

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	
ADMINISTRATION § 6-309:)	Administrative Order
FOSTER CARE, TREATMENT AND)	<u>No. 2004 - 56</u>
EDUCATION PAYMENTS)	(Replacing Administrative
_____)	Order No. 97-16)

The above captioned provision having come before the Arizona Judicial Council on June 21, 2004, 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. 97-16.

Dated this 21st day of July, 2004.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-309: Foster Care, Treatment and Education Payments

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

“Court” or “courts” means the juvenile division of the superior court in each county.

“Department” means the administrative sector of the juvenile division of the superior court in each county.

“Exceptional expenses” means those costs in excess of typical living costs.

“Family” means the juvenile plus any immediate kindred.

“Monthly income” means pre-tax earnings from wages or salary, social security, VA benefits, unemployment benefits, investment income, lottery winnings, trust funds, and inheritance for the juvenile or the parents. When the fee scale is based on pre-tax income, pre-tax earnings shall be used

“Parent” as provided in A.R.S. §8-501 means “the natural or adoptive mother or father of a child.”

B. Applicability. Pursuant to A.R.S. §8-243(A), “The supreme court shall administer the activities, including providing the cost of services, for children who are referred to the juvenile court as incorrigible or delinquent and who are placed in foster care other than in a state institution or who require shelter care or treatment...”

C. Purpose. To clarify and implement the process for the collection, accounting, and reporting of payments collected from juveniles or parents of juveniles participating in foster care, treatment, education programs in accordance with A.R.S. §8-322 and juveniles ordered to comply with a program pursuant to A.R.S. §8-321(F). Pursuant to A.R.S. §8-243(A), “Monies collected for this purpose are exempt from section 41-2421, subsection C.”

D. General Administration. The administrative office of the courts (AOC) may allocate funds received pursuant to this section to the courts as supplemental funding to be used in accordance with A.R.S. §8-322.

E. Duties of the Court or Department.

1. Each court or department shall adopt policies and procedures for assessing treatment service costs that conform to this code section.
2. A.R.S. §8-243(A) provides,

...If the juvenile court places a referred child in foster care or orders a referred child to participate in treatment or an education program or if a probation officer requires a child to comply with a program pursuant to §8-321, subsection F, the juvenile court shall inquire into the ability of the child or the child's parent to bear the charge or expense of the foster care, treatment, education program or program required pursuant to §8-321, subsection F. If the court is satisfied that the child or the child's parent can bear the charge or expense or any portion of the charge or expense, the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to §8-321, subsection F.

3. Each department shall develop a financial assessment form to determine the ability of the juvenile or parent to pay for treatment services ordered by the court or assigned by a probation officer during the diversion process. The financial assessment form shall include, at minimum:
 - a. Family size. Family size shall not include stepparents or significant others. Previous year's tax return may be used as verification of family size. Any additional births since the filing of the return shall be included.
 - b. Total monthly income. Income may be verified for all family members. Verification shall be in the form of:
 - (1) Pay stubs;
 - (2) Statements of earnings from employer, copies of social security or VA checks, unemployment, pensions, etc; and
 - (3) Previous or current year's tax return.
 - c. Current exceptional expenses. These expenses may include, but are not limited to:
 - (1) Un-reimbursed medical expenses;
 - (2) Child support payments;
 - (3) Expenses due to unforeseen financial crises; and
 - (4) Court-ordered fees assessed to the parent. One-time fees shall not be considered an exceptional expense.
4. Each department shall develop a financial assessment process to determine the ability of the juvenile or parent to pay for treatment services ordered by the court or assigned by a probation officer during the diversion process. The financial assessment process shall include, at minimum:
 - a. Time-frames for completing the assessment;

- b. A method to adjust the monthly income by subtracting the exceptional expenses from the total monthly income;
 - c. A method to determine whether the juvenile is covered by insurance and treatment costs the insurance company will cover;
 - d. A method to determine whether the juvenile receives Supplemental Security Income (SSI) when placed in an out-of-home care program except for shelter care or respite;
 - e. A method to notify SSI when a juvenile receiving SSI is placed in out-of-home placement and request to become the representative payee for the time period of the out-of-home placement; and
 - f. A method for reviewing the assessment when a juvenile moves to another level of care.
5. Fees Schedule.
- a. Each department shall develop a fees schedule that includes a monthly-adjusted income scale or percentage adjusted for family size. More than one fee schedule may be developed to accommodate a program fee or a monthly assessment. All fee schedules shall slide down to zero.
 - b. Fee schedules shall include at least one of the following:
 - (1) One time fee schedules. These may be appropriate for diversion cases or short-term treatment programs.
 - (2) Program Fee schedules. A program fee may be established by applying a percentage or total fee due for the program. For example, a twelve session program at \$50 contract rate per session = \$600 program fee, of which the parent pays 25% or \$150.
 - (3) Monthly fee schedule. A monthly fee schedule may be developed for ongoing, long term programs such as out of home or long term outpatient programs.
 - c. Each court or department may, with good cause, reconsider the assessment based upon a juvenile's or parent's request showing changed financial circumstances.
6. Payment schedules. Each court or department, pursuant to A.R.S. §8-243(A), "...shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to §8-321, subsection F."
7. Each department shall:
- a. Place a copy of the payment schedule in the juvenile's social file; and

- b. Provide the parent with a copy of the payment schedule, which shall include the following:
 - (1) The specified amount to be paid;
 - (2) Beginning and projected ending payment dates; and
 - (3) A payment schedule, if applicable.
8. Pursuant to A.R.S. §8-243(A), "...the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to §8-321, subsection F".
9. Each department, in cooperation with the clerk of the court, shall establish an accounting process for monies received pursuant to A.R.S. §8-243(A) that conform to standard accounting procedures and minimum accounting standards. The process shall also include, but are not limited to, the following:
 - a. Tracking court orders requiring juvenile, parental or guardian assessments;
 - b. Receiving of monies;
 - c. Depositing of monies;
 - d. Forwarding of payment to the AOC;
 - e. Reporting to the AOC; and
 - f. Documentation of efforts to collect delinquent amounts.
10. Each department shall keep on file all provider billing invoices for treatment services for which an assessment is ordered.
11. Each department or clerk of the court shall submit the following each month:
 - a. A report to the AOC finance office, attention Juvenile Probation Services Fund (JPSF) by the fifteenth of every month. The report shall include, at minimum, the following:
 - (1) Name of party assessed or payor; and
 - (2) The case number or the Juvenile On-line Tracking System (JOLTS) file number and the payments that have been processed for the proceeding month.
 - b. A check transmittal form (see Appendix A) for transmitting money collected and a check payable to the AOC in an amount equal to the payments that have been processed for the proceeding month.

12. Monitoring process.

- a. Each department shall develop monitoring procedures to ensure that the payment for treatment services is set in accordance with the financial assessment and within the schedule of fees.
- b. Each department shall refund any overcharged amount to the juvenile or the juvenile's parent within thirty days from the date that the overcharge was detected.
- c. Each department may utilize a collection process to collect the necessary payments. The department shall not utilize the treatment amount owed to pay for an outside collection agency.
- d. Each department may pass the collection costs on to the client.

F. Duties of the AOC finance office. The AOC finance office shall:

1. Process the monthly forms and checks received from the courts or the clerk of the court in accordance with the accepted and approved minimum accounting standard;
2. Deposit all funds received pursuant to this section into the AOC JPSF account; and
3. Forward a copy of the transmittal forms to the AOC Juvenile Justice Services Division by the 30th of each month.

APPENDIX A
Arizona Supreme Court
Administrative Office of the Courts

CHECK TRANSMITTAL FORM

Date: _____

County: _____	Court Address: _____ _____
Check #: _____	Amount Collected Diversion \$ _____ Amount Collected Treatment \$ _____ Total Check Amount \$ _____

I certify that the attached list represents payments collected pursuant to a court order under the authority of A.R.S. §8-243(A). The attached list represents the names and case numbers or JOLTS file numbers of the juveniles for whom payment has been made, the names of parties assessed or payors, and the amounts paid.

Authorized Court Signature Date

/ No payments have been collected this month pursuant to A.R.S. §8-243(A).

Authorized Court Signature Date

FOR AOC USE ONLY

/ Check Received

AOC Finance Office Date

Mail to: Arizona Supreme Court Administrative Office of the Courts Finance Office/Parental Payment Attn.: Juvenile Probation Service Fund 1501 West Washington, Suite 221 Phoenix, AZ 85007-3231
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