

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE)
MARICOPA COUNTY REGIONAL)
HOMELESS COURT)

ADMINISTRATIVE ORDER
NO 2017-013

WHEREAS, Maricopa County Regional Homeless Court (“MCRHC”) was established by Superior Court Administrative Order No. 2012-128 on September 14, 2012, pursuant to A.R.S. § 22-601(A) and continued by Superior Court Administrative Order No. 2013-063; and

WHEREAS, A.R.S. § 22-601(B) requires the Presiding Judge of Superior Court (“Presiding Judge”) to establish eligibility criteria for referral to the MCRHC;

WHEREAS, Superior Court Administrative Order No. 2012-128 established eligibility criteria for referral to the MCHRC, and Superior Court Administrative Order No. 2014-018 provides additional eligibility requirements; and

WHEREAS, the MCRHC Governing Council (“Council”) was established by Superior Court Administrative Order No. 2012-128 and continued by Superior Court Administrative Order No. 2013-063 to manage day-to-day operations, and recommend eligibility criteria modifications to the Presiding Judge; and

WHEREAS, Superior Court Administrative Order No. 2013-063 continues the establishment of the MCRHC Governing Council to manage day-to-day operations of the MCRHC, and to make further recommendations for operation of the MCRHC and modifications of eligibility criteria to the Presiding Judge in accordance with A.R.S. §22-601; and

WHEREAS, Superior Court Administrative Order No. 2013-063 provides for the continuation of the establishment of the MCRHC Governing Council to consist of a total of six (6) members comprised of three (3) Justices of the Peace designated by the Justice of the Peace Presiding Judge, one (1) Phoenix Municipal Court Judge designated by the Presiding Judge of the Phoenix Municipal Court, and two (2) municipal court Presiding Judges; and

WHEREAS, pursuant to Superior Court Administrative Order No. 2013-063, the Presiding Judge designates a member of the Council to be the MCRHC Presiding Judge,

IT IS ORDERED modifying the establishment of a MCRHC for the municipal and Justice of the Peace courts in Maricopa County. Any participating court can withdraw from the MCRHC by submitting written notification of withdrawal to the Presiding Judge of the Superior Court.

IT IS FURTHER ORDERED as follows:

1. The referral requirements are contained in the MCRHC operating procedures that can be obtained by contacting the MCRHC Coordinator.
2. The Superior Court adopts the following eligibility criteria of the MCRHC Governing Council upon approval of the Presiding Judge and input from participating limited jurisdiction courts. Eligibility requirements include the following:
 - a. Eligible Offense. Any statutory misdemeanor offense, civil offense, petty offense, civil traffic offense, or other offense charged under a city or town code filed in a limited jurisdiction court in Maricopa County, Arizona that is received by a homeless person is eligible to be heard in MCRHC if approved by a judge that has jurisdiction over the offense.
 - b. Eligible Person. A person is eligible to participate in MCRHC if a judge of a court having jurisdiction over the case determines the person is homeless either at the time the offense was alleged to have occurred or at the time the referral to MCHRC is made, and the judge of the court with jurisdiction consents to the matter being referred to MCRHC (“eligible person”).
 - i. An eligible person must also:
 - 1) Be in regular contact with their provider or agency; and
 - 2) Be in compliance with all requirements set by the provider or agency; and
 - 3) Have completed or be near completion of all requirements; and
 - 4) Either:
 - a. Have income through employment or benefits; or
 - b. Have applied for benefits; or
 - c. Be actively seeking employment; or

- d. Be no longer living a “homeless lifestyle”.
3. Based on the established eligibility criteria, each participating court shall determine which cases are appropriate for referral to MCRHC.
 4. A person can only enter MCRHC through an approved provider. The MCRHC Governing Council shall establish and approve a list of providers and agencies qualified to administer programs acceptable to MCRHC. The MCRHC Coordinator shall maintain a list of providers.
 5. A provider approved by the MCRHC Governing Council to participate in MCRHC, shall submit an Application and Letter of Advocacy to MCRHC once the person has satisfactorily completed all or substantially all the providers internal MCRHC referral requirements.
 6. Any judicial officer of a participating court may refer a case to MCRHC by providing the person with a list of providers and directing them to meet with one of the providers to see if they meet eligibility criteria. The originating court shall maintain jurisdiction over the case and is responsible to maintain the case in their case management system. The originating court should order the person to reappear at the referring court at a date certain in the future. Such date can be vacated if the person successfully completes homeless court. Participation in MCRHC is voluntary, and as such, the referring judicial officer shall determine if the person wishes to have the case transferred to the MCRHC. A copy of the Judicial Referral Instructions and Order can be obtained from the MCRHC Coordinator.
 7. Pursuant to A.R.S. §22-601(D) the court in which a case(s) is filed must notify the prosecuting attorney of the referral to MCRHC of any criminal case.
 8. MCRHC shall hold its docket in the Maricopa County Human Services Campus at 1125 W. Jackson St., Phoenix, AZ or in a location agreed upon by the MCRHC Governing Council. Participating courts will be responsible for the administration of each case referred from their court to the MCRHC. Pursuant to A.R.S. §22-602(B) any judicial officer qualified to hear cases in any of the participating courts shall have the authority to adjudicate a case referred to the MCRHC.
 9. The Presiding Judge of MCRHC shall coordinate and establish a consistent court calendar for MCRHC to be in session. The MCRHC Coordinator will staff MCRHC cases on the docket with the Judicial Officer handling the docket.

10. Court administration for participating courts shall establish the case transfer process; determine how cases will be handled in the case management system, and any other needed case management process. The referring court shall be the custodian of records for its cases at the MCRHC. The MCRHC shall provide a disposition order and transmit such order to the referring court once the case has been adjudicated in MCHRC.
11. Prosecutors for participating courts will prosecute their respective cases, unless such authority is delegated, in writing, to another agency among the participating courts or their presence is waived, and will prosecute any referred pre-adjudicated cases.
12. MCRHC may utilize local, community-based treatment programs, social services and homeless service organizations that further the purpose of MCRHC. MCRHC shall not direct any one person to any given provider. Instead, a list of providers may be provided to the person for them to select from.
13. In the event a defendant is removed from the MCRHC for failing to make satisfactory progress in a provider's program or for any other lawful reason, the MCRHC Judge shall transfer the case back to the referring court.
14. The MCRHC Governing Council, in coordination with respective Prosecutors, and after consultation with respective Public Defenders, shall develop and implement any other standard operating procedures consistent with this order.

IT IS FURTHER ORDERED this Administrative Order supersedes Superior Court Administrative Order No. 2014-018.

Dated this 17th day of January, 2017.

/s/ Janet E. Barton
The Honorable Janet E. Barton
Presiding Judge of the Superior Court

Original: Clerk of the Superior Court

Copies: Municipal Court Presiding Judges in Maricopa County
Justices of the Peace in Maricopa County
Raymond Billotte, Judicial Branch Administrator
Richard Woods, Deputy Court Administrator
Jeff Fine, Justice Court Administrator
All Municipal Court Administrators