

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

IN THE MATTER OF ACCESS TO CLOSED,)	ADMINISTRATIVE ORDER
CONFIDENTIAL AND WORK PRODUCT)	NO. 2019-016
RECORDS AND INFORMATION OF THE)	
ADULT AND JUVENILE PROBATION)	
DEPARTMENTS)	
_____)	

The Arizona Code of Judicial Administration requires that probation officers “communicate and coordinate with treatment providers concerning probationer participation in and compliance with treatment requirements, to ensure probationer rehabilitation, community protection and victim restoration” ACJA §§ 6-105, 6-105.01. Collaboration and information sharing between the probation department, treatment providers, AHCCCS Contracted Health Plans and community partners is critical for treatment to be successful.

Program level information can be used to identify target populations for interventions, evaluate program effectiveness, and determine whether programs are cost-effective. This information is readily shared with treatment providers because this information is all public record.

Information related to the defendant or juvenile is essential to provide individualized and adequate assessment and treatment. However, much of the information about the defendant or juvenile that would assist in treatment is not public under Rule 123 of the Rules of the Arizona Supreme Court and under Rule 19 of the Rules of Procedure for the Juvenile Court. Some of the individual information may also be subject to the Federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

The non-public nature of the records requires a court order for the Adult or Juvenile Probation Departments to share non-public probation records with treatment providers and AHCCCS Contracted Health Plans. These records include diagnostic evaluations, psychiatric and psychological reports, medical reports, alcohol or substance abuse screening and treatment records, social studies, and probation supervision histories. In juvenile cases, this includes alcohol and drug testing results and treatment records including but not limited to treatment plans, progress reports, and discharge summaries paid for through juvenile probation services funding and which belong to the Juvenile Court.

In addition to a court order, HIPAA requires a signed release from the probationer prior to the Adult Probation Department sharing any alcohol and drug testing and treatment information with treatment providers. Therefore,

IT IS ORDERED authorizing the Maricopa County Adult and Juvenile Probation Departments to provide non-public probation records, including diagnostic evaluations, psychiatric and psychological reports, medical reports, social studies, assessment results, case plans, test results, progress/regress on compliance with conditions of probation, and probation supervision histories, to correctional, Juvenile Detention Medical and Detention Counseling and Psychological Services (DPCS), contract and community-based treatment providers and AHCCCS Contracted Health Plans. In juvenile cases, this includes alcohol and drug testing results and treatment records paid for through juvenile probation services funding. The information provided shall not include any diagnosis for Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS) or Sexually Transmitted Diseases (STDs) unless a specific release is signed by the defendant or parent/legal guardian that authorizes the information to be provided to the treatment provider. Any treatment provider or AHCCCS Contracted Health Plan receiving information as a result of this order shall retain the information as confidential and shall not further disseminate the information without further order of this Court.

IT IS FURTHER ORDERED authorizing the correctional, contract and community-based treatment providers, AHCCCS Contracted Health Plans, and Juvenile Detention Medical and Detention Counseling and Psychological Services (DCPS) to provide the Maricopa County Adult and Juvenile Probation Departments with testing and treatment records. The contract and community-based treatment providers and AHCCCS Contracted Health Plans are authorized to provide alcohol and drug testing and treatment records to the Maricopa County Adult or Juvenile Probation Departments after obtaining a specific signed release from the defendant or parent/legal guardian. The information provided shall not include any diagnosis for Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS) or Sexually Transmitted Diseases (STDs) unless a specific release is signed by the defendant that authorizes the information to be provided to the Maricopa County Probation Department. The Maricopa County Adult and Juvenile Probation Departments shall keep all records obtained through this order as non-public and shall not release the records without a valid court order.

IT IS FURTHER ORDERED this Administrative Order supersedes Administrative Order No. 2018-129.

Dated this 7th day of January, 2019.

/s/ Janet E. Barton
Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Sam Myers, Criminal Presiding Judge
Hon. Timothy Ryan, Juvenile Presiding Judge
Raymond, Billotte, Judicial Branch Administrator
Barbara Broderick, Chief, Adult Probation Department
Eric Meaux, Chief, Juvenile Probation Department
Shawn Friend, Deputy Court Administrator
Therese Wagner, Deputy Chief, Adult Probation Department
Sarah Murillo, Deputy Chief, Juvenile Probation Department