

JAN 29 2024

Madeline Montoya, Clerk of Court
Greenlee County Superior Court

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF GREENLEE

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|----------------------------|---|----------------------|
| In the Matter of: |) | |
| |) | |
| VACATING ELIGIBLE MONETARY |) | Administrative Order |
| OBLIGATIONS IN JUVENILE |) | No. 2024 - <u>03</u> |
| MATTERS |) | |
| |) | |
| |) | |
| _____ |) | |

Section 30(A) of SB 1197, Juvenile Offenders; Monetary Sanctions; Repeal (Laws 2023, Ch. 162) (“the Act”) provides that for financial obligations imposed before October 30, 2023, the outstanding balance of any fee, cost, surcharge, or monetary assessment that was imposed against a juvenile or the juvenile’s parent or guardian pursuant to Arizona Revised Statutes (A.R.S.) §§ 8-221, -234, -243, -245, -263, -321, -323, -341, -343, -344, 11-584, or 12-116 or -116.07, as amended by the Act, or A.R.S. §§ 8-241 or -418 as repealed by the Act, are eligible to be vacated. Section 30(B) of the Act additionally provides that all unsatisfied civil judgments, or portions of judgments, that were entered before October 30, 2023, for an unpaid fee, cost, surcharge, or monetary assessment imposed against a juvenile or a juvenile’s parent or guardian pursuant to the same statutes, are eligible to be deemed null and void and, for all legal purposes, vacated.

On December 20, 2023, the Supreme Court issued Administrative Order No. 2023-221 providing that courts may, by local administrative order, provide for all eligible unpaid monetary obligations, unsatisfied civil judgments, and applicable portions of unsatisfied civil judgments, as provided by Section 30(A) and (B) of the Act, to be vacated.

Therefore, the Court having considered options for better achieving swift, fair justice in vacating eligible unpaid balance and unsatisfied civil judgments in juvenile matters, and pursuant to Supreme Court Administrative No. 2023-221 and Section 30 of the Act,

IT IS ORDERED that this Order applies to cases in this court that meet all the following criteria:

1. The defendant was a juvenile on the disposition date;
2. Financial obligations were imposed before October 30, 2023; and
3. There remains an outstanding balance of any fee, cost, surcharge, or monetary assessment that was imposed against a juvenile or the juvenile’s parent or guardian with the party type role minor, defendant, parent, or guardian; and

IT IS FURTHER ORDERED that monetary obligations imposed before October 30, 2023 in cases to which this order applies, and in any associated civil judgment entered before October 30, 2023, are hereby vacated as follows:

1. **Court-appointed attorney costs** imposed under **A.R.S. § 8-221**

a. In the following case category designations in AJACS when the Court Type = Juvenile:

JUVENILE D
MISDEMEANOR - NON-TRAFFIC
JUVENILE DEPENDENCY
JUVENILE DELINQUENCY
CRIMINAL TRAFFIC

and that have any of the following cost type descriptions in the case:

PUB DEFENDER FEES
ATTORNEY FEES
PUBLIC DEFENDER FUND
ATTORNEY REIMBURSMNT
ATTY FEE - OUT OF COUNTY

b. That meet the following criteria in JOLTSaz:

OTH

2. **Costs** against a parent or guardian for **counseling, treatment, or education** required as part of a diversion program imposed under **A.R.S. § 8-234**

a. In the following case category designations in the case management system:

DIVERSION CONSEQUENCES

and the party type role is

Parent or Guardian

and that have any of the following cost type descriptions in the case:

TREATMENT SERVICE REIMB
ALCHL ABUSE TRTMNT

b. That meet the following criteria in JOLTSaz:

MB, PF, IA

3. **Probation supervision fees** imposed under **A.R.S. § 8-241**

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JIPS MON PROB UNDR
JUVENILE PROBATION
EXTRA JUVENILE PROB
JIPS MON PROB UNDR 40
JIPS MON PROB UNDER
PROB SERV FEE – JUV

b. That meet the following criteria in JOLTSaz:

PSF

4. **Foster care expenses** imposed under **A.R.S. § 8-243(A)**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

PROVIDER REIMB SP CT
PROVIDR REIMB SUPRM CRT
SUPERIOR COURT - PROVIDER REIMB

b. That meet the following criteria in JOLTSaz:

OTH

5. **Department of juvenile corrections or other state department institution expenses** imposed under **A.R.S. § 8-243(B)**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JAIL/PRISON
JAIL FEES-JUVENILE
JAIL RECOVERY FEE
JAIL/PRISON
JAIL COST FEE PD
JAIL/PRISON-DISPO

b. That meet the following criteria in JOLTSaz:

JFAC

6. **Juvenile detention expenses** imposed under **A.R.S. § 8-243(C)**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

REIMB CO JUV DET FEE

b. That meet the following criteria in JOLTSaz:
JFAC, DEF

7. **Family counseling program costs** imposed under A.R.S. § 8-263:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JUV DEL
MISDEMEANOR - NON-TRAFFIC
JUVENILE DELINQUENCY
CRIMINAL TRAFFIC
JUV
FELONY

and that have any of the following cost type descriptions in the case:

JUV FMLY COUNS STND
FAM COUNS REIMB JIPS
JUV FMLY COUNS STND

b. That meet the following criteria in JOLTSaz:
COU

8. **Community-based alternative program fees or costs** imposed under A.R.S. § 8-321:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

STANDARD PROB UNDER \$40
DIVERSN 1X50 OVER
JUVENILE PROBATION
JUVENILE DIVERSION PROB OVER \$40
JUVENILE DIVERSION PROB UNDER \$40
DIVERSN 1X50 UNDER
DIVERS PROB OVR 40
DIVERS PROB UND 40
DIVERSION FEE OVER

b. That meet the following criteria in JOLTSaz:
PSF, MA

9. **Detention costs** imposed under **A.R.S. § 8-343(M)**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

REIMB CO JUV DET FEE
JAIL/PRISON
JAIL FEES-JUVENILE
JAIL RECOVERY FEE
JAIL/PRISON
JAIL COST FEE PD
JAIL/PRISON-DISPO

b. That meet the following criteria in JOLTSaz:

JFAC

10. **Victims' Rights Fund Implementation Fees** imposed under **A.R.S. § 8-418**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JUVENILE VICTIM FEE
VICTIM RIGHTS JIPS

b. That meet the following criteria in JOLTSaz:

VF,DG

11. **Public defender or court-appointed counsel administrative assessments** imposed under **A.R.S. § 11-584(C)**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JUV DEL
MISDEMEANOR - NON-TRAFFIC
JUVENILE DELINQUENCY
JUV
JUV DELINQ

and that have any of the following cost type descriptions in the case:

PUB DEFENDER FEES
PUBLIC DEF ADMIN FEE

PUBLIC DEFENDER FUND
PUBLIC DEFNDR FEE/CR

b. That meet the following criteria in JOLTSaz:

OTH

12. **Time Payment Fees** imposed pursuant to **A.R.S. § 12-116:**

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JUV DEL
PARKING
CIVIL PENALTY
MISDEMEANOR - NON-TRAFFIC
JUVENILE DELINQUENCY
CRIMINAL TRAFFIC
JUV
FELONY

and that have any of the following cost type descriptions in the case:

TIME PYMT \$20 JCEF
TIME PMT \$12 - JCEF
JCEF TIME PYMT \$8/12
TIME PMT FEE 8

b. That meet the following criteria in JOLTSaz:

TFEE

13. **\$500 Dangerous Crimes Against Children Assessments** imposed under **A.R.S. § 12-116.07:**

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

JUVENILE DELINQUENCY

and that have any of the following cost type descriptions in the case:

FORENSIC INVSTGTN COSTS
FORENSIC INTERVIEW

b. That meet the following criteria in JOLTSaz:

OTH

14. **A.R.S. § 12-116.01 and .02 Surcharges (i.e., no A.R.S. § 16-954(A) or 16-976(C) Clean Elections Surcharges)** on monetary assessments imposed under **A.R.S. § 8-323(F)(5)** for a **non-Title 28 offense (i.e., neither civil traffic nor a Title 28 misdemeanor offense)**:

a. In AJACS when the Court Type = Juvenile and the cost type description is any of the following:

FELONY
MISDEMEANOR - NON-TRAFFIC

and that have the following cost type description in the case:
2018 SURCHARGE 73 PRCT

b. That meet the following criteria in JOLTSaz:

SUR

15. **Medical or surgical treatment expenses** imposed under **A.R.S. § 8-245** according to the following criteria:

Currently there are no known JOLTSaz entries in Greenlee County as to these expenses. If identified, they are to be vacated through a manual review process and Petition to the Court.

16. **Rehabilitative, incorrigibility, or minor consumption monetary assessments** imposed under **A.R.S. § 8-341** according to the following criteria in JOLTSaz:

PF

17. **Alcohol or drug screening, education, or treatment costs** imposed under **A.R.S. § 8-343(L)** according to the following criteria in JOLTSaz:

UFEE

IT IS FURTHER ORDERED that if a payment is received on a case that may be subject to this order but the balance has not yet been adjusted in the court's case management system, the clerk must conduct a manual review of the monetary obligations in the case and apply the provisions of this order to the case before applying the payment to any remaining balance or returning the excess.

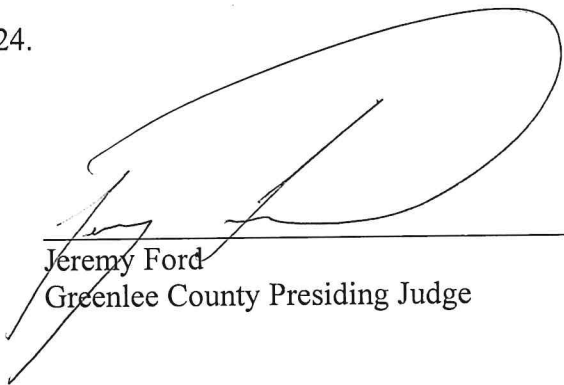
IT IS FURTHER ORDERED that if monetary obligations vacated pursuant to this order result in an associated civil judgment being vacated in its entirety, the clerk shall notify the county recorder that the judgment has been vacated.

IT IS FURTHER ORDERED that if the eligibility of a monetary obligation in a case is at issue, or the clerk or other staff is presented with any issue for which specific direction is not provided in this order, the case shall be referred to a judicial officer before any monetary obligations are vacated in the court's case management system.

IT IS FURTHER ORDERED that this order shall be posted on the court's website and forwarded to the following prosecuting agencies:

Greenlee County Attorney's Office

Dated this 29th day of January, 2024.



Jeremy Ford
Greenlee County Presiding Judge