



ARIZONA STATE SENATE
Fifty-First Legislature, First Regular Session

FACT SHEET FOR S.B. 1407

juvenile referrals; commitments; expenses; liability

Purpose

Exempts guardians or adopted parents, under certain circumstances, from financial responsibility for a dependant child detained in a juvenile detention facility.

Background

"Juvenile court" means the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility (A. R. S. § 8-201).

The county board of supervisors or the county jail district maintains a detention center that is separate and apart from a jail or lockup in, which adults are confined, and where juveniles who are alleged to be delinquent or who are incorrigible are detained, when necessary, before or after a hearing or as a condition of probation (A. R. S. § 8-305). Statute requires the juvenile court to order the parent of a juvenile to pay a fee of at least \$50 a month for the supervision of the juvenile. Fees do not apply to foster parents or group homes (A. R. S. § 8-243).

If the juvenile court commits a child to the Arizona Department of Juvenile Corrections (ADJC), another state department or institution or a juvenile detention facility and the court is satisfied that the child's estate, parent or guardian can bear the charge, expense and maintenance, including food, clothing, shelter and supervision of the child, the court fixes the amount of payment and requires the child, estate, parent or guardian to pay a monthly amount. Fees are paid to and retained by the ADJC. Fees paid to other state institutions or agencies are used for the support of the child and any additional monies are deposited in the state General Fund.

Adopted parents and guardians are subject to fees for the commitment of dependant children to ADJC or to a detention facility. Statute requires the court to consider the totality of the child's circumstances for a dependent child. If extenuating circumstances exist the court may waive fees for the child's adopted parent or guardian (A. R. S. § 8-243). SB 1407 grants an outright exemption for detention facility fees, but removes the ability of the court to waive fees related to the ADJC, a foster home or treatment program.

There may be a fiscal impact to the counties, ADJC, and the state General Fund associated with this legislation.

Provisions

1. Removes the requirement for the juvenile court to examine the child's circumstances when considering waiving fees associated with their detention, foster care or treatment program or commitment to ADJC. Therefore, guardians and adopted parents of dependent children are exempt from fees for county detention facilities.
2. Removes the ability of the court to waive fees for adopted parents or guardians of dependant children committed to ADJC or to a foster home or treatment program.
3. Becomes effective on the general effective date.

Prepared by Senate Research

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