

**ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet**

Section 6-109: Community Service and Volunteer Insurance

1. **Effect of the proposal:** The proposed amendments to this section stem statutory changes and changes to the approved ACJA drafting guidelines.

2. **Significant new or changed provisions:**
 - Reflects statutory change (effective December 31, 2005) from community service to community restitution

3. **Committees actions and comments:** The proposed code section was provided to members of the Committee on Superior Court and Committee on Probation. It was also sent to Presiding Judges of the Superior Court, Clerks of the Superior Court, Court Administrators, and staff of the Adult and Juvenile Probation Services Divisions of the Administrative Office of the Courts. No comments have been received.

On November 10, 2005 the Committee on Probation, approved the proposed amendments.

On November 18, 2005 the Committee on Superior Court formally endorsed the current proposed amendments.

4. **Controversial issues:** None anticipated.

5. **Recommendation:** It is recommended that the Arizona Judicial Council approve the proposed amendments.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-109: Community ~~Service~~ Restitution and Volunteer Insurance

[Added text is shown underlined, deleted text by ~~strikethrough~~.]

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

“Community ~~service~~ restitution” means unpaid labor or services provided to a not-for-profit private or governmental agency.

“Court” means superior court.

“Court referred individuals” means adult and juvenile probationers and those youth assigned to diversion programs.

“Departments” means both adult probation and juvenile courts.

“Insured” means any eligible person who is covered under the current volunteers insurance policy.

“Policy” means one or more insurance plan or plans in effect between an authorized insurance company and the supreme court.

“Registered volunteers” are unpaid, approved non-court referred personnel who participate in community ~~service~~ restitution programs with departments and provide assistance to the adult probation departments.

B. Applicability. ~~Article VI, Section 3, of the Arizona Constitution~~ Az. Const. Art. 6, § 3 authorizes the supreme court to establish procedures to provide insurance coverage for adult and juvenile probation registered volunteers and court referred individuals who participate in community ~~service~~ restitution programs.

C. Purpose. To provide excess accidental medical, dismemberment and death insurance for adult and juvenile probation registered volunteers and court referred individuals participating in community ~~service~~ restitution programs.

D. General Administration.

1. The Administrative Office of the Courts (AOC) shall maintain an excess accidental medical, dismemberment and death insurance policy with an outside provider to cover registered

volunteers and court referred individuals participating in community ~~service~~ restitution programs.

2. Court referred individuals and registered volunteers shall complete a Volunteer Registration Form prior to participating in any community ~~service~~ restitution or providing assistance to the departments. The AOC shall provide sample forms. These forms may be amended by the departments to include additional information.
 - a. Departments shall retain all Volunteer Registration Forms.
 - b. Departments shall attach a copy of the completed Volunteer Registration Form to all claims specified in subSection H.

E. Coordination of Benefits. The AOC shall ensure the benefits payable under the policy provided pursuant to this ~~code~~ section are coordinated with the benefits payable under all other insurance plans if any injured registered volunteer or court referred individual is also covered under one or more other insurance plans.

F. Financial Management [no change]

G. Injury.

1. Any probation department or community ~~service~~ restitution program site supervisor shall arrange for immediate medical attention upon learning of a registered volunteer or court referred individual being injured.
2. Any probation department or community ~~service~~ restitution program site supervisor shall document and obtain a signed release if the injured registered volunteer or court referred individual refuses medical treatment.

H. Filing of Claims [no change]