

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

IN THE MATTER OF ACCESS TO)	ADMINISTRATIVE ORDER
COURT RECORDS)	NO. 2015-034
)	
_____)	

WHEREAS, the Superior Court created a Juvenile Transfer Offender Program (JTOP)/Transferred Youth/Project SAFE Specialty Court to immediately address less serious issues of noncompliance to avoid a petition to revoke, and to provide youthful probationers supervision with a probation team that possesses expertise in managing youthful offenders in the adult system with the goal of coordinating the specialized services needed by this unique population; and

WHEREAS, at JTOP hearings, the judge prepares a behavior contract, which sets forth the expected behaviors and goals of the probationer and often contains specific, confidential, sensitive, education, and health-related information as well as probation supervision strategies; and

WHEREAS, the behavior contract for JTOP contains significantly more personal, confidential, and sensitive information than standard Adult Probation behavior contracts; and

WHEREAS, federal law recognizes the confidential nature of education, substance abuse, medical, and psychological records; and

WHEREAS, Rule 123 of the Rules of the Arizona Supreme Court provides that diagnostic evaluations, psychiatric and psychological reports, medical reports, alcohol screening and treatment reports, social studies, probation supervision histories and any other records maintained as the work product probation department are not public records; and

WHEREAS, the Superior Court may seal or otherwise limit access to a record if there exists a compelling interest that overcomes the right of public access to the record; the compelling interest supports sealing or limiting access to the record; a substantial probability exists that the compelling interest will be prejudiced if the record is not sealed or redacted; the proposed sealing or limited access is narrowly tailored; and no less restrictive means exist to achieve the compelling interest; and

WHEREAS, the Superior Court finds the behavior health contracts contain protected education, substance abuse, medical/psychological and treatment information, as well as supervision history and strategy, all of which constitute a

compelling interest to limit access to the records which outweighs the right of public access;

IT IS ORDERED the behavior health contracts for JTOP shall be maintained by the clerk as a confidential record and only available to defendant, defendant's attorney(s), the prosecuting attorney(s), and the assigned probation officer(s). The clerk shall not release the behavior contracts any further without an order of the Court authorizing the release.

Dated this 30th day of March, 2015.

/s/ Joseph C. Welty

Joseph C. Welty
Presiding Criminal Court Judge

Original: Clerk of the Superior Court

Copies: Hon. Norman J. Davis, Presiding Judge
Hon. Janet E. Barton, Associate Presiding Judge
Hon. Christopher Coury, JTOP Judge
Hon. Michael K. Jeanes, Clerk of the Court
Hon. William Montgomery, County Attorney
James Logan, Public Defense Services
James Haas, Public Defender
Marty Lieberman, Legal Defender
Bruce F. Peterson, Legal Advocate
Raymond L. Billotte, Judicial Branch Administrator
Barbara Broderick, Chief Adult Probation Officer