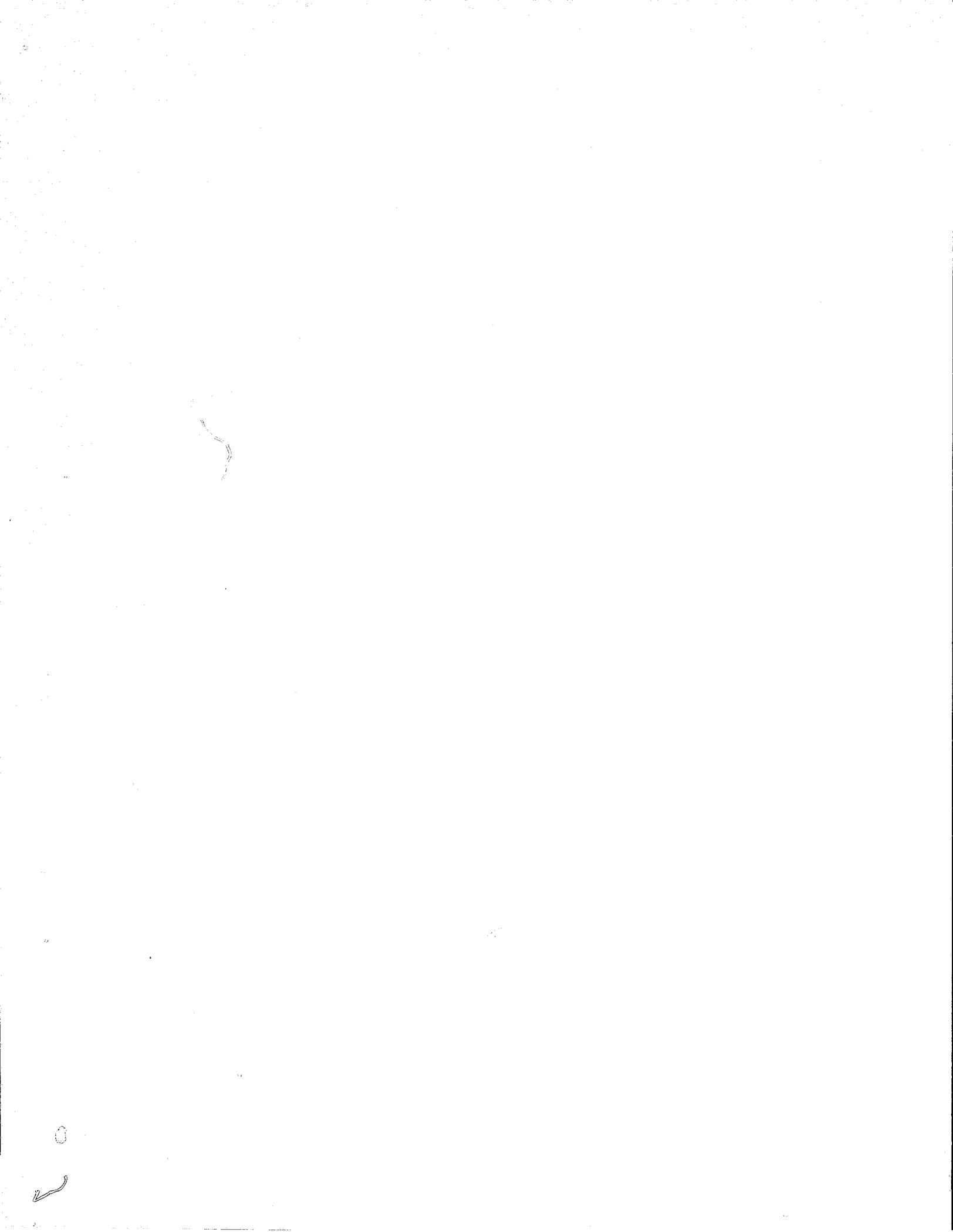


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**JUVENILE COURT**



APR 21 1978

INTRODUCTION

This booklet has been prepared to provide an ~~Introduction~~ <sup>ACQUISITIONS</sup> to the Pima County Juvenile Court, some of its operations, procedures and policies. By necessity, it is incomplete and is a highly selective synopsis of the court. This is not meant to be a definitive document but a survey of the highlights of our operation.

There are no brilliant analyses nor earth-shattering solutions on the following pages; at best, you will see the Pima County Juvenile Court as it really is.

PHILOSOPHY OF THE JUVENILE COURT

The Pima County Juvenile Court is a division of the Superior Court charged with the responsibility for all youth under the age of eighteen who violate Arizona law or who are in need of court intervention. The responsibility of the court is not simply to declare children guilty, put them on probation, or release them to the Department of Corrections. The juvenile court is a complex admixture of the legal world and the social sciences.

The Pima County Juvenile Court ought not to be viewed as but a parallel unit of the Superior Court, meting out punishment in proportion to the severity of the crime. Experience has sadly taught us that by treating children in the identical manner in which we treat adults, few, if any, are actually rehabilitated. Punishment is rarely an effective deterrent to future crime and may only provide some vague biblical-type gratification to the punishers. Moreover, as the 1967 President's Commission on Law Enforcement and Administration of Justice Report stated, "... Delinquency is not so much an act of individual deviancy as a pattern of behavior provided by a multitude of pervasive societal influences well beyond the reach of the actions of any judge, probation officer, correctional counselor or psychiatrist."

To further complicate matters, the courts have been placing greater and greater emphasis upon procedural safeguards and children's rights which oftentimes takes precedence over "societal influences." In other words, the Pima County Juvenile Court in 1978 finds itself in the middle of two oftentimes unyielding and competing influences, "procedural rights" and "solicitous rehabilitation."

Our experience in committing children to the reform school, the Arizona State Department of Corrections, has been bitter and frustrating; the State Industrial School was not able to intervene and help our youth consistently. Moreover, it was an abrogation of our community's responsibility to

simply send away children who were bothersome or embarrassing. In this context, the court committed itself to the notion of "community-based treatment" --that the community that spawned the problem is the most appropriate place to seek resolution of it.

Mass commitments of children by the hundreds to the reform school were rejected in favor of small decentralized group homes in the community. This has been a rather controversial stance for the court to take, to step beyond the traditional adjudication/sentence role and to encourage the community's private sector to develop these facilities and then to monitor them. The old adage, "Out of Sight, Out of Mind" no longer characterizes Pima County's attitude toward its young offenders.

The pivotal feature of the court's philosophy is the conviction that decisions about a child's future should be in accordance with the best interests of the child, as well as society, and this may be the most precarious of balances. If we err in one direction, we are too paternalistic; if we err in the other, we may inadvertently stigmatize a child as delinquent and make the label a self-fulfilling prophecy. Herein lies our dilemma.

Perhaps our most significant departure from the traditional approach to children is our belief that it may not necessarily be in the child's interest that the court meddle with his or her life. Contact with the court may not be a salutary experience for some, or even most, children. Our first action in this area was the application for receipt of a federal grant to deinstitutionalize status offenders. In effect, the court elected to decline treatment for all non-delinquent referrals and, instead, refer the child to more appropriate community agencies.

As expected, this was a rather contentious posture for the court to take, since status offenders are most often the most obnoxious and visible adolescents in the community. Our experience seems to strongly indicate that our past meddling with status offenders accomplished little other than providing the illusion that the court could provide services. The plain sad facts are that we squandered time and money with little success to claim for our efforts. Rather than transforming large numbers of status offenders into useful and productive members of our community, we were taking time and resources away from our responsibilities to the ever-growing delinquency problem in Pima County.

It would be easy for the Pima County Juvenile Court to seek anonymity in a typical bureaucratic approach to clientele; it would also be non-controversial. We could hide in a morass of bureaucratic rule and procedure and keep the community at arm's length. However, we believe that our

responsibilities are to you, the community, and its youth, and not to the self-perpetuation of our particular bureaucratic operation.

Therefore, we view ourselves as a treatment-oriented court, seeking to deal with young offenders in a manner that will have the greatest possibility of diversion from the adult criminal justice system. The adult penal system is obviously a failure; to mimic it is to guarantee identical results for the juvenile system. We are committed to strive for novel approaches to juvenile justice that are successful.

#### THE PROBATION OFFICER

Among his or her other qualities, the juvenile probation officer is expected to be peace officer, social worker, bailiff, bureaucrat, therapist, caseworker, supervisor, leader, follower and friend. We rarely achieve this amalgam of qualities, yet the public, in its various guises, holds us accountable for each.

The clearest thing to a definition of a P.O. (probation officer) is the following from the Arizona Revised Statutes:

The Juvenile Probation Officer shall "...

1. Receive and examine complaints involving an alleged delinquent or incorrigible child for the purpose of considering the commencement of proceedings under this chapter.
2. Perform other duties as required or prescribed by the presiding judge of the juvenile court.
3. Have the authority of a peace officer in the performance of his duties.
4. Receive petitions alleging a child or children as dependent and transmit such petition to the juvenile court."

Yet this description is curiously defective in comparison to the expectations listed above. Moreover, probation officers at the Pima County Juvenile Court are found in such diverse areas as Intake, Detention, Diversion, Field Probation, Administration, Volunteers and Computers. As the juvenile justice field has become more and more complex, the strict notion of the court officer has grown to encompass new and different functions.

It is no wonder that the child appearing in court for the first time has difficulty sorting out the role of the officer assigned to his or her case.

As if this is not confusing enough, the P.O. gets advice from the County Attorney, Public Defender, school officials, mental health practitioners, the child's family, neighbors, victims, police, the child, and other interested parties.

Being a P.O. in the Pima County Juvenile court is often-times a frustrating, confusing and disheartening job. It can also be infinitely rewarding and satisfying.

### THE COURT PROCESS (DELINQUENCY)

The court process at the Pima County Juvenile Court begins when a local police agency arrests a child and either brings him or her to the court (a physical referral), or releases the child to his or her parents with the condition that the child and parents make an appointment with the court (a paper referral). In either case, the court must weigh a great many factors in determining what, if anything, should be done with the child.

Usually, the intake probation officer will interview the child and parents, as well as inquire about school adaptation, social relationships, relevant biographical data and pertinent counseling history.

If, after this thorough evaluation, the court intake officer assigned to the child ascertains that the matter can be resolved informally, no court hearing is scheduled and the referral may be adjusted (settled) at that point. However, if as a result of the assessment it is determined that a formal hearing is required, the matter is heard by the Juvenile Court Judge or a Court Referee. The initiation of the formal court process begins with the filing of a petition by the County Attorney. The County Attorney may choose to file a petition even if the intake officer believes adjustment is a preferable alternative.

One may appeal beyond the Judge through the Court of Appeals as one does in any other Superior Court Division. Juvenile Court is not a lesser court; the Juvenile Court Judge is a regular Superior Court Judge who has been elected by the other judges to serve as the Presiding Juvenile Court Judge.

There are several kinds of court hearings held at the Pima County Juvenile Court. In addition to the hearing officer (Judge or Referee), the probation officer, child, parents and attorneys attend the court hearing.

#### Court Hearings:

A. Detention Hearing: If a child is arrested by the police and physically detained at the court, the law requires that a petition setting forth the allegations be filed within 24 hours of the time the child is detained. Moreover, the law requires that a hearing be held within 24 hours of the filing of the petition in order to determine whether the child should be released or further detained. Thus, a child may only be

detained for a maximum of 48 hours without having a hearing. This detention hearing begins with a recitation of the child's rights. The child is asked if he or she wants to be represented by an attorney, and one is appointed if the family cannot afford a lawyer. Generally, the Public Defender's office represents families in need of an appointed lawyer.

After the hearing officer has definitively established that the child understands his or her rights, an inquiry begins into whether or not there is probable cause (see Glossary) to believe the child committed the act in question. If the court finds that there is probable cause to believe the allegations, the probation officer assigned to the case presents social data relevant to whether the child should remain in detention or be released. The parent, child, attorneys and witnesses may all contribute to the decision-making process. At the conclusion of the hearing, the decisions by the hearing officer are announced. The detention hearing officer does not determine the guilt or innocence of the child; he or she merely addresses the question of the child's detention until the outcome of future hearings in the matter.

B. Adjudication Hearing: This hearing is a formal proceeding by the court at which the allegations set forth in a formal petition are judged to be true or false. A child may wish to deny the allegations, which then requires the prosecutor (County Attorney) to bring forth witnesses in order to prove the allegations. The hearing is then called a contest, analogous to an adult trial, which must be decided by the Judge. As in the adult system, a child can only be found guilty if the evidence presented is deemed to be "beyond a reasonable doubt" by the Judge. However, here is where the juvenile system departs significantly from the adult; a child is not "convicted" of a crime; the court decides that the child is a delinquent child.

Frequently, the cumbersome process of a contested hearing is avoided by a plea arranged between the child, his attorney and the County Attorney. The adjudication then becomes a simple matter of the child, after the court is satisfied that a knowledgeable admission has been made, accepting a plea to some combination or modification of the allegations set forth in the petition. Many adjudications are made in juvenile court by such pleas. There is no jury at a juvenile adjudication; the hearing officer alone decides the merits of the County Attorney's case. As in a detention hearing, the Referee's recommendation may be appealed to the Judge who will hear the matter anew, de novo.

C. Dispositional Hearing: When a child is adjudicated delinquent, the court must then decide what to do with him or her. The dispositional hearing is the proceeding at which the probation officer assigned to the case prepares an extensive report and recommendation to the court. The report contains a detailed social history of the child and family, a summary of previous court involvement, the views of the child and parents regarding the offense, psychological and educational data, and any other information that might be relevant to the decision of which disposition to choose. The major aim of the dispositional proposal (court hearing report) is to provide a recommendation of action to the court in conjunction with a plan to accomplish certain particular goals. If the goal is to keep a child from recidivating, then the probation officer will propose a plan designed to try to accomplish this goal.

The basic dispositional alternatives available to the court are:

A. Continued Disposition: After a careful assessment of the child's needs after an adjudication, it may be concluded that further court involvement is unnecessary. Perhaps the adjudication alone is considered to be therapeutic or perhaps the court believes that further court intervention would be gratuitous. In that case, the disposition may be formally continued (postponed indefinitely) with the expectation that the child will not be referred to court again. If, however, another referral is made to the court, disposition of the continued matter may be made at that time.

A continued disposition is an attempt by the juvenile court to permit a child to resume his or her life within the community.

B. Official Probation: When the court determines that continued supervision, monitoring or counseling is necessary to guide a child after an adjudication, this dispositional alternative is selected. A field probation officer is assigned as the child's principal worker; the other members of the probation team are available, as necessary, to provide services to the child.

The probation officer does not view himself or herself as an intruder or interloper in the child's family. The type of probation services selected for a particular family depends upon the court's projection of which approach has the greatest prospect of success. Probation is ordered for an indefinite period of time and provides the family the opportunity to have supervision terminated when the probation officer feels such supervision is no longer necessary.

Probation is thought to be a mere wrist slapping by some, a sort of primitive approach by others. What many people fail to recognize is that a child surrenders certain protections when he or she is placed on probation. Whereas a child has to be declared a delinquent when the evidence is "beyond a reasonable doubt," once on probation, the court only has to find a violation of the probation by "a preponderance of the evidence." Although this may appear to be legal mumble-jumble, the trained eye realizes that one needs less evidence to revoke probation than to adjudicate delinquency.

Probation is a metered response by the court which enables a child to remain in the community with restrictions and prohibitions. Probation is not a punishment, but rather an opportunity for the child to demonstrate, with frequent court assistance, that a more severe response is not necessary.

C. Placement: When the two previous dispositions seem inadequate, the court may place the child out of his or her home. Licensed group and foster (individual) homes are available within our community as domiciles for children. The homes run the gamut from simple shelter care facilities to highly structured residential treatment centers.

The duration of placement may be several months to several years or until the child reaches 18 years of age. While the child is in placement, his or her progress is carefully monitored by a probation officer to ensure the child's continued growth in that setting. One of the aims of the court is to reunite the child and his or her family. The court does not prolong a child's placement unnecessarily.

Placement is an attempt by the juvenile court to provide the child who is temporarily unable to remain in his or her home with a period of closely supervised growth. The decision to place a child is made only after careful scrutiny of the case by several members of the court staff and after a hearing.

D. Family and Individual Counseling: This alternative is not, strictly speaking, a separate dispositional alternative; it is a service offered in conjunction with the previous dispositions and in cases adjusted by the court. Counseling by an outside licensed agency can often augment what the court can provide. Private practitioners and counseling agencies in the community representing a wide spectrum of counseling philosophies provide up to 30 counseling sessions to children and their families.

The cost of counseling sessions is borne by the family if they can afford it; if not, the agency or juvenile court may underwrite part or all of the cost. Counseling is viewed to be the treatment of first choice by the staff.

E. Commitment to Department of Corrections: When a child has exhausted the resources of the local community and when a highly structured, long-term setting is mandatory, the child may be committed to the Arizona State Department of Corrections, a state-wide system with adult and juvenile components. A child may be committed to the Corrections Department for an indefinite period of time not to exceed his or her 21st birthday.

The commitment to the State Department of Corrections is effectively the exchange of local (county) jurisdiction for the resources of a state-wide authority. This authority maintains long-term secure placements, such as the Adobe Mountain School and the Arizona Youth Center. A child may be paroled by the Department of Corrections with supervision maintained by their agency.

From time to time, the court recalls a child from the Department of Corrections when it is felt that the community has developed a program particularly suitable to that child. In the past several years, community treatment facilities have become readily available, which is reflected in the ever decreasing numbers of children committed to the Corrections Department. (For example: In 1969, 280 children from Pima County were committed to the State Department of Corrections; in 1976, 16.)

F. Transfer Hearing: When a child with a juvenile court history of consistent and frequent failure commits a heinous act, a hearing may be scheduled to consider transfer of the child to adult jurisdiction. If a transfer to the adult court is effected, the child is deemed an "adult" by the court and can be imprisoned in the Arizona State Prison after a regular adult trial.

Transfer hearings are rare; perhaps a dozen are held at our juvenile court each year. Before the transfer of a child can be effected, the court must find:

1. "The child is not amenable to treatment or rehabilitation as a delinquent child through available facilities;
2. The child is not committable to an institution for mentally deficient, mentally defective, or mentally ill persons; and
3. The safety or interest of the public requires that the child be transferred for criminal prosecution."

G. Order to Show Cause Hearing: Families are held responsible to pay at least a portion of court costs. The court assesses the family according to their ability to pay for placements, attorney fees, family counseling and psychological examinations. The referee evaluates the family's ability to pay these costs and makes an assessment at the conclusion of the Order to Show Cause Hearing.

#### PIMA COUNTY JUVENILE COURT CENTER OPERATIONS

The Pima County Juvenile Court is organized into functional administrative units and sections in order to process juvenile complaints and to provide comprehensive juvenile services to the community.

##### A. Intake:

Intake is the point of entry for all delinquent offenders into the juvenile court system. Whether a child is referred to court on paper or is physically brought here, the intake unit makes the initial assessment of the child. The assessment includes an interview with the child and his or her parents, a review of all police reports, consideration of the child's past court history and school history, and any other data that might elucidate the decision-making process.

Intake, previously called Receiving or Admissions, is open 24 hours a day, every day of the year. It is responsible for handling referrals as diverse as shoplifting, runaway (from another state), homicide, assault, malicious mischief, as well as all other offenses included under the criminal code. If the offense is deemed minor by the intake officer, there is little or no prior referral history, and there seems to be little compulsion to seek further court action, the intake officer is empowered to recommend an "adjustment" of the referral. The "adjustment" results "...If a child has acknowledged his responsibility for the delinquent act, and the juvenile probation officer has found from his investigation of the child's total circumstances that court action is not necessary, the child may be referred to other agencies or to the parents, guardian or custodian for corrective action, and the complaint adjusted." (Rules of Procedure)

The above definition of "adjustment" is rather elusive, since it is a vague notion encompassing a multitude of circumstances. On the other hand, if the intake officer does not believe the matter ought to be adjusted, the case may be referred to the field investigation officer for a thorough evaluation and further court action.

Intake may refer a child to a family counselor, the child may be offered a court volunteer, or restitution may be arranged. The critical question to be answered by the intake officer is whether the child must penetrate the court system

further or can diversion from the system be considered a reasonable alternative. Is the risk of further delinquent activity outweighed by the prospect of success by diversionary programs? Is there something to be gained by adjudicating a child and naming him or her a delinquent? Can careful scrutiny and action arrest an ever-increasing delinquent history?

The answers, obviously, are not easy to make, yet this is what the court requires of this unit.

As mentioned previously, the Deputy County Attorney serves a check-and-balance function at the intake level. Even if the probation officer does not wish formal court action to begin, the County Attorney may initiate the filing of a petition and the commencement of formal proceedings.

#### B. Mobile Diversion:

Historically, the juvenile court mixed "status offenders" together with delinquent children. As a result of a federal grant, the Pima County Juvenile Court developed a unit to deal exclusively with "status offenders" and eliminate these children from detention, adjudication and commitment to the State Department of Corrections. This unit, Mobile Diversion, consists of probation officers or caseworkers, frequently teamed with volunteers, who respond to all status offense calls by police or parents. The teams are mobile and are radio-dispatched, enabling them to arrive on the scene quickly.

The Mobile Diversion workers are trained in crisis intervention techniques and act in lieu of the court intake section. What was hitherto handled in the locked intake section of the court is now dealt with in the child's home. There is also a provision for dealing with status offenders at the court at the Mobile Diversion office, a non-locked facility.

If the team ascertains that services are needed beyond the purview of the team, a family may be referred to a family counseling agency, the child may be referred to a shelter care facility, or long-term placement may be arranged, if appropriate. In effect, Mobile Diversion has made the deinstitutionalization/decriminalization of status offenders a reality in Pima County.

#### C. Detention:

The juvenile court operates a detention facility as part of the juvenile court center. The residence exists to house children who must be kept in a secure facility until their court hearing. Detention, shorn of its euphemisms, is not much more than a jail for children. Our society thinks that by calling our facility a "detention home," we have somehow softened and modified the harsh realities of our "lock up."

Unlike the adult system in which virtually every arrest can be released on bail, the juvenile court has no such

provisions. A child can be detained if there are reasonable grounds to believe:

- "1. That otherwise he or she will not be present at any hearing; or
2. That he or she is likely to commit an offense injurious to himself or others; or
3. That he or she must be held for another jurisdiction; or
4. That the interests of the child or the public requires custodial protection." (Rules of Procedure)

Obviously, some of these criteria are exceedingly vague, which often makes the outcome of a detention hearing controversial.

The detention staff is composed of child care workers whose obligation is to provide a humane yet secure environment for those detained. Although detention itself is not considered to be a treatment facility, every attempt is made to provide the child with the groundwork for future growth.

The detention facility consists of a separate wing for boys and girls, with each having separate observation rooms and living units. In the observation rooms, detainees spend a period of time adjusting to detention and being closely observed by the staff. If the adjustment period has been uneventful, the child may be transferred to the living unit, a dormitory room with more facilities and less structure.

Between the separate wings for boys and girls there is a kitchen, dining room and communal area, which serves as a meeting place for children, their parents, attorneys and court workers. There is also a large indoor gymnasium, as well as an outdoor recreational area.

The learning center is an integral part of detention; it is where children have an opportunity to continue their education or receive remedial assistance. In addition, a kiln has been added to the learning center and an active program of ceramics is in progress.

A sick call is held for detained children every weekday, conducted by the staff physician. In addition, a physician is on call at other times to provide thorough and comprehensive medical care.

#### D. Probation:

Probation services is a recently formed unit that combines the hitherto separate court functions of court investigation

(evaluation) and field probation (supervision). The merger of these functions into an integral unit is a result of an increased desire to maintain the continuity of workers when dealing with a child. Whenever a child would progress through the court system in the past, he or she would be assigned a new worker, who would have to acquaint himself or herself with the child anew. This cumbersome system gave rise to duplication, delay and poor casework.

The reorganized probation unit is divided into east, north, west, south and rural teams of six or seven members apiece, except for the three member rural team. Each team is responsible for a geographic area of the county. All children who are on probation, or who require a thorough court evaluation, are the responsibility of the respective teams. After a child is adjudicated by the court, a probation officer conducts a thorough evaluation and social study of the family and the factors that may have culminated in the referral. Moreover, the officer, after a careful examination of all the obtainable data, prepares a report (court hearing report) and recommendation for the hearing officer. If the child is placed on probation, the assigned team begins a period of supervised probation.

The supervision or probation of a child is a team effort, utilizing the skills of the entire team of officers. Each team member has a working knowledge of most of the cases assigned that team and is available to pinch-hit for the principal worker at a moment's notice. A child is, therefore, assured a quick response and intervention by an officer who is acquainted with his or her court history.

For each child placed on probation, a plan is developed in order to eventually permit the child a transition back into unsupervised community participation. This probation plan is constantly updated during the weekly "staffing" held by each team. The team approach is a hallmark of our juvenile court; it permits a variety of viewpoints to contribute to the decision-making process with a child. The team concept assures a system of checks and balances, as well as support for the family when necessary.

Probation provides a child and his or her family an individualized service by the court, based upon the resources of the community. Family strengths are emphasized and supported by probation team workers. The team exists as a resource to enable a child to develop within the family and community settings.

#### E. Courts/Traffic:

##### 1. Traffic:

The juvenile court is responsible for the disposition of all

traffic citations for children under the age of 18. The traffic unit emphasizes prevention and the rehabilitation of traffic offenders.

Each child must be interviewed at the juvenile court; the child cannot simply check a box, mail in a predetermined fine, and avoid accountability for his or her behavior. If the child admits the traffic offense or if he or she is adjudged to have committed the offense after a hearing, the following dispositions may be imposed:

1. Fine.
2. Restriction of license.
3. Suspension of license.
4. Traffic Survival School.
5. Driving While Intoxicated School.
6. Volunteer service in a community agency.
7. Project SAVE - counseling for mini-bike offenders.

A unique feature of the Pima County Juvenile Traffic Court has been the use of volunteer traffic counselors, predominantly college students earning college credits by volunteering. This unit processed 5,892 children for a total of 8,691 referrals this past year.

## 2. Courts:

The sheer volume of delinquent referrals (6,276 in 1976) cannot be handled by the judge alone. Referees are surrogates for the judge; they make recommendations which must be approved by the judge to become orders of the court. The referee's decision can be appealed directly to the judge, who will rehear the case.

Referees are appointed by the juvenile judge. Because of recent modifications in the Arizona Revised Statutes, any contested hearing must be heard by a lawyer. This has severely curtailed the use of lay referees, non-lawyer citizens who were commonplace hearing officers at the court.

In 1974, Local Rules of Procedure for the Juvenile Court were promulgated in order to assure speedy hearings for children. Unless these rules are suspended by order of the judge, a child must have an adjudication within 15 days of his detention, and 30 days if not detained; the dispositional hearing must be held within 15 days of the adjudication if detained, and 30 days if not.

The court section of the juvenile court is not, strictly speaking, an autonomous unit of the court but a loose collection of several inter-related functions. Once a petition is filed, a "legal file" is created, which is then the responsibility of the court clerks. Although the court clerks are directly responsible to the Clerk of the Superior Court downtown, they are housed at the juvenile court. If one seeks the destruction of a juvenile record, one must apply to the court clerks.

F. Program Services:

Program services is a newly created division that combines virtually all the non-direct services offered by the court into one administrative entity. Within this division, the following functions exist:

1. Volunteer Services: The volunteer services unit recruits, screens, selects, presents, trains, assigns and supervises citizen volunteers working with troubled children in our county.

Volunteers are used in many areas of the court besides the traditional one-to-one "big brother" assignment. Volunteers work in receiving, court evaluation, diversion, detention and mobile diversion. The infusion of volunteers into the working units of the court frees salaried staff to concentrate on technical job tasks and infuses a fresh perspective in the court process. Volunteers frequently ride along as members of Mobile Diversion Unit and augment this recently reduced unit. The various intake services of the court use volunteers to evaluate a child's home situation, adjust first-time misdemeanor referrals and supplement the intake staff.

2. Training:

The juvenile court staff needs to continually refine the techniques employed in dealing with children in trouble. A training office has been organized to provide these techniques, in addition to assisting workers in advancing professionally.

3. Program Development:

With new developments in juvenile justice across the country, it is easy for a court to stick with the tried-and-true programs of yesteryear. The aim of Program Development is to develop innovative programming proposals and compare these with developments in other jurisdictions to choose new directions for the future.

#### 4. Adoptions:

In 1976, 422 children were adopted through the Office of the Pima County Adoption Examiner. Most of these adoptions involved children who had blood ties to the adoptive parents. In addition, the court investigated and approved the adoptions of infants placed through attorneys and the adoption of children placed directly by their natural parents.

The adoption examiner is required to investigate each case after the proper legal documents have been filed. The investigation includes questionnaires, office interviews and home visits. Medical reports, reference letters and a social study are required for the court hearing. The court makes a definite recommendation in each case to grant or to deny the adoption.

In general, the legal work needed for an adoption in Pima County can be done by the Office of the County Attorney. There is a \$20.00 filing fee. Nominal fees are charged for mailing and personal service of process, but no legal fees are charged. The services are available to all residents of Pima County regardless of income. The Adoption Department of the Office of the County Attorney is located at the juvenile court.

#### 5. Dependency:

In general, the juvenile court does not interfere with parental rearing of their children, except when, after careful scrutiny, the court decides the children need protection. If a parent fails to provide adequate physical safety or endangers the child's life, the state may intervene in spite of the strong presumption in American law that the parent is the best custodian for the child.

Although the juvenile court has jurisdiction of all children alleged to be dependent, the investigative and casework services are provided by the Child Protective Services division of the Department of Economic Security. If a child is thought to be dependent, i.e., abused, abandoned, without proper care, without supervision or neglected, Child Protective Services evaluates the situation. If court action is deemed necessary, a petition will be filed in juvenile court and appropriate action sought.

6. Resources:

Placement Monitoring: The Pima County Juvenile Court maintains the philosophy of treating adjudicated children in the community. Enormous progress has been made within the last four years to insure the highest quality of treatment to these children. A probation officer has been assigned to the resource unit to monitor existing placements and develop needed services of existing programs, and strict procedures for screening of children in the placement process have led to upgraded services, more appropriate referrals and local accountability by the placements.

The significance of the monitoring of placements lies in the fact that in 1976, 336 were placed for a cost of \$1,387,056. With this cost expected to grow even higher, it becomes apparent that the court must be assured that monies spent for placements are appropriate.

7. Foster Homes: The term "foster home" conjures up the notion of an infant in need of a family to most people. At juvenile court, a "foster home" denotes a home licensed by the state to provide a long-term residence for a child 8-17 years old. The foster home probation officer is responsible for the recruitment, evaluation, training and monitoring of all foster homes used by the court.

Foster parents receive a token payment for the upkeep of their foster children. The foster home probation officer works closely with the Department of Economic Security, coordinating activities between the agencies.

When the court elects to remove a child from its natural home and place it in a foster home, the court expects the new home to be an exemplary home in every way. The placement of a child in the home is part of a rehabilitative plan for that child and the criteria for selecting foster homes is a new concept quickly gaining currency in our community.

8. Street Program: In-Home Intensive Social Services (Street Program) is a new community treatment alternative developed by the Pima County Juvenile Court Center. The purpose of this program is to provide adjudicated Pima County youth with an intensive program in their own community. The programs are, in part, non-traditional and offer intensive supervision in every aspect of the youth's life. This includes tutoring, work experiences, recreation, community activities and therapy.

The currently certified programs are: Southwest Street Program, New Columbus and Nosotros. It is the goal of these programs to provide an alternative to the high cost and extensive time period involved in group home placement. The programs officially

began in June of 1977. There are currently 60 children in these programs.

9. Family Counseling Bill Monitoring: The Arizona Legislature passed a law which allocates money to each county to provide counseling services to families who normally cannot afford them. Counties are required to evaluate the qualifications of the counselors certified as practitioners under the bill.

The Family Counseling Bill monitor assists probation officers in making counseling referrals. A child and family can obtain a maximum of thirty counseling sessions, although the average number of sessions is ten. The intent of this program is to use community mental health resources as a major diversionary tactic for poverty families in familial conflict. The legislature firmly believes that children should not be denied diversionary alternatives simply because their families are unaware of counseling agencies and are unable to afford them.

10. Research/Statistics: Every agency keeps records and the juvenile court is not an exception. Every child referred to court has a file with some of the information therein entered into a computer system. The Research/Statistics section collects and organizes data to provide the court with ongoing information about children, their referrals and the court's actions.

An adjunct to the mere collection and presentation of data, this unit is charged with the task of providing the court a research capability in order to assess new programs. At this juncture, the unit is in transition from one computer system to another.

#### DEINSTITUTIONALIZATION OF STATUS OFFENDERS GRANT

On December 30, 1975, the juvenile court was awarded a federal grant to evaluate the feasibility of dealing with status offenders in non-traditional and non-institutional ways. Status offenders, children who are in violation of the law solely because they are minors, have traditionally been dealt with more severely than delinquents.

Ironically, status offenders in Pima County were detained more readily than their delinquent counterparts and for longer periods of time. In large measure, their severe treatment was a result of the court's frustration in being unable to easily resolve the family conflict that precipitated their arrest. Oftentimes, it seemed easier to simply lock up a troublesome child than to examine our own motives in the process.

In addition we would often detain status offenders with the

notion of using the court and its facilities as a residential treatment center. It took quite a while for us to come to the conclusion that we were particularly inept as a treatment agency and were really impotent to deal with the status offender population. At this juncture, the court applied for a grant from the federal government to experiment with other and perhaps more fruitful methods of dealing with status offenders. Thus, on December 30, 1975, with the receipt of the 1 1/2 million D.S.O. grant, the Pima County Juvenile Court embarked upon some novel treatment and processing approaches.

The grant period has ended; yet an important chapter has been added to our history of dealing with non-delinquents. We have learned that the community can provide alternatives to the institutionalization of its status offender youth. There are shelter care facilities in Pima County that can serve as humane alternatives to Juvenile Court's Detention Center.

### ALLIED AGENCIES

#### County Attorney:

Three Deputy County Attorneys maintain offices at the Juvenile Court. These attorneys are responsible for filing petitions with the Court setting forth allegations of delinquency, incorrigibility or dependency. The County Attorney's office ascertains whether a case has prosecutorial merit, i.e., whether there is sufficient evidence to proceed. If the matter should be contested, then the Deputy County Attorney prosecutes the case on behalf of the State.

#### Public Defender:

All juveniles brought before the Court are entitled to legal representation if they wish. If families are indigent or unable to pay all attorney fees, they are entitled to the services of the Public Defender. Three Deputy Public Defenders are assigned to practice at the Juvenile Court. As a result of the Gault decision in 1967, the rights of children have been vouchsafed by the U.S. Supreme Court.

### EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT THE JUVENILE COURT BUREAUCRACY BUT WERE AFRAID TO ASK

From time to time, you may want to contact a particular court worker with regard to a child in one of your classes. This can be a frustrating endeavor, as you may already have discovered. To begin with, if you do not get a busy signal, the phone may ring for what seems to be a hundred times before it is answered. When the phone is finally answered, the operator will blurt out "please hold" and you find yourself clutching an unresponsive telephone handle to your ear for what seems like an hour.

Unfortunately, our telephone system is an antiquated one that frequently is incapable of handling the volume of ingoing and outgoing telephone calls. This is only one of the frustrations with which you may have to contend. If a court worker is away from his or her desk or is out in the field, you will have to leave a message which may not be promptly answered. When at long last you actually get to speak with someone, you find out it is not the person with whom you need to talk. If you are lucky and can get in touch with the appropriate person, you may be greeted by a wall of silence and the explanation that confidentiality requirements prohibit the divulgence of information.

Don't Despair! If you've come this far, success may be close at hand. Although whatever we find out about a child is between the child and the court, you are a pivotal person in that child's life and can play a significant role in the court's decision-making process.

On the following pages, you will find a list of the court personnel you will most likely need to contact regarding a particular child. Although you will be tempted to go right to the top of the bureaucracy, first try the court worker assigned to the child. If you do not know the worker, then ask for intake, identify yourself and request the name of the worker assigned to the child. If you should feel that the worker is particularly unresponsive or unable to answer your questions then, by all means, proceed to the supervisor of the unit.

July, 1978

PERSONNEL DIRECTORY

PIMA COUNTY JUVENILE COURT CENTER

(624-8651)

OFFICE OF THE  
PRESIDING JUDGE:

John P. Collins (Presiding Judge), Mary Smith (Secretary), Joseph Ferlando (Referee), William Berlat (Referee), Rita Hannah (Referee), Pearl McGraw (Court Calendar Clerk).

ADMINISTRATION:

Boyd Dover (Director), Frances Belman (Assistant Director), Ruth Crow (Administrative Assistant), Sheila Murray (Admin. Aide), Eloina Orozco (Personnel Coordinator), Joe Forecki (Maintenance Supervisor), Winnie Kapp and Ileana Sallaberry (Accounting), Charlotte Hegemeyer (Office Supervisor), Julieta Gonzalez (Interpreter).

MOBILE DIVERSION:

Barbara Kehew (Deputy Director), Legh Burke, Leo Vidal, Diane Tregonis, Susan Joseph, Jim Kitt, Roy Meyer.

PROBATION UNIT:

Ray Clarke (Deputy Director).

Northside Unit:

Pat DiCurti (Supervisor), Nema Schwarz (Secretary), Carol Ring, Joe Jericho, Bruce Bailey, Brook Reed, Chuck Kline.

Eastside Unit:

Richard Wilson (Supervisor), June Richards (Secretary), Mike Nelson, Monica Scott, Jerry Bentley, Jay Zaslav, Roger Armstrong, Debbie Castelan.

Southside Unit:

Rudy Wagner (Supervisor), Grace Tefft (Secretary), Jim Robinett, Judy Grant, Bob Lockyer, Art Pacheco, Cleo Robinson.

Westside Unit:

Pat Carrillo (Supervisor), Sandy Larriva (Secretary), Bud Richardson, Warren Anderson, Sylvia Fierros, Rowena Miller, Gus Toledo.

Rural Unit:

Bob Cannon (Supervisor), Nema Schwarz (Secretary), Augie Garcia, John Casey.

INTAKE UNIT:

Jaime Gutierrez (Deputy Director), Ted Ryersbach (Supervisor), Alex Valdez, Gloria Gorosave, Ruben Moreno, Dalia Guevara, Marilyn Weiner, Karen Wilson, Marty Dow, Gene Drew, Karen Culpepper.

PROGRAM SERVICES: Sharon Hekman (Deputy Director), Mary Michel (Secretary), Donna Wachter (Family Counseling Monitor), Frank Corrales (Group Home Monitor), Dick Buus (Street Program Monitor), Terry Juliano (Foster Home Monitor), Norma Carlson (Volunteer Services), Judy Holgate (Staff Training), Bob Ruggill (Program Development), Norman Spindler and Paula Teitelbaum (Dependency), Lorraine Rosenburg, Juliana Weeks and Mary Sotomeyer (Adoptions), Claudell Bailey (Legislative Liaison), Lorna Davis (Secretary), Ray Tallis (Research and Evaluation), Jeff Ingram (Statistics and Computer), Dan Offret (Financial Administrator, D.S.O. grant), Marcie Tull (Administrative Aide, D.S.O. grant), Mary Michel (Secretary, D.S.O. grant).

DETENTION: Robert Tucker (Deputy Director), Martha Castillo (Administrative Assistant), Mary Lou Payne (A Shift Supervisor), Richard Garcia (B Shift Supervisor), Juanita Steward (C Shift Supervisor), Joan Kester (School Teacher).

PROBATION TEAM AREAS

METROPOLITAN  
TUCSON

RURAL  
TEAM

NORTH CENTRAL  
TEAM

CORONADO

NATIONAL

FOREST

EAST SIDE TEAM

Marana

Rillito

Oro Valley

Cortaro

Avra

SAGUARO  
NATIONAL  
MONUMENT

TUCSON  
MOUNTAIN  
PARK

Papego  
Indian  
Reservation

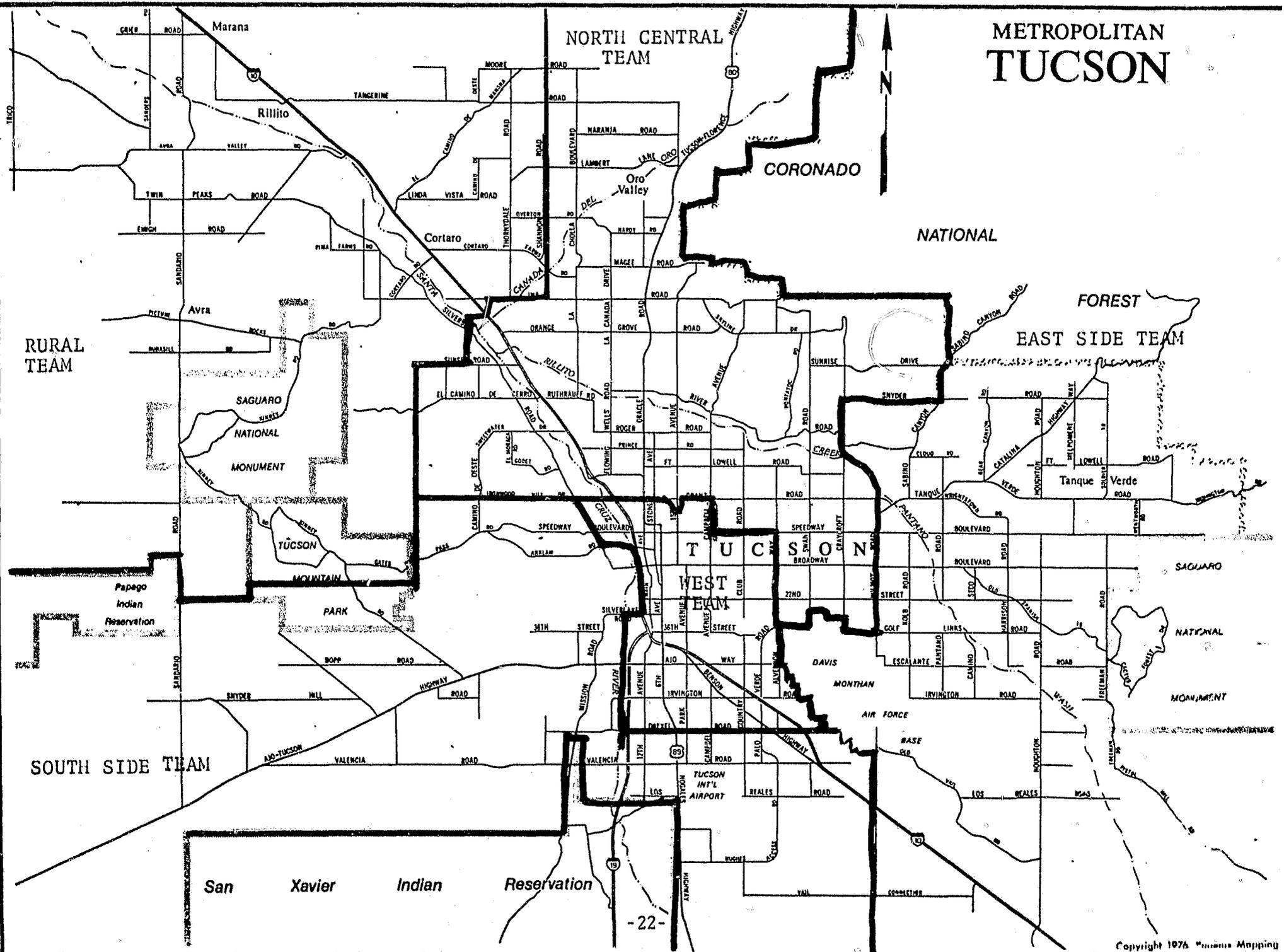
TUCSON  
WEST  
TEAM

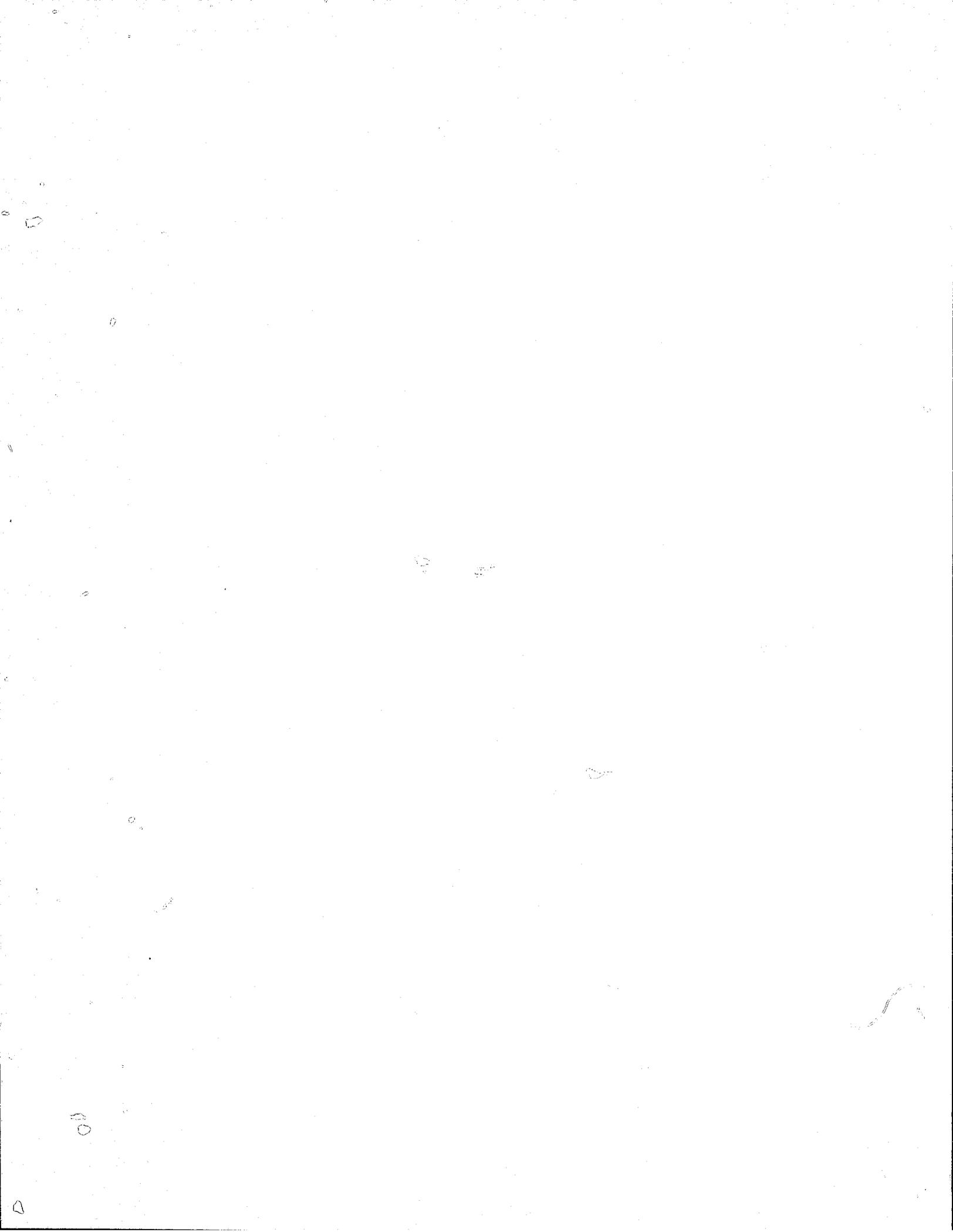
Tanque Verde

SAGUARO  
NATIONAL  
MONUMENT

SOUTH SIDE TEAM

San Xavier Indian Reservation





## GLOSSARY

Adjudication: A finding by the court that a child is deemed to be a delinquent, incorrigible or dependent child.

Adjustment: The resolution of a referral by a court officer in lieu of any further legal proceeding.

Child: An individual who is under the age of eighteen years.

Contest or Contested Hearing: A proceeding (trial) where the child denies the allegation, witnesses give testimony and the hearing decided upon the merits of the case.

Delinquent Act: Includes any act by a child, which if committed by an adult would be a public offense, including violation of any law of this state, or of the United States, or the failure to obey any lawful order of the juvenile court.

Delinquent Child: A child who is adjudicated to have committed a delinquent act.

Detention: The temporary care of a child who requires secure custody in physically restricting facilities for the protection of the child or the community pending court disposition.

Detention Hearing: A court hearing held within 24 hours of the filing of a petition to determine whether a child should be released or detained further at the court.

Dismissal: The cessation of court proceedings by voiding the filed petition.

Disposition: What the court elects to do after a child has been adjudicated (e.g., probation, placement, commitment). The disposition is analogous to sentencing in adult court.

Felony: A crime punishable by imprisonment in the State Prison for a term exceeding one year.

Incorrigible: A child adjudicated as one who refuses to obey the reasonable and proper orders or directions of his parent, guardian or custodian, and who is beyond the control of such person, or any child who is habitually truant from school, or who is a runaway from his home or parent, guardian or custodian, or who habitually so deports himself or herself as to injure or endanger the morals or health of himself, herself or others.

Juvenile Court: The juvenile court is a regular division of the superior court with the exclusive jurisdiction over children in any proceeding of delinquency, dependency or incorrigibility.

Misdemeanor: A crime punishable by incarceration in the County jail up to one year.

Petition: A formal allegation of a law violation filed with the court clerk, the filing of which brings the child under the jurisdiction of the court.

Probable Cause: An apparent state of facts which would induce a reasonably intelligent and prudent person to believe that a particular person committed a crime.

Probation: A disposition by the court wherein the child is formally under the supervision of a probation officer who counsels and monitors the child's behavior.

Probation Officer: A court officer with the authority of a peace officer in the performance of his or her duties who evaluates juvenile complaints, supervises children and carries out duties as prescribed by the juvenile judge.

Recidivist: A habitual offender; one who continually relapses into criminal behavior.

Referee: An attorney who has been designated by the juvenile court judge to act in his stead and to make a recommendation to him concerning the child. The referee's decision is only a recommendation and may be appealed directly to the judge.

Status Offender: A child who commits an act that is an offense solely by virtue of the child's age (e.g., runaway, truancy, incorrigibility, curfew violation).

GEOGRAPHIC DIVISIONS OF PROBATION TEAMS

SOUTHSIDE TEAM: Supervisor--Rudy Wagner.

High Schools: Sunnyside, Cholla  
and all feeder schools

WESTSIDE TEAM: Supervisor--Pat Carrillo.

High Schools: Pueblo, Tucson and all  
feeder schools.

NORTHSIDE TEAM: Supervisor--Pat DiCurti.

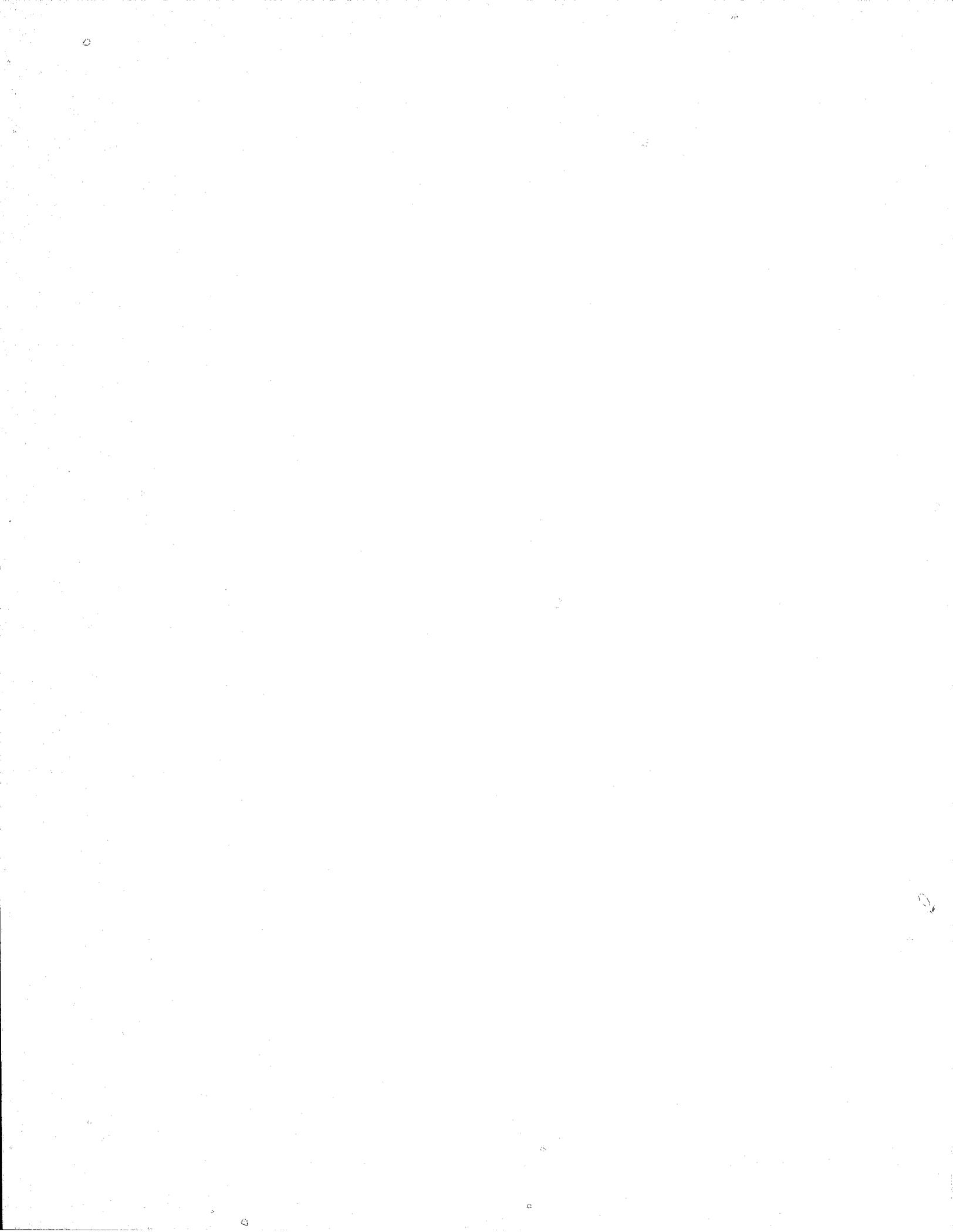
High Schools: Flowing Wells, Amphi, Canyon  
Del Oro, Catalina and  
Rincon and all feeder schools

EASTSIDE TEAM: Supervisor: Richard Wilson

High Schools: Sahuaro, Sabino, Santa Rita  
and Palo Verde and all feeder  
schools.

RURAL TEAM: Supervisor--Robert Cannon.

High Schools: Sahuarita, Marana and Ajo.



**END**