

**Comments and Responses to ACJA Section 6-105.01 Powers and Duties of Officers
Evidence-Based Practices
(See attached for full versions.)**

| PARAGRAPH | COMMENT | RESPONSE |
|------------------|----------------|-----------------|
| | No Comments | |
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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 level of identifiable substances in the body including, but not limited to, breath, blood, oral fluid urine, hair, and sweat testing.

“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~~)(12).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act,” as provided in A.R.S. § 8-201(~~11~~)(13).

“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~~)(15).

“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~~)(19).

“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)~~(21).

“Juvenile court consequence” means a consequence imposed by the court after an adjudication that does not include a term of probation. Court consequences may include but are not limited to community restitution, fines, and curfews with parental responsibility for oversight. Court consequences do not include treatment or family counseling services.

“Juvenile intensive probation” means “a program...of highly structured and closely supervised juvenile probation and which emphasizes surveillance, treatment, work, education and home detention” as provided in A.R.S. § 8-351.

“Juvenile short-term standard probation” means a program of conditional freedom granted by the juvenile court to an adjudicated juvenile pursuant to A.R.S. § 8-341 and upon review of the court, the juvenile may be released after six months or sooner if specified conditions have been completed.

“Juvenile standard probation” means a program of conditional freedom granted by the juvenile court to an adjudicated juvenile contingent on compliance with specified conditions.

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201~~(24)~~(27).

“Recommendation Matrix” means the approved tool utilized by the juvenile probation officer to provide a proposed disposition to the court.

“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)~~(31).

“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.-D. [No Change]

E. Duties of Probation Officers.

1. and 2. [No Change]

3. Juvenile probation officers shall also:

a. - g. [No Change]

h. 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. The results of the assessment shall be used by the probation officer to recommend a level of supervision and to formulate a case plan for the juvenile.

(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 of the youth assessment shall be completed following the adjudication and prior to the disposition. The probation officer shall use results of the assessment and the most serious adjudicated offense to recommend the level of placement and supervision propose a disposition of Court Consequence, Short-term Standard Probation, Standard Probation, Juvenile Intensive Probation Supervision or commitment to the Arizona Department of Juvenile Corrections as determined by the approved Recommendation Matrix.

i. - m. [No Change]

F. [No Change]

**Comments and Responses to ACJA Section 6-301.01 Juvenile Standard Probation
Evidence-Based Practices
(See attached for full versions.)**

| PARAGRAPH | COMMENT | RESPONSE |
|------------------|---|--|
| J.3.a | “within 30 days of disposition” used twice in the section | Removed second occurrence of “within 30 days of disposition” |
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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).

“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 family members, school personnel, law enforcement, victims, community members, and treatment providers.

“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~~)(12).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act,” as provided in A.R.S. § 8-201(~~11~~)(13).

“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.

“Non-Visual Contact” means communication via written documentation, video, telephonic, email, text message, or other AOC approved technology.

“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~~)(9).

“Parent” means the juvenile’s biological, adoptive, or legal mother or father whose rights have not been terminated.

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(~~24~~)(27).

“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~~)(29).

“Recommendation Matrix” means the approved tool utilized by the probation officer to provide a proposed disposition to the court.

“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~~)(31).

“Short-term standard probation” means a program of conditional freedom granted by the juvenile court to an adjudicated juvenile pursuant to A.R.S. § 8-341 and upon review of the court, the juvenile may be released after six months or sooner if specified conditions have been completed.

“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.

“Standard probation” means a program of conditional freedom granted by the juvenile court to an adjudicated juvenile contingent on compliance with specified conditions.

“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. [No Change]

C. Purpose.

1. 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.

2. A.R.S. § 8-341(B) provides the standard probation term length:

B. If a juvenile is placed on probation pursuant to this section, the period of probation may continue until the juvenile's eighteenth birthday or until the juvenile's nineteenth birthday if jurisdiction is retained pursuant to § 8-202, subsection H, except that the term of probation shall not exceed one year if all of the following apply:

1. The juvenile is not charged with a subsequent offense.
2. The juvenile has not been found in violation of a condition of probation.
3. The court has not made a determination that it is in the best interests of the juvenile or the public to require continued supervision. The court shall state by minute entry or written order its reasons for finding that continued supervision is required.
4. The offense for which the juvenile is placed on probation does not involve a dangerous offense as defined in section 13-105.
5. The offense for which the juvenile is placed on probation does not involve a violation of title 13, chapter 14 or 35.1.
6. Restitution ordered pursuant to section 8-344 has been made.
7. The juvenile's parents have not requested that the court continue the juvenile's probation for more than one year.

3. Short-term Standard Probation is available to implement an evidence-based approach as part of the Recommendation Matrix.

D.-I. [No Change]

J. Program Operations.

1. Each probation department shall develop policies, procedures, and protocols:

a.-e. [No Change]

f. Which require ~~standard~~ probation officers to administer a youth assessment for each adjudicated juvenile supervised, prior to disposition or within 30 days of placement on short-term standard probation or standard probation, 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 probation officers to utilize the juvenile's youth assessment results and most severe adjudicated offense to determine the proposed disposition as determined in the approved Recommendation Matrix.

~~g.h.~~ 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.i.~~ That require probation officers to utilize graduated responses to promote positive behavioral change through incentives, consequences, and supervision to address violations;

~~i.j.~~ 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. [No Change]

3. The juvenile probation officer shall:

a. ~~For every juvenile placed on standard probation, Develop~~ a case plan ~~must be developed within 30 days of disposition for every juvenile under their supervision who is placed on standard probation within 30 days of disposition.~~ Develop a case plan must be developed within 30 days of disposition for every juvenile under their supervision who is placed on standard probation within 30 days of disposition. The probation officer shall ensure the case plan includes objectives that are measurable and signatures of the probation officer, juvenile, and the juvenile's parent or guardian.

b.-m. [No Change]

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~~ probation department 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~~ probation department 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 and parents. 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, Recommendation Matrix and other significant case information. Visual contacts with the juvenile shall continue when in out-of-home placement or detention;

~~2. Parental contacts;~~

2. The low risk supervision level shall include:

a. Visual contact with the juvenile and parent within 30 days of disposition and alternating visual and non-visual contacts with the juvenile and parent every 30 days thereafter;

b. Non-visual collateral contact every 60 days as determined by the conditions of probation and the case plan.

~~3. Treatment providers, as appropriate;~~

3. The moderate risk supervision level shall include:

a. Visual contact with the juvenile and parent within 30 days of disposition and one visual contact every 30 days thereafter;

b. Non-visual collateral contact every 30 days as determined by the conditions of probation and the case plan.

~~4. Employment contacts and verification if necessary; and~~

4. The high risk supervision level shall include:

a. Visual contact with the juvenile and parent within 15 days of disposition and three visual contacts every 30 days thereafter;

b. Non-visual collateral contact every 30 days as determined by the conditions of probation and the case plan.

~~5. School contacts and verification.~~

L.-M. [No Changes]

**Comments and Responses to ACJA Section 6-302.01 Juvenile Intensive Probation
Supervision Evidence-Based Practices
(See attached for full versions.)**

| PARAGRAPH | COMMENT | RESPONSE |
|------------------|----------------|-----------------|
| | No Comments | |
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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, school personnel, law enforcement, victims, community members, neighbors, and 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~~)(12).

“Delinquent juvenile” means “a child who is adjudicated to have committed a delinquent act” as provided in A.R.S. § 8-201(~~11~~)(13).

“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.

“Juvenile intensive probation” means “a program...of highly structured and closely supervised juvenile probation and which emphasizes surveillance, treatment, work, education and home detention” as provided in A.R.S. § 8-351.

“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~~)(22).

“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~~)(9).

“Parent” means the juvenile’s biological, adoptive, or legal mother or father whose rights have not been terminated.

“Petition” means “a written statement of the essential facts that allege delinquency, incorrigibility or dependency” as provided in A.R.S. § 8-201(24)(27).

“Recommendation Matrix” means the approved tool utilized by the probation officer to provide a proposed disposition to the court.

“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)(31).

“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.-L. [No Change]

M. Program Operations.

1. Each juvenile probation department shall develop:

a.-d. [No Change]

e. Policies and procedures which require intensive probation officers to administer a youth assessment for each adjudicated juvenile—supervised, prior to disposition or 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 probation officers to utilize the juvenile’s youth assessment results and most severe adjudicated offense to determine the proposed disposition as determined in the approved Recommendation Matrix;

- ~~f. g.~~ 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. h.~~ 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. i.~~ 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. j.~~ 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.-c. [No Change]

d. As provided by A.R.S. § 8-355:

The juvenile intensive probation team shall ensure that each juvenile under its supervision is participating in one or more of the following~~-,~~ ~~if~~ approved by the court or probation officer, for not less than thirty-two hours each week~~;~~ ~~throughout~~ the term of the intensive probation:

1. School.
2. A treatment program.
3. Employment.
4. A community restitution program.
5. An activity that improves the juvenile's prosocial skill development, including enhancing the juvenile's relationship with the juvenile's family.

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 treatment programs, involving the parent or guardian in the rehabilitation and treatment of the juvenile, monitoring school attendance; and
- (3) Providing or arranging for appropriate supervision of juveniles performing community restitution work.

e.-r. [No Change]

3.– 5. [No Change]

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~~ probation department 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. [No Change]

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~~ probation department shall notify the department of juvenile corrections of the victim's request.

N.-Q. [No Change]

COJC Legislative Update

April 30, 2020

54th Legislature - 2nd Regular Session, 2020

Wednesday, Apr 15 2020 1:57 PM

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LG COJC Bills

Posted Calendars and Committee Hearings

No hearings, calendars, or amendments posted.

Bill Summaries

H2223: MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION

The Department of Child Safety is required to maintain for each child in the physical custody of the Dept a current photograph of the child, which must be updated every 12 months after initial placement, and a nonoperating identification license. On request of the Dept, a court may order that the fingerprints of a child in out-of-home placement be taken if specified circumstances apply. The Dept is required to store photographs and fingerprints and share them with law enforcement if the child is reported missing or the child's location is unknown. The photographs and fingerprints cannot be used for any other purpose.

First sponsor: Rep. Barto (R - Dist 15)

| H2223 Daily History | Date Action |
|---|--|
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 3/17 from Senate rules okay. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 3/16 from Senate jud do pass. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 3/12 Senate jud do pass; report awaited. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 3/2 referred to Senate jud. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 2/26 House COW approved with amend #4245 . Passed House 59-0 ; ready for Senate. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 2/24 from House rules okay. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 2/17 from House hel-hu ser with amend #4245 . |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 2/13 House hel-hu ser amended; report awaited. |
| MISSING CHILDREN; NOTIFICATION; IDENTIFICIATION | 1/16 referred to House hel-hu ser. |

H2413: JUVENILE COURT; DISPOSITIONS

Modifies statute governing when the juvenile court retains jurisdiction over a juvenile who is 17 years of age until the juvenile's 19th birthday. The notice of intent to retain jurisdiction must be filed at any time before an adjudication hearing or proceeding in which a juvenile is admitting to an allegation. The juvenile court's jurisdiction is retained on the filing of the notice of intent. The purposes for which the juvenile court retains jurisdiction after the juvenile's 18th birthday are expanded to include modifying an outstanding monetary

obligation imposed by the juvenile court, except for victim restitution. Modifies the written notices that the court is required to provide to a juvenile adjudicated as a first time felony juvenile offender or a repeat felony juvenile offender. AS PASSED HOUSE.

First sponsor: Rep. J. Allen (R - Dist 15)

| H2413 Daily History | Date Action |
|------------------------------|--|
| JUVENILE COURT; DISPOSITIONS | 3/10 from Senate rules okay. |
| JUVENILE COURT; DISPOSITIONS | 3/9 from Senate jud with amend #4802 . |
| JUVENILE COURT; DISPOSITIONS | 2/24 referred to Senate jud. |
| JUVENILE COURT; DISPOSITIONS | 2/19 passed House 60-0 ; ready for Senate. |
| JUVENILE COURT; DISPOSITIONS | 2/13 House COW approved with amend #4101 . |
| JUVENILE COURT; DISPOSITIONS | 2/11 from House rules okay. |
| JUVENILE COURT; DISPOSITIONS | 2/5 from House jud with amend #4104 . |
| JUVENILE COURT; DISPOSITIONS | 2/5 House jud amended; report awaited. |
| JUVENILE COURT; DISPOSITIONS | 1/27 referred to House jud. |

H2421: DCS; TRAUMA; REPORT (ADOPTION; REMOVAL; PARENTAL RIGHTS; SUSPENSION)

The Department of Child Safety is authorized to remove a child from the child's adoptive home and suspend the adoptive parents' parental rights if the child suffers from a severe and complex mental illness and as a result of this illness, the child poses a risk of harm to the other members of the child's family, and if the adoptive parents consent. If a child is removed under these circumstances, the Dept is required to attempt to find a placement and provide treatment to prepare the child for possible return to the child's adoptive home and to allow restoration of the adoptive parents' parental rights.

First sponsor: Rep. Barto (R - Dist 15)

| H2421 Daily History | Date Action |
|--|--|
| DCS; TRAUMA; REPORT | 3/17 from Senate rules okay. |
| DCS; TRAUMA; REPORT | 3/16 from Senate jud do pass. |
| DCS; TRAUMA; REPORT | 3/12 Senate jud do pass; report awaited. |
| DCS; TRAUMA; REPORT | 3/2 referred to Senate jud. |
| DCS; TRAUMA; REPORT | 2/26 House COW approved with amend #4246 and floor amend 4535. Passed House 59-0 ; ready for Senate. |
| DCS; TRAUMA; REPORT | 2/25 from House rules okay. |
| ADOPTION; REMOVAL; PARENTAL RIGHTS; SUSPENSION | 2/17 from House hel-hu ser with amend #4246 . NOTE SHORT TITLE CHANGE. |
| ADOPTION; REMOVAL; PARENTAL RIGHTS; SUSPENSION | 2/13 House hel-hu ser amended; report awaited. |
| ADOPTION; REMOVAL; PARENTAL RIGHTS; SUSPENSION | 1/27 referred to House hel-hu ser. |

S1013: DCS; MISSING CHILDREN; REPORT

The Department of Child Safety is required to make available on a semiannual basis a list of specified data relating to runaway children and abducted children. The Dept is required to make the data available on the Dept's website in a format that can be downloaded and that is conducive to analysis. The Dept is required to notify the Governor and the Legislature each time the information is

made available. These requirements self-repeal January 1, 2025. The first reporting period is January 1, 2021 through June 30, 2021. AS PASSED SENATE.

First sponsor: Sen. D. Farnsworth (R - Dist 16)

| S1013 Daily History | Date Action |
|------------------------------------|---|
| DCS; MISSING CHILDREN; REPORT 3/9 | referred to House hel-hu ser. |
| DCS; MISSING CHILDREN; REPORT 3/2 | passed Senate <u>29-0</u> ; ready for House. |
| DCS; MISSING CHILDREN; REPORT 2/27 | Senate COW approved with amend <u>#4234</u> and floor amend 4572. |
| DCS; MISSING CHILDREN; REPORT 2/26 | retained on Senate COW calendar. |
| DCS; MISSING CHILDREN; REPORT 2/18 | from Senate rules okay. |
| DCS; MISSING CHILDREN; REPORT 2/17 | from Senate jud with amend <u>#4232</u> . |
| DCS; MISSING CHILDREN; REPORT 2/13 | Senate jud amended; report awaited. |
| DCS; MISSING CHILDREN; REPORT 1/13 | referred to Senate jud. |

S1076: GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN

The State Board of Education is required to research the high school graduation of students who are delinquent juveniles or incorrigible children and who have been ordered by a court to a probation department, a private agency or institution, the Department of Juvenile Corrections, or to receive residential treatment services. The Board is required to submit a report of its findings and recommendations to the Governor and the Legislature by December 15, 2020, and self-repeals January 16, 2021.

First sponsor: Sen. Brophy McGee (R - Dist 28)

| S1076 Daily History | Date Action |
|--|--|
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 3/9 | from House educ do pass. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 3/9 | House educ do pass; report awaited. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 3/4 | referred to House educ. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 2/27 | passed Senate <u>29-1</u> ; ready for House. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 2/25 | Senate rules okay. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 2/19 | from Senate educ do pass. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 2/18 | Senate educ do pass; report awaited. |
| GRADUATION; DELINQUENT JUVENILES; INCORRIGIBLE CHILDREN 1/13 | referred to Senate educ. |

S1523: MENTAL HEALTH OMNIBUS

Numerous changes to statutes relating to mental health. Adds a new chapter to Title 20 (Insurance) requiring each health care insurer that issues a health plan in Arizona to comply with the federal Mental Health Parity and Addiction Equity Act. Establishes reporting requirements for health plans and requires the Department of Insurance and Financial Institutions (DIFI) to evaluate health plan compliance and enforce related regulations. Appropriates \$250,000 and one FTE position from the general fund in FY2020-21 to DIFI to administer the mental health parity requirements of this legislation. Health plans are prohibited from applying any financial requirement or quantitative treatment limit to mental health and substance use disorder benefits in any classification that is more restrictive than the predominant financial requirement or quantitative treatment limit of that type applies to substantially all medical and

surgical benefits in the same classification, with some exceptions. Prohibits health care insurers that issue a health plan including mental health or substance use disorder benefits for a minor solely on the grounds that the service was provided in a school or other educational setting or ordered by a court. Establishes a Mental Health Parity Advisory Committee to advise the Directors of the DIFI and the Department of Health Services (DHS) on matters relating to mental health parity. Establishes the Suicide Mortality Review Team in DHS to develop a suicide mortalities data collection system and study the adequacy of statutes and services to determine changes needed to decrease the incidence of preventable suicides and take steps to implement those changes. DHS is authorized to use monies in the Child Fatality Review Fund to staff the Review Team. The Review Team is authorized to request information and records regarding a suicide from various persons, which information is confidential. Review Team meetings are closed to the public and not subject to open meeting law. Violations of Review Team confidentiality requirements are a class 2 (mid-level) misdemeanor. Establishes the Children's Behavior Health Services Fund, to be administered by the Arizona Health Care Cost Containment System (AHCCCS) and used to enter into an agreement with one or more contractors for children's behavioral health services. Required provisions for the agreement with each contractor are listed. Establishes eligibility requirements for persons to receive monies from Fund to pay for behavioral health services for children, including that the person is uninsured or underinsured, is referred for behavioral health services by an educational institution, and has written parental consent to obtain the behavioral health services. AHCCCS is authorized to impose cost sharing requirements on a sliding fee scale for behavioral health services provided by contractors. The AHCCCS Administration acts as payor of last resort for persons eligible for Fund monies. Appropriates \$8 million from the general fund in FY2020-21 to the Fund to pay contractors for children's behavioral health services as provided by this legislation. School district governing boards and charter school governing bodies are required to adopt policies relating to school-based referrals before providing referrals to a contracted behavioral health services professional. Provisions that must be included in the policies are listed. Requires AHCCCS to conduct a survey of public schools to obtain information regarding the delivery of behavioral health services to students on or off school grounds by licensed behavior health professionals who are contracted AHCCCS providers. AHCCCS is required to provide a copy of the survey results to the Governor and the Legislature by December 31, 2022. Requires DIFI and DHS to adopt various rules relating to this legislation. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Brophy McGee (R - Dist 28)

General Comments (all lists):

Mirror of H2764

| S1523 Daily History | Date Action |
|----------------------------|---|
| MENTAL HEALTH OMNIBUS 3/3 | signed by governor; Chap. 4, Laws 2020. message |
| MENTAL HEALTH OMNIBUS 3/3 | from Senate rules okay. Senate COW approved with floor amend #4699 . Passed Senate 30-0 ; ready for House. Passed House 60-0 ; substituted in House for identical bill #2764 ; ready for governor |
| MENTAL HEALTH OMNIBUS 2/27 | from Senate appro with amend #4525 . |

MENTAL HEALTH OMNIBUS 2/25 Senate appro amended; report awaited.

MENTAL HEALTH OMNIBUS 2/20 from Senate hel-hu ser with amend [#4320](#).

MENTAL HEALTH OMNIBUS 2/19 Senate hel-hu ser amended; report awaited.

MENTAL HEALTH OMNIBUS 2/3 referred to Senate hel-hu ser, appro.

S1687: BUDGET; BRB; HUMAN SERVICES; 2020-2021

Makes various policy changes in the areas of human services that affect the budget. The Department of Economic Security (DES) is authorized to use monies in the Special Administration Fund to pay for domestic violence prevention and cost-effectiveness study client services. During FY2020-21, DES is required to screen and test each adult recipient of Temporary Assistance for Needy Families (TANF) cash assistance who DES has reasonable cause to believe engages in the illegal use of controlled substances, and any recipient who tests positive for the use of a controlled substance that was not prescribed by a licensed health professional is ineligible to receive benefits for one year. By September 30, 2021, the Auditor General is required to provide to the Governor and the Legislature a report regarding the Department of Child Safety's practices for classifying and locating runaway or missing children. Information that must be included in the report is specified. During the state of emergency declaration period for coronavirus disease 2019, DES is required to provide an exemption from the state time limits for TANF cash assistance and a general waiver of the work requirements for TANF cash assistance. The Arizona Health Care Cost Containment System (AHCCCS) Administration is permitted to authorize payments to providers of behavioral health services, services to individuals with intellectual and developmental disabilities, and services to individuals who are elderly or have physical disabilities in order to ensure that provider maintain capacity to continue to provide services during the state of emergency declaration period for coronavirus disease 2019. DES and AHCCCS are authorized to temporarily adjust provider reimbursement rates for services to individuals with intellectual and developmental disabilities for FY2019-20 in order to provide additional funding for increased overtime expenses that service providers experience due to the loss of staff during the state public health emergency for the coronavirus disease 2019. Provisions related to the coronavirus disease 2019 are retroactive to March 11, 2020. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Fann (R - Dist 1)

| S1687 Daily History | Date Action |
|--|---|
| BUDGET; BRB; HUMAN SERVICES; 2020-2021 | 3/28 signed by governor; Chap. 53, Laws 2020. message |
| BUDGET; BRB; HUMAN SERVICES; 2020-2021 | 3/23 passed House 60-0 ; substituted for identical bill 2904; ready for governor. |
| BUDGET; BRB; HUMAN SERVICES; 2020-2021 | 3/19 Senate COW approved with floor amend #4885 . Passed Senate 28-2 ; ready for House. |
| BUDGET; BRB; HUMAN SERVICES; 2020-2021 | 3/18 referred to Senate rules only. From Senate rules okay. |

S1688: BUDGET; BRB; HEALTH; 2020-2021

Makes various policy changes in the area of public health that affect the budget. For the contract year beginning October 1, 2020 and ending September 30, 2021, the Arizona Health Care Cost Containment System

(AHCCCS) Administration is authorized to continue the risk contingency rate setting for all managed care organizations and the funding for all managed care organizations administrative funding levels that was imposed for the contract year beginning October 1, 2010 and ending September 30, 2011. By December 31, 2021, for FY2020-21, the AHCCCS Administration is required to transfer to the counties the portion, if any, as may be necessary to comply with the federal Patient Protection and Affordable Care Act. Specifies county contributions for ALTCS, and AHCCCS acute care and hospitalization and medical care for FY2020-21. County contributions for Proposition 204 administrative costs and for competency restoration treatment are excluded from county expenditure limitations. The Department of Health Services is authorized to increase fees in FY2020-21 for services provided by the Bureau of Radiation Control in order to generate \$1.9 million for deposit in the Health Services Licensing Fund. Monies in the Health Services Lottery Monies Fund may be used for the purposes specified in the FY2020-21 general appropriations act. Disproportionate share hospitals (DSH) payments for FY2020-21 include \$113.8 million for a qualifying non-state operated public hospital, \$4.2 million of which must be distributed to the Maricopa County Special Health Care District, \$28.5 million for the Arizona State Hospital, and \$884,800 for private qualifying hospitals. After these DSH payments are made, the allocations of DSH payment must be made available first to qualifying private hospitals located outside of the Phoenix metropolitan statistical area and the Tucson metropolitan statistical area before being made available to qualifying private hospitals within those areas. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Fann (R - Dist 1)

| S1688 Daily History | Date Action |
|--------------------------------|--|
| BUDGET; BRB; HEALTH; 2020-2021 | 3/28 signed by governor; Chap. 54, Laws 2020. message |
| BUDGET; BRB; HEALTH; 2020-2021 | 3/23 passed House 32-28 ; substituted for identical bill 2905; ready for governor. |
| BUDGET; BRB; HEALTH; 2020-2021 | 3/19 Senate COW approved. Passed Senate 16-14 ; ready for House. |
| BUDGET; BRB; HEALTH; 2020-2021 | 3/18 referred to Senate rules only. From Senate rules okay. |

S1690: BUDGET; BRB; BUDGET PROCEDURES; 2020-2021

Makes various changes that affect the budget across agencies. Requires any unrestricted federal monies received by Arizona in FY2020-21 to be deposited in the general fund. Maintains the Capital Outlay Stabilization Fund rental rates for state-owned buildings of \$17.87/square foot for office space and \$6.43/square foot for storage space. For FY2020-21, FY2021-22, and FY2022-23, the Legislature is not required to appropriate monies to or transfer monies from the Budget Stabilization Fund. Retroactive to July 1, 2020, the Motor Vehicle Pool Consolidation Fund start date is moved to July 1, 2021, from July 1, 2020. Reimbursement of expenses incurred by counties to administer the 2020 presidential preference election must be made as prescribed by the FY2020-21 general appropriations act. Establishes the Crisis Contingency and Safety Net Fund, to be administered by the Governor, and allows monies in the Fund to be spent only following a state of emergency declaration by the Governor for specified types of economic assistance during the state of emergency. Before spending monies in the Fund, the Governor is required to notify the Legislature on the intended use of the monies. Makes a supplemental

appropriation of \$50 million from the general fund in FY2019-20 to the Fund. States that the legislature intends for counties and municipalities to review their eviction policies and procedures during the state of emergency declaration by the governor related to the coronavirus disease 2019 (COVID-19) to allow individuals and families to remain in their places of residence. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Fann (R - Dist 1)

| S1690 Daily History | Date Action |
|---|---|
| BUDGET; BRB; BUDGET PROCEDURES; 2020-2021 | 3/28 signed by governor; Chap. 56, Laws 2020. message |
| BUDGET; BRB; BUDGET PROCEDURES; 2020-2021 | 3/23 passed House 59-1 ; substituted for identical bill 2907; ready for governor. |
| BUDGET; BRB; BUDGET PROCEDURES; 2020-2021 | 3/19 Senate COW approved with floor amend #4884 . Passed Senate 27-3 ; ready for House. |
| BUDGET; BRB; BUDGET PROCEDURES; 2020-2021 | 3/18 referred to Senate rules only. From Senate rules okay. |