

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION § 6-301:)	<u>No. 2006 - 100</u>
JUVENILE STANDARD PROBATION)	(Affecting Administrative
)	Order No. 2006-21)
)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 12, 2006, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-301 is amended as indicated on the attached document. All other provisions of § 6-301, as originally adopted, remain unchanged and in effect.

Dated this 8th day of November, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-301: Juvenile Standard Probation

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

A through D [no change]

E. Budget Request Preparation.

1. ~~Pursuant to A.R.S. § 12-262 provides, “The presiding judge of the superior juvenile court in each any county desiring wishing to improve, maintain or expand and receive state funding to operate juvenile standard probation shall submit a proposed plan and budget request for the subsequent fiscal year to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions. juvenile probation services... may prepare a plan in accordance with guidelines issued by the supreme court.”~~
2. The presiding judge of the juvenile court in any county requesting state funding to operate juvenile standard probation shall submit a proposed plan and budget request for the subsequent fiscal year to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.
2. 3. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations. The AOC shall include the court’s request or the modified request in the annual supreme court budget. The administrative director shall allocate to the juvenile court the monies appropriated by the legislature for standard probation based on the proposed plan, availability of funds, caseload population, past year use and program effectiveness.
3. 4. If a juvenile court does not agree with the allocations, and requests further review, the chief justice shall make the final determination.
4. 5. Each participating juvenile court shall support the budget request with written justification and explanation as required by the administrative director.

F. Program Plan and Financial Management.

1. A.R.S. § 8-203 (B) provides “A juvenile probation officer performing field supervision shall not supervise more than an average of thirty-five juveniles on probation at one time.” Each participating juvenile court shall submit an expenditure plan to the administrative director. The participating juvenile court shall outline in the expenditure plan how the requested state funds shall be used in achieving or maintaining the average case supervision requirements ~~prescribed in A.R.S. § 8-203 (B).~~ The participating

juvenile court shall submit the plan within the prescribed time frame and on forms required by the administrative director.

2. Each presiding judge of the juvenile court shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. Each program plan shall explicitly document:
 - a. That a minimum of 80 percent of the state juvenile standard probation funds allocated to a juvenile court shall be used only for the payment of salaries and employee related benefits of probation officers involved in the case management, field supervision and enforcement of court orders of juveniles on standard probation who reside in the county; and
 - b. That not more than twenty percent of the allocated state juvenile standard probation funds for probation services are being used to otherwise maintain, improve or enhance standard probation services.
4. On request, the administrative director may approve a plan permitting an expenditure of funds of more than twenty percent on support, operating and ancillary services. The participating juvenile court shall file the request with the AOC on a form prescribed by the administrative director.
5. In the event that the administrative director disapproves a plan or plan modification submitted by a juvenile court, the presiding judge of the juvenile court may request that the administrative director submit the plan to the chief justice for consideration and final determination.
6. ~~Pursuant to A.R.S. § 12-263 provides; "Upon an approval of a the plan as submitted, the supreme court shall enter into a funding agreement with the county and shall make payments to the county as necessary to carry out the agreement." or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting juvenile court for the distribution of funds. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need, or due to the juvenile court's failure to comply with applicable statutes, the approved plan, funding agreement, or this section.~~
 - a. The administrative director shall enter into a written funding agreement with the submitting juvenile court for the distribution of funds upon approval of the plan as submitted or modified and the availability of funds.
 - b. The administrative director may amend or terminate funding agreements due to lack of funds, lack of financial need or the juvenile court's failure to comply with applicable statutes, the approved plan, funding agreement, or this section.

7. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
8. A.R.S. § 12-262 (2) provides “[~~T~~]that the funds provided by the state for this purpose will be utilized to juvenile standard probation funds shall “... supplement county funds provided for probation services.” A.R.S. § 12-265 (C) provides “~~N~~o state funds may be used to increase any salaries funded under current county probation programs.”
 - a. A.R.S. § 12-268 (D) provides “State monies expended from the juvenile probation services fund shall be used to supplement, not supplant, county appropriations for the superior court juvenile probation department.”
 - b. In accordance with the general appropriations act, probation department receipt of state probation monies is contingent on the county maintenance of expenditure levels for each probation program the previous fiscal year.
 - c. The county probation departments shall fund one standard probation officer from non-state funds for every eight standard probation officers funded by the state aid for probation monies.
9. ~~Pursuant to A.R.S. § 12-268(AB) provides;~~ the county’s chief fiscal officer shall deposit funds received by the juvenile court pursuant to A.R.S. § 12 262 into a separate account within the juvenile probation services fund.

A. The board of supervisors shall designate a chief fiscal officer who shall establish and administer a juvenile probation fund consisting of:

1. County general fund appropriations for juvenile probation.
2. Court information cost monies received pursuant to § 8-134, subsection L.
3. State appropriations for juvenile probation, except monies in the juvenile probation services fund established by section 8-322 and except monies in the court appointed special advocate fund established by § 8-524, but including:
 - (a) Monies for juvenile probation officers authorized by section 8-203.
 - (b) Monies for state aid for juvenile probation services authorized by this article.
 - (c) Monies for family counseling services established by title 8, chapter 2, article 5.
 - (d) Monies for juvenile intensive probation services established by title 8, chapter 3, article 4.

4. Probation fees collected pursuant to § 8-321, subsection N for community based alternative programs or diversion programs administered by the juvenile court.
5. Probation fees collected pursuant to section 8-341.
6. Federal monies provided for juvenile probation services.
7. Juvenile probation monies from any other source.

10. A.R.S. § 12-268(B) provides:

The chief fiscal officer shall establish and maintain separate accounts in the fund showing receipts and expenditures of monies from each source listed in subsection A of this section. The presiding juvenile judge of the superior court shall annually present to the board of supervisors for approval a detailed expenditure plan for the juvenile probation services fund accounts. Any modifications to the expenditure plan affecting state appropriations shall be made in accordance with the rules and procedures established by the supreme court. Any modifications to the expenditure plan affecting county appropriated funds shall be made in accordance with the policies established by the county. The chief fiscal officer shall disburse monies from the fund accounts only at the direction of the presiding juvenile judge of the superior court. The chief fiscal officer, on or before August 31 of each year for the preceding fiscal year, shall submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the juvenile probation services fund.

- ~~10.~~ 11. Each participating juvenile court shall use allocated state funds and interest only for the support and operation of juvenile standard probation.
- ~~11.~~ 12. On agreement with a participating juvenile court, the administrative director may withhold funds allocated to the juvenile court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
- ~~12.~~ 13. The presiding judge of the juvenile court of each participating juvenile court shall submit to the AOC, by January 31 of each year, a mid-year financial and program activity report related to the court's plan through December 31. Failure to submit the report in a timely manner may result in financial sanctions.
- ~~13.~~ 14. The presiding judge of the juvenile court of each participating juvenile court shall submit to the AOC, by August 31 of each year, a closing financial and program activity report related to the court's plan through June 30. Failure to submit the report in a timely manner may result in financial sanctions.

- ~~14.~~ 15. The presiding judge of the juvenile court of each participating juvenile court shall return to the AOC by August 31 of each year, all juvenile standard probation funds distributed to the juvenile court which are unencumbered through June 30 and unexpended through July 31. Failure to revert unexpended funds in a timely manner may result in financial sanctions.
- ~~15.~~ 16. The administrative director shall determine how the funds are used in the event that a juvenile court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for juvenile standard probation services.
- ~~16.~~ 17. Each participating juvenile court and its juvenile probation department shall maintain and provide to the AOC data and statistics as may be required by the supreme court to administer funding for juvenile standard probation.
- ~~17.~~ 18. On request of the AOC, the director shall conduct hand counts of the department's standard probation population. The director shall submit the results of the hand counts to the AOC.
- ~~18.~~ 19. Each participating juvenile court and its probation department shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five years from the close of each fiscal year.

G through I [no change]

J. Program Operations.

1. Each participating probation department shall:
 - a. Have a written procedure regarding the alcohol and drug testing of juveniles on standard probation. The procedure shall address the methods used to select juveniles for testing, the frequency of testing, and the type of test to be administered.
 - b. Have a written policy by which accurate and timely records of the completion of community restitution hours ~~is~~ are maintained for each juvenile on standard probation.
 - c. Work with the office of the clerk of the superior court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections.
 - d. Ensure the collection of monies owed as a condition of probation.

- e. Develop policies and procedures that ensure that probation officers providing standard supervision reexamine and reassess the risk and needs of each juvenile under their supervision and the factors associated with reducing, maintaining or increasing the juvenile's level of supervision.

2. A.R.S. § 8-396 (B) provides:

B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:

- 1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the delinquent's contact with or the safety of the victim.
- 2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
- 3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
- 4. That a petition to revoke probation alleging that the juvenile absconded from probation has been filed with the court.
- 5. Any conduct by the juvenile that raises a substantial concern for the victim's safety.

2. 3. The juvenile probation officer shall:

- a. Conduct a risk needs assessment on every juvenile supervised within 30 days if not completed during the pre-dispositional process. The result of the assessment shall be used to establish a level of supervision for the juvenile and formulate a supervision plan.
- b. Make documented efforts to locate an absconder. The supervising probation officer shall request a warrant be issued if the juvenile is not located. Efforts to locate the juvenile shall continue pursuant to the court's departmental policy.
- c. Petition the court to terminate the period of probation based on the use of a risk needs assessment and an evaluation of the juvenile's compliance with the conditions of probation.

3. 4. Pursuant to A.R.S. § 8-396 (A), provides: when the probation officer petitions the court to terminate probation, the court shall notify those victims who have requested notification of probation related matters:

A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:

1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against he victim.
2. Any hearing on a proposed modification of the terms of probation or intensive probation.
3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.

K through M [no change]