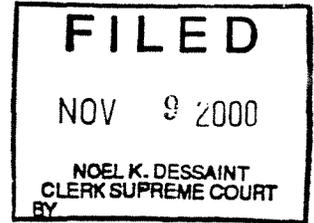


IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION §6-302:	)	No. 2000- <u>83</u>
JUVENILE INTENSIVE PROBATION	)	(Replacing Administrative
SUPERVISION	)	Order No. 90-9)
<hr/>	)	

The above captioned provision having come before the Arizona Judicial Council on October 19, 2000 and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution, and Arizona Revised Statutes (A.R.S.) §8-351 through §8-358,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration replacing Administrative Order 90-9.

Dated this 9th day of November, 2000.

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THOMAS A. ZLAKET  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 3: Juvenile Services**  
**Section 6-302: Juvenile Intensive Probation Supervision**

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

"Abscond" means a juvenile probationer has left the primary place of residence without permission of the probation officer or whose whereabouts are unknown.

"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 method of determining the level or identifiable substances in the body including, but not limited to, breathalyzer tests, blood tests and urine samples.

"AOC" means Arizona Supreme Court, Administrative Office of the Courts.

"Combined department" means a county probation agency that provides both adult and juvenile probation services.

"Community service" means unpaid labor or services provided to a not-for-profit private or governmental agency.

"Court" means superior court.

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

"Hand count" means manual tabulation of all intensive probation case files in the county, conducted independently from any automated system.

"High risk" means a juvenile that is currently on standard probation and is determined to have a strong probability to re-offend and is supervised by an intensive probation officer.

"Long term residential placement" means a juvenile in an out of home facility for more than 30 days.

"JIPS" means juvenile intensive probation supervision.

"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.

"Risk Needs assessment" means a tool to indicate the individuals propensity to re-offend and the treatment services needed to help prevent further illegal activities.

"Short term residential placement" means a juvenile living in an out-of-home facility for less than 30 days.

"Visual contact" means a face-to-face communication to discuss progress, issues of concern or other appropriate matters.

**B. Applicability.** Article VI, Section 3 of the Arizona Constitution and as provided by A.R.S. §8-358(A): "the Supreme Court shall establish juvenile intensive probation guidelines." The AOC shall administer 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 this article of a highly structured, 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 the JIPS programs on behalf of the Supreme Court;
- b. Monitor JIPS programs;
- c. Prepare written material setting forth 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 program;
- 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 courts' 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 code, as necessary for the administration of JIPS; and
- k. Annually submit, pursuant to A.R.S. §8-358(B):

...a report stating the number of persons supervised on JIPS during the prior year and the nature of the offense and the delinquent history of each of these persons for submission to the governor, the speaker of the house of representatives, and the president of the senate at the time the Supreme Court submits its annual budget request to the legislature.

- 2. For purposes of uniform administration, each juvenile court and juvenile probation department receiving state JIPS funds shall comply with this code.

#### **E. Budget Request Preparation.**

- 1. Pursuant to A.R.S. §8-357, the presiding judge of the juvenile court in any county wishing to operate a JIPS program 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.
- 2. 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 Supreme Court's annual budget. The administrative director shall allocate to the juvenile 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. If a juvenile court does not agree with the allocations, and requests further review, the chief justice shall make the final determination.
- 4. Each participating juvenile court shall support the budget request with written justification and explanation as required by the administrative director.

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

1. Each participating juvenile court shall submit an expenditure plan to the administrative director. The expenditure plan and any plan modification shall be consistent with A.R.S. §8-351 through §8-358, this code, the Supreme Court's budget request and with available monies appropriated by the legislature for JIPS programs. The participating 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 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 of the Supreme Court for consideration and final determination.
4. Pursuant to A.R.S. § 12-263, on approval of the plan as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting juvenile court for the distribution of funds. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or due to the juvenile court's failure to comply with applicable statutes, the approved plan, funding agreement, or this code.
5. The administrative director may also reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
6. Pursuant to A.R.S. § 12-268(B), the county's chief fiscal officer shall deposit funds received by the juvenile court pursuant to A.R.S. §8-357 into a separate account within the juvenile probation services fund.
7. Each participating juvenile court shall use allocated state funds and interest only for the support and operation of JIPS.
8. On agreement with a participating court, the administrative director may withhold funds allocated to the 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 the juvenile court of each participating 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 the juvenile court of each participating 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 the juvenile court of each participating 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 programs.
13. Each participating juvenile court and its juvenile probation department shall maintain and provide to the AOC data and statistics as may be required by the Supreme Court to administer funding for JIPS programs.
14. On request of the AOC, the director shall conduct hand counts of the county's intensive probation population. The director shall submit the results of the hand counts to the AOC.
15. Each participating juvenile court and its probation department shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least 5 years from the close of each fiscal year.
16. Each participating juvenile court shall deposit fees collected pursuant to A.R.S. §8-241(B), 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)(1) provides that, "...the Supreme Court shall ensure that juveniles who are granted intensive probation meet the requirements of A.R.S. § 8-352."
2. Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS .
3. The court shall not grant intensive probation to juveniles placed in an residential treatment center for more than 30 days. The court shall suspend JIPS or reduce the juvenile to standard probation, if the juvenile is currently on JIPS and requires placement over 30 days.

4. Pursuant to A.R.S. § 8-352(B), prior to recommending intensive probation, the juvenile probation officer shall evaluate all of the following:
  - a. The juvenile's history of referrals and adjustments,
  - b. The juvenile's risk to the community,
  - c. The nature of the offense,
  - d. The delinquent history of the juvenile and
  - e. The needs of the juvenile.
5. A juvenile probation officer who recommends intensive probation shall state the reasons for the recommendation in the pre-dispositional report. The officer shall recommend and the court shall order JIPS only 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 placement in an out-of-home institutional or residential setting;
  - c. Juveniles who, as defined by A.R.S. § 8-341(C)(D)(E), are defined and adjudicated as repeat felony juvenile offenders; or
  - d. Juveniles who, after considering the nature of the offense, prior delinquent history, needs and risk to the community, are in need of a highly structured, closely supervised program of probation which emphasizes surveillance, education, work and home detention and who, without this program, shall pose a substantial risk to the community.
6. Pursuant to A.R.S. § 8-352 and this code, the juvenile court may place a juvenile in the JIPS program who is currently on probation for a delinquent act and is considered a high risk to the community, but has been adjudicated for a technical violation of probation.
7. Prior to placing a juvenile into a JIPS program, 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, pursuant to A.R.S. § 8-357; and
  - d. Other factors appropriate to the ends of justice.

8. A.R.S. § 8-352(D) provides; "...when granting JIPS , the court shall set forth on the record the factual reasons for using the disposition."

**I. Dispositional Provisions.** Juvenile intensive probation shall be conditioned on the juvenile:

A.R.S. § 8-352(E) provides:

1. Participating in one or more of the following throughout the term of intensive probation for not less than thirty-two (32) hours total, each week:

- (a) School or other approved education program,
- (b) A court-ordered treatment program,
- (c) Employment and/or
- (d) Supervised community service work each week where the juvenile may be supervised by an approved adult other than the JIPS team.

2. Paying restitution and probation fees, except that the inability to pay probation fees or restitution does not prohibit participation in the JIPS program.

3. Remaining at a place of residence approved by the JIPS team except to attend school, work, treatment, and/or perform community service or to participate in some activity as specifically allowed in each instance by the supervising JIPS team or if in the direct company of a parent, guardian, or custodian, as approved by the JIPS team.

4. Allowing administration of drug and alcohol tests as directed by a JIPS team.

5. Meeting any other conditions imposed by the court 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 that: "...each 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. Intensive probation officers shall only supervise juveniles on intensive probation. See section L., Waiver Procedure, for exceptions.

2. A JIPS team's active caseload shall include:

- a. Juveniles residing in their county and receiving intensive probation,
- b. Juveniles in short term residential placement,

- c. Juveniles incarcerated in detention,
  - d. Juveniles in residential placement in another county and actively supervised by the county of origin in accordance with established policies and procedures, and
  - e. Juveniles on warrant status for less than 90 days.
3. 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 county/state/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 county/state/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 participating juvenile court, the administrative director may waive supervision, contact and caseload limit requirements.

1. A.R.S. § 8-356(A) provides:

The requirements of A.R.S. § 8-353, subsections A and B and subsection C, paragraph 2 may be waived by the Supreme Court for a county with a population of fewer than three hundred thousand persons if the case load of every officer 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 JIPS caseload for each JIPS officer does not exceed fifteen, JIPS officers may supervise 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 caseload does not exceed fifteen.

3. The director shall file a waiver request with the AOC on a form prescribed by the administrative director. The administrative director shall determine whether to grant the waiver.

**M. Program Operations.**

1. Each participating department shall:

- a. Have a written procedure regarding the 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.
- b. Work 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.
- c. Ensure the collection of monies owed as a condition of probation.
- d. Develop policies and procedures that ensure that probation officers providing intensive supervision shall reexamine 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.

2. Each JIPS team shall:

- a. "...exercise close supervision and observation over juveniles ordered to participate in the intensive probation..." as required by A.R.S. § 8-353.
- b. Make documented efforts to locate an absconder. 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.
- c. Closely monitor school attendance and performance,
- d. Assist those juveniles seeking employment and closely monitor employment of juveniles,
- e. Involve the parent or guardian in the rehabilitation and treatment of the juvenile,
- f. Closely monitor participation in court-ordered treatment programs,
- g. Provide or arrange for appropriate supervision of juveniles performing community service work,

- h. Ensure that juveniles placed on intensive probation pay restitution and probation fees.
    - (1) The inability to pay probation fees or restitution does not prohibit participation in the intensive probation program.
    - (2) Establish monthly payment schedules which emphasize payment of restitution and probation fees in the absence of specific court ordered monthly payment schedules.
  - i. Reexamine the risks and needs of each juvenile in the intensive probation program and determine the risks or benefits of modifying the level of supervision of the juvenile, pursuant to A.R.S. § 8-354(A).
  - j. If the juvenile's conduct justifies revocation, as provided by A.R.S. § 8-353(C)(4); "...request the county attorney to bring a noncompliant juvenile before the court."
  - k. As authorized 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."
3. A.R.S. § 8-354(A) provides: "...the court may at any time modify the placement or the level of supervision of a juvenile granted intensive probation".
  4. The probation officer may petition the court to terminate the period of intensive probation based on the use of a Risk Needs assessment and an evaluation of the juvenile's 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 a reassessment of the risks and needs of the juvenile and shall be based on satisfactory compliance and performance by the juvenile with the conditions and terms of intensive probation.
  6. Pursuant to A.R.S. § 8-354, 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.
  7. 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 N, Minimum Contact Requirements.
  8. Pursuant to A.R.S. § 8-396(A), when the court receives a petition to terminate probation, the court shall provide notification to those victims who have requested notification of probation related matters.

## **N. Minimum Contact Requirements.**

1. The following contact requirements are established as minimum thresholds. Each juvenile probation department may establish more rigorous contact requirements for any supervision level. Each director shall ensure that all established minimum contact requirements are provided in writing to each JIPS team, along with appropriate training on adherence to those requirements.
2. Supervision Level I shall include:
  - a. Visual contacts. The JIPS team shall have a minimum of four visual contacts with each juvenile per week. Visual contacts shall be varied and unscheduled, and include evenings, weekends and holidays;
  - b. Employment verification. Pursuant to A.R.S. § 8-355, the JIPS team shall make weekly 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. Pursuant to A.R.S. § 8-352, the JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
  - f. Community service. The JIPS team shall maintain community service contacts with each juvenile performing work to ensure compliance with A.R.S. § 8-355; and
  - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.
3. Supervision Level II shall include:
  - a. Visual contacts. The JIPS team shall have a minimum of two visual contacts with each juvenile per week. Visual contacts shall be varied and unscheduled, and include evenings, weekends and holidays;
  - b. Employment verification. Pursuant to A.R.S. § 8-355, the JIPS team shall contact with the employer of an employed juvenile once every two weeks;

- 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. Pursuant to A.R.S. § 8-352, the JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
  - f. Community service. The JIPS team shall maintain community service contacts with each juvenile performing work to ensure compliance with A.R.S. § 8-355; and
  - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.
4. Supervision Level III shall include:
- a. Visual contacts. The JIPS team shall have a minimum of one visual contact with each juvenile per week. Visual contact shall be varied and unscheduled, and include evenings, weekends and holidays;
  - b. Employment verification. Pursuant to A.R.S. § 8-355, the JIPS team shall contact with the employer of an employed juvenile once every two weeks;
  - 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. Pursuant to A.R.S. § 8-352, the JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
  - f. Community service. The JIPS team shall maintain community service contacts with each juvenile performing work to ensure compliance with A.R.S. § 8-355; and
  - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.

**O. Program Length.**

1. 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.
2. The juvenile's case and the supporting Risk Needs assessment shall determine the juvenile's level within the program. Juveniles may enter or exit the program at any level.
3. The supervising probation officer shall recommend an increase or decrease of the juvenile's supervision level through the use of the level system pursuant to the court's departmental policy. The JIPS team shall make a written recommendation regarding the length of time a juvenile remains at each level based upon satisfactory compliance.

**P. Required Records.**

1. A.R.S. § 8-353(C)(1) provides; "The juvenile intensive 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 records for each juvenile supervised, including, but not limited to:
  - a. An individual service plan or court report setting forth behavioral and program expectations and recommendations subject to the approval of the director;
  - b. Contact logs detailing the time, nature, and location of each contact related to each juvenile on JIPS; and
  - c. Current photograph and profile of each juvenile on JIPS.