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The Judicial Branch of Arizona  
MOHAVE COUNTY

JUVENILE  
HANDBOOK

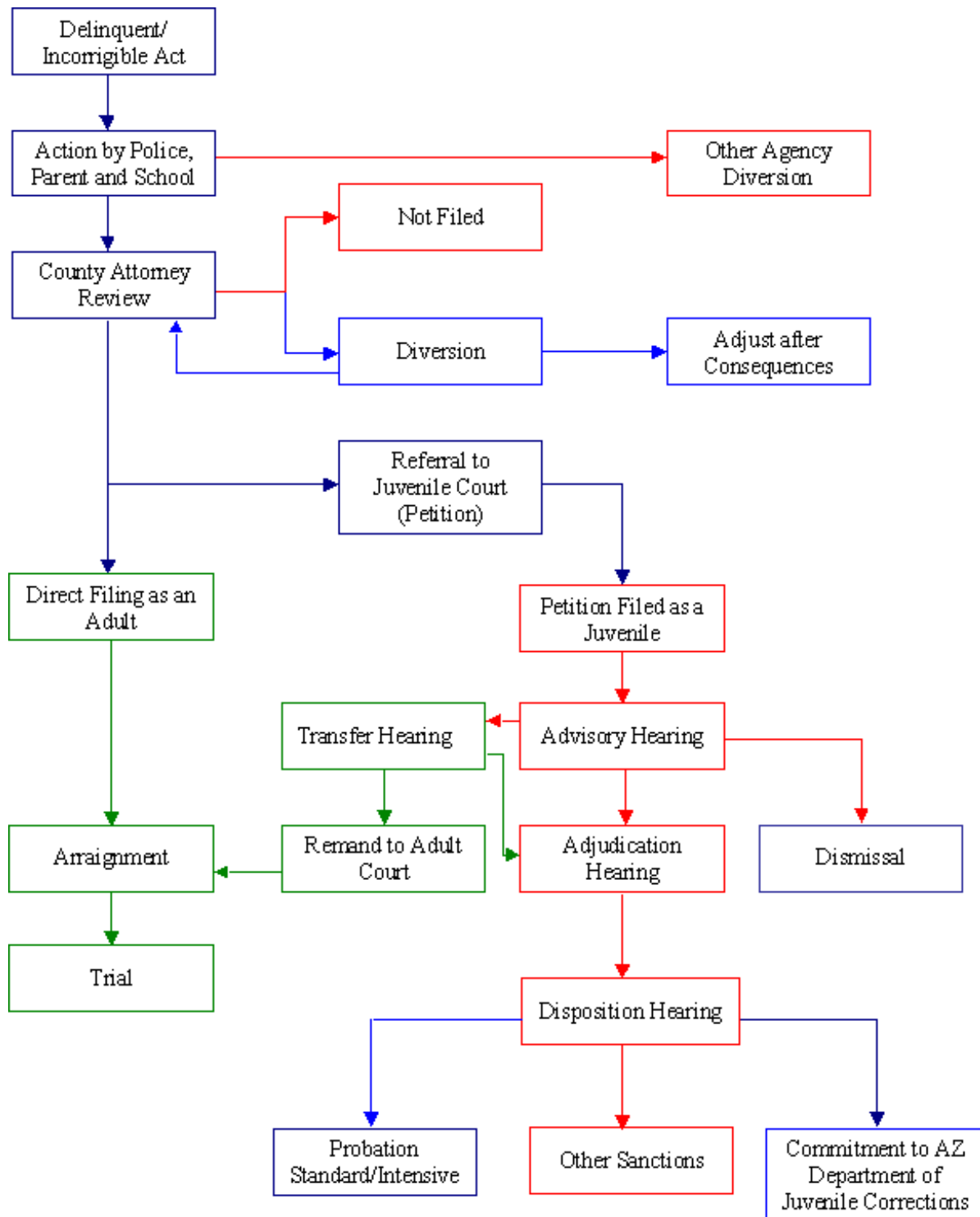
MOHAVE COUNTY PROBATION  
DEPARTMENT

Arizona Office of the Courts | Mohave County Superior Court

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## Juvenile Justice Flow Chart



## Glossary

Adjudication Hearing	Hearing at which the juvenile is determined to have committed or not committed the alleged delinquent act (s). This hearing is the same as a trial in adult criminal court.
Advisory Hearing	The first hearing in Juvenile Court.  The juvenile is advised of his/her legal rights; advised of the charges against him/her; is appointed an attorney to represent him/her if they cannot afford one and is advised of the next hearing date.
Child and Family Team (CFT)	A defined group of people that includes, at a minimum, the child and his/her family, a behavioral health representative, and any individuals important in the child's life who are identified and invited to participate by the child and family. These individuals may include teachers, extended family members, community resource providers, representatives from religious affiliations, or agents from other service systems such as the Department of Child Safety (DCS) or Juvenile Probation, etc. The size, scope and intensity of involvement of the team members are determined by the objectives established for the child, the needs of the family in providing for the child, and resources needed to develop an effective service plan. The Child and Family Team can expand and contract as necessary to be successful on behalf of the child.
Chronic Felony Offender	Chronic felony offender means a juvenile who has had two prior and separate adjudications and dispositions for conduct that would constitute a historical prior felony conviction if the juvenile had been tried as an adult.
Commitment to the Arizona Department of Juvenile Corrections ADJC	Juveniles who have not been successful on probation or appear to be risks to the safety of the community may be committed to the Arizona Department of Juvenile Corrections by a Superior Court Judge. Juveniles are incarcerated for a specific length of time after which they are placed on parole. Juveniles are supervised by a parole officer until they are released from parole or until their 18 <sup>th</sup> birthday.  The Arizona Department of Juvenile Corrections (ADJC) is under the Executive Branch of government.
Complaint/Referral	A law enforcement officer alleges a specific illegal offense, and a Complaint/Referral is completed and sent to the Juvenile Probation Department.
County Attorney	The County Attorney's office is charged with reviewing all complaints/referrals that allege a felony. Their office decides whether there is enough evidence to file delinquency charges against the juvenile or to have the probation department adjust the referral through the diversion process.

Disposition Hearing	The final hearing where the Superior Court Judge imposes a grant of probation or commits the juvenile to the Arizona Department of Juvenile Corrections.
Diversion	<p>Diversion is an informal legal process that diverts first time offenders from the juvenile court process. Juveniles going through the Diversion process meet with a juvenile probation officer who holds the juvenile accountable for their actions while taking into consideration the protection of the community.</p> <p>A.R.S. 8-321 provides the statutory authority and requirements for determining which juveniles can be diverted and the conditions that must be met. The Probation Department's Intake Unit works closely with the Mohave County Attorney's Office to identify low level and low risk offenders for participation in the Diversion Program.</p> <p>Juvenile Probation Officers in the Intake Unit work diligently with the families to assess the juvenile's risk to the community and assign educational interventions. Juveniles may also be referred to local treatment options when appropriate. Programs offered through the probation department include Teen Law School, Teen Court, on-line drug and alcohol classes, shoplifting classes and work books that require family participation.</p>
Delinquent Act	Any act committed by a juvenile whereby if committed by an adult would be considered a crime.
Fines/Fees/Restitution	Juveniles can be ordered to pay court-ordered fees as a condition of probation. Parents are also ordered to pay court-ordered fees. When court-ordered fees are not paid, the court can file a civil judgment against the parent and juvenile when the juvenile turns 18 years of age.
Incorrigible Child	A child who (a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person. (b) Is habitually truant from school as defined in section 15-803, subsection C. (c) Is a runaway from the child's home or parent, guardian or custodian. (d) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others. (e) Commits any act constituting an offense that can only be committed by a juvenile and that is not designated as a delinquent act. (f) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action.
Interventions	Interventions may include unpaid community restitution service, fines or restitution, counseling, and education programs.
Joint and Several Liability	Each juvenile in a legal action is responsible for the entire amount of damages being pursued by the victim, regardless of the individual share of damages actually caused by each juvenile. The juveniles receive credit for each other's payments.

Juvenile Intensive Probation Supervision (JIPS)	A form of probation that constitutes a higher level of supervision, mandatory house arrest and 32-hour-per week of school, work, treatment or community restitution service.
Juvenile Delinquency Petition	Official written document filed by the County Attorney's Office that lists one or more offenses that a juvenile is alleged to have committed.
Mandatory or Discretionary Direct File as an Adult	<p>Per ARS 13. 501, the county attorney can bring criminal prosecution against a juvenile in the same manner as an adult if the juvenile is <b>fifteen, sixteen or seventeen years of age</b> at the time the alleged offense is committed and the juvenile is accused of any of the following offenses:</p> <ol style="list-style-type: none"> <li>1. First degree murder in violation of section 13-1105.</li> <li>2. Second degree murder in violation of section 13-1104.</li> <li>3. Forcible sexual assault in violation of section 13-1406.</li> <li>4. Armed robbery in violation of section 13-1904.</li> <li>5. Any other violent felony offense.</li> <li>6. Any felony offense committed by a chronic felony offender.</li> </ol> <p>The county attorney may bring a criminal prosecution against a juvenile in the same manner as an adult if the juvenile is at least <b>fourteen years of age</b> at the time the alleged offense is committed and the juvenile is accused of any of the following offenses:</p> <ol style="list-style-type: none"> <li>1. A class 1 felony.</li> <li>2. A class 2 felony.</li> <li>3. A class 3 felony</li> <li>4. A class 3, 4, 5 or 6 felony involving a dangerous offense.</li> <li>5. Any felony offense committed by a chronic felony offender</li> </ol>
Non-Compliance	If the juvenile doesn't complete the intervention(s) imposed by the probation officer, the matter is referred to the County Attorney's Office who can file delinquency charges in Juvenile Court. This results in the juvenile appearing before a Juvenile Court judge.
Probation	<p>Probation is a suspended sentence.</p> <p>A grant of probation by a Superior Court Judge allows the juvenile to remain in the community and "prove" that he/she can remain law abiding while being supervised by a probation officer.</p> <p>The juvenile must obey conditions of probation that are set forth by the Court for a set period of time.</p>
Probation Officer	A person delegated by a court to supervise an offender on a suspended sentence.
Transfer Hearing	Per ARS 8-327, on request of the state that a juvenile be transferred, the court holds a transfer hearing before the adjudication hearing. If the judge finds by a preponderance of the evidence that probable cause

	<p>exists to believe that the offense was committed, that the juvenile committed the offense and that the public safety would best be served by the transfer of the juvenile for criminal prosecution, the judge orders the juvenile be transferred for criminal prosecution.</p> <p>At the conclusion of the transfer hearing, the court makes a written determination whether the juvenile should be transferred to the criminal division of the superior court for criminal prosecution. The court cannot defer the decision as to the transfer. If the court determines that the juvenile should not be transferred to the criminal division of the superior court, the court sets an adjudication hearing and the juvenile remains in the Juvenile Justice System.</p>
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## Entry into the Juvenile Justice System

A Juvenile Delinquency Case is initiated by any of the following:

A referral is issued by a law enforcement officer. A referral requires the juvenile to meet with a probation officer at the probation department at a later date or to appear in Juvenile Court. Juveniles facing criminal charges can also be detained by local law enforcement and booked into the juvenile detention center or may be released to their parents depending on the seriousness of the charges.

Juveniles already on probation can be detained by a law enforcement agency or by probation officers for probation violations.

## Mission Statements

### Arizona Probation

To enhance the safety of the community by: providing cost effective incapacitation, rehabilitation, deterrence, and/or accountability and punishment; providing the courts and the criminal and juvenile justice community with useful, objective, credible, timely, accurate, information and alternatives; and providing clients with fair and just programs designed to foster accountability and stability in life through opportunities for employment, education, training, counseling, and family services.

### Mohave County Probation Department

#### *Mission*

Protect the Public, Serve Justice, and Change Lives by fostering sustainable, positive changes in youth and adults by providing access to evidence-based resources, interventions and practices. We are dedicated to promoting personal responsibility, pro-social growth, and family stability using a strengths-based community partnership with child welfare, educational, and behavioral health care systems.

### *Vision*

Creating opportunities for Pro-Social growth.

### *Motto*

“Service to others is the highest calling.”

### *Values*

- Accountability
- Opportunities
- Fairness
- Community Safety
- Professionalism
- Compassion

## **Mohave County Juvenile Detention Facility**

### **When a juvenile is booked into Juvenile Detention**

The juvenile arrives at the facility and enters into a secure area where he/she is escorted into the building by the arresting officer. They are met by a detention officer. Upon entering the facility, the juvenile enters a smaller secured area. A medical clearance is required for any juvenile who appears to be under the influence of alcohol, illegal drugs or otherwise impaired or injured.

The juvenile is required to submit to a breathalyzer test and a clothed body search or “pat down”. The pat down is done by a detention officer of the same gender. The search is performed to ensure the juvenile is not in possession of any contraband such as illegal drugs, weapons or any items that are not issued or approved by the detention facility. Once this is completed, the juvenile is escorted into the facility.

Once in the intake area, an inventory of the juvenile’s clothes and possessions are taken and recorded. The juvenile is photographed. The juvenile is then escorted to a private shower where an unclothed body search or “strip search” may be completed by a detention officer of the same gender. A second detention officer acts as a witness. The second officer is present to witness that no contact between the officer and juvenile takes place. It also ensures that no contraband is brought into the detention facility. Once showered, the juvenile is issued a set of detention clothes (underwear, socks, shoes, pants, t-shirt and a sweatshirt depending on the time of year).

Juveniles are evaluated to determine:

- Emotional level and suicide risk
- Drug history
- Gang affiliation
- Medical history
- Identify scars, marks, tattoos or body piercings



A detention officer then contacts the juvenile's parents/guardian to review and verify the information the juvenile has provided. At this time, the juvenile is permitted a ten minute booking phone call. Either party may refuse the call. However, this is the only time a free call will be offered unless circumstances demand otherwise. The juvenile is assigned a housing unit or "wing" and a room number. He/she is provided with two blankets, two mats, pillow and a pillowcase upon entering the wing and room.

The juvenile is seen by medical staff within 24 hours of his/her being detained. Female detainees are required to provide a urine sample to determine if they are pregnant. After being assessed by medical staff, juveniles having prescribed medications will be documented by medical staff. Medications will be dispensed as prescribed. Certain types of medications will not be dispensed such as sleep aids and certain types of narcotic drugs.

### **Telephone Calls**

All juveniles have the right to a booking call to their parent, guardian/custodian and counsel. Upon completion of the booking process, the Control Officer will notify the parent, guardian/custodian or counsel that the juvenile is booked into Detention; get medical questions about the juvenile answered; give the parent information about court, phone calls and visitation. The Control Officer will then transfer the call to the juvenile for the booking call. Juveniles are allowed to make a collect and non-collect phone call to their parents or guardians, during non-structured time. The number of collect or non-collect calls allowed per week depends on the level the juvenile has attained.

If a juvenile wishes to speak with their attorney or probation officer, they will be given a *Professional Contact Kite* to fill out. The juvenile shall name the person they wish to speak with and a reason for contact.

### **Visitation Policy**

It is the policy of Mohave County Juvenile Detention Center that parents, legal guardians, grandparents and custodians only are allowed to visit the juvenile. No more than 3 (three) visitors are allowed to visit at one time. Any juvenile who is the birth parent of child/children may be allowed a "special visit" with that child/children. This must be approved by the Detention Administrator and the supervising probation officer. Visits are one half hour long and scheduled for Saturday and Sunday from 1200 to 1230 and Monday from 1800-1830.

### **Level System**

Level 0 – Juveniles at level 0 are those who refuse to join population, are on Disciplinary Confinement, are booked into Detention after 5:00 p.m., or are serving Mandatory Weekend days.

Level I Begins at 6:00 a.m.

Level II Ends 2 days from the time Level I started

Level III Ends 4 days from the time Level II started

Level IV Ends 4 days from the time Level III started

Juveniles must maintain points in order to remain on their current level and advance to a higher level. If they lose their last point, it is an automatic level loss.

## **Intake/Diversion Unit**

### **Diversion Program**

The Intake/Diversion Unit of the Mohave County Probation Department is tasked with the responsibility of reviewing all juvenile complaints submitted by law enforcement. A.R.S. 8-321 provides the statutory authority and requirements for determining which juveniles can be diverted and the conditions that must be met. The County Attorney has sole discretion to divert prosecution and determines offenses eligible for diversion. Juvenile Probation Officers assess the juvenile's risk to the community and assign treatment and educational interventions. Programs offered through the probation department include Teen Law School, Teen Court, on-line drug and alcohol classes, shoplifting classes and cognitive life skills programs that require family participation.

## **Juvenile Court**

### **Advisory Hearing**

This is the very first hearing in a juvenile delinquency case. In *Re Gault* grants the juvenile his/her rights to due process at this stage of the court proceedings. Juveniles are advised of their rights and the charges filed against them, the court reviews the Financial Statement prepared by the juvenile's parents to determine the appointment of an attorney, and the juvenile enters an admission or denial of the alleged offenses. The date of the next hearing is set. The juvenile is ordered detained or released. If released, the juvenile is released on Conditional Release Conditions.

#### ***Conditional Release***

A juvenile offender is released to the custody of his/her parents or guardians under supervision of the Intake Officer. There are 11 standard conditions and the Court reserves the option of placing the juvenile on the GPS Monitoring Program which requires a \$200.00 fee. Condition #12 authorizes the Mohave County Probation Department to assess a daily fee for Juvenile Detention in the event the Conditional Release is revoked and the juvenile is brought to the Detention Facility.

### **Adjudicatory Hearing**

This is the juvenile court equivalent of a trial wherein the State has the burden of proof. The juvenile will be offered a plea agreement. If accepted, the juvenile admits to the allegations and the juvenile and parents are ordered to complete a Dispositional Interview Questionnaire and meet with the Intake Officer to complete the Dispositional Interview. If not accepted, a Contested Adjudicatory Hearing is scheduled wherein the State must prove the juvenile committed the offense(s) beyond a reasonable doubt. There is no jury in juvenile court. The Judge is trier of fact.

### ***Dispositional Interview***

The juvenile and his/her parent(s) or guardian(s) attend a scheduled 60-90 minute interview with the Intake Probation Officer to review the Dispositional Interview Questionnaire they completed in advance. The answers provided in those packets are reviewed to insure the information is accurately conveyed to the Court in the form of a Dispositional Report. Parents/Guardians are required to provide a copy of their social security card, most recent tax return, the juvenile's social security card, birth certificate, insurance card, and academic progress report.

### **Dispositional Hearing**

This is the juvenile court equivalent of sentencing. The Judge reviews the Dispositional Report prepared by the Intake Probation Officer. In determining the disposition of this case, the Court considers statements made by all parties, and decides on a grant of probation to include the length, type, and conditions of probation or commits the juvenile to the Arizona Department of Juvenile Corrections.

### **Juvenile Drug Court**

The Mohave County Juvenile Drug Court program has been in existence since 2007 when it was launched by the Superior Court in our county. In October of 2010, Mohave County Probation took over administration of the Drug Court program. A full time Drug Court Coordinator, Administrative Assistant and Drug Court Probation Officers manage the program in Kingman, Lake Havasu City and Bullhead City.

Juvenile Drug Court is an intervention program aimed at reducing the number of delinquent juveniles between the ages of 14-17 engaging in illegal substance use. Through frequent drug testing for illegal substances and weekly court hearings, accountability and consistency are reinforced through a variety of incentives and interventions. Treatment agencies within the community are utilized as referral sources for counseling services. Professional educational resources are used as additional support for the juveniles and their families through written homework assignments and educational presentations. This collaboration with outside agencies and utilization of current educational materials further reinforces the positive behaviors learned in the court setting.

Cooperation and collaboration with the family is a key component of Drug Court. Family members, guardians and supportive members of the juveniles' community are encouraged to participate in Drug Court with the juveniles by attending court hearings and educational presentations.

## **Probation**

### **Standard Probation**

There are Uniform Standard Terms and Conditions of probation and a number of special conditions which include suspended detention days, attorney's fees, restitution, and any additional interventions and restrictions ordered by the Court.

## **Juvenile Intensive Probation Supervision (JIPS)**

Juvenile Intensive Probation Supervision is a program designed to divert felony offenders from the Arizona Department of Juvenile Corrections (ADJC). Each juvenile placed on JIPS is required to participate in a minimum of 32-hours a week of school, work, treatment or community restitution service. Juveniles are on house arrest and are not permitted to leave their residence without first obtaining permission from their probation officer.

This program was enacted into law in 1987. The intent of this legislation was to allow juveniles who are adjudicated delinquent the opportunity to remain at home under close supervision by the probation department. Probation officers are required to make weekly contact with these juveniles and their families.

Only those juveniles who would otherwise be considered for commitment to the Arizona Department of Corrections, out-of-home placement or those ordered by the Court are screened for the JIPS Program. Factors that the Court considers when placing a youth on JIPS include: Nature of the offense, Prior delinquent offenses, Family history, Potential harm to the victim, School and/or treatment attendance, Potential for employment, Ability to pay back restitution, Family cooperation and support, Juvenile's risk/needs score.

## **Probation Services**

The juvenile probation officer (JPO) will develop an individualized case plan with the juvenile which include SMART (Specific, Measurable, Attainable, Reasonable, Timely) goals and specify the persons and/or agency who will assist the juvenile in meeting those goals. The JPO will provide random, unscheduled visits in the juvenile's home, school, employment, in the community, and schedule office visits. Visits will include discussing the juvenile's personal goals, probation case plan progress, and any areas of concern. The JPO will ensure the juvenile receives treatment, services, and support to successfully complete their case plan and monitor his or her progress. The JPO will join the existing Child Family Team (CFT) or, when appropriate and necessary, request a CFT be formed.

## **Probation Revocation**

The juvenile probation officer responsible for supervising the juvenile or the prosecutor may petition the court to revoke probation if there is probable cause to believe that the juvenile has violated a condition or regulation of probation. The prosecutor shall represent the state in any revocation of probation proceeding. On request of the victim, the court shall notify the victim of any probation revocation disposition proceeding and shall afford the victim the opportunity to be heard, as provided by law.

When a Petition to Revoke Probation is filed, the juvenile may receive a subpoena to appear, a warrant may be issued, or the juvenile may be taken into custody.

The probation revocation begins a court process starting with an Advisory Hearing, followed by a Probation Violation Hearing, and completed with a Dispositional Hearing. The Court may revoke, modify, or continue the grant of probation.

### **Transfer of Probation**

To participate, the juvenile must acknowledge responsibility for the delinquent or incorrigible act, and have their parents' approval. The court may authorize the transfer of a case from the county of disposition to the county of residence under probation supervision.

### **Courtesy Probation Supervision**

The court may authorize a juvenile placed on probation to reside in another county upon verification that the court in the receiving county can provide courtesy probation supervision in accordance with the terms and conditions originally imposed upon the juvenile. If the receiving county is unable to ensure that the terms and conditions of probation can be supervised as ordered, the court in the sending county may, after a hearing, amend the terms and conditions of probation to permit transfer. The court in the sending county shall retain jurisdiction over the juvenile and shall be responsible for the collection of fees, restitution and any violations of probation.

### **Transfer of Probation to another County within Arizona**

If the juvenile is expected to continue to reside outside the county of original jurisdiction for more than one hundred and twenty (120) days, the court may order a transfer of probation supervision to the county in which the juvenile and parent, guardian or legal custodian reside. The clerk of the court in the county of original jurisdiction will forward a certified copy of the legal file, together with a transmittal letter, to the clerk of the court in the receiving county within ten (10) days of the order of transfer. Upon receipt, the transmittal letter shall be signed by the clerk of the court in the receiving county and returned to the clerk of the court in the county of original jurisdiction. The county probation department transferring the case will send copies of the social file and any other pertinent information to the director of court services in the receiving county for processing. The juvenile probation officer will request that the court conduct a review hearing to affirm and/or modify the terms and conditions of supervision to include the payment of fees and restitution. Upon granting a transfer of probation supervision, the court of the receiving county shall assume jurisdiction of the case.

### **Interstate Compact**

If the juvenile and his/her parent(s) or guardian(s) are moving out of the state of Arizona, the Interstate Compact forms must be completed and signed by all parties, including the Judge, and sent to the receiving state via the Interstate Compact offices.

## **Guidelines for Commitment to the Arizona Department of Juvenile Corrections (ADJC)**

When a juvenile has been unsuccessful on probation, or the seriousness of the crime warrants incarceration, the juvenile may be committed to the Arizona Department of Juvenile Corrections (ADJC). Although the probation officer makes a recommendation for or against commitment, the final decision is made by a Judge, not the probation officer. ADJC will confine the juvenile for a period of time, and eventually release him, either to his home,

a residential treatment center, or another type of group living situation. Juveniles who are released from confinement are "paroled," and supervised by a parole officer.

In the state of Arizona, parole officers work under the executive branch of government and probation officers work under the judicial branch of government.