

Committee on Juvenile Courts

Committee Minutes

Meeting Date: 12/07/18

The meeting was called to order by
Judge Quigley at 12:01pm

Minutes taken by: Kathy Gillmore

Roll Call

Present: Hon. C. Allen Perkins, Hon. Bryan Chambers, Hon. Monica Stauffer, Hon. Jessica Quickle (proxy for Hon. Matthew Newman), Hon. Tim Ryan, Hon. Rick Williams, Hon. Kathleen Quigley, Hon. Daniel Washburn, Judge Deneen Peterson (proxy for Hon. Thomas Fink), Hon. Anna Young, Tim Hardy (proxy for Hon. David Haws), Hon. Sam Thumma, Hon. Christopher Staring, Connie Koch, Denise Smith, Eric Meaux, Jennifer Torchia

Excused/Absent: Hon. Terry Bannon, Hon. Travis Ragland, Hon. Robert Higgins, Ernest Rose

Guests/Staff Present: Nina Preston, Joe Kelroy, Caroline Lutt-Owens, Amy Love, Beth Broecker, Yvonne Plascencia, Kathy Gillmore

Call to Order / Welcome and introductions

Topic: Juvenile Court: Destruction of Records (Post-Conviction Task Force) - Action Item
Topic taken out of order

Speaker: Judge Kathleen Quigley

Summary of Discussion:

- The discussions about set aside and destruction of records will continue; originally, we had wanted to look at *sealing* as opposed to *destruction* to allow the court to address restitution. As it stands, with destruction, the court cannot grant destruction of records with restitution still owing. With sealing, we could grant sealing and have restitution still owing to allow for jobs and self-improvement. As it stands right now, this motion will allow for improvement on the destruction of records and give the court the authority to address outstanding fines and fees so that those could be modified and give the court the jurisdiction to do that where we could not before. This will also give the person the ability to have their records destroyed when they reached the age of 25 and did not successfully complete probation; the court will then have the discretion to consider whether or not to have

records destroyed. There was a thought originally that the age could be dropped to 22, but there was a concern that this would not go over well with the state legislature.

- There are two scenarios; under the first, was it intentional that the word “successfully” be struck out?
 - It was intentional, in that the applicants may not understand the meaning of the term “successful”. The court will make this determination.
- Where does it reference the restoration of civil rights?
 - They must do this under a separate statute. In the forms that we are preparing, this is made clear.
- In addition to allowing “kids” of 25 to have records destroyed, we also made it possible for children who didn’t receive an absolute discharge from the Department of Juvenile Corrections to get their records destroyed when they reach the age of 25, which is not currently the case.
- If they are within 90 days of the person becoming 18 and have successfully completed diversion, or there was only a referral and no petition, or successful diversion with no further referral, then the probation department would be the one to provide the paperwork to the court to have records destroyed. A lot of the kids do not know to do this.
- DCS will also destroy records.
- Sections L and M: with diversion cases the court does not have records. Those records stay in the Juvenile Court office.
 - We would generate a report that would provide information to the departments to identify those cases and bring them before the court for destruction.
- Mohave County- Clerk’s Office brought up a couple of concerns: 1. In a case involving co-delinquents with several orders of restitutions, it may be difficult to track financials. 2. as a juvenile becomes an adult, the military may contact the court- if the records are destroyed, it may be a detriment.
 - Address of concern #1: This is a new issue that has not yet been raised. You can only destroy documents within a specific kid’s file. As far as how the exhibits are held in the consolidated case, you would hope they would be held until the last kid’s file has been destroyed. Things need to be appropriately cross referenced for a related case.
 - Address of concern #2: Would have preferred sealing to destruction for this reason, and the reason that the committee work will continue.

Motion: Support ARS 8-349 as proposed. **Action:** Approve

Moved by: Judge Anna Young **Seconded by:** Judge Monica Stauffer

Motion passed unanimously.

- No further discussion.
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Topic: Setting Aside Adjudication: Requirements (Post-Conviction Task Force) – Action Item *Topic taken out of order*

Speaker: Judge Kathleen Quigley

Summary of Discussion:

- Line 6: Fulfill conditions of probation- is it safe to assume that we are not talking about making payments of restitutions/fines/fees?
 - We did give the judge the ability to address and modify fines and fees. The general feeling is that if restitution is still outstanding it can be up to the discretion of the judge.
- Restitution is not a barrier to set aside.
- Department of Transportation is no longer concerned with the Title 28 violations being exemptions (page 2, line 36).
- There may be some amendments with regard to the Department of Transportation.

Motion: Support ARS 8-348 as proposed. **Action:** Approve

Moved by: Judge Daniel Washburn **Seconded by:** Judge Anna Young

Motion passed unanimously with the understanding that there may be some amendments with regard to the Department of Transportation language, opening up more people to eligibility.

- No further discussion.
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Topic: Proposed Statute Item: Alternative Graduation Requirement – Action Item

Speaker: Judge Kathleen Quigley

Summary of Discussion:

- Statutory changes will be needed.
- This the alternative graduation requirement that would allow students who are homeless, in foster care or ordered to juvenile court confinement to request that electives be eliminated, leaving only seven core requirements for high school graduation. This would allow entry to a community college but not a four-year university. It is up to the school once the student applies to accept or deny. There is also an appeal process available.
- It would fall on the school district/charter school to make the initial decision. The appeal will go to ADE.
- Our task would be fielding requests from the school district. There is no onus on the juvenile justice system.
- This is not a requirement.

Motion: Support proposed statute as proposed. **Action:** Approved as amended by Eric Meaux;

Opposed by: Judge Christopher Staring and Judge Stauffer

Moved by: Eric Meaux **Seconded by:** Jennifer Torchia

Amended Motion passed:

“The committee endorses the concept that the proposed language around allowing the Department of Education to provide an exception to youth in the child welfare system or juvenile justice system to be moved forward and that it align with both the expectations and spirit of child welfare and juvenile justice.” – Eric Meaux

No further discussion.

Call to the Public:

No public members present.

Adjournment:

Motion to adjourn was made by Judge Tim Ryan Motion Seconded: Judge Monica Stauffer
The meeting adjourned at 12:43pm

Next COJC Meeting:

The next COJC meeting is scheduled for Thursday, January 17, 2019 at the Arizona Courts Building, Room 101.