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

IN THE MATTER OF THE ESTABLISHMENT OF THE MARICOPA COUNTY REGIONAL HOMELESS COURT	ADMINISTRATIVE ORDER NO 2012-128

WHEREAS, A.R.S. § 22-601(A) authorizes the Presiding Judge of the Superior Court to establish a homeless court to adjudicate cases filed in a Justice of the Peace Court or a municipal court in a county; and

WHEREAS, A.R.S. § 22-601(B) requires the Presiding Judge to establish eligibility criteria for referral to a homeless court established pursuant to A.R.S. § 22-601(A); and

WHEREAS, the municipal courts of the City of Phoenix, City of Tempe, and City of Glendale have been cooperatively conducting a homeless court since March, 2006, that has effectively resolved numerous citations and charges for the mutual benefit of those participating, the participating municipal courts, and the general public in reducing the homeless population since that time; and

WHEREAS, the impediments to expansion of homeless court to other jurisdictions within Maricopa County have been effectively removed by the enactment of Senate Bill 1152, codified at A.R.S. §§ 22-601 to -602, effective August 2, 2012; and

WHEREAS, the Maricopa County Superior Court and the various Justice of the Peace Courts and municipal courts within Maricopa County are desirous of expanding a regional homeless court in accordance with the authority of these statutes.

Accordingly,

IT IS ORDERED establishing the Maricopa County Regional Homeless Court for the resolution of all eligible offenses, citations and complaints received in Maricopa County by an eligible homeless person.

IT IS FURTHER ORDERED establishing the following eligibility criteria for referring offenses, citations and complaints to the Maricopa County Regional Homeless Court:

1. Eligibility. Citations and complaints charging an eligible offense committed by an eligible homeless person that are filed in a Justice of the Peace Court or a municipal court located in Maricopa County, Arizona ("court") from and after

the date of this order shall be eligible to be heard by the Maricopa County Regional Homeless Court ("MCRHC").

a. Eligible Offense. Any misdemeanor offense, civil offense, petty offense, civil traffic offense, or offense charged under a city or town code filed in a limited jurisdiction court located in Maricopa County, Arizona that is received by a homeless person is eligible to be heard in the MCRHC if it is referred to the MCRHC by a judge that has jurisdiction over the offense.

b. Eligible Person. A person is eligible to participate in MCRHC if a judge of court having jurisdiction over the case determines that the person is homeless either at the time the offense was alleged to have occurred or at the time the referral to MCRHC is made, and the judge of the court with jurisdiction consents to the matter being referred to the MCRHC ("eligible person").

c. Disqualifications. MCRHC is established primarily to resolve lower court offenses when a chronically homeless person has previously been found guilty or responsible for the offense in a court having jurisdiction to adjudicate the offense, but unadjudicated offenses may be referred to the MCRHC if the referring judge determines that the referral will further a Case Plan designed to ameliorate the person's homeless status. Offenses are not eligible to be referred to the MCRHC if: 1) it appears that a victim will be called to testify at the MCRHC; 2) it realistically appears that restitution may be sought in the case; or 3) if a prosecuting attorney has appeared in the case and files an objection to the unadjudicated matter being referred to the MCRHC. In the event that it is discovered that a case has been referred to MCRHC and should not have been, the case will be referred back to the court of origin.

2. Eligibility Form. Any court wishing to refer an eligible person to MCRHC for adjudication and/or disposition shall complete a "MCRHC Referral & Eligibility Form," attached hereto as "Attachment A".

3. Referrals To Homeless Court. Referrals to the MCRHC may be made by a court or by an authorized case manager as follows:

a. Authorized Case Manager. A case manager authorized by the MCRHC Governing Council to submit referrals to MCRHC may request eligible offenses be considered for disposition by the MCRHC by submitting a Case Plan and Referral Form to the Homeless Court Coordinator (Coordinator).

b. Court Referral. On motion of any party or the court's own motion, any limited jurisdiction court within Maricopa County, Arizona, may refer an eligible person and offense to the MCRHC by submitting a Case Plan and Referral form to the Coordinator.

c. Distribution For Approval of All Participating Courts. Upon receipt of a Referral Form and Case Plan, the Coordinator shall file the original Referral Form and original Case Plan with any one of the proposed courts unless the originals have been previously filed. The Coordinator shall also forward a complete copy of the Referral Form and Case Plan to each court listed on the Referral Form who in turn will review the matter and determine whether: 1) the matters pending in that court are eligible for disposition by the MCRHC; and 2) the court agrees that disposition of those matters may be entered in the MCRHC upon successful completion of the Case Plan.

d. Agreement By All Participating Courts. If a court agrees that the matter may be referred to the MCRHC for disposition, the judge of that court shall sign a copy of the Referral Form. The court shall file the signed original Referral Form in the judge's own court, and forward a signed copy to the Coordinator within ten (10) days of the request. If a court agrees to refer a case later than ten (10) days after the request, but prior to final disposition, the additional matters may be included in a MCRHC disposition if the matters were previously included in the Case Plan and Referral Form.

e. Notice to Prosecutor. Pursuant to A.R.S. § 22-601(D), each participating court that refers any offense to the MCRHC shall notify that court's prosecutor of the referral by providing the prosecutor a copy of the MCRHC Referral & Eligibility Form within three (3) judicial days after the participating court files the Referral Form. Any prosecutor may file a motion objecting to the referral in the normal course at any time. A court may rescind a referral to the MCRHC at any time prior to the entry of formal disposition by entering a written order in the referring court and providing a copy to the Coordinator.

4. Case Plan. A Case Plan shall be approved and signed by a case manager, contract provider, or authorized agent of an agency approved by the Maricopa County Homeless Court Governing Council as qualified to address the causes of the participating person's homeless status and to monitor the person's progress prior to submission to the participating court(s) for consideration.

5. Background Check. Each participating court is responsible for conducting a review of the participating person's criminal history prior to a referral to the MCRHC. Each referring judge shall review the criminal history prior to

referral and determine whether the results disqualify the person from participation in MCRHC.

6. Completion of Case Plan. It is the responsibility of each participating person (person) to complete the terms of the Case Plan and maintain all documents and records verifying proof of completion. The case manager, contract provider, or agency shall monitor the progress of the person, and notify the Coordinator when the participating person has completed all of terms of the Case Plan to the satisfaction of the case manager or contract provider.

7. Disposition Hearing. The case manager or contract provider shall, and the person may, request that the Coordinator set a disposition hearing upon representation that the participating person has completed all of the terms of the Case Plan as agreed. Upon such request the Coordinator shall schedule a disposition hearing at the direction of the Homeless Court Presiding Judge, and notify all interested parties that have appeared in the case.

8. Pre-disposition Hearing. If it should become impossible for the person to fully complete all of the terms of the Case Plan, or if other extraordinary circumstances exist that should be addressed by the MCRHC the case manager, contract provider, prosecutor, or participating person may request a pre-disposition hearing to consider any modifications to the original Case Plan or other appropriate action. Any modifications to the Case Plan shall not be made absent the agreement of all interested parties that were required to consent to the Case Plan originally. Upon such request the Coordinator shall schedule a predisposition hearing at the direction of the Homeless Court Presiding Judge, and notify all interested parties that have appeared in the case.

9. Participation in Hearing. The person shall be present in person or by electronic means acceptable to the MCRHC at any disposition or pre-disposition hearing scheduled by the court; provided, however, that such presence may be waived by the Homeless Court Presiding Judge or the judge assigned to conduct the hearing upon good cause shown.

10. Disposition Order. At the conclusion of a disposition hearing the assigned judge shall complete and sign a Disposition Order, in substantial compliance with the form attached hereto as "Attachment B", and deliver the completed Order to the Coordinator for filing and distribution as follows:

    a. Original Disposition Order. The Coordinator shall provide a complete duplicate original copy to the designated clerk or administrator of each court for entry and processing in each court as if the offenses over which the court has jurisdiction were fully adjudicated in that court.

b. Informal Record. The Coordinator shall also provide a copy of the original singed Disposition Order for electronic retention in the office of the Coordinator. Such electronic record shall not constitute an official record of any court, shall not be subject to certification or authentication by the Coordinator or any other person, and shall not establish the basis for application of any record retention policy beyond the terms of any policies applicable to such unofficial records. This unofficial record may constitute evidence of action taken by the MCRHC according to the terms of the Order in the event of destruction, damage or loss of the original record provided to the designated clerk or administrator of each participating court to the extent allowed by the *Arizona Rules of Evidence.*

11. Provider List and Qualifications. The Homeless Court Governing Council shall establish and approve a list of individual case managers, contract providers and agencies that are qualified and authorized to create and monitor Case Plans for persons participating in the MCRHC that are designed to ameliorate the homeless status of the person.

12. Notice to Homeless Person. Each person participating in the MCRHC will designate a notification address or contact information so that the person may receive notice of all hearings, motions, and actions occurring in the MCRHC as well as allowing the MCRHC Coordinator to have prompt contact access to the person if needed.

IT IS FURTHER ORDERED establishing the following internal procedures to facilitate the operation of the Maricopa County Regional Homeless Court:

1. Judicial Officer Assignment. In accordance with A.R.S. §22-601(B) any judicial officer in Maricopa County has authority to adjudicate eligible offenses occurring within Maricopa County that are properly referred to MCRHC. The Homeless Court Presiding Judge shall assign, or designate another judge to assign, Justices of the Peace and municipal court judges from jurisdictions that have referred any matter to the MCRHC within the last year or otherwise expressed a willingness to be assigned to cover sessions of the court, and to make other coverage assignments as may be required from time to time.

2. Court Locations. The primary location of the MCRHC is designated at the Human Services Campus located at 204 South 12th Avenue, Phoenix, Arizona 85007. All correspondence and contact with the MCRHC shall be made directed to the Maricopa County Homeless Court Coordinator. Each court that participates in MCRHC is also designated as an alternate MCRHC site when specifically authorized by MHRC Presiding Judge.

3. Court Filings. All original complaints, petitions, referral & eligibility forms, disposition forms, motions and other pleadings or documents that may be filed with a court under the applicable rules of procedure shall be filed

concurrently with each referring jurisdiction listed on the referral & eligibility form and a courtesy copy sent to the Homeless Court Coordinator.

4. Homeless Court Coordinator. The MCRHC shall be staffed by the Homeless Court Coordinator designated by the Maricopa County Presiding Judge to serve in that position. The Coordinator that shall coordinate all activities and actions of the MCRHC with all participating limited jurisdiction courts in Maricopa County as assigned by the Presiding Judge of Maricopa County Superior Court and the Maricopa County Homeless Court Presiding Judge.

5. Homeless Court Clerks. Each participating Justice of the Peace court and municipal court shall designate an administrator or court clerk that is assigned to file, report, monitor, and record all filings, records and dispositions of all homeless court cases referred by that jurisdiction to the MCRHC, and to work with the Homeless Court Coordinator to ensure effective and efficient operation of the MCRHC.

6. Records. A.R.S. § 22-602(A) directs that each court participating shall maintain jurisdiction of all cases referred to MCRHC, and, accordingly is required to record and maintain all official records with respect to all such cases referred. All records maintained by the MCRHC are unofficial and maintained only to further the mission of the MCRHC until the official records are recorded in the individual referring court with jurisdiction.

7. Homeless Court Governing Council. A Maricopa County Regional Homeless Court Governing Council is created to manage the day-to-day operations of the MCRHC, and to make further recommendations for operation of the MCRHC and modifications of eligibility criteria to the Maricopa County Superior Court Presiding Judge in accordance with A.R.S. § 22-601.

    a. Composition & Selection. The Maricopa County Regional Homeless Court Governing Council shall 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, a City of Phoenix Municipal Court judge designated by the Presiding Judge of the City of Phoenix Municipal Court, and two (2) municipal court judges located in Maricopa County elected by the majority of municipal court Presiding Judges present at any regularly scheduled Maricopa County lower court jurisdiction Presiding Judges meeting with an agenda distributed prior to the meeting indicating that the election will occur.

    b. Voting. All actions and recommendations of the Council shall be approved by a majority of the six (6) judges appointed or elected as set forth above in attendance at a regularly scheduled and noticed meeting of the Council. Any deadlocks will be resolved by the Maricopa County Superior Court Presiding Judge. Any judge of any participating jurisdiction may attend

meetings of the Council and participate in discussions as directed by the Chair.

c. Terms. Each appointed or elected member of the council shall serve for a period of two (2) years, or until their successor is duly appointed or qualified, whichever shall last occur. Any resignation or vacancy created before expiration of a normal term shall be filled in accordance with the procedure established for the original appointment or election of the position.

d. Authority. The Council is authorized to make decisions and take actions consistent with their existing individual authority as sitting judges within the jurisdiction of their respective courts. In addition, the Council is authorized to take actions directly authorized by this Administrative Order and to make further recommendations to the Maricopa County Superior Court Presiding Judge for the efficient and effective operation of the MCRHC. The Council shall also have the authority to provide the participating courts and case managers with guidelines on concerning the format of the forms and case plans to be submitted to the Homeless forms court with the approval of the Presiding Judge of Maricopa County Superior Court.

e. Chair. The Maricopa County Regional Homeless Court Presiding Judge shall concurrently serve as chair of the Council.

8. Homeless Court Presiding Judge. The Maricopa County Superior Court Presiding Judge shall designate a member of the Maricopa County Regional Homeless Court Governing Council to be the MCRHC Presiding Judge who shall serve for a term of two (2) years or until their successor is duly appointed, whichever shall last occur. The Homeless Court Presiding Judge is authorized to:

a. Assign Judges. Schedule and assign Justices of the Peace and municipal court judges to hear individual cases or calendars as appropriate to ensure an efficient and effective operation of the court.

b. Procedural Issues. Resolve procedural issues and disputes within the scope of this Administrative Order to ensure the efficient and effective operation of the court.

c. Alternate Locations. Authorize sessions of the MCRHC to be held within Maricopa County at the official locations of any participating court in Maricopa County on specific dates.

d. Chair Governing Council. Chair the Maricopa County Regional Homeless Court Governing Council.

e. Homeless Court Coordinator. Work with the Homeless Court Coordinator to ensure the efficient and effective operation of the court.

Dated this 14th day of September, 2012.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

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
Karen Westover, Deputy Court Administrator
Danna Quinn, Regional Courts Administrator
Margaret Sommers, Regional Homeless Court Coordinator

MARICOPA COUNTY REGIONAL HOMELESS COURT 204 S. 12th Ave., Phoenix, AZ 85003 602-261-8182

STATE OF ARIZONA Plaintiff -vs-	MARICOPA COUNTY REGIONAL HOMELESS COURT REFERRAL & ELIBILITY FORM
Defendant (FIRST, MI, LAST) DOB	
Defendant Notification Address:	

Defendant Agrees. Defendant certifies that the Defendant has no unresolved criminal charges other than those listed below, if any, and agrees to participate in Maricopa County Regional Homeless Court (MCRHC) by fully completing all of the terms of the Case Plan attached hereto and signed by the Defendant, including satisfactory completion of sufficient hours of community service to fully resolve all of the following charges previously adjudicated (A) or pending (P) in the listed participating jurisdictions:

City or J.P. Precinct	City/J.P. Court Citation/Case No.	A.R.S. or Code Section	Offense	Status	Fines & Fees Imposed	Other Sanctions

Courts Agree. The undersigned judicial officers from the above participating jurisdictions each find, after a review of the Defendant's criminal history, that the Defendant meets the eligibilty requirements to participate in MCRHC and agree that upon satisfactory completion of all of the terms and conditions of the attached Case Plan, including completion of community service hours and any other terms required herein, all of the sanctions previously imposed on the above adjudicated charges will then be deemed satisfied, and the Defendant then discharged from all further obligations on said adjudicated charges, and any unadjudicated charges listed above will then be dismissed by entry of a proper Disposition Order in the MCRHC. This agreement does not affect any victim restitution owed by the Defendant.

Community Service Hours. In addition to completing all of the terms of the attached Case Plan, the Defendant further agrees to complete [ ] hours of community service in lieu of payments of all fines, fees and surcharges imposed on the above adjudicated matters.

Other Conditions.

Defendant Signature: _____ **Interpreter:** _____

Defense Counsel: _____ **Bar No.:** _____

Court Signatures:

_____ Justice Precinct, Judge: Date: _____

_____ City Court Judge: Date: _____

_____ City Court Judge: Date: _____

_____ City Court Judge: Date: _____

MARICOPA COUNTY REGIONAL HOMELESS COURT 204 S. 12th Ave., Phoenix, AZ 85003 602-261-8182

STATE OF ARIZONA Plaintiff -vs-	MARICOPA COUNTY REGIONAL HOMELESS COURT DISPOSITION ORDER
Defendant (FIRST, MI, LAST) DOB	
Defendant Notification Address:	

This matter having come on regularly for hearing before the Maricopa County Regional Homeless Court ("MCRHC") this date, the Defendant having previously been found eligible to participate in the MCRHC, the Defendant having represented to the Court that the Defendant has completed all of the requirements for disposition of this matter, and based upon all of the evidence presented,

The Court finds that the Defendant has successfully completed all of the terms and conditions of the Case Plan previously agreed to between the Defendant and the Court, including the Defendant performing at least _____ hours of community service sufficient to enter final disposition on all of the following matters:

City or J.P. Precinct	City/J.P. Court Citation/Case No.	A.R.S. or Code Section	Offense	Status (A/P)	Fines & Fees Imposed	Other Sanctions

Accordingly,

IT IS ORDERED:

1. Accepting the Defendant's program completion of the Defendant's Case Plan including completion by the Defendant of the required hours of community service as full satisfaction of the sentence of all adjudicated ("A") matters listed above.

2. Dismissing any pending ("P") charges listed above with prejudice.

3. Directing that a true and correct duplicate copy of this Disposition Order bearing all signatures shall be transmitted by the Homeless Court Coordinator to the designated clerk of each participating jurisdiction listed above for proper entry and final disposition of the above-listed charges.

The Court congratulates the Defendant for the efforts in fully satisfying all legal obligations referenced herein and taking positive steps to improve the quality of Defendant's life.

Other Orders:

Assigned Judge, Maricopa County Regional Homeless Court

Date