

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
NOV - 7 1984
S. ALAN COOK
CLERK SUPREME COURT.
BY

IN THE MATTER OF: ADMINISTRATIVE)
REQUIREMENTS FOR STATE AID FOR)
PROBATION SERVICES)

ADMINISTRATIVE
ORDER NO. 84-13

In accordance with the authority granted the Arizona Supreme Court by Article 6 of the Arizona Constitution and pursuant to Chapter 2 of Title 12, A.R.S. §§ 12-261 through -266 as amended, the following administrative requirements are issued to govern the procedures for State Aid for Probation Services.

- A. The Administrative Office of the Courts shall administer the program of State Aid for Probation Services. The Administrative Director shall have the authority to prescribe such procedures and requirements as may be necessary for the operation of the State Aid for Probation Services program. All proposed plans and reports required of participating courts shall be submitted to him. The Administrative Director or his designee may inspect and audit the records of participating probation departments.

- B. On or before May 1, each year the presiding judge of the superior court in each county shall notify the Administrative Director in writing if the court does not intend to participate in the State Aid for Probation Services program in the following fiscal year. State Aid for Probation

Services plans shall be submitted to the Administrative Director by May 31 of each year, for the following fiscal year.

- C. The presiding judge of the superior court in each county desiring to participate in the State Aid for Probation Services program, pursuant to A.R.S. §§ 12-261 through -266 as amended, shall submit to the Administrative Director one or more of the following plans:

For Program Funds in Which Adult and Juvenile Departments May Participate

1. A plan to improve, maintain, or expand juvenile probation services;
2. A plan to achieve or maintain the average adult probation case supervision requirement prescribed in A.R.S. § 12-251.

For Program Funds in Which Only Adult Departments May Participate

1. A plan to achieve or maintain the average adult probation case supervision requirement prescribed in A.R.S. § 12-251.

- D. A submitted plan must be accompanied by a resolution of the board of supervisors of the county approving the plan. Such resolution may authorize future modification of the plan

subject to Supreme Court approval pursuant to these administrative requirements.

E. All plans must be in conformity with the statutory requirements as set forth in A.R.S. §§ 12-261 through -266 as amended. In addition, each submitted plan must set forth the following:

1. A statement that a minimum of 80 percent of the State Aid for Probation Services funds distributed by the Supreme Court pursuant to A.R.S. § 12-265 as amended, will be utilized for the payment of salaries and corresponding employee related benefits of probation officers supervising adults or juveniles on probation to the superior court who reside in the county.
2. The number of probation officer positions supervising adults or juveniles on probation within the county whose salaries are paid by county funds and whose salaries are paid by probation services fee funds as of the date the plan is signed by the presiding superior court judge.
3. The number of probation officer positions supervising adults or juveniles on probation within the county whose salaries will be paid with State Aid for Probation Services funds, including the following:

- a) Each position's title;
 - b) The total annual salary for each position;
 - c) The amount of the salary to be paid from State Aid for Probation Services funds.
4. A description of how or for what any remaining State Aid for Probation Services funds, not used for the salaries of probation officers supervising probationers, will be utilized.
5. The budget necessary to implement the plan and the total amount of the current county appropriation for adult or juvenile probation services or both, if applicable. The amount of the county's appropriation and budget for the fiscal year corresponding to the State Aid for Probation Services plan and a listing of the probation officer positions budgeted for the adult and juvenile probation departments shall be submitted as soon as it is known, but no later than October 1 of each year.
- F. State Aid for Probation Services funds are to be utilized to supplement county funds provided for probation services. No state funds may be used to increase any salaries funded under current county probation programs.

G. The allocation and distribution of funds, appropriated by the Legislature, to the participating superior courts for both adult and juvenile probation departments, shall be in accordance with A.R.S. § 12-265, as amended.

H. The allocation and distribution of funds, appropriated by the Legislature, to the participating superior courts for the sole purpose of achieving or maintaining the average adult probation case supervision requirement prescribed in A.R.S. § 12-251 shall be in accordance with A.R.S. § 12-265, as amended, along with the following conditions:

1. The Supreme Court shall allocate only one \$20,000 base amount to a participating superior court.
2. Funds expressly appropriated by the Legislature for the sole purpose of achieving or maintaining the average adult probation case supervision requirement prescribed in A.R.S. § 12-251, will be restricted to that use.
3. Regarding funds described in paragraph 2 above, the Supreme Court may give preference to the plans of those superior courts attempting to achieve the case supervision requirement prescribed in A.R.S. § 12-251.

- I. The Administrative Director, based on the monthly caseload statistical reports supplied to the Supreme Court by the superior court probation departments and such other information as may be available, shall advise the Supreme Court which probation departments are not in compliance with the supervision requirement prescribed in A.R.S. § 12-251 as of March 31 of each year.

- J. Upon the submission of a proposed plan by the presiding judge of a county, the Administrative Director will review the plan to determine whether it complies with the provisions of the statutes and these requirements.
 1. Any plan which is not in conformity with the statutes or the requirements shall be returned to the presiding judge of the submitting county by the Administrative Director with a written explanation explaining wherein the plan fails to comply either with the statutes or these requirements.

 2. The Administrative Director is authorized to approve the plans and modifications which are in conformity with the applicable laws and this order. Modification of approved plans shall be submitted in writing by the presiding judge of the superior court to the Administrative Office of the Courts, along with a notice that the board of supervisors has no objection to the proposed

modifications. The notice of board approval is not required if a statement authorizing modifications has been included in the board resolution on file with the approved plan. In the event that the Administrative Director determines not to approve a plan or plan modification submitted by the presiding judge of the county, he shall submit the plan to the Chief Justice of the Supreme Court for consideration and final determination.

3. In the event any plan is rejected by the Chief Justice, the reasons for such rejection shall be stated in writing and sent to the presiding judge of the county.
4. Upon approval of a plan, the Administrative Director is authorized to enter into a funding agreement with the submitting superior court and to make such payments to the court as is necessary to carry out the agreement.
5. Funds received pursuant to these requirements shall be deposited in a Special Revenue Fund established pursuant to the procedures provided in Section III.B of the Auditor General's Uniform Accounting Manual for Arizona Counties.

- K. By May 31 and December 31 of each year, the presiding judge of the superior court in each participating county shall submit to the Administrative Director an evaluation report, on a form provided by the Administrative Director of the Courts, describing the program and its accomplishments.
- L. State Aid for Probation Services funds unencumbered as of June 30 of each fiscal year and unexpended as of July 31 shall be returned to the Supreme Court for reversion into the state general fund. Such funds shall be forwarded to the Administrative Director on or before August 31 of each year, and shall be accompanied by a closing financial statement signed by the presiding judge and the presiding juvenile court judge on a form provided by the Administrative Director of the Courts.

APPROVED as revised this 6th day of November, 1984, by the
Arizona Supreme Court.

WILLIAM A. HOLEHAN, Chief Justice