

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2014 - <u>73</u>
§ 6-302: JUVENILE INTENSIVE)	(Affecting Administrative
PROBATION SUPERVISION)	Order No. 2009-99)
)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-302 is amended as indicated on the attached document. All other provisions of § 6-302 as adopted, remain unchanged and in effect.

Dated this 9th day of July, 2014.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 3: Juvenile Services
Section 6-302: Juvenile Intensive Probation Supervision

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

“Absconder” means a juvenile probationer has left the primary place of residence without permission of the probation officer and whose whereabouts are unknown.

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

“Administrative status” means the status of a juvenile who is not currently receiving active supervision or if contact requirements have been suspended by the juvenile probation department.

“Alcohol and drug testing” means any validated or verified method of determining the level or identifiable substances in the body including, but not limited to, ~~breathalyzer tests, blood, oral fluid, urine, hair, and sweat testing tests and urine samples.~~

“Case record” means any record pertaining to a particular probationer maintained by the probation department in electronic or paper medium.

“Combined department” means a county probation agency that provides both adult and juvenile probation services.

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

“Court” means superior court.

“Director” means the director of the juvenile court or chief probation officer in combined departments.

“Hand count” means manual tabulation of all intensive probation case files in the probation department, conducted independently from any automated system.

“High risk” means a juvenile that is currently on standard probation and is determined to have a strong probability to re-offend and is supervised by an intensive probation officer.

“JIPS team” means one probation officer and one surveillance officer, or one probation officer and two surveillance officers, or two probation officers and one surveillance officer, or one probation officer if a waiver of standards is granted.

“Long term residential placement” means placement of a juvenile in an out of home facility for more than 30 days.

“Risk needs assessment” means a state approved tool used to indicate the individual’s propensity to re-offend and the treatment services needed to help prevent further illegal activities.

“Short term residential placement” means placement of a juvenile living in an out-of-home facility for less than 30 days.

“Visual contact” means a face-to-face communication with the probationer at any place, including but not limited to, the probation department and the probationer’s residence, place of employment, treatment location or community restitution placement to discuss progress, issues of concern or other appropriate matters.

B. and C. [No changes]

D. General Administration.

1. The AOC shall:

a. – j. [No changes]

k. A.R.S. § 8-358(B) provides ~~that the supreme court shall annually submit:~~

~~[A] report stating the number of juveniles supervised on intensive probation during the prior year, the nature of the offense and the delinquent history of each of these juveniles to the governor, the speaker of the house of representatives and the president of the senate at the time of its annual budget request.~~

The supreme court shall annually submit a report stating the number of juveniles supervised on intensive probation during the prior year, the nature of the offense and the delinquent history of each of these juveniles to the governor, the speaker of the house of representatives and the president of the senate at the time of its annual budget request and shall provide a copy of this report to the secretary of state. Beginning July 1, 2011, the report shall be submitted electronically.

2. [No change]

E. through K. [No changes]

L. Waiver Provisions. On request of the participating juvenile court, the administrative director may waive supervision, contact, and caseload limit requirements.

1. A.R.S. § 8-356 (A) provides:

~~The requirements of § 8-353, subsections A and B and subsection C, paragraph 2 may be waived by the supreme court for a county with a population of fewer than three hundred thousand persons if the case load of every officer supervising juveniles on intensive probation is not more than fifteen juveniles and the program requires visual contact with each probationer at least one time a week.~~

The supreme court may waive the requirements of section 8-353, subsections A and B and subsection C, paragraph 2 for a county if the case load of officers supervising juveniles on intensive probation is not more than fifteen juveniles and the program requires visual contact with each probationer at least one time a week.

2. A.R.S. § 8-356 (B) provides:

If a waiver is granted and the intensive probation case load for each officer does not exceed fifteen, officers may supervise other additional juveniles on probation who in the judgment of the chief probation officer require additional supervision or pose a greater than normal risk to the community, as long as the total case load does not exceed fifteen.

3. ~~The director shall file a waiver request with the AOC on a form prescribed by the administrative director. The administrative director shall determine whether to grant the waiver. The presiding juvenile court judge shall file a waiver request pursuant to A.R.S. § 8-356 with the AOC on a form prescribed by the administrative director. The administrative director shall consider the following when determining whether to grant the waiver:~~
 - a. The number of juveniles on intensive probation in the requesting county;
 - b. The geographical make up of the requesting county and the communities that would be served under the waiver; and
 - c. The impact to the program and the implementation of evidence-based supervision by utilizing one-person teams.
4. If a waiver is granted, it will be in force until such time as the presiding juvenile court judge notifies the AOC in writing that use of the waiver is no longer necessary or when the AOC notifies the presiding juvenile court judge that the waiver is no longer authorized.

M. Program Operations.

1. [No changes]

2. Each JIPS team shall:

a. “Exercise close supervision and observation over juveniles who are ordered to participate in the intensive probation program _____” as required by A.R.S. § 8-353(C)(2);

b. through e. **[No changes]**

f. “[P]eriodically examine the needs of each juvenile who is granted intensive probation and the risks of modifying the level of supervision of the juvenile” as provided by A.R.S. § 8-354(A).

g. “Request the county attorney to bring a noncompliant probationer before the court” if the juvenile’s conduct justifies revocation, as provided by A.R.S. § 8-353(C)(4);

3. through 6. **[No changes]**

N. through P. [No changes]