



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DP 7-0-0-0 | 3rd Read DP 26-4-0-0-0
House: JUD DP 8-0-0-0-0-0 | 3rd Read DP 52-6-1-0-1

SB 1197: juvenile offenders; monetary sanctions; repeal

Sponsor: Senator Gowan, LD 19

Transmitted to the Governor

Overview

Removes juvenile court-ordered fees with the exception of victim restitution and the fines associated with outlined offenses.

History

The juvenile courts may order a juvenile, a juvenile's parents or guardian to pay various monetary assessments including fees, fines, costs or surcharges. These charges may be imposed for appointed attorney services, foster care, treatment programs, educational programs, community based alternative programs (Community Programs), juvenile supervision, living in juvenile custody and other similar programs or instances (A.R.S. §§ [8-221](#), [8-243](#), [8-243.01](#), [8-321](#), [8-241](#) and [8-418](#)).

Current statute defines *juvenile* and *child* to mean an individual who is under 18 years of age. *Delinquent juvenile* means a child who is adjudicated to have committed a delinquent act. *Delinquent act* is defined as an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult are not to be adjudicated as a delinquent juvenile for the same offense. *Detention* means the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or a condition of probation.

Incorrigible child is defined to mean a child who:

- 1) 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;
- 2) Is habitually truant in school as defined by [A.R.S. § 15-803](#);
- 3) Is a runaway from the child's home or parent, guardian or custodian;
- 4) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others;
- 5) Commits any act constituting an offense that can only be committed by a minor and that is not designated as a delinquent act; or
- 6) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action ([A.R.S. § 8-201](#)).

Provisions

1. Prohibits courts from ordering the child, parent or guardian from paying the following fees regardless of ability to pay without incurring financial hardship:

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| <input type="checkbox"/> Prop 105 (45 votes) | <input type="checkbox"/> Prop 108 (40 votes) | <input type="checkbox"/> Emergency (40 votes) | <input checked="" type="checkbox"/> Fiscal Note |
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- a) The cost of services of an attorney appointed to the child, parent or guardian;
 - b) The cost of any counseling, treatment or education program ordered;
 - c) The cost of foster care, treatment, education program or diversion program;
 - d) The expense and maintenance of the child's medical, dental and mental health care while the child is in the custody of the Arizona Department of Juvenile Corrections (ADJC) or a similar public or private institution or agency;
 - e) The cost of food, clothing, shelter and supervision of the child while detained in a juvenile detention facility;
 - f) Treatment expenses of a child who is in residential placement as a term of probation, detention or incarceration;
 - g) The expense of family counseling programs or sessions;
 - h) A bond payable to the state to secure the performance of consequences imposed by a Community Program or a monetary assessment as a condition for the juvenile to comply with the consequences of the Community Program;
 - i) The \$50 fee or any additional costs for a Community Program;
 - j) Lawful surcharges and assessments resulting from outlined offenses;
 - k) Monetary assessments based on the age, physical condition, mental condition and earning capacity of the juvenile under the interest of rehabilitation;
 - l) A monetary assessment of \$150 or less if the child is adjudicated incorrigible;
 - m) A monetary assessment of \$500 or less if the juvenile is charged with unlawful purchase, possession or consumption of spirituous liquor or the equivalent community restitution;
 - n) Any monetary assessment imposed due to a juvenile being committed to the ADJC;
 - o) A fee associated with court services or probation for a juvenile under the jurisdiction of the juvenile court;
 - p) A fine or monetary sanction that is not specifically required by the offense or citation for a juvenile under the jurisdiction of the juvenile court;
 - q) The cost of drug or alcohol screening, treatment or education;
 - r) Reimbursements to the responsible county for a juvenile's detention;
 - s) A \$25 assessment fee for public defender services;
 - t) The cost of legal services or administrative assessments; or
 - u) Time payment fees assessed on a penalty, fine or sanction. (Sec. 1, 2, 4, 7, 10, 13, 14, 15, 22, 23)
2. Repeals [A.R.S. § 8-241](#), which requires the parent of a juvenile to pay at least \$50 per month to the supervisory agency for the supervision of the juvenile. (Sec. 3)
 3. Repeals [A.R.S. § 8-243.01](#) regarding the deposit of collected monies from the Arizona Department of Child Safety (DCS) into the Children and Family Training Program Fund. (Sec. 5)
 4. Repeals [A.R.S. § 8-418](#), which authorizes a \$25 fee for juveniles adjudicated delinquent for offenses involving a victim, which must be paid by the juvenile's parent to the clerk of the court. (Sec. 19)
 5. Specifies that a health insurer subject to A.R.S. Title 20 or an Arizona Health Care Cost Containment System contractor is not prohibited from covering an expense related to the child's treatment or care. (Sec. 2, 4, 7, 9, 10, 15)
 6. Permits the payment of a monetary assessment to be satisfied through community restitution performed at a rate equivalent to minimum wage, rounded up to the nearest dollar. (Sec. 10)
 7. Excludes monetary sanctions exceeding \$250 as a reasonable consequence to which the participants agree upon in a meeting on Community Programs. (Sec. 10)

8. Authorizes the court to order the juvenile to pay lawful surcharges, fines, civil penalties and assessments for a nonfelony violation included in A.R.S. Title 28 (which includes driving under the influence offenses). (Sec. 12)
9. States that a juvenile's failure to pay fees, costs or fines may not be used as a reason to continue supervision. (Sec. 13)
10. Prohibits the Director of ADJC from requiring the juvenile to perform an equivalent amount of community restitution in lieu of payments ordered as a condition of conditional liberty. (Sec. 13)
11. Removes the requirement that a monetary assessment be satisfied in the form of a lump sum, installment payments or community restitution. (Sec. 13)
12. Authorizes a juvenile or the juvenile's parent or guardian to pay a fine in lieu of community restitution provided that the court offers that option. (Sec. 14)
13. For juveniles adjudicated delinquent for certain driving under the influence violations, reduces the maximum fine from \$500 to \$250, plus any applicable surcharges and assessments, and reduces community restitution requirement from at least 80 hours to no more than 20 hours. (Sec. 15)
14. Prohibits the court from requiring a juvenile to pay restitution to the state for any unpaid balance of any fees, costs, surcharges or monetary assessments imposed upon the termination of the juvenile's probation. (Sec. 16)
15. States that if a juvenile court grants a petition to have an adjudication set aside, the individual is not obligated to fulfill any remaining unpaid monetary obligations with the exception of victim restitution. (Sec. 17)
16. Prohibits a juvenile court from considering any outstanding fees, assessments or surcharges when determining whether to destroy a juvenile's court and ADJC records. (Sec. 18)
17. Authorizes the court to modify any fine imposed by the court on a showing of good cause, with the exception of victim restitution. (Sec. 18)
18. States that the Children and Family Training Program Fund does not contain monies acquired from juvenile fees and prohibits the Children and Family Training Program Fund monies from being utilized to enhance the collection of monies owed to DCS. (Sec. 20)
19. Stipulates that the Children and Family Training Program Fund monies must be used to administer a Children and Family Services Training Program for the training of child safety workers and other public employees or related program services and employees of child welfare agencies. (Sec. 20)
20. Specifies that DCS may not use monies collected under [A.R.S. § 8-807](#) to reimburse labor, copying charges and editing costs and instead must use monies. (Sec. 20)
21. Asserts that the County Attorney Juvenile Diversion Fund does not contain fees acquired for Community Programs. (Sec. 21)
22. Removes the requirement that a court order a person adjudicated as delinquent to pay a \$500 assessment for dangerous crimes against children. (Sec. 24)
23. Specifies that the Juvenile Probation Fund does not consist of monies acquired from probation fees for Community Programs or diversion programs. (Sec. 25)
24. States that the Victims' Rights Fund does not consist of monies acquired from implementation fees under [A.R.S. § 8-418](#). (Sec. 27)

25. Removes language subjecting a committed youth in a secure care facility (Facility) to monetary assessment and requiring two-thirds of any earned compensation to be used either to defer the costs of room and board for maintaining the youth at the Facility or be paid to the clerk of the court. (Sec. 29)
26. Specifies that the unpaid balance of any fee, cost, surcharge or monetary assessment that was imposed on the juvenile or the juvenile's parent or guardian imposed before the general effective date is eligible to be vacated. (Sec. 30)
27. States that all unsatisfied civil judgements or portions of judgements that were entered before the general effective date for any unpaid fee, cost, surcharge or monetary assessment imposes are eligible to be deemed null and void and legally vacated. (Sec. 30)
28. Requires the Administrative Offices of the Courts and the courts to complete the following:
 - a) Develop and implement clear and accessible procedures, in consultation with state and municipal agencies, for individuals to file requests with the court to vacate eligible unpaid balances and unsatisfied civil judgements within six months after the general effective date;
 - b) The court must grant a request to vacate an eligible unpaid balance or unsatisfied civil judgement within 60 days after the request is filed;
 - c) Inform any private collection agency that was referred to collect an unpaid outstanding balance that the balance has been vacated; and
 - d) The clerk of the court must notify the county recorder of all applicable vacated civil judgments. (Sec. 30)
29. Authorizes a court to automatically vacate any eligible unpaid balances or unsatisfied civil judgements without requiring the juvenile or juvenile's parent or guardian to file a request through judicial discretion. (Sec. 30)
30. Mandates the Supreme Court to make a reasonable effort to notify any individual who may be eligible that they may request the court to vacate any unpaid balance or unsatisfied civil judgement that were imposed in juvenile court within six months after the general effective date. (Sec. 30)
31. States that, at a minimum, the above notification must be posted in a conspicuous place on the Supreme Court's website and may include other notifications or public service announcements. (Sec. 30)
32. Requires the Supreme Court to report the following to the Legislature, by county, on or before December 31, 2025:
 - a) The number of unpaid balances and unsatisfied civil judgments discharged or vacated;
 - b) The number of unpaid balances or unsatisfied civil judgements partially vacated by petition or judicial discretion;
 - c) The amount of the balances vacated; and
 - d) The number of orders vacated automatically or by request. (Sec. 30)
33. Makes technical and conforming changes. (Sec. 1, 2, 6, 8, 9, 11, 12, 13, 15, 18, 20, 22, 23, 24, 25, 26, 28, 29)