C C 7 Incero

RESOLUTION NO. 30-81

BE IT HEREBY RESOLVED that the Navajo County Board of Supervisors, at a duly-called meeting of said Board, does hereby resolve to participate in the Program for State Aid for Probation Services for the 1981-82 fiscal year.

That the Board has on this date met and approved the Navajo County Plan to Improve Probation Services, which is in conformity with the statutory requirements as set forth in A.R.S. Section 12-261 through 12-266.

The Board does hereby authorize Melvyn T. Shelley, Judge of the Superior Court, to enter into a funding agreement with the Arizona Supreme Court for the purpose of implementing this plan.

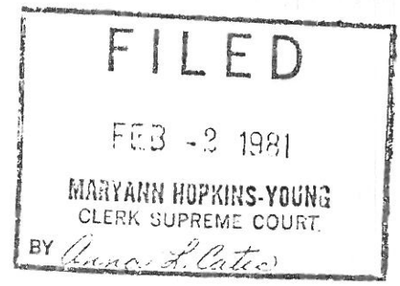
The Board does hereby authorize Melvyn T. Shelley, Judge of the Superior Court, to make minor modifications in the approved plan with the approval of the Arizona Supreme Court.

Passed this 21st day of April, 1981.

John L. Butler, Chairman
Navajo County Board of Supervisors

ATTEST: Sharon B. Keene
Sharon Keene, Clerk
Navajo County Board of Supervisors

IN THE SUPREME COURT OF THE STATE OF ARIZONA



GUIDELINES FOR STATE AID

FOR

PROBATION SERVICES

In accordance with the authority granted the Arizona Supreme Court by Article 6 of the Arizona Constitution and by Article 7, Chapter 2 of Title 12, Arizona Revised Statutes (§§ 12-261 through 12-266), the following guidelines are issued to govern the requirements and procedures for obtaining state aid for probation services:

1. The Administrative Director of the Arizona Supreme Court shall administer the program of state aid for probation services. He shall have the authority to prescribe such procedures and requirements as may be necessary for the operation of the state aid program. All proposed plans and reports required of participating counties shall be submitted to him. The Administrative Director or his designee may inspect and audit the records of participating county probation departments.

2. On or before February 1, 1981 and each year thereafter, the Presiding Judge of each county shall notify the Administrative Director in writing whether the county will participate in the State Aid to Probation Services Program. The notification required for February 1, 1981 shall apply to the 1981-82 and the 1982-83 fiscal

years. All notifications of participation following the February 1, 1981 notification will apply to the fiscal year scheduled to commence 17 months from the February 1 notification date.

3. The allocation of funds among the participating counties shall be in accordance with the formula set forth in A.R.S. § 12-265. The funds allocated to a county may be distributed between the adult and juvenile probation departments in proportion to the adult and juvenile population of the county or may be distributed on any other basis approved by both probation departments of the county and the Supreme Court. Any unexpended state aid funds shall revert to the state at the end of each fiscal year.

4. The Presiding Judge of each county desiring to participate in the state aid program shall submit to the Administrative Director a plan for expanding probation services. The plan submitted must be in writing, accompanied by a resolution of the Board of Supervisors of the county approving the plan, and the plan must be in conformity with the statutory requirements as set forth in A.R.S. §§ 12-261 through 12-266.

(a) The proposed plan submitted must describe the program for expanding probation services; it must set forth the proposed budget necessary to implement the plan. In addition, the statement of the plan shall set forth the total amount currently budgeted by the county for probation services. No plan shall request an amount of state aid which exceeds the amount currently budgeted by the county for probation services.

(b) The submitted plan shall not provide for any state aid funds to be used to supplant county funds currently budgeted for probation services, nor may state funds be used to increase any salaries of probation personnel under the current county probation programs. The submitted plan shall not provide for the use of more than ten percent of state aid funds for the purchase of supplies, equipment, or furniture. State aid funds shall not be provided for clerical/secretarial personnel.

(c) The proposed plan must show that it is limited to a program for the supervision of first-time adult felony offenders or first-time juvenile felony offenders adjudicated delinquent and placed on probation. For the purpose of these guidelines, a first-time adult felony offender means a person who has not previously been convicted of a felony as an adult, in this or any other state and irrespective of whether the felony conviction was subsequently set aside because of successful completion of probation or completion of imprisonment. A first-time juvenile felony offender adjudicated delinquent means a person under the age of 18 who has been placed on probation at the disposition hearing and has not previously been adjudged delinquent in this state or any other state for the commission of an act which would be a felony in this state where the juvenile was adjudicated delinquent.

5. Promptly after the submission of a proposed plan by the Presiding Judge of a county, the Administrative Director will review the plan to determine whether it complies with the provisions of the statute and these guidelines.

(a) Any plan which is not in conformity with the statute or these guidelines shall be returned to the Presiding Judge of the submitting county by the Administrative Director with a written explanation explaining wherein the plan fails to comply either with statute or these guidelines.

(b) The Administrative Director shall review those plans which are in conformity with the statute and these guidelines, and he shall recommend to the court whether the plan should be approved.

(c) Thereafter the plan will be reviewed by the Arizona Supreme Court, and the court shall accept or reject the plan. In the event any plan is rejected by the court, the reasons for such rejection shall be stated in writing and sent to the Presiding Judge of the county.

(d) Upon approval of a plan by the court, the Administrative Director is authorized to enter into a funding agreement with the submitting county and to make the payments to the county necessary to carry out the agreement.

6. Commencing December 31, 1978 and by May 31 and December 31 of each year thereafter, the Presiding Judge in each participating county shall submit to the Administrative Director an evaluation report describing the operation of the program funded by state aid and its accomplishments. The Administrative Director shall review the reports submitted by the Presiding Judges, and he shall make a recommendation to the Supreme Court as to whether each program should continue to be funded. If any program has not shown reasonable success or reasonable promise of success, the Administrative Director

shall recommend to the court any needed modifications of the existing plan or recommend that a new plan be submitted. The court will consider the recommendations of the Administrative Director and advise him of the appropriate action to be taken.

7. Minor modifications which do not include additional expenditure of funds or major changes in personnel are to be submitted in writing for approval to the Administrative Director by the Presiding Judge along with a letter which indicates the Presiding Judge has notified the Board of Supervisors of the modification and that the Board has no objection to the modification as proposed. The letter indicating Board approval is not required if a statement authorizing minor modifications has been included in the Board resolution on file with the approved plan. The Administrative Director will determine whether a modification is a major or minor modification.

8. Major modifications of the State Aid Plan will be treated as a new plan and as such must be accompanied by a resolution from the Board of Supervisors.

Approved this 30th day of January, 1981, by the Arizona Supreme Court.

Fred C. Struckmeyer, Jr.
Chief Justice

ARTICLE 7. STATE AID FOR PROBATION SERVICES

Article 7, consisting of §§ 12-261 to 12-266, was added by Laws 1978, Ch. 164, § 3, effective Oct. 1, 1978.

§ 12-261. Administration

The state supreme court shall carry out the provisions of this article. Added Laws 1978, Ch. 164 § 3, eff. Oct. 1, 1978.

For effective date provision of Laws 1978, Ch. 164, see note following § 8-203.

Library References
Criminal Law ⟹982.8.
C.J.S. Criminal Law §§ 1571, 1618.

§ 12-262. Submission of plan

Any presiding judge of the superior court in and for each county of the state superior court desiring to expand probation services, either adult or juvenile, may prepare a plan in accordance with guidelines issued by the supreme court. Upon approval by the county board of supervisors, such plan shall be submitted to the state supreme court. The supreme court guidelines shall require that the plan include:

1. That funds received under this article shall be used only for the supervision of first-time adult felony offenders and first-time juvenile felony offenders who are subsequently adjudicated delinquent.

2. That the amount of aid provided by the state for this purpose will be utilized to supplement, not supplant, county funds that would otherwise be made available for probation services.

3. The proposed budget necessary to implement the plan, including the amount currently budgeted for that county's probation program. Added Laws 1978, Ch. 164, § 3, eff. Oct. 1, 1978.

For provision of Laws 1978, Ch. 164, relating to construction and application of the act to offenses committed before its enactment, see note following § 11-361.

For effective date provision of Laws 1978, Ch. 164, see note following § 8-203.

Cross References
Rejection of plan, see § 12-263.

Library References
Criminal Law ⟹982.8.
C.J.S. Criminal Law §§ 1571, 1618.

§ 12-263. Approval and revocation of plans

The supreme court shall have the authority to reject any plan submitted pursuant to § 12-262. Upon approval of a plan 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. Added Laws 1978, Ch. 164, § 3, eff. Oct. 1, 1978.

For effective date provision of Laws 1978, Ch. 164, see note following § 8-203.

Library References
Criminal Law ⟹982.8.
C.J.S. Criminal Law §§ 1571, 1618.

§ 12-264. Continued allocation of funds

By May 31 and December 31 of each year, each presiding judge of the superior court operating a program under this article shall submit to the supreme court an evaluation report describing the program and its accomplishments. If, in the judgment of the court, the program is successful or has shown reasonable promise of being successful, the court may continue such funding. If the program has not shown reasonable success as agreed to in the funding agreement, the court shall require submission of a new plan or modification of the existing plan as a condition of continued funding. Added Laws 1978, Ch. 164, § 3, eff. Oct. 1, 1978.

For effective date provision of Laws 1978, Ch. 164, see note following § 8-203.

Library References
Criminal Law ⟹982.8.
C.J.S. Criminal Law §§ 1571, 1618.

§ 12-265. Allocation of funds; prohibition

A. Any county operating a program under this article shall receive a base amount of ten thousand dollars from the funds appropriated annually for

the purpose of carrying out the provisions of this article. In addition to such base amount the remainder of any appropriated funds, excluding funds appropriated for administration, shall be made available to each participating county based upon the percentage that each such county's population is to the total population of the participating counties. The supreme court shall allocate such funds available according to the provisions of this section.

B. Funds apportioned to each county shall be distributed within the county between the adult and juvenile probation departments in proportion to the adult and juvenile populations of that county based on the most recently available census figures from the department of economic security or may be distributed on any other basis approved by both the juvenile and adult probation departments of such counties and by the supreme court.

C. Notwithstanding the county matching funds required to qualify for state funds under the provisions of this article, state funds shall not be used to supplant any funds currently budgeted in the legally adopted county budget for that county's probation program. State funds awarded to any county under this article must be utilized to expand existing county probation programs. No state funds may be used to increase any salaries funded under current county probation programs. Added Laws 1978, Ch. 164, § 3, eff. Oct. 1, 1978.

For effective date provision of Laws 1978, Ch. 164, see note following § 8-203.

1978 Reviser's Note:
Pursuant to authority of section 41-1304.02, the word "act" which appears twice in subsection C of this section was changed to "article."

Public employees, dismissal, property and liberty limitations. Ariz.State L.J. 4, 1977, p. 835.

Library References
States ⟹123.
C.J.S. States § 226.

§ 12-266. Administrative personnel

The supreme court may employ such personnel as it deems necessary to carry out the duties of this article. Added Laws 1978, Ch. 164, § 3, eff. Oct. 1, 1978.

For effective date provision of Laws 1978, Ch. 164, see note following § 8-203.

1978 Reviser's Note:
Pursuant to authority of section 41-1304.02, the word "act" in this section was changed to "article."

CHAPTER 3.—FEES AND COSTS

ARTICLE 5. RECOVERY OF COSTS

Sec.
12-341.01. Recovery of attorney's fees.

ARTICLE 1. FEES IN GENERAL

Law Review Commentaries
Filing fees, indigents, constitutional compulsion and other remedies. Ariz. State L.J., 1974, p. 241.

§ 12-301. Time of payment of fees; effect of failure to collect

Law Review Commentaries
Divorce filing fees in Indian tribal courts. Warren H. Cohen, Law & Soc. Order, 1970, p. 541.

Supplementary Index to Notes

Failure to pay fee 2.5
Service not rendered 1.5

1. Construction and application
Constable can require litigants to pay him in advance indeterminate amounts prior to his service of executions, summons, or other documents and court records filed in his justice court. Op. Atty.Gen. No. 73-49-L.

1.5 Service not rendered
Constable should not pay into county treasury monies received by him as fees or for mileage under provisions of Section 11-445 when the service is not performed and cannot be performed by the constable; instead, such monies should be refunded. Op.Atty.Gen.No. 57-50.

2.5 Failure to pay fee
Superior court clerk had authority to refuse to file notice of appeal tendered without contemporaneous payment of $20 appeal preparation fee. Arizona Dept. of Economic Sec. v. Hall (App. 1978) 120 Ariz. 514, 586 P.2d 1326.

§ 12-302. Extension
nonpay

Law Review Commen
Filing fees, indige
compulsion and othe
State L.J., 1974, p. 241

Index to

Construction and appl
Discretion of court 2
Execution of order 4
Remedies 3

1. Construction and
This section author
time for paying of c
cause was intended
in trial judge in deter
er good cause was s
time for payment sh
Sloatman v. Gibbons
454 P.2d 574, vacated
91 S.Ct. 1624, 402 U.
107.
Word "extend", in
dicates legislature's i
ment of fees be post
waived altogether. I
Under this section
sion of time for pay
for good cause, cour
have power to extend
for reasonable period
tion was made in st
period for extension
Indigency is "for g
within this section p
may for good cause
for paying court fees.
bons (1968) 8 Ariz.Ap
vacated on other gro
454 P.2d 574, vacated
91 S.Ct. 1624, 402 U.
107.
This section provid
for good cause show
paying court fees or
fault caused by no

§ 12-303. Witness

A material witne
dollars for each da
for him to leave hi
as a witness. The
cents for each mile
dence in the state
only. As amended

Supplementary

Amount of compensat
Claims forms 2.7
Indigents 5

2.5 Amount of comp
Witnesses who a
appear and testify
board are to be paid
attendance and 20¢
from witnesses' pla
place of trial, regar
residence. Op.Atty.
Board of Nurse
Nursing Education
residing outside cou
ceeding is held a po

A PROPOSAL TO OBTAIN STATE AID FOR EXPANDED PROBATION SERVICES IN NAVAJO COUNTY, ARIZONA

submitted to

THE SUPREME COURT OF ARIZONA

by

THE OFFICE OF THE PRESIDING JUDGE
NAVAJO COUNTY SUPERIOR COURT

pursuant to

A.R.S. 12-261 through 12-266

PROJECT TITLE:

State Aid to Probation
Navajo County Probation Department

APPLICANT:

Melvyn T. Shelley, Presiding Judge
Navajo County Superior Court

PROJECT DIRECTOR:

Frank A. Lucero, Chief Probation Officer
Navajo County Complex
South Highway 77
Holbrook, Arizona 86025

PROJECT ADMINISTRATOR:

Same as Project Director

FINANCIAL OFFICER:

Navajo County Board of Supervisors
Dallas Miller, Finance Director
Navajo County Complex
South Highway 77
Holbrook, Arizona 86025

STATE FUNDS:

$18,316.00

COUNTY MATCHING FUNDS:

$180,271.00

PROJECT PERIOD:

Beginning - July 1, 1981
Ending - June 30, 1982

BUDGET CATEGORIES

1. State Funds:

Category	Amount
A. Personnel	$16,632.00
B. Fringe Benefits	1,684.00
C. Travel	.00
D. Equipment	.00
E. Supplies	.00
F. Other Operating Expenses	.00
G. Project Total	18,316.00

2. County Matching Funds:

Category	Amount
A. Personnel	$164,376.00
B. Supplies and Expenses	8,140.00
C. Travel and Transportation	6,675.00
D. Capital Outlay	1,080.00
E. Total	180,271.00*

*Our 1980-81 budget is used as an example.

3. Statement of Problem:

Superior Court budgetary constraints have prohibited the Probation Department from operating at an optimum staffing level and for this reason, the Department has not been in a position to adequately supervise probationers, the majority of whom are first-time felony offenders. The two major reasons are geographical displacement and large caseloads resulting from one department handling both juvenile and adult probationers.

The vast majority of the County's population lies in four areas (five, including the reservations); Holbrook-Joseph City (Holbrook being the County seat); Winslow, Show Low-Pinetop, and Snowflake-Heber-Clay Springs. The administrative offices and the juvenile detention center have been centralized in Holbrook with satellite probation offices in Show Low, Snowflake, and Winslow. The closest outlying area to Holbrook is Snowflake, approximately 30 miles away; and the farthest is Pinetop, approximately 60 miles away. By utilizing a time-split arrangement, the deputy probation officer would be able to work in one office rather than hop-scotching around the County at great expense and waste of time.

The average caseload for each officer is approximately 120, consisting of both juvenile and adult probationers. The individual probation officer must supervise this caseload and at the same time prepare presentence and predisposition reports, plus conduct all pre-petition investigations.

The Department has divided the caseloads into adult and juvenile workloads in both the Holbrook and Show Low areas and this is also proposed for the Winslow area. This area was chosen since the probation officer is currently handling 140 adult and juvenile probationers, plus an investigative caseload.

3. Statement of Problem:

Budgetary constraints have also limited the hiring of interns from universities within the State. By utilizing a university senior as a probation officer intern, the individual student may gain experience necessary for his future and at the same time be of great help to this Department, by helping to reduce caseloads of first-time offenders. Plus, he will gain college credits by his participation as a probation officer intern.

4. Project Objectives:

A. To hire a probation officer at an annual salary of $15,132.00.

B. To hire one probation officer intern per semester of the 1981-81 school year from an Arizona university at $750.00 per semester.

C. To maximize the use of local resources.

D. To provide more contact between probation officers and probationers, not previously possible due to large caseloads.

E. Non-subsidy deputy probation officers will also benefit due to smaller caseloads resulting from the subsidy deputy probation officer acquiring their first-time felony offenders.

5. Methodology:

The Presiding Judge of the Superior Court will apppoint a Deputy Probation Officer effective July 1, 1981.

The Project Director will select with cooperation from the university that the student attends, an intern for the fall and spring semesters.

6. Budget Narrative:

6A. Position	State Funds	County Funds
1. Deputy Probation Officer	$15,132.00	$ .00
2. Probation Officer Intern	1,500.00	.00
	$16,632.00	

6B. Fringe Benefits		
1. FICA	1,106.03	.00
2. Workman's Compensation	577.97	604.57
3. State Retirement	.00	1,164.24
4. Group Health & Medical Insurance	.00	812.90
	$18,316.00	$2,581.71

Personnel Duties: The deputy probation officer hired with project funds will supervise a caseload of assigned first-time juvenile felony offenders. In addition, the probation officer will perform other non-subsidy duties as assigned

6. Budget Narrative: (Cont.)

by the chief probation officer which will be limited to a maximum of 21 hours per month. The non-subsidy duties will consist primarily of investigative work. For monitoring purposes, the probation officer will carefully document his time and activities and designate whether the activities are subsidy or non-subsidy related. By utilizing this time-split arrangement the geographical problems would be eliminated. By utilizing a deputy probation officer to supervise only juvenile offenders, more intense supervision will result with more resources being utilized, more contact with the juvenile and his family, schools and other community resources that are available. Other probation officers will benefit by having their caseloads reduced of first-time felony offenders. The probation officer intern will be supervised by a deputy probation officer and will only supervise first time felony offenders, both adult and juvenile. The probation officer intern's impact will be twofold: First he or she will have a small caseload which results in more intense supervision and lessen other probation officers' caseloads with the same result. Also, he will be able to try new approaches and theories from the academic community so the usefulness of these programs can be evaluated.

6C. Travel

Out-of-State Travel - None; if necessary, to be provided by County matching funds.

In-State Travel - To be provided by County matching funds.

Total Travel - $.00

6D. Equipment

None; to be provided by County matching funds.

6E. Supplies

None; to be provided by County matching funds.

6F. Other Operating Expenses

None; if necessary to be provided by County matching funds.

The Applicant understands and agrees to comply with the requirements of Article 7, Chapter 2 of Title 12, Arizona Revised Statutes (12-261 through 12-266) and with the Guidelines for State Aid for Probation Services promulgated by the Supreme Court of the State of Arizona on January 30, 1981.

Melvyn T. Shelley
Applicant

Date

Melvyn T. Shelley, Presiding Judge

RESOLUTION NO._____

BE IT HEREBY RESOLVED that the Navajo County Board of Supervisors, at a duly-called meeting of said Board, does hereby resolve to participate in the Program for State Aid for Probation Services for the 1981-82 fiscal year.

That the Board has on this date met and approved the Navajo County Plan to Improve Probation Services, which is in conformity with the statutory requirements as set forth in A.R.S. Section 12-261 through 12-266.

The Board does hereby authorize Melvyn T. Shelley, Judge of the Superior Court, to enter into a funding agreement with the Arizona Supreme Court for the purpose of implementing this plan.

The Board does hereby authorize Melvyn T. Shelley, Judge of the Superior Court, to make minor modifications in the approved plan with the approval of the Arizona Supreme Court.

Passed this _____day of _____, 1981.

_____
John L. Butler, Chairman
Navajo County Board of Supervisors

ATTEST:_____
Sharon Keene, Clerk
Navajo County Board of Supervisors