

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

IN THE MATTER OF ACCESS TO
CLOSED, CONFIDENTIAL AND WORK
PRODUCT RECORDS AND
INFORMATION OF THE ADULT
PROBATION DEPARTMENT

} ADMINISTRATIVE ORDER
No. 2016-069

The Arizona Code of Judicial Administration requires that probation officers “[c]ommunicate 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 and treatment providers 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-efficient. This information is readily shared with treatment providers because this information is all public record.

Information related to the defendant is essential to provide individualized and adequate assessment and treatment. However, much of the information about the defendant that would assist in treatment is not public under Rule 123 of the Rules of the Arizona Supreme 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 Probation Department to share non-public probation records with treatment providers. These records include diagnostic evaluations, psychiatric and psychological reports, medical reports, alcohol screening and treatment reports, social studies, and probation supervision histories.

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 Probation Department 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, contract and community-based treatment providers who are providing services to the defendant. 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

treatment provider. Any treatment provider 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 to provide the Maricopa County Adult Probation Department with testing and treatment records, except for alcohol and drug testing and treatment records, for defendants on standard and intensive probation. The contract and community-based treatment providers are authorized to provide alcohol and drug testing and treatment records to the Maricopa County Probation Department after obtaining a specific signed release from the defendant. The Maricopa County Probation Department shall keep all records obtained through this order as non-public and shall not release the records without a valid court order.

Dated this 9th day of August, 2016.

/s/ Janet E. Barton

Honorable Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Barbara Broderick, Chief, Adult Probation Department
Therese Wagner, Deputy Chief, Assessment and Development