

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION § 6-302:)	<u>No. 2006 – 101</u>
JUVENILE INTENSIVE PROBATION)	(Affecting Administrative
SUPERVISION)	Order No. 2006-20)
_____)	

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 § 6-302 is amended as indicated on the attached document. All other provisions of § 6-302, 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 6-302: Juvenile Intensive Probation Supervision

A. Definitions. [no change]

B. Applicability. ~~As provided by~~ Az. Const. Art. 6, § 3 and A.R.S. § 8-358 (A) provide: “[t]he supreme court shall establish juvenile intensive probation guidelines.” The Administrative Office of the Courts (AOC) shall administer Juvenile Intensive Probation Supervision (JIPS) programs on behalf of the supreme court.

C. Purpose. ~~Juvenile Intensive Probation Supervision (JIPS)~~ is, as A.R.S. § 8-351 provides: “~~...~~a program which is established pursuant this article of a highly structured, closely supervised juvenile probation and which emphasizes surveillance, treatment, work, education and home detention.” The purpose of JIPS programs is to reduce commitments to the state department of juvenile corrections and other institutional or out of home placements.

D. General Administration.

1. The AOC shall:

- a. Administer and direct the JIPS programs on behalf of the supreme court;
- b. Monitor JIPS programs;
- c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the operation and management of JIPS and distribute this material to appropriate superior and juvenile court judges and probation personnel;
- d. Inspect, audit or have audited the records of any juvenile court operating a JIPS program;
- e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration, operation and management of JIPS;
- f. Conduct seminars and educational sessions regarding the purpose and operation of JIPS;
- g. Establish performance measures and expectations in consultation with juvenile courts for determining compliance with each court's² JIPS plan and budget request;
- h. Assist juvenile courts in developing their JIPS program plans and budgets;
- i. Provide general assistance to juvenile courts on the operation of JIPS;
- j. Adopt other administrative practices and procedures, consistent with this section, as

necessary for the administration of JIPS; and

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

~~...~~[A] 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 submits of its annual budget request.

2. For purposes of uniform administration, each juvenile court and juvenile probation department receiving state JIPS funds shall comply with this section.

E. Budget Request Preparation.

1. ~~Pursuant to~~ A.R.S. § 8-357; provides: “The presiding juvenile judge of the superior juvenile court in the any county wishing to operate a JIPS program shall annually submit a proposed plan and budget request for the subsequent for the following fiscal year to for the AOC. juvenile intensive probation program to the supreme court.” ~~The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.~~
- a. The director shall include, with the budget, a plan for the operations of JIPS for the following fiscal year.
- b. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions.
2. ~~A.R.S. § 8-357 provides, “The supreme court shall review each request and include the counties’ requests in its annual budget request and shall allocate to the participating counties the monies appropriated by the legislature for intensive probation.”~~ 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 supreme court’s annual budget. The administrative director shall allocate to the juvenile court the monies appropriated by the legislature for JIPS based on the proposed plan, availability of funds, caseload population, past year use and program effectiveness.
- a. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations.
- b. The AOC shall include the court’s request or modified request in the supreme court’s annual budget.

- c. The administrative director shall allocate to the court the monies appropriated by the legislature for JIPS based on the proposed plan, availability of funds, caseload population, past year use and program effectiveness.
3. If a juvenile court does not agree with the allocations, and requests further review, the chief justice shall make the final determination.
4. 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. Each ~~participating~~ juvenile court requesting state funding shall submit an expenditure plan to the administrative director. The expenditure plan and any plan modification shall be consistent with A.R.S. §§ 8-351 through 8-358, this section, the supreme court's budget request and ~~with~~ available monies appropriated by the legislature for JIPS programs. 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 a juvenile court shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director.
3. 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 of the supreme court for consideration and final determination.
4. ~~Pursuant to A.R.S. § 12-263, Upon~~ on approval of the plan as submitted 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.
5. The administrative director may also reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications.
6. ~~Pursuant to A.R.S. § 12-268(AB) provides, "The board of supervisors shall designate a chief fiscal officer who shall establish and administer a juvenile probation fund consisting of... (d) Monies for juvenile intensive probation services established by title 8, chapter 3, article 4." the county's chief fiscal officer shall deposit funds received by the juvenile court pursuant to A.R.S. § 8-357 into a separate account within the juvenile probation services fund.~~

7. A.R.S. § 12-268(C) provides, “The state monies in the juvenile probation services fund shall be used in accordance with guidelines established by the supreme court or the granting authority.”
7. 8. Each participating juvenile court shall use allocated state funds and interest only for the support and operation of JIPS.
8. 9. On agreement with a participating court, the administrative director may withhold funds allocated to the court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year.
9. 10. 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.
- ~~10.~~ 11. 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.
- ~~11.~~ 12. The presiding judge of the juvenile court of each participating juvenile court shall return to the AOC by August 31 of each year, all JIPS 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.
- ~~12.~~ 13. 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 JIPS programs.
- ~~13.~~ 14. 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~~ JIPS programs.
- ~~14.~~ 15. On request of the AOC, the director shall conduct hand counts of the department’s juvenile intensive probation population. The director shall submit the results of the hand counts to the AOC.

15. ~~16.~~ 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.
16. ~~17.~~ Each participating juvenile court shall deposit fees collected pursuant to A.R.S. § 8-241(~~B~~), and any interest collected on those fees into the juvenile probation services fees fund pursuant to A.R.S. § 12-268.

G. Allocation and Management of JIPS Personnel Placements. [no change]

H. Eligibility Requirements for JIPS.

1. A.R.S. § 8-358(A)(~~1~~) provides ~~that~~:
 - A. The supreme court shall establish juvenile intensive probation guidelines. In establishing these guidelines the supreme court shall ensure that both:
 1. Juveniles who are granted intensive probation meet the requirements of § 8-352.
 2. Based on the nature of the offense and the delinquent history of the juvenile, there are reasonable grounds to believe that the juvenile is able to remain at liberty without posing a substantial risk to the community.
2. A.R.S. § 8-352(B) provides that prior to recommending intensive probation: Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS.

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. If the nature of the offense and the prior delinquent history of the juvenile indicate that the juvenile should be included in an intensive probation program pursuant to supreme court guidelines for juvenile intensive probation, the juvenile probation officer may recommend to the court that the juvenile be granted intensive probation.
3. Only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS.
- ~~3.~~ 4. The court shall not grant intensive probation to juveniles placed in a residential treatment center for more than 30 days. The court shall suspend JIPS or reduce the juvenile to standard probation, if the juvenile is currently on JIPS and requires placement over 30 days.

- ~~4. Pursuant to A.R.S. § 8-352(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. If the nature of the offense and the prior delinquent history of the juvenile indicate that the juvenile should be included in an intensive probation program pursuant to supreme court guidelines for juvenile intensive probation, the juvenile probation officer may recommend to the court that the juvenile be granted intensive probation.~~
5. A juvenile probation officer who recommends intensive probation shall state the reasons for the recommendation in the pre-dispositional report. The officer shall recommend and the court shall order JIPS only for:
 - a. Juveniles who would otherwise have been recommended for commitment to the state department of juvenile corrections;
 - b. Juveniles who would otherwise have been recommended for placement in an out-of-home institutional or residential setting;
 - c. ~~Juveniles who as defined by A.R.S. § 8-341(C)(D)(E), are defined and adjudicated as repeat felony juvenile offenders; meet the requirements set forth in A.R.S. § 8-352 (B) and (H)(2) of this section; or~~
 - d. ~~Juveniles who; are repeat felony juvenile offenders. 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 this program, shall pose a substantial risk to the community.~~
6. ~~Pursuant to A.R.S. § 8-352(C) provides and this section, "After reviewing the juvenile's prior record, the facts and circumstances of the current delinquent act or technical violation of probation and the disposition summary report, the court may grant the juvenile a period of intensive probation, place a juvenile in the JIPS program who is currently on probation for a delinquent act and is considered a high risk to the community, but has been adjudicated for a technical violation of probation.~~
7. Prior to placing a juvenile into a JIPS program, the court shall consider:
 - a. The juvenile probation officer's recommendations;
 - b. The factual basis and circumstances leading to the juvenile's disposition;
 - c. Monies and funds appropriated and the availability of adequate staff and treatment

resources to ensure the level of intensive supervision required, ~~pursuant to A.R.S. § 8-357~~; and

d. Other factors appropriate to the ends of justice.

8. A.R.S. § 8-352 (D) provides: ~~“~~When granting ~~JPS~~ intensive probation, the court shall set forth on the record the factual reasons for using the disposition.”

I through K [no change]

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 ~~A.R.S.~~ § 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.

2. A.R.S. § 8-356 (B) provides:

If a waiver is granted and the intensive probation case load for each ~~JPS~~ 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.

M. Program Operations.

1. Each participating department shall:

a. Have a written procedure regarding the alcohol and drug testing of juveniles on intensive 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. 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;

- c. Ensure the collection of monies owed as a condition of probation; and
 - d. Develop policies and procedures that ensure that probation officers providing intensive supervision shall 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. 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. 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. ~~Closely monitor school attendance and performance,~~ “[E]nsure that each juvenile under its supervision is either employed, attending school, participating in a community restitution program or attending a court ordered treatment program or any combination thereof as ordered by the court for not less than thirty-two hours each week” as required by A.R.S. § 8-355. This shall be accomplished by:
 - ~~d. (1) Assisting these juveniles seeking employment and closely monitoring employment of juveniles;~~
 - e. (2) Closely monitoring participation in court-ordered treatment programs, involve involving the parent or guardian in the rehabilitation and treatment of the juvenile;
 - f. (3) Closely monitoring participation in court-ordered treatment programs; and
 - g. (4) Provide Providing or arrange arranging for appropriate supervision of juveniles performing community restitution work;
 - d. Involve the parent or guardian in the rehabilitation and treatment of the juvenile;
 - ~~h.~~ e. Ensure that juveniles placed on intensive probation pay restitution and probation fees by establishing monthly payment schedules which emphasize payment of restitution and probation fees in the absence of specific court ordered monthly payment schedules. The inability to pay probation fees or restitution does not prohibit participation in the intensive probation program.
 - i. f. “[P]eriodically examine the ~~Reexamine the risks and~~ needs of each juvenile who is granted in the intensive probation program and determine the risks or benefits of modifying the level of supervision of the juvenile;” ~~pursuant to~~ as provided by A.R.S. § 8-354(A).

- j. ~~g.~~ If the juvenile's conduct justifies revocation, as provided by A.R.S. § 8-353(C)(4); "Request the county attorney to bring a noncompliant juvenile before the court." "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. A.R.S. § 8-354(A) provides: "The juvenile probation officer shall periodically examine the needs of each juvenile who is granted intensive probation and the risks of modifying the level of supervision of the juvenile. The court may at any time modify the placement or the level of supervision of a juvenile who is granted intensive probation."
- a. Levels of supervision may be progressively increased or decreased over the term of supervision dependent on compliance by the juvenile with the conditions of probation, and continued law-abiding behavior.
- b. Requests by the JIPS team for a change in the level of supervision of a juvenile shall be in accordance with minimum requirements. The level of supervision shall not be decreased beyond the minimum level described in section N, Minimum Contact Requirements.
4. The probation officer may petition the court to terminate the period of intensive probation based on the use of a risk needs assessment and an evaluation of the juvenile's compliance with the conditions of probation. If the court transfers the juvenile to standard probation, the juvenile shall be assigned to a standard probation officer.
5. Recommendations by a JIPS officer to the court to terminate a juvenile's intensive probation supervision or to reduce the level of supervision shall be preceded by a reassessment of the risks and needs of the juvenile and shall be based on satisfactory compliance and performance by the juvenile with the conditions and terms of intensive probation.
- ~~6. Pursuant to A.R.S. § 8-354, levels of supervision may be progressively increased or decreased over the term of supervision dependent on compliance by the juvenile with the conditions of probation, and continued law-abiding behavior.~~
- ~~7. Requests by the JIPS team for a change in the level of supervision of a juvenile shall be in accordance with minimum requirements. The level of supervision shall not be decreased beyond the minimum level described in subsection (N), Minimum Contact Requirements.~~
8. 6. Victim notification. Pursuant to A.R.S. § 8-396 (A)(B)(C) provides: ~~when the court receives a petition to terminate probation, the court shall provide notification to 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 the 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.
- 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.
- C. If a victim has requested postadjudication notice and probation is revoked and the juvenile is committed to the department of juvenile corrections, the court shall notify the department of juvenile corrections of the victim's request.

N. Minimum Contact Requirements.

- 1. The following contact requirements are established as minimum thresholds. Each juvenile probation department may establish more rigorous contact requirements for any supervision level. Each director shall ensure that all established minimum contact requirements are provided in writing to each JIPS team, along with appropriate training on adherence to those requirements.
- 2. Supervision Level I shall include:
 - a. Visual contacts. The JIPS team shall have a minimum of four visual contacts with each juvenile per week. Visual contacts shall be varied and unscheduled, and include evenings, weekends and holidays;

- b. Employment verification. Pursuant to ~~A.R.S. § 8-355~~, ~~¶~~The JIPS team shall make weekly contact with the employer of an employed juvenile;
- c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
- d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
- e. Curfew. Pursuant to ~~A.R.S. § 8-352~~, ~~¶~~The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
- f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance ~~with A.R.S. § 8-355~~; and
- g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.

3. Supervision Level II shall include:

- a. Visual contacts. The JIPS team shall have a minimum of two visual contacts with each juvenile per week. Visual contacts shall be varied and unscheduled, and include evenings, weekends and holidays;
- b. Employment verification. Pursuant to ~~A.R.S. § 8-355~~, ~~¶~~The JIPS team shall make contact with the employer of an employed juvenile once every two weeks;
- c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
- d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
- e. Curfew. Pursuant to ~~A.R.S. § 8-352~~, ~~¶~~The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;

- f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance ~~with A.R.S. § 8-355~~; and
 - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.
4. Supervision Level III shall include:
- a. Visual contacts. The JIPS team shall have a minimum of one visual contact with each juvenile per week. Visual contact shall be varied and unscheduled, and include evenings, weekends and holidays;
 - b. Employment verification. ~~Pursuant to A.R.S. § 8-355,~~ The JIPS team shall make contact with the employer of an employed juvenile once every two weeks;
 - c. School verification. The JIPS team shall make weekly contact with the school or education program staff of a juvenile for the purpose of monitoring attendance, grades, behavior, peer associations, and other factors relating to the juvenile's progress;
 - d. Parental involvement. The JIPS team shall contact the parents or legal guardians of each juvenile at least once per week to discuss the juvenile's progress and behavior in the home and community, and shall make documented efforts to involve the parents or guardians in the juvenile's treatment and rehabilitation;
 - e. Curfew. ~~Pursuant to A.R.S. § 8-352,~~ The JIPS team shall establish curfews for each juvenile placed on JIPS and shall provide appropriate supervision to ensure compliance;
 - f. Community restitution. The JIPS team shall maintain community restitution contacts with each juvenile performing work to ensure compliance ~~with A.R.S. § 8-355~~; and
 - g. Alcohol and drug testing. The JIPS team shall administer alcohol and drug testing according to the policy and procedures of the participating juvenile court.

O. Program Length. [no change]

P. Required Case Records.

1. A.R.S. § 8-353(C)(1) provides; “The juvenile intensive probation team shall...[Ss]ecure and keep a complete identification record of each juvenile supervised by the team and a written statement of the conditions of the probation.”
2. Each JIPS team shall maintain verifiable case records for each juvenile supervised,

including, but not limited to:

- a. An individual service plan or court report setting forth behavioral and program expectations and recommendations subject to the approval of the director;
- b. Contact logs detailing the time, nature, and location of each contact related to each juvenile on JIPS; and
- c. Current photograph and profile of each juvenile on JIPS.