

IN THE CITY COURT OF SCOTTSDALE
IN THE COUNTY OF MARICOPA IN AND FOR THE STATE OF ARIZONA

IN THE MATTER OF VACATING ELIGIBLE) MONETARY OBLIGATIONS IN JUVENILE) MATTERS) _____)	COURT ORDER NO. 2024-03
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Section 30(A) of SB 1197, Juvenile Offenders; Monetary Sanctions; Repeal (Laws 2023, Ch. 162) (“the Act”) provides that for financial obligations imposed before October 30, 2023, the outstanding balance of any fee, cost, surcharge, or monetary assessment that was imposed against a juvenile or the juvenile’s parent or guardian pursuant to Arizona Revised Statutes (A.R.S.) §§ 8- 221, -234, -243, -245, -263, -321, -323, -341, -343, -344, 11-584, or 12-116 or -116.07, as amended by the Act, or A.R.S. §§ 8-241 or -418 as repealed by the Act, are eligible to be vacated. Section 30(B) of the Act additionally provides that all unsatisfied civil judgments, or portions of judgments, that were entered before October 30, 2023, for an unpaid fee, cost, surcharge, or monetary assessment imposed against a juvenile or a juvenile’s parent or guardian pursuant to the same statutes, are eligible to be deemed null and void and, for all legal purposes, vacated.

On December 20, 2023, the Supreme Court issued Administrative Order No. 2023-221 providing that courts may, by local administrative order, provide for all eligible unpaid monetary obligations, unsatisfied civil judgments, and applicable portions of unsatisfied civil judgments, as provided by Section 30(A) and (B) of the Act, to be vacated.

On July 2, 2024, Superior Court of the State of Arizona in and for the County of Maricopa issued Administrative Order 2024-037 providing that the presiding judges of limited jurisdiction courts in Maricopa County shall vacate eligible unpaid monetary obligations, unsatisfied civil judgments, and applicable portions of unsatisfied civil judgments in a manner that is consistent with its Order.

Therefore, the court having considered options for better achieving swift, fair justice in vacating eligible unpaid balance and unsatisfied civil judgments in juvenile matters, and pursuant to Supreme Court Administrative No. 2023-221, Superior Court of the State of Arizona for County of Maricopa Administrative No. 2024-037 and Section 30 of the Act,

IT IS ORDERED that this order applies to cases in this court that meet all the following criteria:

1. The subject was under the jurisdiction of the juvenile court pursuant to A.R.S. § 8-202 on the disposition date;
2. Financial obligations were imposed before October 30, 2023;
3. There remains an outstanding balance of any fee, cost, surcharge, or monetary assessment that was imposed against a juvenile or the juvenile’s parent or guardian; and

IT IS FURTHER ORDERED that monetary obligations imposed before October 30, 2023 in cases to which this order applies, and in any associated civil judgment entered before October 30, 2023, are hereby vacated as follows:

1. All obligation type fee codes associated with **court-appointed attorney costs** imposed under A.R.S. § 8-221. **NOT APPLICABLE**
2. All obligation type fee codes associated with **costs** against a parent or guardian for **counseling, treatment, or education** required as part of a diversion program imposed under A.R.S. § 8-234. **NOT APPLICABLE**
3. All obligation type fee codes associated with **probation supervision fees** imposed under A.R.S. § 8-241. **NOT APPLICABLE**
4. All obligation type fee codes associated with **foster care expenses** imposed under A.R.S. § 8-243(A). **NOT APPLICABLE**
5. All obligation type fee codes associated with **detention costs** imposed under A.R.S. § 8-243(M). **NOT APPLICABLE**
6. All obligation type fee codes associated with **\$500 dangerous crimes against children assessments** imposed under A.R.S. § 12-116.07. **NOT APPLICABLE**
7. All obligation type fee codes associated **medical or surgical treatment expenses** imposed under A.R.S. § 8-245. **NOT APPLICABLE**
8. All obligation type fee codes associated **family counseling program costs** imposed under A.R.S. § 8-263. **NOT APPLICABLE**
9. All obligation type fee codes associated **community-based alternative program fees or costs** imposed under A.R.S. § 8-321. **NOT APPLICABLE**
10. All obligation type fee codes associated with **Victim's Rights Fund Implementation Fees** imposed under A.R.S. § 8-418. **NOT APPLICABLE**
11. All obligation type fee codes associated with **Juvenile Detention, Department of Juvenile Corrections, or other state department institution expenses** imposed under A.R.S. § 8-243(B) and/or (C). **NOT APPLICABLE**
12. All obligation type fee codes associated with **Public defender or court-appointed counsel administrative assessment** imposed under A.R.S. § 11-584(C). **NOT APPLICABLE**
13. All obligation type fee codes associated with **Juvenile Restitution Order in Favor of the State**. **NOT APPLICABLE**
14. All obligation type fee codes associated with **Counseling, Education, Screening, and Treatment Costs, including for alcohol and drugs**, imposed under A.R.S. § 8-341.
15. All obligation type fee codes associated with **Time Payment Fee** imposed pursuant to A.R.S. § 12-116.

16. All obligation type fee codes associated with **rehabilitative, incorrigibility, or minor consumption monetary assessments** imposed under **A.R.S. § 8-341**.
17. With the exception of civil traffic or Title 28 non-felony criminal traffic, and DUI cases, all obligation fee type codes associated with the following surcharges or monetary assessment: **68% surcharge, \$20 probation assessment, \$13 additional assessment, \$9 victims' rights assessment, \$2 victims' rights enforcement assessment, and \$4 Peace Officer Training Equipment Fund assessment**.

IT IS FURTHER ORDERED that if a payment is received on a case that may be subject to this order, but the balance has not yet been adjusted in the court's case management system, the clerk must conduct a manual review of the monetary obligations in the case and apply the provisions of this order to the case before applying the payment to any remaining balance or returning the excess.

IT IS FURTHER ORDERED that all motions to vacate monetary obligations filed by the juvenile, juvenile parent or guardian arising from a local ordinance shall be referred to a judicial officer for an individual determination and ruling.

IT IS FURTHER ORDERED that if the eligibility of a monetary obligation in a case is at issue, or the clerk or other staff is presented with any issue for which specific direction is not provided in this order, the case shall be referred to a judicial officer before any monetary obligations are adjusted in the court's case management system.

IT IS FURTHER ORDERED that this order shall be posted on the court's website and forwarded to the following prosecuting agencies: City of Scottsdale Prosecutors Office.

Dated this 3rd day of July, 2024.

/s/
Marianne T. Bayardi
Presiding Judge, City of Scottsdale, Maricopa County

Original: Hon, Joseph C. Welty, Presiding Judge Maricopa County Superior Court

Copies: Administrative Office of the Court
Luis Santaella, Scottsdale City Prosecutor Office