

**FILED**  
JUL 11 2001  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	
ADMINISTRATION §6-304:	)	Administrative Order
COMMITMENT GUIDELINES	)	No. 2001 - <u>67</u>
TO THE ARIZONA DEPARTMENT	)	(Replacing Administrative
OF JUVENILE CORRECTIONS	)	Order No. 95-52)
	)	

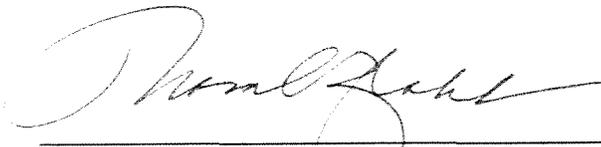
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The above captioned provision having come before the Arizona Judicial Council on June 5, 2001, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

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 No. 95-52.

Dated this 11th day of July, 2001.

  
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THOMAS A. ZLAKET  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 3: Juvenile Services**  
**Section 6-304: Commitment Guidelines to the Arizona**  
**Department of Juvenile Corrections**

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

“Commitment” means the issuing of a court order that assigns legal care and custody of a juvenile to the Arizona Department of Juvenile Corrections (ADJC).

“Delinquent act” means the same as provided by A.R.S. § 8-201 (10), that is: “...an act by a juvenile which if committed by an adult would be a criminal offense or a petty offense...”

"Incorrigible offense" means an offense that can only be committed by a child under the age of 18, and which would not be a crime if committed by an adult; for example truancy and running away.

“Secure care” means the same as provided by A.R.S. § 8-201 (25), that is: “confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.”

**B. General Purpose.**

1. A.R.S. § 8-246 (C) requires the development of guidelines by the supreme court, in cooperation with ADJC, “...to be used by the juvenile court judges in determining those juveniles who should be committed to the department of juvenile corrections.”
2. These guidelines shall be used in conjunction with any other factors relevant to the commitment of a juvenile to the care and custody of the ADJC.

**C. Administration: Guidelines for Commitment.**

1. When considering the commitment of a juvenile to the care and custody of ADJC, the juvenile court shall:
  - a. Only commit those juveniles who are adjudicated for a delinquent act and whom the court believes require placement in a secure care facility for the protection of the community;

- b. Consider commitment to ADJC as a final opportunity for rehabilitation of the juvenile, as well as a way of holding the juvenile accountable for a serious delinquent act or acts;
  - c. Give special consideration to the nature of the offense, the level of risk the juvenile poses to the community, and whether appropriate less restrictive alternatives to commitment exist within the community; and
  - d. Clearly identify, in the commitment order, the offense or offenses for which the juvenile is being committed and any other relevant factors that the court determines as reasons to consider the juvenile a risk to the community.
2. The juvenile court shall not consider juveniles for commitment to ADJC when charged with an incorrigible offense or offenses or a violation of a court order while under protective supervision for an incorrigible offense. A.R.S. § 8-342 (A) provides: “A child under the age of eight years shall not be committed to the department of juvenile corrections nor shall a dependent or incorrigible child be awarded to the department of juvenile corrections.”