines issued by the supreme court."
2. The presiding judge of the juvenile court in any county requesting state funding to operate juvenile standard probation shall submit a proposed plan and budget request for the subsequent fiscal year to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used, and the corresponding instructions.
3. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations. The AOC shall include the court's request or the modified request in the annual supreme court budget. The administrative director shall allocate to the juvenile court the monies appropriated by the legislature for standard probation based on the proposed plan, availability of funds, caseload population, past year use, county support and program effectiveness.
4. The chief justice shall make the final determination if a court does not agree with the allocations and requests further review.
5. Each juvenile court shall support the budget request with written justification and explanation as required by the administrative director.

6. A.R.S. § 12-269(A) provides:

The administrative office of the courts shall not disburse any direct state aid for probation services monies, including motor pool costs, that are appropriated for juvenile intensive probation services pursuant to section 8-353, state aid for probation services pursuant to section 12-262, adult intensive probation pursuant to title 13, chapter 9 and community punishment programs pursuant to article 11 of this chapter to a county with a population of two million or more persons.

**F. Program Plan and Financial Management.**

1. A.R.S. § 8-203(B) provides “A juvenile probation officer performing field supervision shall not supervise more than an average of thirty-five juveniles on probation at one time.” Each juvenile court shall submit an expenditure plan to the administrative director. The juvenile court shall outline in the expenditure plan how the requested state funds shall be used in achieving or maintaining the average case supervision requirements. The juvenile court shall submit the plan within the prescribed time frame and on forms required by the administrative director.
2. Each presiding judge of the juvenile court shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. Each program plan shall explicitly document:
  - a. That a minimum of 80 percent of the state juvenile standard probation funds allocated to a juvenile court shall be used only for the payment of salaries and employee related benefits of probation officers involved in the case management, field supervision and enforcement of court orders of juveniles on standard probation who reside in the county; and
  - b. That not more than twenty percent of the allocated state juvenile standard probation funds for probation services are being used to otherwise maintain, improve or enhance standard probation services.
4. On request, the administrative director may approve a plan permitting an expenditure of funds of more than twenty percent on support, operating and ancillary services. The requesting juvenile court shall file the request with the AOC on a form prescribed by the administrative director.
5. In the event that the administrative director disapproves a plan or plan modification submitted by a juvenile court, the presiding judge of the juvenile court may request that the administrative director submit the plan to the chief justice for consideration and final determination.

A.R.S. § 12-263 provides “Upon approval of a plan submitted, the supreme court shall enter into a funding agreement with the county and shall make payments to the county as necessary to carry out the agreement.”

- a. The administrative director shall enter into a written funding agreement with the submitting juvenile court for the distribution of funds upon approval of the plan as submitted or modified and the availability of funds.
  - b. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need or the juvenile court’s failure to comply with applicable statutes, the approved plan, funding agreement, or this section.
6. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
7. A.R.S. § 12-262(2) provides “That the funds provided by the state for this purpose will be used to supplement county funds provided for probation services.” A.R.S. § 12-265(C) provides “No state funds may be used to increase any salaries funded under current county probation programs.”
- a. A.R.S. § 12-268(D) provides “State monies expended from the juvenile probation services fund shall be used to supplement, not supplant, county appropriations for the superior court juvenile probation department.”
  - b. In accordance with the general appropriations act, probation department receipt of state probation monies is contingent on the county maintenance of expenditure levels for each probation program the previous fiscal year.
8. A.R.S. § 12-268(A) provides:
- A. The board of supervisors shall designate a chief fiscal officer who shall establish and administer a juvenile probation fund consisting of:
    1. County general fund appropriations for juvenile probation.
    2. Court information cost monies received pursuant to section 8-134, subsection L.
    3. State appropriations for juvenile probation, except monies in the juvenile probation services fund established by section 8-322 and except monies in the court appointed special advocate fund established by section 8-524, but including:
      - (a) Monies for juvenile probation officers authorized by section 8-203.

- (b) Monies for state aid for juvenile probation services authorized by this article.
  - (c) Monies for family counseling services established by title 8, chapter 2, article 5.
  - (d) Monies for juvenile intensive probation services established by title 8, chapter 3, article 4.
4. Probation fees collected pursuant to section 8-321, subsection N for community based alternative programs or diversion programs administered by the juvenile court.
  5. Probation fees collected pursuant to section 8-341.
  6. Federal monies provided for juvenile probation services.
  7. Juvenile probation monies from any other source.

9. A.R.S. § 12-268(B) provides:

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

10. Each juvenile court shall use allocated state funds and interest only for the support and operation of juvenile standard probation.
11. On agreement with a juvenile court, the administrative director may withhold funds allocated to the juvenile court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
12. The presiding judge of each juvenile court shall submit to the AOC, by January 31 of each year, a mid-year financial and program activity report related to the court's plan

through December 31. Failure to submit the report in a timely manner may result in financial sanctions.

13. The presiding judge of each juvenile court shall submit to the AOC, by August 31 of each year, a closing financial and program activity report related to the court's plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.
14. The presiding judge of each juvenile court shall return to the AOC by August 31 of each year, all juvenile standard probation funds distributed to the juvenile court which are unencumbered through June 30 and unexpended through July 31. Failure to revert unexpended funds in a timely manner may result in financial sanctions.
15. The administrative director shall determine how the funds are used in the event that a juvenile court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for juvenile standard probation services.
16. Each juvenile court shall maintain and provide data and statistics to the AOC, as may be required by the supreme court to administer funding for juvenile standard probation.
17. On request of the AOC, the director shall conduct a hand count of the department's standard probation population. The director shall submit the results of the hand count to the AOC.
18. Each juvenile court shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five years from the close of each fiscal year.

**G. Allocation and Management of Juvenile Standard Probation Personnel Placements.**

The administrative director shall allocate state funded juvenile standard probation personnel placements approved for standard probation among juvenile courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among juvenile courts.

**H. Standard Probation Caseload Limit.** A.R.S. § 8-203(B) provides: "A juvenile probation officer performing field supervision shall not supervise more than an average of thirty-five juveniles on probation at one time." Only those juveniles on the probation officer's active caseload are included in determining the average caseload of thirty-five juveniles.

**I. Active Cases.**

1. A juvenile standard probation officer's active caseload shall include:
  - a. Juveniles residing in county and receiving standard probation services;
  - b. Juveniles in out-of home placement;

- c. Juveniles placed in detention; and
  - d. Juveniles on warrant status for less than 90 days.
2. A juvenile standard probation officer's active caseload shall not include:
- a. Juveniles on administrative status for one of the following reasons:
    - (1) Juveniles traveling for more than 30 days out of state or country with the approval of the juvenile probation department;
    - (2) Juveniles direct filed to adult court and currently held in adult jail pending the adult court action; or
    - (3) Juveniles residing for more than 30 days out of state or country, but the department has retained jurisdiction of the juvenile.
  - b. Juveniles on warrant status for 90 days or more, and
  - c. Juveniles not yet dispositioned to standard probation, nor protective supervision by the court.

**J. Program Operations.**

- 1. Each probation department shall develop policies, procedures, and protocols:
  - a. That aim to reduce juvenile risk and the likelihood of future delinquent acts that are consistent with the principles of evidence-based practices;
  - b. Regarding the alcohol and drug testing of juveniles on standard probation. The procedures shall address the methods used to select juveniles for testing, the frequency of testing, and the type of test to be administered;
  - c. By which accurate and timely records of the completion of community restitution hours are maintained for each juvenile on standard probation. Credit toward court ordered community restitution requirements are awarded on basis of actual hours completed unless authorized by the court;
  - d. For working with the office of the clerk of the superior court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections;
  - e. To ensure the collection of monies owed as a condition of probation. Each probation department and supervising officer shall address any arrearage per departmental policy. Each

probation department and supervising officer shall also encourage payment of other assessments or fines as ordered by any court;

- f. Which require standard probation officers to administer a youth assessment for each juvenile supervised, within 30 days, if not completed during the pre-dispositional process. Probation officers shall consider assessment results, family feedback, other agencies involved, as well as any other relevant information, when developing a case plan;
- g. Which require the supervising juvenile probation officer to update the youth assessment, upon each subsequent referral and once every six months, at a minimum. Upon each re-administration, juvenile officers shall review the previous case plan evaluating and updating noted strategies to reflect identified risks and needs;
- h. That require probation officers to utilize graduated responses to promote positive behavioral change through incentives, consequences, and supervision to address violations;
- i. That ensure probation officers providing standard supervision shall re-examine and reassess the risk and needs of each juvenile under their supervision and the factors associated with reducing, maintaining or increasing the juvenile's level of supervision; and

2. A.R.S. § 8-396(B) provides:

B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:

- 1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the delinquent's contact with or the safety of the victim.
- 2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
- 3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
- 4. That a petition to revoke probation alleging that the juvenile absconded from probation has been filed with the court.
- 5. Any conduct by the juvenile that raises a substantial concern for the victim's safety.

3. The juvenile probation officer shall:

- a. For every juvenile placed on standard probation, a case plan must be developed

within 30 days of disposition. The probation officer shall ensure the case plan includes objectives that are measurable, signatures of the probation officer, juvenile and the juvenile's parent or guardian.

- b. Develop and implement supervision strategies that match the youth assessment results and address criminogenic needs, in addition to the juvenile's delinquency risk, and strengths that promote case plan goals and provide effective supervision that is individualized, proportional and purposeful.
- c. Evaluate and update the case plan on an on-going basis to identify progress toward goals and conditions of probation.
- d. Ensure that each juvenile under supervision is either employed (if authorized to work in the United States), seeking employment, attending school, participating in a community restitution program or attending a court ordered treatment program or any combination thereof.
  - (1) Assist juveniles seeking employment and closely monitor employment of juveniles;
  - (2) Closely monitor participation in court-ordered treatment programs, involve the parent or guardian in the rehabilitation and treatment of the juvenile; and
  - (3) Provide or arrange for appropriate supervision of juveniles performing community restitution work.
- e. Respond to emerging risk indicators with graduated increases in supervision, pursuant to departmental procedures.
- f. Provide juveniles with feedback on the results of an assessment by providing positive reinforcement to encourage behavioral changes and progress with the established behavioral goals and conditions of probation.
- g. Involve the parent or guardian in the rehabilitation and treatment of the juvenile.
- h. Monitor court-ordered financial obligations.
- i. Make documented efforts to locate a defaulted juvenile. The supervising probation officer shall request a warrant be issued if the juvenile is not located. Efforts to locate the juvenile shall continue pursuant to the court's departmental policy.
- j. Re-evaluate the adequacy and applicability of the court ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications.

- k. Target interventions to high-risk cases to promote public safety.
- l. Review the case plan to determine if a modification of strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regression or no change in behavior.
- m. Petition the court to terminate probation when it has been determined that supervision is no longer necessary.

4. A.R.S. § 8-396(A) provides:

A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:

- 1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against the victim.
- 2. Any hearing on a proposed modification of the terms of probation or intensive probation.
- 3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.

**K. Minimum Supervision Requirements.** Each juvenile court shall develop policies and procedures that ensure minimum levels of supervision for juveniles placed on standard probation. These policies and procedures shall include minimum contacts once every 30 days for:

- 1. Visual contacts with the juvenile. Visual contacts shall be varied, scheduled and unscheduled. Visual contacts and supervision strategies shall be proportionate to the level of risk and needs of the juvenile based on results of the youth assessment and other significant case information. Visual contacts with the juvenile shall continue when in out-of-home placement or detention;
- 2. Parental contacts;
- 3. Treatment providers, as appropriate;
- 4. Employment contacts and verification if necessary; and
- 5. School contacts and verification.

**L. Specialized Populations.**

1. Any juvenile court establishing or maintaining specialized caseloads shall have a written description of the specialized caseload, including objectives and goals.
2. Any juvenile court establishing or maintaining specialized caseloads shall have written screening and assessment criteria for placement on the caseload, as well as criteria for exiting or graduating from the caseload.
3. Any juvenile court establishing or maintaining specialized caseloads shall have written policies and procedures for minimum contact standards specific to the needs and goals of the identified caseload and shall include minimum monthly contacts for:
  - a. Visual contacts with the juvenile;
  - b. Parental contacts;
  - c. Employment contacts and verification as necessary, if juvenile is authorized to work in the United States;
  - d. School contacts and verification; and
  - e. Treatment providers as appropriate.
4. Probation officers assigned to supervise specialized caseloads shall participate in continuing education and training on the specific needs of the specialized population.

**M. Required Case Records.** Each standard probation officer shall maintain verifiable case records for each juvenile supervised, including, but not limited to:

1. A written statement of the conditions of the probation;
2. An individual case plan setting forth behavioral and program expectations and recommendations subject to the approval of the director; and
3. Logs detailing the time, nature, and location of each contact made with each juvenile on standard probation.

**Comments and Responses to ACJA Section 6-301.01: Juvenile Standard Probation  
Evidence Based Practices**

PARAGRAPH	COMMENT	RESPONSE
	NONE	

**ARIZONA CODE OF JUDICIAL ADMINISTRATION  
Proposal Cover Sheet**

**Part 6: Probation  
Chapter 1: General Administration  
Section 6-302.01: Juvenile Intensive Probation Supervision Evidence-Based  
Practices**

1. **Effect of the proposal:** Introduce and instill evidence-based principles, as outlined in Justice 20/20
  
2. **Significant new or changed provisions:**
  - Expanded terms in definition section to portray juvenile court activities, especially those already defined in statute
  - Case plan within 30 days of disposition
  - Assessment every six months (and upon new referral), which also includes case plan update
  - Graduated responses, incentives, consequences, and supervision
  - Supervision strategies and resource allocation based on assessment
  - Administrative director considerations for granting waiver
  - Visual contacts shall continue when in out-of-home placement or detention
  
3. **Committee actions and comments:** (Summarize comments and responses)

Seeking recommendation and support for adoption:

  - Juvenile Administrator’s Meeting 8/22/2013
    - (H) (6) Concern surrounding the inability to grant intensive probation to juveniles placed in an out-of-home placement for more than 30 days – No change recommended as this is language that exists in current code
    - (M) (1) (i) Recommendation to remove to reflect the change made in Standard
    - JAM voted to approve this code section
  
  - Committee on Probation 8/23/2013
    - Reviewed JAM Comments
    - COP voted to approve this code section
  
  - Committee on Juvenile Courts 9/5/2013

Seeking adoption:

  - Arizona Judicial Council 10/17/2013

See comments table attached
  
4. **Controversial issues:**

N/A

**5. Recommendation:**

N/A

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

**Part 6: Probation**

**Chapter 3: Juvenile Services**

**Section 6-302.01: Juvenile Intensive Probation Supervision Evidence-Based Practices**

**Courts shall be governed by section 6-302, except and until approved by the Administrative Director to be governed by section 6-302.01.**

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

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

“Administrative status” means a juvenile who is not currently receiving active supervision or if contact requirements have been suspended by the juvenile probation department.

“Alcohol and drug testing” means any validated or verified method of determining the level of identifiable substances in the body including, but not limited to, breath, blood, oral fluid urine, hair and sweat testing.

“Case plan” means the documented behavior change plan and supervision strategy developed by the supervising probation officer in collaboration with the juvenile and family or adult probationer which clearly identifies the risk factors and needs of the probationer and how they will be addressed.

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

“Child”, “youth” or “juvenile”, means “an individual who is under the age of eighteen years” as provided in A.R.S. § 8-201(6).

“Collateral” means any individual or agency that has a relationship to a particular juvenile that serves as a source of information or point of contact, including but not limited to friends, family members, law enforcement, victims, community members, neighbors, treatment providers, or other associates.

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

“Court” means superior court.

“Criminogenic need” means any issues of concern which are directly linked to criminal or delinquent behavior that when addressed and changed affect a probationer’s risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment, and lack of education.

“Custodian” means “a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court” as provided in A.R.S. § 8-201(8).

“Default” means a juvenile has not met obligations of supervision as outlined in terms of probation.

“Delinquent act” means “an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense” as provided in A.R.S. § 8-201(10).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act” as provided in A.R.S. § 8-201(11).

“Delinquency risk” means measurable factors that have been correlated to the probability of recidivism that are gathered informally through routine interactions and observations with juveniles and by formal assessment guided by instruments.

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

“Evidence-based practice” means strategies that have been shown, through current, scientific research to lead to a reduction in recidivism.

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

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

“Law enforcement officer” means “a peace officer, sheriff, deputy sheriff, municipal police officer or constable” as provided in A.R.S. § 8-201(19).

“Out-of-home placement” means “the placing of a child in the custody of an individual or agency other than with the child’s parent or legal guardian ....” as provided in A.R.S. § 8-501(8).

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(24).

“Referral” means “a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act” as provided in A.R.S. § 8-201(27).

“Target interventions” means supervision related services determined by the juvenile’s risk, criminogenic needs, and other factors such as temperament, learning style, motivation, gender and culture.

“Visual contact” means face-to-face communication with the juvenile at any place, including but not limited to, the probation department and the juvenile’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters. Contacts with juveniles are not ends in themselves but are opportunities for officers to achieve specific objectives. These objectives include establishing rapport with the juvenile, assessing the juvenile’s criminogenic factors and triggers, developing and, when needed, modifying a case plan, and using both subtle and overt incentives and sanctions to guide the juvenile toward positive change.

“Youth assessment” means the state approved system of actuarial tools designed to assess risk, need, and responsivity factors of youth at various stages of the juvenile justice system.

**B. Applicability.** Az. Const. Art. 6, § 3 and A.R.S. § 8-358(A) which specifically provides: “The supreme court shall establish juvenile intensive probation guidelines.” The Administrative Office of the Courts (AOC) shall administer juvenile intensive probation supervision (JIPS) programs on behalf of the supreme court.

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

**D. General Administration.**

1. The AOC shall:

- a. Administer and direct JIPS on behalf of the supreme court;
- b. Monitor JIPS;
- c. Prepare written material establishing various techniques, practices, guidelines and other recommendations regarding the operation and management of JIPS and distribute this material to appropriate superior and juvenile court judges and probation personnel;

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

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

- 2. Each juvenile court and juvenile probation department receiving state JIPS funds shall comply with this section, to promote uniform administration.

**E. Budget Request Preparation.**

- 1. A.R.S. § 8-357 provides: “The presiding juvenile judge of the superior court in the county shall annually submit a proposed budget for the following fiscal year for the juvenile intensive probation program to the supreme court.”
  - a. The director shall include, with the budget, a plan for the operations of JIPS for the following fiscal year.
  - b. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.

2. A.R.S. § 8-357 provides: “The supreme court shall review each request and include the counties’ requests in its annual budget request and shall allocate to the participating counties the monies appropriated by the legislature for intensive probation.”
  - a. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations.
  - b. The AOC shall include the court’s request or modified request in the supreme court’s annual budget.
  - c. The administrative director shall allocate to the court the monies appropriated by the legislature for JIPS based on the proposed plan, availability of funds, caseload population, past year use and program effectiveness.
3. The chief justice shall make the final determination if a court does not agree with the allocations and requests further review.
4. Each juvenile court shall support the budget request with written justification and explanation as required by the administrative director.
5. A.R.S. § 12-269 (A) provides:

The administrative office of the courts shall not disburse any direct state aid for probation services monies, including motor pool costs, that are appropriated for juvenile intensive probation services pursuant to section 8-353, state aid for probation services pursuant to section 12-262, adult intensive probation pursuant to title 13, chapter 9 and community punishment programs pursuant to article 11 of this chapter to a county with a population of two million or more persons.

**F. Program Plan and Financial Management.**

1. Each juvenile court requesting state funding shall submit an expenditure plan to the administrative director. The expenditure plan and any modifications shall be consistent with A.R.S. §§ 8-351 through 358, this section, the supreme court’s budget request and available monies appropriated by the legislature for JIPS. The juvenile court shall submit the plan within the prescribed time frame and on forms required by the administrative director.
2. Each presiding judge of a juvenile court shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. In the event the administrative director disapproves a plan or plan modification submitted by a juvenile court, the presiding judge of the juvenile court may request that the administrative director submit the plan to the chief justice of the supreme court for consideration and final determination.

A.R.S. § 12-263 provides: “The supreme court shall have the authority to reject any plan submitted pursuant to section 12-262. Upon approval of a plan submitted, the supreme court shall enter into a funding agreement with the county and shall make payments to the county as necessary to carry out the agreement.”

4. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or the courts failure to comply with applicable statutes, the approval plan, funding agreement or this section.
5. A.R.S. § 12-268(A) provides: “The board of supervisors shall designate a chief fiscal officer who shall establish and administer a juvenile probation fund consisting of ... (d) Monies for juvenile intensive probation services established by title 8, chapter 3, article 4.”
6. A.R.S. § 12-268(C) provides: “The state monies in the juvenile probation services fund shall be used in accordance with guidelines established by the supreme court or the granting authority.”
7. The juvenile court receiving state funds shall use allocated state funds and interest only for the support and operation of approved JIPS.
8. On agreement with a juvenile court, the administrative director may withhold funds allocated to the juvenile court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
9. The presiding judge of each juvenile court shall submit to the AOC, by January 31 of each year, a mid-year financial and program activity report related to the court’s plan through December 31. Failure to submit the report in a timely manner may result in financial sanctions.
10. The presiding judge of each juvenile court shall submit to the AOC, by August 31 of each year, a closing financial and program activity report related to the court’s plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.
11. The presiding judge of each juvenile court shall return to the AOC by August 31 of each year, all JIPS funds distributed to the juvenile court which are unencumbered through June 30 and unexpended through July 31. Failure to revert unexpended funds in a timely manner may result in financial sanctions.
12. The administrative director shall determine how the funds are used in the event that a juvenile court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for JIPS.
13. Each juvenile court shall maintain and provide data and statistics to the AOC, as may be required by the supreme court to administer JIPS.

14. On request of the AOC, the director shall conduct a hand count of the department's JIPS population. The director shall submit the results of the hand counts to the AOC.
15. Each juvenile court shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five years from the close of each fiscal year.
16. Each juvenile court shall deposit fees collected pursuant to A.R.S. § 8-241, and any interest collected on those fees into the juvenile probation services fees fund pursuant to A.R.S. § 12-268.

**G. Allocation and Management of JIPS Personnel Placements.** The administrative director shall allocate state funded JIPS personnel placements approved for intensive probation among juvenile courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among juvenile courts.

**H. Eligibility Requirements for JIPS.**

1. A.R.S. § 8-358(A) provides:
  - A. The supreme court shall establish juvenile intensive probation guidelines. In establishing these guidelines the supreme court shall ensure that both:
    1. Juveniles who are granted intensive probation meet the requirements of section 8-352.
    2. Based on the nature of the offense and the delinquent history of the juvenile, there are reasonable grounds to believe that the juvenile is able to remain at liberty without posing a substantial risk to the community.
2. A.R.S. § 8-352(B) provides that prior to recommending intensive probation:

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

3. The probation officer shall include in the disposition summary report, case information related to delinquent risk and criminogenic needs as documented by the youth assessment, in addition to other file and collateral information. The report shall also contain the officer's recommendation for supervision and treatment services based upon the juvenile's documented delinquent risk and criminogenic needs.
4. Probation officers shall support any recommendation for the placement of a juvenile on JIPS with the youth assessment, and other documented factors that increase risk.
5. Juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS.
6. The court shall not grant intensive probation to juveniles placed in an out-of-home placement for more than 30 days. The court shall reduce the juvenile to standard probation if the juvenile is currently on JIPS and requires placement over 30 days.
7. A juvenile probation officer who recommends intensive probation shall state the reasons for the recommendation in the disposition summary report. The officer shall recommend and the court may order JIPS for:
  - a. Juveniles who would otherwise have been recommended for commitment to the state department of juvenile corrections;
  - b. Juveniles who would otherwise have been recommended for an out-of-home placement;
  - c. Juveniles who meet the requirements set forth in A.R.S. § 8-352(B) and (H)(2) of this section; or
  - d. Juveniles who are repeat felony offenders.
8. A.R.S. § 8-352(C) provides: "After reviewing the juvenile's prior record, the facts and circumstances of the current delinquent act or technical violation of probation and the disposition summary report, the court may grant the juvenile a period of intensive probation."
9. Prior to placing a juvenile on JIPS, the court shall consider:
  - a. The juvenile probation officer's recommendations;
  - b. The factual basis and circumstances leading to the juvenile's disposition;
  - c. Monies and funds appropriated and the availability of adequate staff and treatment resources to ensure the level of intensive supervision required; and
  - d. Other factors appropriate to the ends of justice.

10. A.R.S. § 8-352(D) provides: “When granting intensive probation the court shall set forth on the record the factual reasons for using the disposition.”

**I. Dispositional Provisions.**

A.R.S. § 8-352(E) provides:

Intensive probation shall be conditioned on the juvenile:

1. Participating in one or more of the following throughout the term of intensive probation for not less than thirty-two hours each week:
  - (a) School.
  - (b) A court-ordered treatment program.
  - (c) Employment.
  - (d) Supervised community restitution work.
2. Paying restitution and probation fees except that the inability to pay probation fees or restitution does not prohibit participation in the intensive probation program.
3. Remaining at a place of residence at all times except to attend school, work or treatment, to perform community restitution or to participate in some activity, as specifically allowed in each instance by the supervising juvenile probation officer, or if in the direct company of a parent, guardian or custodian, as approved by the juvenile probation officer.
4. Allowing administration of drug and alcohol tests as directed by a juvenile probation officer.
5. Meeting any other conditions imposed by the court, including electronic monitoring, to meet the needs of the juvenile or to limit the risks to the community.

**J. Caseload Limit.**

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

**K. Active Cases.**

1. A JIPS team's active caseload shall include:
  - a. Juveniles residing in county and receiving intensive probation;
  - b. Juveniles in out-of-home placement for less than thirty (30) days;
  - c. Juveniles placed in detention; and
  - d. Juveniles on warrant status for less than 90 days.
2. A JIPS team's active caseload shall not include:
  - a. Juveniles on administrative status for one of the following reasons:
    - (1) Juveniles traveling for more than 30 days out of state or country with the approval of the juvenile probation department;
    - (2) Juveniles direct filed to adult court and currently held in adult jail pending the adult court action; or
    - (3) Juveniles residing for more than 30 days out of state, or country, and the department has retained jurisdiction of the juvenile.
  - b. Juveniles on warrant status for 90 days or more; and
  - c. Juveniles not yet dispositioned to JIPS.

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

1. A.R.S. § 8-356(A) provides:

The supreme court may waive the requirements of section 8-353, subsections A and B and subsection C, paragraph 2 for a county if the case load of officers supervising juveniles on intensive probation is not more than fifteen juveniles and the program requires visual contact with each probationer at least one time a week.
2. A.R.S. § 8-356(B) provides:

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

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

#### **M. Program Operations.**

1. Each juvenile probation department shall develop:
  - a. Policies and procedures that aim to reduce juvenile risk and the likelihood of future delinquent acts that are consistent with the principles of evidence-based practices. The policies and procedures shall be interdependent, applied in developmental order and shall notably assess delinquent risk and criminogenic need, enhance intrinsic motivation, target interventions, provide skill training with directed practice, increase positive reinforcement, engage ongoing support in natural communities, measure relevant processes and practices, and provide measurable feedback;
  - b. Policies and procedures regarding alcohol and drug testing of juveniles on intensive probation. The procedure shall address the methods used to select juveniles for testing, the frequency of testing, and the type of test to be administered;
  - c. Protocols for working with the office of the clerk of the superior court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections;
  - d. Policies and procedures to ensure the collection of monies owed as a condition of JIPS. Each probation department and JIPS team shall immediately address any arrearage. Each probation department and JIPS team shall also encourage the JIPS juvenile's payment of other assessments ordered by any court;

- e. Policies and procedures which require intensive probation officers to administer a youth assessment for each juvenile supervised, within 30 days, if not completed during the pre-dispositional process. Officers shall consider assessment results, family feedback other agencies involved, as well and any other relevant information, when developing a case plan;
  - f. Policies and procedures which require intensive officers to develop a case plan within 30 days of disposition. The officer shall ensure the case plan includes objectives that are measurable, signatures of the probation officer juvenile and the juvenile's parent or guardian;
  - g. Policies and procedures which require the supervising probation officer to update the youth assessment, upon each subsequent referral and once every six months, at a minimum. Upon each re-administration, juvenile officers shall review the previous case plan evaluating and updating noted strategies to reflect identified risk and needs;
  - h. Policies and procedures that require probation officers to utilize graduated responses to promote positive behavioral change through incentives, consequences, and supervision to address violations;
  - i. Policies and procedures by which accurate and timely records of the completion of community restitution hours are maintained for each intensive juvenile probationer. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless authorized by the court.
2. Each JIPS team shall:
- a. Develop and implement supervision strategies that match youth assessment results and address criminogenic needs in addition to the juvenile's delinquency risk, and strengths that promote case plan goals and provide effective supervision that is individualized, proportional and purposeful. Surveillance and other intervention shall be proportionately matched to emerging or decreasing risk factors;
  - b. As provided by A.R.S. § 8-353(C)(2) "Exercise close supervision and observation over juveniles who are ordered to participate in the intensive probation program.";
  - c. Evaluate and update the case plan on an on-going basis to identify progress towards goals and conditions of probation;
  - d. As provided by A.R.S. § 8-355 "The juvenile intensive probation team shall ensure that each juvenile under its supervision is either employed, attending school, participating in a community restitution program or attending a court ordered treatment program or any combination thereof as ordered by the court for not less than thirty-two hours each week." This shall be accomplished by:

- (1) Assisting juveniles seeking employment and closely monitoring employment of juveniles if the juveniles are authorized to work in the United States;
  - (2) Closely monitoring participation in court-ordered treatment programs, involving the parent or guardian in the rehabilitation and treatment of the juvenile; and
  - (3) Providing or arranging for appropriate supervision of juveniles performing community restitution work.
- e. Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to departmental procedures;
  - f. Provide juveniles with feedback on the results of an assessment by providing positive reinforcement to encourage behavioral changes and progress with the established behavioral goals and conditions of probation;
  - j. Involve the parent or guardian in the rehabilitation and treatment of the juvenile;
  - k. Monitoring of court-ordered financial obligations. The inability to pay probation fees or restitution does not prohibit participation in JIPS;
  - l. As provided by A.R.S. § 8-353(C)(4) “Request the county attorney to bring a noncompliant probation before the court.”;
  - m. Make documented efforts to locate a defaulted juvenile. The supervising probation officer shall request a warrant be issued if the juvenile is not located. Efforts to locate the juvenile shall continue pursuant to the court’s departmental policy;
  - n. Re-evaluate the adequacy and applicability of the court ordered conditions of probation as part of the ongoing assessment and planning process and if applicable, petition the court for modifications;
  - o. Target interventions to high-risk cases to promote public safety;
  - p. Review the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior;
  - q. Petition the court to modify the intensive juvenile probationer’s supervision to standard probation or terminate the period of probation when the JIPS team determines that intensive probation is no longer needed. If the intensive probation grant is modified to standard supervision, the probation department shall transfer the case to a standard probation officer, and;
  - r. Require each active case under the JIPS team’s supervision to submit a schedule of activities for approval. Juveniles who are detained or participating in out-of-home placement are exempt from this requirement. The intensive probation team shall monitor and enforce the approved schedule.

3. A.R.S. § 8-354(A) provides:

The juvenile probation officer shall periodically examine the needs of each juvenile who is granted intensive probation and the risks of modifying the level of supervision of the juvenile. The court may at any time modify the placement or the level of supervision of a juvenile who is granted intensive probation.

- a. Levels of supervision may be progressively increased or decreased over the term of supervision dependent on compliance by the juvenile with the conditions of probation, and continued law-abiding behavior.
  - b. Requests by the JIPS team for a change in the level of supervision of a juvenile shall be in accordance with minimum requirements. The level of supervision shall not be decreased beyond the minimum level described in section O, Minimum Supervision Requirements.
4. The probation officer may petition the court to terminate the period of intensive probation based on results of a youth assessment and an evaluation of the juvenile's behavioral changes in compliance with the conditions of probation. If the court transfers the juvenile to standard probation, the juvenile shall be assigned to a standard probation officer.
5. Recommendations by a JIPS officer to the court to terminate a juvenile's intensive probation supervision or to reduce the level of supervision shall be preceded by completion of a youth assessment and shall be based on satisfactory compliance and performance by the juvenile with the conditions and terms of intensive probation.
6. Victim notification. A.R.S. § 8-396(A)(B)(C) provides:

A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:

1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against the victim.
2. Any hearing on a proposed modification of the terms of probation or intensive probation.
3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.

B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:

1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the delinquent's contact with or the safety of the victim.
2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
4. That a petition to revoke probation alleging that the juvenile absconded from probation has been filed with the court.
5. Any conduct by the juvenile that raises a substantial concern for the victim's safety.

C. If a victim has requested post adjudication notice and probation is revoked and the juvenile is committed to the department of juvenile corrections, the court shall notify the department of juvenile corrections of the victim's request.

#### **N. JIPS Placement**

1. A juvenile placed on JIPS shall be supervised by the JIPS team pursuant to the minimum supervision requirements until such time as a youth assessment and initial case plan have been completed and the juvenile has demonstrated satisfactory progress meeting case plan objectives.
2. Upon completion of a youth assessment and initial case plan, the JIPS team shall utilize the results of the youth assessment, along with the juvenile's compliance with the conditions of JIPS, and any other relevant factors, and recommend to the court placement on an appropriate supervision level.
3. A juvenile continued on JIPS as a result of a probation violation may be supervised at any level as established by a youth assessment and other relevant information. The JIPS team shall utilize the results of the youth assessment, along with the juvenile's compliance with previously imposed conditions of standard or intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision level.
4. A juvenile may exit JIPS at any supervision level.

#### **O. Minimum Supervision Requirements.**

1. The following supervision requirements are established as minimum thresholds. Each juvenile probation department may establish more rigorous requirements for any supervision level. Each director shall ensure that all established minimum requirements are provided in writing to each JIPS team, along with appropriate training regarding adherence to those requirements.

2. The probation department shall establish supervision guidelines that are directed toward achieving desired outcomes that include, but are not limited to the reduction of the juvenile recidivism and criminogenic factors and will ensure that the majority of JIPS resources are dedicated to high risk juveniles in order to successfully complete their term of probation and promote positive behavioral changes. Supervision guidelines shall include the following considerations:
  - a. Tailored to the risks, needs and strengths presented by the individual juvenile as determined by the youth assessment;
  - b. Supervision programs, surveillance and strategies shall incorporate a continuum of graduated sanctions necessary to promote public safety and supervision goals;
  - c. Initial and subsequent supervision planning shall develop specific goal-directed objectives to be accomplished by the juvenile during the term of supervision and the strategies that the officer will use to monitor compliance and promote the accomplishments of those objectives. Supervision contacts shall be integral to implementing the overall supervision strategies, have a purpose that is directly related to case objectives and the juvenile's level and type of risk;
  - d. High risk cases require the concurrent implementation of multiple intervention strategies that apply the skills from a variety of disciplines to address the level and type of risk presented by the juvenile, build on a juvenile's strengths, and provide juveniles with incentives to change;
  - e. Document changes in a juvenile's circumstances throughout the period of probation and actively engage in assessing the impact of any changes on the level and type of supervision. Officers shall independently assess a juvenile's circumstances through field and collateral contacts at a level proportional to the issues in the individual cases;
  - f. Responses to noncompliance shall be timely, realistic and escalating; and shall include elements designed to both control and correct noncompliance; and
  - g. The intensity and frequency of supervision activities shall be reduced over time for stable, compliant juvenile's who are meeting their supervisory objectives.
3. Supervision Level I shall include:
  - a. Visual contacts. The JIPS team shall have a minimum of four visual contacts with each juvenile per week. Home contacts are required on a random and varied basis. Mandatory visual contact may be made by other probation or surveillance officers when authorized by the director. Visual contacts shall be varied and unscheduled, and include evenings, weekends, and holidays. Visual contacts with the juvenile shall continue when in out-of-home placement or detention;

- b. Employment verification. The JIPS team shall make weekly face-to-face, telephonic or written contact with the employer of an employed juvenile;
- c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
- d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
- e. Curfew. The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
- f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance;
- g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the juvenile court;
- h. Treatment and counseling. The JIPS team shall provide a written directive to the juvenile referring the juvenile to an appropriate service provider within 30 days of disposition as a condition of JIPS, or when a need for treatment or counseling is identified. If more than one area of treatment or counseling is identified, the JIPS team shall prioritize and address the needs with the highest priority within the prescribed time frame. The JIPS team will then address the remaining treatment or counseling areas in descending order;
- i. Investigation of referral notification. The JIPS team shall immediately contact the law enforcement officer or agency upon receipt of an referral or other contact notification to ascertain the circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The JIPS team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;

- j. A.R.S § 8-352(E)(3) provides “Remaining at a place of residence at all times except to attend school, work or treatment, to perform community restitution or to participate in some activity, as specifically allowed in each instance by the supervising juvenile probation officer, or if in the direct company of a parent, guardian or custodian, as approved by the juvenile probation officer.” The JIPS team shall monitor and enforce approved schedules for juveniles that are meeting expected behavioral goals, scheduling requirements shall provide the juvenile a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide for pro-social opportunities “as specifically allowed in each instance by the juvenile probation officer, or if in the direct company of a parent, guardian or custodian, as approved by the juvenile probation officer.”
  - k. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend;
  - l. The use of communication techniques that engage the juvenile in their own case plan, motivation and goals;
  - m. Respond to juvenile behavior pursuant to established departmental policies on graduated responses of consequences and incentives;
  - n. Evaluation of ongoing supervision and strategies;
  - o. Responses to positive pro-social behavior pursuant to established departmental incentive policies; and
  - p. The probation officer’s recommendations for a reduction of supervision for eligible juveniles pursuant to the results of a youth assessment may be made to the court once it has been ascertained that a change in supervision level is warranted based upon the assessment and progress with established behavioral goals.
4. Supervision Level II shall include all conditions of Level I in addition to the following:
- a. Visual contacts. The JIPS team shall have a minimum of two visual contacts with each juvenile per week, with at least at least one contact occurring at the juvenile’s residence. Mandatory visual contact may be made by other probation or surveillance officers when authorized by the director. Visual contact shall be varied and unscheduled, and include evenings, weekends, and holidays. Visual contacts with the juvenile shall continue when in out-of-home placement or detention; and
  - b. Employment verification. The JIPS team shall make bi-weekly face-to-face, telephonic or written contact with the employer of an employed juvenile.
5. Supervision Level III shall include all conditions of Level I in addition to the following:
- Visual contacts. The JIPS team shall have a minimum of one visual contact with each juvenile per week, with at least one visit occurring at the juvenile’s residence every other

week. Mandatory visual contact may be made by other probation or surveillance officers when authorized by the director. Visual contact shall be varied and unscheduled, and include evenings, weekends, and holidays. Visual contacts with the juvenile shall continue when in out-of-home placement or detention.

**P. Program Length.**

A juvenile shall be on intensive probation from the date ordered by the juvenile court until revoked, successfully discharged or otherwise discharged from JIPS by the court.

**Q. Required Case Records.**

1. A.R.S. § 8-353(C)(1) provides: “The juvenile intensive probation team shall ...“Secure and keep a complete identification record of each juvenile supervised by the team and a written statement of the conditions of the probation.”
2. Each JIPS team shall maintain verifiable case records for each juvenile supervised, including, but not limited to:
  - a. An individual case plan setting forth behavioral and program expectations and recommendations subject to the approval of the director;
  - b. Logs detailing the time, nature, and location of each contact related to each juvenile on JIPS;
  - c. Current photograph and profile of each juvenile on JIPS; and
  - d. Documentation regarding violation behavior, positive progress and behavioral changes while under supervision.

**Comments and Responses to ACJA Section 6-302.01: Juvenile Intensive Probation  
Supervision Evidence Based Practices**

PARAGRAPH	COMMENT	RESPONSE
	NONE	