

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-206: Adult Probation Services Fund, Probation Fees Account

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

“Administrative director” means both the administrative director of the Administrative Office of the Courts and the director’s designee.

“AOC” means Arizona Supreme Court, Administrative Office of the Courts.

“Court” means the superior court.

B. Applicability. Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-267 authorize the supreme court to establish guidelines for the use of state monies in the adult probation services fund.

C. Purpose. The probation fees account within the adult probation services fund is to be used to pay probation employee salaries and employee related benefits and to otherwise improve, maintain, or expand adult probation services within the county.

D. General Administration. In accordance with A.R.S. § 12-267 the chief fiscal officer shall:

- a. “. . . establish and administer an adult probation services fund . . .” consisting of all state, county, federal and other monies provided for adult probation, as well as probation fees collected pursuant to A.R.S. § 13-901.
- b. “. . . establish and maintain separate accounts in the fund showing receipts and expenditures of monies from each source . . .” Any interest earned on the monies in the adult probation services fund shall accrue to the separate accounts.
- c. Deposit probation fees collected pursuant to A.R.S. § 13-901(A) into a separate account, referred to as the probation fees account, within the adult probation services fund as required by A.R.S. § 12-267(A)(3).

E. Reporting Requirements.

1. A.R.S. § 12-267(B) provides: “. . . the chief fiscal officer of each county shall, on or before August 31 of each year for the preceding year, submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the adult probation services fund.” The administrative director shall provide the chief fiscal officer with the form to be used for submission.

2. A.R.S. § 12-267(B) provides: “. . . The presiding judge of the court in each county shall annually present to the board of supervisors for approval a detailed expenditure plan for the adult probation services fund accounts.” At the time the plan is submitted to the board of supervisors, the presiding judge shall provide a copy of the expenditure plan for the probation fees account to the administrative director. If the expenditure plan for the probation fees account is modified by the presiding judge, the modified plan shall be submitted to the administrative director.

F. Expenditure Guidelines.

1. At least 60% of the expenditures from the probation fees account during the fiscal year shall be used to pay probation employee salaries and employee related benefits.
2. The presiding judge may request an expenditure less than 60% and shall submit to the administrative director a written request for authority to waive the expenditure guidelines. The written request shall include an explanation of the circumstances surrounding the need to waive the expenditure guidelines and the current balance of the probation fees account. If granted, the authority to waive the expenditure guidelines is valid for one fiscal year.
3. The chief fiscal officer of the county shall not use the probation fees account for any indirect costs that may be incurred by the county for administering the probation fees account. Indirect costs include, but are not limited to, costs for services such as accounting, payroll, data processing, purchasing, personnel, and building use incurred by the county to administer these monies.
4. A.R.S. § 12-267 (D) provides: “State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department.”

Adopted by Administrative Order 2000-81, effective November 9, 2000.

Amended by Administrative Order 2004-74, effective September 3, 2004.