

FILED
MAR 27 1990
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

IN THE MATTER OF: ADMINISTRATIVE)
REQUIREMENTS FOR JUVENILE) ADMINISTRATIVE
INTENSIVE PROBATION SUPERVISION PROGRAMS) ORDER NO. 90- 9
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IN ACCORDANCE WITH THE AUTHORITY GRANTED THE ARIZONA SUPREME COURT BY ARTICLE 6 OF THE ARIZONA CONSTITUTION AND PURSUANT TO CHAPTER 2 OF TITLE 8, A.R.S. §8-271 THROUGH §278 AS AMENDED, IT IS ORDERED THAT THE FOLLOWING ADMINISTRATIVE REQUIREMENTS ARE ISSUED TO GOVERN THE PROCEDURES FOR JUVENILE INTENSIVE PROBATION SUPERVISION PROGRAMS. THIS ORDER SUPERSEDES ADMINISTRATIVE ORDER 87-12, DATED MARCH 26, 1987.

A. Preamble

The following requirements are adopted to administer Juvenile Intensive Probation Programs in the State of Arizona pursuant to Arizona Revised Statutes §8-271 et seq. These requirements are adopted under authority of the foregoing law and by authority granted this Court by Article VI, Section 3 of the Arizona Constitution. The purpose of Juvenile Intensive Probation Supervision Programs administered pursuant to this Order is to reduce commitments to the State Department of Corrections and other institutional or out-of-home placements or to use the Juvenile Intensive Probation Supervision Program for juveniles who are in need of a

highly structured, closely supervised program which emphasizes surveillance, education, work and home detention.

B. General Administration

General administration of Juvenile Intensive Probation Programs on behalf of this Court shall be under the direction of the Supreme Court's Administrative Office of the Courts. The Administrative Director of the Courts¹ is authorized to prescribe and adopt policies and procedures, forms, and reports necessary for the financial and program administration and management of Juvenile Intensive Probation Supervision, Juvenile Intensive Probation Supervision appropriations, distribution of funds, and other requirements imposed by law or this Order. The Administrative Office of the Courts is authorized and directed to monitor, inspect, audit, or have audited the records of any Superior Court operating a Juvenile Intensive Probation Supervision Program. The Administrative Director shall establish guidelines and procedures, in consultation with Juvenile Courts, for determining compliance with each Juvenile Courts' Juvenile Intensive Probation Supervision Program plan and budget request. The Administrative Office of the Courts shall assist Juvenile Courts in developing their Juvenile Intensive Probation Supervision Program plans and budgets. The Administrative Office of the Courts is authorized and directed to provide general assistance to Juvenile Courts, including evaluation, education programs

¹As used in this order, Administrative Director means the Juvenile Intensive Probation Supervision Programs including authority to Administrative Director or his designee.

and training programs, on the operation of Juvenile Intensive Probation Supervision Programs. The Administrative Office of the Courts shall annually prepare the Supreme Court's report stating the number of persons supervised on Juvenile Intensive Probation Supervision during the prior year and the nature of the offense and the delinquent history of each of these persons for submittal 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.

The Administrative Office of the Courts, in consultation with Juvenile Courts, may prepare additional written materials consistent with the above-referenced act and this Order setting forth various techniques, practices, and other recommendations regarding the operation and management of Juvenile Intensive Probation Supervision Programs, including criteria to be considered by Probation Officers in determining whether to recommend a person for Juvenile Intensive Probation Supervision. Such written material shall be distributed to appropriate Juvenile Court Judges and Directors of Juvenile Court Services.

The Administrative Director of the Courts may adopt other administrative practices, policies, and procedures, not inconsistent with this Order as may be necessary and expedient for the Supreme Court's general administration of the Juvenile Intensive Probation Supervision Program.

C. Budget Request Preparation

1. The Presiding Juvenile Court Judge of the Superior Court in any county wishing to implement and operate a Juvenile Intensive Probation Supervision Program shall submit each year a proposed plan and budget request for the following fiscal year to the Administrative Office of the Courts. The date for submittal shall be established by the Administrative Director and such requests shall be filed on forms and according to instructions prescribed by him.
2. Budget requests from the Superior Court may include normal and reasonable categories necessary to support and operate a Juvenile Intensive Probation Supervision Program, including funds for personnel services, employee-related benefits, professional and outside contractual services, treatment, operating expenses including travel expenses and equipment.
3. Consistent with guidelines established by the Administrative Director, the Presiding Juvenile Judge of the Superior Court in the county shall annually submit a proposed budget for the following fiscal year for the Juvenile Intensive Probation Supervision Program to the Supreme Court. The Supreme Court shall review each request and include the counties' requests in its annual budget request and shall allocate to the counties the monies appropriated by the Legislature for Juvenile Intensive Probation Supervision Programs.

4. The Administrative Director of the Courts shall determine the portion to be allocated from available funds to each participating Superior Court. If a Superior Court is not in agreement with the allocations, the Chief Justice shall make the final determination. The Administrative Director may reallocate the funds during the year, based on actual need and usage.
5. All budget requests shall be supported by adequate justification and explanation.

D. Program Plan and Financial Management

1. Each Juvenile Court shall submit its plan in the format and on forms as required by the Administrative Office of the Courts. Such plans must be submitted and approved prior to distribution of funds. The plan and any plan modification shall be consistent with A.R.S. §8-271 et seq., this Order and the court's budget request. The Administrative Director is authorized to approve those 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 Juvenile Court Judge in a form approved by the Administrative Director. In the event that the Administrative Director determines not to approve a plan or plan modification submitted by a Superior Court, he shall submit the plan to the Chief Justice of the Supreme Court for consideration and final determination.

2. Upon approval of the plan and availability of funds, the Administrative Director shall enter into a written funding agreement with the submitting Court for distribution of the allocated funds on a basis determined by the Administrative Director. The Administrative Director shall have authority to alter the funding agreement if such action is necessary due to a lack of funds, a lack of financial need by the Court, or due to failure to comply with the applicable statutes, the approved plan or these administrative requirements.
3. Funds received by the Superior Court pursuant to these administrative requirements shall be deposited into a separate special revenue fund with the County Treasurer established pursuant to the procedures provided in Section III.B and IV.I of the Auditor General's Uniform Accounting Manual for Arizona Counties.
4. State funds appropriated to the Supreme Court for distribution to Superior Courts shall be used only for the support and operation of approved Juvenile Intensive Probation Supervision Programs. Upon agreement with any one or more Superior Courts, the Administrative Director may withhold funds allocated to such Courts and may authorize direct expenditures for the benefit of such Courts. The Administrative Director may also reallocate funds during a fiscal year, when circumstances justify such action.

5. Fees collected pursuant to A.R.S. §8-241.B shall be deposited into the Juvenile Probation Services Fees Fund pursuant to A.R.S. §12-268.
6. The Presiding Juvenile Court Judge of each Superior Court shall submit to the Administrative Office of the Courts, by January 31 of each year, a report as required by the Administrative Office of the Courts, setting forth actual financial and program activity related to each Court's plan as of December 31.
7. The Presiding Juvenile Court Judge of each Superior Court shall return to the Supreme Court on or before August 31, for reversion into the State General Fund, all Juvenile Intensive Probation Supervision funds distributed to that Superior Court which are unencumbered as of June 30 of each fiscal year and unexpended as of July 31. The reverted funds shall be accompanied by a closing financial statement and a program activity report related to each Court's plan as of June 30, signed by the Presiding Juvenile Court Judge.
8. Each participating Superior Court and its juvenile probation department shall maintain and provide to the Administrative Office of the Courts such data and statistics as may be required by the Administrative Director. Such data shall include, at a minimum, the information necessary for the Supreme Court's Juvenile Intensive Probation Supervision Annual Report and program evaluation as required by law.

9. Each Superior Court and its juvenile probation department shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least three years from the close of each fiscal year.

E. Eligibility Requirements for Juvenile Intensive Probation Recommendation

1. Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for Juvenile Intensive Probation Supervision.
2. Pursuant to A.R.S. §8-272.B, the Juvenile Probation Officer shall evaluate the needs of the juvenile and the juvenile's risk to the community, including the nature of the offense, the delinquent history of the juvenile and the juvenile's history of referrals and adjustments.
3. If the Juvenile Probation Officer recommends that the offender be placed in the Juvenile Intensive Probation Supervision Program, the reasons supporting the recommendation shall be included in the pre-dispositional report. The Officer should only recommend and the Court shall only order Juvenile Intensive Probation Supervision for:
 - A. Offenders that would otherwise have been recommended for commitment to the State Department of Corrections,; or,
 - B. Offenders recommended for placement in an out-of-home institutional or residential setting; or,

- C. Offenders 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 such program will likely pose a substantial risk to the community.
4. Pursuant to these administrative requirements and A.R.S. §8-272, the Superior Court may place an offender in the Juvenile Intensive Probation Supervision Program who is currently on probation but has been adjudicated of a technical violation of probation.
 5. Prior to placing an offender into a Juvenile Intensive Probation Supervision Program, the Court shall consider the Juvenile Probation Officer's recommendations, the factual basis and circumstances leading to the offender's disposition and any other factors deemed appropriate to the ends of justice. When granting Juvenile Intensive Probation Supervision, the Court, pursuant to A.R.S. §8-272.D, shall set forth on the record the factual reasons for using the disposition.
 6. Juvenile Intensive Probation Supervision shall be conditioned on the juvenile:
 - a) Participating in one or more of the following throughout his or her term of intensive probation for not less than thirty-two (32) hours each week:
 - 1) school or other approved education program,
 - 2) a court-ordered treatment program,

- 3) employment,
 - 4) supervised community service work each week where the juvenile may be supervised by an adult approved by the Juvenile Intensive Probation Officer.
- b) Paying restitution and probation fees, except that the inability to pay probation fees or restitution does not prohibit participation in the Juvenile Intensive Probation Supervision Program.
 - c) Remaining at a place of residence approved by the Juvenile Intensive Probation Officer 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 Juvenile Intensive Probation Officer, or if in the direct company of a parent, guardian, or custodian, as approved by the Juvenile Intensive Probation Officer.
 - d) Allowing administration of drug and alcohol tests as directed by a Juvenile Intensive Probation Officer. The Juvenile Intensive Probation Officer may direct that the juvenile allow administration of such tests by the Surveillance Officer.
 - e) Meeting any other conditions imposed by the Court to meet the needs of the juvenile or to limit the risks to the community.
 - f) Probation fees shall be deposited in the Juvenile Probation Services Fees Fund, pursuant to A.R.S. §12-268.

F. Waiver Procedure

1. A Presiding Juvenile Court Judge of a Superior Court in a county with a population of fewer than 300,000 persons may request a waiver of the requirements of A.R.S. §8-273, subsections A and B and subsection C, paragraph 2, if the caseload of every Juvenile Intensive Probation Officer supervising persons on Juvenile Intensive Probation Supervision is not more than 15 juveniles and the program plan requires visual contact with each juvenile intensive supervision probationer at least one time a week.
2. Waiver requests shall be filed with the Administrative Office of the Courts in a format and on a form prescribed by the Administrative Director. The Administrative Director or his designee shall determine whether to grant or deny the waiver.
3. If a waiver is granted and the juvenile intensive probation caseload for each Juvenile Intensive Probation Officer does not exceed fifteen, Juvenile Intensive Probation Officers may supervise other additional juveniles on probation who in the judgment of the Director of Juvenile Court Services require additional supervision or pose a greater than normal risk to the community, as long as the total caseload does not exceed fifteen.

G. Program Operating Procedures

1. The Administrative Director of the Courts in consultation with Juvenile Courts, may adopt additional

requirements regarding A.R.S. §§8-272, 8-273, and 8-275. Each Juvenile Court shall comply with any such requirements, as applicable.

2. Each Juvenile Intensive Probation Supervision plan of a Superior Court must include, at a minimum, the requirements and responsibilities set forth in A.R.S. §8-273.
3. In compliance with A.R.S. §8-273, a Juvenile Intensive Probation Team or Juvenile Intensive Probation Officer shall request the County Attorney to bring a noncompliant probationer before the court if, in the judgment of the Juvenile Intensive Probation Officer, the person's conduct justifies revocation.
4. Pursuant to A.R.S. §8-272, the Juvenile Intensive Probation Team shall closely monitor school attendance and performance, assist those juveniles seeking employment, closely monitor participation in court-ordered treatment programs, and provide or arrange for appropriate supervision of juveniles performing community service work. The Juvenile Intensive Probation Team shall also ensure that juveniles placed on Juvenile Intensive Probation Supervision pay restitution, probation fees, and/or other payments except that the inability to pay probation fees or restitution does not prohibit participation in the Juvenile Intensive Probation Supervision Program. The term "other payments" shall be restricted to court-ordered payments

imposed as part of the disposition or as a condition of probation arising out of the proceeding by which the person was placed on Juvenile Intensive Probation Supervision. In the absence of specific court-ordered monthly payment schedules, the Director of Juvenile Court Services shall establish such monthly, payment schedules for each person in a Juvenile Intensive Probation Supervision Program which emphasizes payment of restitution and probation fees. Payment schedules and amounts may be modified by order of the Court.

5. Pursuant to A.R.S. §8-205.3, and as authorized by the Juvenile Court, a Juvenile Intensive Probation Officer or Surveillance Officer shall have the authority of a peace officer in the performance of his or her duties.
6. Each Juvenile Probation Officer providing juvenile intensive probation supervision shall, as set forth in the plan, periodically examine the needs of each person in a Juvenile Intensive Probation Supervision Program and the risks of modifying the level of supervision of the person, pursuant to A.R.S. §8-274.A. The Juvenile Court or the Director of Juvenile Court Services, as authorized by the Juvenile Court, may at any time modify the placement or the level of supervision of a person granted Juvenile Intensive Probation Supervision.
7. When, in the judgment of the Juvenile Intensive Probation Officer, Juvenile Intensive Probation Supervision is no longer required, the Officer may recommend to the Court that the person be removed from the

Juvenile Intensive Probation Supervision caseload. If the Court transfers the person to regular probation then the person will be assigned to some other Probation Officer.

8. Any recommendation by a Juvenile Intensive Probation Officer to the Court to terminate a juvenile's intensive probation supervision or to modify the level of supervision shall be preceded by a reassessment of the risks and needs of the probationer and shall be based on satisfactory compliance and performance by the probationer with the conditions and terms of Juvenile Intensive Probation Supervision.
9. Pursuant to A.R.S. §8-274, levels of supervision may be increased or progressively decreased over the term of supervision dependent upon compliance by the probationer with all of the conditions of probation, including continued law-abiding behavior. Requests by the Juvenile Intensive Probation Officer for a change in the level of supervision of a probationer shall be in accordance with the following minimum requirements for such changes, but the level of supervision cannot be decreased beyond the minimum level described in the following requirements for juvenile intensive supervision.

Minimum Requirements

Levels of Supervision For

Two-or Three-Person Juvenile Intensive Probation Teams

Supervision Level I

1. Visual Contacts

The Team or Officer is to have a minimum of four visual contacts with each probationer per week.

- a. Each participating probation department is to include in their Juvenile IPS operations varied visual contacts to include evenings and weekends. (See Requirement #5.)
- b. Additional contacts of varied nature are also to be included as part of each plan to ensure the close supervision and monitoring of each probationer.

2. Employment Verification

For juveniles under employment, the Team or Officer shall make weekly contact with the employer of the probationer pursuant to A.R.S. §8-275.

3. School Checks

The Team or Officer shall make weekly contact with the school or education program staff of a probationer so enrolled for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the probationer's progress.

4. Parental Involvement

The Team or Officer shall contact the parents or legal guardians of each probationer at least once per week to discuss the probationer's progress and behavior in the home and community.

5. Curfew

The Team or Officer shall establish curfews for each juvenile under Juvenile Intensive Probation Supervision and shall provide appropriate supervision to ensure compliance pursuant to A.R.S. §8-272.

6. Community Service

The Team or Officer shall provide appropriate supervision or the Juvenile Intensive Probation Officer may select an adult of good moral character to provide supervision of juveniles performing community service work. The Team or Officer shall maintain sufficient community service contacts with each juvenile performing such work to ensure compliance with A.R.S. §8-275.

7. Alcohol/Drug Tests

The Team or Officer shall administer alcohol and drug tests as required in the judgment of the Juvenile Intensive Probation Officer or according to the policy and procedures of the participating Superior Courts.

Supervision Level II

The recommendation must be preceded by a reassessment of the risks and needs of the probationer, compliance with the terms of A.R.S. §8-275, and other conditions, positive adjustment, including remaining arrest free and free of drugs and alcohol abuse.

1. Visual Contacts

- a. The Team or Officer is to make a minimum of two visual contacts per week. Contacts each month should include evenings and weekends.

b. Additional contacts of varied nature are to be included as part of the plan by each department to provide for close supervision and monitoring of the probationer.

2. Employment Verification

For juveniles under employment, the Team or Officer shall contact the employer at least once every two weeks.

3. School Checks

Same as Supervision Level I.

4. Parental Involvement

Same as Supervision Level I.

5. Curfew

Same as Supervision Level I.

6. Community Service

Same as Supervision Level I.

7. Alcohol/Drug Tests

Same as Supervision Level I.

Supervision Level III

After completion of supervision levels I and II, the Juvenile Intensive Probation Officer shall again conduct a reassessment of the risks and needs of the probationer, and the adjustment of the probationer. The Juvenile Intensive Probation Officer may recommend that the probationer be placed in Supervision Level III or may make other appropriate recommendations.

1. Visual Contacts
 - a. The Team or Officer is to have at least one visual contact per week with the probationer.
 - b. Some additional contacts of a varied nature are to be made to provide for the close supervision and monitoring of the probationer pursuant to the approved plan of each department.
2. Employment Verification

Same as Supervision Level II.
3. School Checks

Same as Supervision Level I.
4. Parental Involvement

Same as Supervision Level I.
5. Curfew

Same as Supervision Level I.
6. Community Service

Same as Supervision Level I.
7. Alcohol/Drug Tests

Same as Supervision Level I.
10. Juvenile Intensive Probation Supervision Teams or Officers shall maintain verifiable records of each juvenile's participation, including but not limited to, the following:
 - a. A treatment plan or court report setting forth behavioral and program recommendations subject to the approval of the Director of Court Services or their designee.

- b. Daily contact logs detailing the time, nature, and location of each contact made with each juvenile under Juvenile Intensive Probation Supervision.
11. These administrative requirements are subject to modifications as deemed necessary.
12. This Order supersedes Administrative Order 87-3 and 87-12.
- DATED AND ENTERED this 27th day of March, 1990, at the State Capitol in Phoenix, Arizona.

FOR THE COURT

FRANK X. GORDON, JR.,
Chief Justice