

Judiciary - Superior Court

	FY 2023 ACTUAL	FY 2024 ESTIMATE	FY 2025 APPROVED
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	240.5	240.5	240.5 ^{1/2/}
Personal Services	2,692,700	2,762,300	2,762,300
Employee Related Expenditures	902,700	968,500	914,200
Professional and Outside Services	23,900	61,000	61,000
Travel - In State	54,600	18,200	18,200
Travel - Out of State	23,300	16,600	16,600
Other Operating Expenditures	1,308,000	1,783,000	1,783,000
OPERATING SUBTOTAL	5,005,200	5,609,600	5,555,300 ^{3/}
SPECIAL LINE ITEMS			
Operating Budget Lump Sum Reduction	0	0	(180,100)
Judges Compensation			
Judges Compensation	25,641,800	29,591,600	30,399,800 ^{4/}
Administrative Costs			
Centralized Service Payments	4,130,800	4,696,900	4,667,000 ^{5/}
Probation Programs			
Adult Standard Probation	22,117,700	22,297,500	22,297,500 ^{6/}
Adult Intensive Probation	12,764,700	13,150,200	13,150,200 ^{6/}
Community Punishment	1,111,900	2,310,300	2,310,300 ^{6/}
Interstate Compact	466,800	513,700	513,700 ^{6/}
Drug Court	1,096,400	1,096,400	1,096,400
Juvenile Standard Probation	3,631,800	3,781,800	3,781,800 ^{6/}
Juvenile Intensive Probation	6,087,200	6,087,200	6,087,200 ^{6/}
Juvenile Treatment Services	20,803,000	20,803,000	20,803,000 ^{6/7/}
Juvenile Family Counseling	500,000	500,000	500,000
Juvenile Diversion Consequences	8,569,800	9,088,500	9,088,500 ^{6/7/}
Juvenile Crime Reduction	2,345,700	3,313,700	3,313,700 ^{6/}
Probation Incentive Payments	1,000,000	1,000,000	1,000,000 ^{6/}
Probation Salary Increase Backfill	0	6,749,200	0
Other Programs			
Special Water Master	505,200	511,100	511,100
General Adjudication Personnel and Support Fund Deposit	1,875,300	2,000,000	2,000,000
Court-Ordered Removals	315,000	315,000	315,000
AGENCY TOTAL	117,968,300	133,415,700	127,210,400 ^{8/-11/}
FUND SOURCES			
General Fund	109,609,900	120,586,300	115,194,800
Other Appropriated Funds			
Criminal Justice Enhancement Fund	3,017,900	6,309,800	5,496,000
Drug Treatment and Education Fund	500,200	504,200	504,200
Judicial Collection Enhancement Fund	4,840,300	6,015,400	6,015,400
SUBTOTAL - Other Appropriated Funds	8,358,400	12,829,400	12,015,600
SUBTOTAL - Appropriated Funds	117,968,300	133,415,700	127,210,400
Other Non-Appropriated Funds			
Other Non-Appropriated Funds	5,533,100	4,755,000	4,755,000
Federal Funds	11,348,200	2,777,400	2,777,400
TOTAL - ALL SOURCES	134,849,600	140,948,100	134,742,800

AGENCY DESCRIPTION — The Superior Court, which has a division in every county, is the state’s only general jurisdiction court. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances. In addition, the responsibility for supervising adults and juveniles who have been placed on probation resides in the Superior Court.

FOOTNOTES

- 1/ Of the 240.5 FTE positions, 182 FTE positions represent superior court judges. This FTE position clarification does not limit the counties' ability to add judges pursuant to section 12-121, Arizona Revised Statutes. (General Appropriation Act footnote)
- 2/ Includes 185 GF FTE Positions funded from Special Line Items in FY 2025.
- 3/ All expenditures made by the administrative office of the courts to administer superior court line items shall be funded only from the superior court operating budget. Monies in superior court line items intended for this purpose shall be transferred to the superior court operating budget before expenditure. (General Appropriation Act footnote)
- 4/ All monies in the judges' compensation line item shall be used to pay for fifty percent of superior court judges' salaries, elected officials' retirement plan costs and related state benefit costs for judges pursuant to section 12-128, Arizona Revised Statutes. Monies in the operating lump sum appropriation or other line items intended for this purpose shall be transferred to the judges' compensation line item before expenditure. (General Appropriation Act footnote)
- 5/ All centralized service payments made by the administrative office of the courts on behalf of counties shall be funded only from the centralized service payments line item. Centralized service payments include only training, motor vehicle payments, CORP review board funding, LEARN funding, research, operational reviews and GPS vendor payments. This footnote does not apply to treatment or counseling services payments made from the juvenile treatment services and juvenile diversion consequences line items. Monies in the operating lump sum appropriation or other line items intended for centralized service payments shall be transferred to the centralized service payments line item before expenditure. (General Appropriation Act footnote)
- 6/ All monies in the adult standard probation, adult intensive probation, community punishment, interstate compact, juvenile standard probation, juvenile intensive probation, juvenile treatment services, juvenile diversion consequences, juvenile crime reduction and probation incentive payments line items shall be used only as pass-through monies to county probation departments. Monies in the operating lump sum appropriation or other line items intended as pass-through for the purpose of administering a county probation program shall be transferred to the appropriate probation line item before expenditure. (General Appropriation Act footnote)
- 7/ Monies appropriated to juvenile treatment services and juvenile diversion consequences shall be deposited in the juvenile probation services fund established by section 8-322, Arizona Revised Statutes. (General Appropriation Act footnote)
- 8/ Receipt of state probation monies by the counties is contingent on the county maintenance of fiscal year 2019-2020 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs. (General Appropriation Act footnote)
- 9/ On or before November 1, 2024, the administrative office of the courts shall report to the joint legislative budget committee and the governor's office of strategic planning and budgeting the fiscal year 2023-2024 actual, fiscal year 2024-2025 estimated and fiscal year 2025-2026 requested amounts for each of the following:
 1. On a county-by-county basis, the number of authorized and filled case carrying probation positions and non-case carrying probation positions, distinguishing between adult standard, adult intensive, juvenile standard and juvenile intensive. The report shall indicate the level of state probation funding, other state funding, county funding and probation surcharge funding for those positions.
 2. Total receipts and expenditures by county and fund source for the adult standard, adult intensive, juvenile standard and juvenile intensive probation line items, including the amount of personal services spent from each revenue source of each account. (General Appropriation Act footnote)
- 10/ On or before November 1, 2024, the administrative office of the courts shall submit a report to the joint legislative budget committee on the county-approved salary adjustments provided to probation officers since the last report on November 1, 2023. The administrative office shall also submit a copy of the report to the governor's office of strategic planning and budgeting. The report shall include, for each county, the:
 1. Approved percentage salary increase by year.
 2. Net increase in the amount allocated to each probation department by the administrative office of the courts for each applicable year.
 3. Average number of probation officers by applicable year.
 4. Average salary of probation officers for each applicable year. (General Appropriation Act footnote)
- 11/ General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.

Operating Budget

The budget includes \$5,555,300 and 55.5 FTE Positions in FY 2025 for the operating budget. These amounts consist of:

	FY 2025
General Fund	\$5,165,700
Criminal Justice Enhancement Fund (CJEF)	372,200
Drug Treatment and Education Fund	4,000
Judicial Collection Enhancement Fund (JCEF)	13,400

Adjustments are as follows:

Statewide Adjustments

The budget includes a decrease of \$(54,300) in FY 2025 for statewide adjustments. This amount consists of:

General Fund	(54,200)
CJEF	(100)

(Please see the Agency Detail and Allocations section.)

Background – These monies represent the administrative costs incurred by the Administrative Office of the Courts (AOC) while overseeing the various line items of the Superior Court budget.

Operating Budget Lump Sum Reduction

The budget includes a decrease of \$(180,100) from the General Fund in FY 2025 for a lump sum reduction. Agencies receiving a lump sum reduction will apply the reduction to the operating lump sum appropriation in the FY 2026 budget request submittal. Agencies have discretion in how the reduction in spending is achieved. The FY 2026 Baseline Book will incorporate the agency's planned reduction into the operating budget display.

Judges Compensation

Judges Compensation

The budget includes \$30,399,800 and 182 FTE Positions from the General Fund in FY 2025 for Judges Compensation. Adjustments are as follows:

FY 2023 Judicial Salary Increase

The budget includes an increase of \$1,136,000 from the General Fund in FY 2025 for full implementation of the pay increase for Superior Court judges included in the FY 2023 budget's 3-year spending plan. The FY 2023 General

Appropriation Act increased the Superior Court judge salary from \$149,400 to \$164,700 on January 1, 2023 and to \$180,000 on January 1, 2024.

FY 2025 Judicial Salary Increase

The budget includes an increase of \$819,600 from the General Fund in FY 2025 for the first year of a 2-year phase-in of a pay increase for Superior Court judges. The FY 2025 General Appropriation Act increases the Superior Court judge salary from \$180,000 to \$190,000 on January 1, 2025 and to \$200,000 on January 1, 2026.

The 3-year spending plan increases this appropriation to \$2,458,800 in FY 2026 and \$3,278,400 in FY 2027 for full implementation.

Remove FY 2024 Supplemental

The budget includes a decrease of \$(813,700) from CJEF in FY 2025 for the elimination of one-time supplemental funding to address a shortfall in the state's share of Superior Court judges' salaries.

Statewide Adjustments

The budget includes a decrease of \$(333,700) from the General Fund in FY 2025 for statewide adjustments.

Background – This line item provides funding for the state's 50% share of salary and non-health benefits. The line item also funds 100% of the costs of Superior Court Judges that elect state benefits, although some opt to participate in county programs. In the latter circumstance, the county pays 100% of the employer cost.

Pursuant to A.R.S. § 12-121, each county receives one judge for the first 30,000 of population. Additional judges may be created for every additional 30,000-person increment upon approval by the Governor.

Administrative Costs

Centralized Service Payments

The budget includes \$4,667,000 in FY 2025 for Centralized Service Payments. This amount consists of:

General Fund	4,217,100
JCEF	449,900

Adjustments are as follows:

Statewide Adjustments

The budget includes a decrease of \$(29,900) from the General Fund in FY 2025 for statewide adjustments.

Background – In order to facilitate payment for services that are offered by all Superior Courts, AOC pays for various services centrally. These services include training, motor vehicle payments, Corrections Officer Retirement Plan Review Board funding, Literacy Education and Resource Network program funding (an online G.E.D. preparation program), research, operational reviews and GPS vendor payments.

Probation Programs

The state and non-Maricopa Counties share the costs of probation. The state pays 100% of salary and benefits for all state-funded probation officers. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). Counties typically contribute through Probation Service Fee collections, outside grants, and office space. Since FY 2004, Maricopa County has assumed the state’s share of its probation costs.

As required by a General Appropriation Act footnote, the monies in the Probation, Drug Court, Juvenile Treatment Services, Juvenile Diversion Consequences, and Juvenile Crime Reduction line items shall be used only as pass-through monies to the counties for their probation programs and are not available for AOC expenses.

(Please see the Other Issues section for more information on probation funding.)

Adult Standard Probation

The budget includes \$22,297,500 in FY 2025 for Adult Standard Probation. This amount consists of:

General Fund	18,523,400
JCEF	3,774,100

These amounts are unchanged from FY 2024.

Background – This line item provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than 65 adults on standard probation at one time. *(Please see Table 2)*

Adult Intensive Probation

The budget includes \$13,150,200 in FY 2025 for Adult Intensive Probation. This amount consists of:

General Fund	11,615,000
JCEF	1,535,200

These amounts are unchanged from FY 2024

Background – This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 13-916, 1 team shall not supervise more than 25 intensive probationers at one time. *(Please see Table 2.)*

Community Punishment

The budget includes \$2,310,300 in FY 2025 for Community Punishment. This amount consists of:

CJEF	1,810,100
Drug Treatment and Education Fund	500,200

These amounts are unchanged from FY 2024.

Background – This line item provides behavioral treatment services for adult probationers and for enhanced supervision, such as electronic monitoring and specialized probation caseloads. The funding is intended to provide for diversion of offenders from prison and jail, as well as to enhance probation programs, excluding Maricopa County.

Interstate Compact

The budget includes \$513,700 in FY 2025 for Interstate Compact. This amount consists of:

General Fund	420,900
JCEF	92,800

These amounts are unchanged from FY 2024.

Background – This line item provides funding for supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona. As of October 2023, AOC reported 185 active probationers under supervision under the Interstate Compact line item.

Drug Court

The budget includes \$1,096,400 from the General Fund in FY 2025 for Drug Court programs. This amount is unchanged from FY 2024.

Background – This line item provides funding for juvenile and adult drug courts within the Superior Court throughout the state. It provides funding for prosecuting, adjudicating and treating drug-dependent offenders. These programs utilize drug education, intensive therapy, parent support, case management, socialization alternatives, aftercare and compliance monitoring for drug abstinence.

Juvenile Standard Probation

The budget includes \$3,781,800 in FY 2025 for Juvenile Standard Probation. This amount consists of:

General Fund	3,631,800
JCEF	150,000

These amounts are unchanged from FY 2024.

Background – This line item provides funding for community supervision services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-203B, a juvenile probation officer shall not supervise more than an average of 35 juveniles on standard probation at one time. (Please see Table 2).

Juvenile Intensive Probation

The budget includes \$6,087,200 from the General Fund in FY 2025 for Juvenile Intensive Probation. This amount is unchanged from FY 2024.

Background – This line item provides funding for a sentencing alternative to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-353B, 1 JIPS team shall not supervise more than an average of 25 juveniles on intensive probation at one time. (Please see Table 2)

Juvenile Treatment Services

The budget includes \$20,803,000 from the General Fund in FY 2025 for Juvenile Treatment Services. This amount is unchanged from FY 2024.

Background – This line item provides funding to the juvenile courts to meet the requirements of A.R.S. § 8-321 relating to the assignment of youths referred for delinquency or incorrigibility to treatment programs, residential treatment centers, counseling, shelter care and other programs.

Juvenile Family Counseling

The budget includes \$500,000 from the General Fund in FY 2025 for Juvenile Family Counseling. This amount is unchanged from FY 2024.

Background – This line item provides funding to the Juvenile Division of the Superior Court for prevention of delinquency among juvenile offenders by strengthening family relationships. These monies are predominantly for non-adjudicated juveniles and their families and require a 25% county match.

Juvenile Diversion Consequences

The budget includes \$9,088,500 from the General Fund in FY 2025 for Juvenile Diversion Consequences. This amount is unchanged from FY 2024.

Background – This program diverts youth from formal court proceedings to reduce court costs and prevent re-offending. A juvenile diversion probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling, or other community service programs. According to the AOC's most recent Juvenile Court Annual Report, there were approximately 5,268 juveniles diverted from formal court proceedings in FY 2022. Monies in this line item are distributed to all counties.

Juvenile Crime Reduction

The budget includes \$3,313,700 from CJEF in FY 2025 for Juvenile Crime Reduction. This amount is unchanged from FY 2024.

Background – This line item provides funding for the design and implementation of community-based strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. Through a grant process,

AOC distributes monies in this line item to approximately 25 public and private entities.

Probation Incentive Payments

The budget includes \$1,000,000 from the General Fund in FY 2025 for probation incentive payments. This amount is unchanged from FY 2024.

The monies in this line item pay for 2 funding programs to reward counties for reducing the number of probationers that are returned to state prison:

- Probation success incentive payments: Payments are distributed to counties if they return fewer probationers to prison in a fiscal year compared to a baseline (the average number returned in FY 2008, FY 2015 and FY 2019). Incentive payments are equal to 50% of the marginal incarceration cost in the Arizona Department of Corrections.
- Probation success incentive grants: The total grant funding is calculated in the same way as the incentive payments, but is equal to 25% of the marginal incarceration cost. Distribution of the grant funding amongst counties is determined by a board consisting of the chief probation officers of each county.

The amount distributed to each county from these programs is subject to available funding.

Probation Salary Increase Backfill

The budget includes no funding in FY 2025 for the Probation Salary Increase Backfill line item. Adjustments are as follows:

Remove One-Time Funding

The budget includes a decrease of \$(6,749,200) from the General Fund in FY 2025 to remove one-time backfill funding for probation office salary increases.

An FY 2024 General Appropriation Act footnote specifies that monies in this line item are to be used as backfill funding to cover the remaining share of probation officer salary increase approved by county Boards of Supervisors for FY 2023.

Other Programs

Special Water Master

The budget includes \$511,100 and 3 FTE Positions from the General Fund in FY 2025 for the Special Water Master line item. This amount is unchanged from FY 2024.

Background – This line item provides funding for the Special Water Master assigned by the court to the Little Colorado River and Gila River water rights adjudications. In FY 2023, 1,888 water rights claims were filed by individuals, communities, governments, and companies. The Special Water Master conducts hearings for each claimant and makes recommendations to a Superior Court judge.

Pursuant to statute, the costs of the Water Master are funded from claimant fees. If claimant fees are insufficient, statute requires the state General Fund to pay for these expenses in a line item within the Superior Court budget. *(Please see Table 1 for more information.)*

Table 1

Special Water Master Funding

	FY 2023 Actual	FY 2024 Estimated^{1/}	FY 2025 Estimated^{1/}
Gila River			
Beginning Balance	\$206,200	\$236,200	\$238,500
Revenues ^{2/}	343,200	346,800	346,800
Expenditures	<u>313,200</u>	<u>344,500</u>	<u>344,500</u>
Ending Balance	\$236,200	\$238,500	\$240,800
Little Colorado River			
Beginning Balance	\$183,000	\$191,200	\$182,400
Revenues ^{2/}	200,200	202,400	202,400
Expenditures	<u>192,000</u>	<u>211,200</u>	<u>211,200</u>
Ending Balance	\$191,200	\$182,400	\$173,600

^{1/} As reported by the Administrative Office of the Courts and adjusted by the JLBC.

^{2/} Includes annual General Fund appropriation plus filing fees and interest.

General Adjudication Personnel and Support Fund Deposit

The budget includes \$2,000,000 from the General Fund in FY 2025 for a General Adjudication Personnel and Support Fund Deposit. This amount is unchanged from FY 2024.

The courts and the Department of Water Resources may use the General Adjudication Personnel and Support Fund for water adjudication staff, equipment, and services.

Court-Ordered Removals

The budget includes \$315,000 from the General Fund in FY 2025 for Court-Ordered Removals. This amount is unchanged from FY 2024.

These monies help fund the costs associated with the Superior Court's processing and issuance of temporary orders of custody for juveniles removed from their home.

Other Issues

FY 2024 Supplemental

The FY 2025 budget includes an FY 2024 supplemental appropriation of \$813,700 from CJEF to address a shortfall in the state's share of Superior Court judges' salaries. (Please see Judges Compensation line item for further details.)

Probation Caseloads

AOC counts certain probationers as more than 1 case. For example, adult probationers charged with crimes against children are counted as 3 cases. As a result, reported probation counts do not represent actual headcounts. The Courts' caseload estimate also includes the pre-release population who are inmates that will be released directly into probation supervision within 90 days. This time is commonly known as a "probation tail."

Non-Maricopa County weighted probation caseloads from all categories increased by 0.28% from June 2022 to June 2023. The JLBC Staff estimates total FY 2024 and 2025 caseloads of 18,808 and 18,803 from all categories, respectively. This would represent a decrease of (0.3)% in FY 2024 and effectively flat caseload growth in FY 2025 (Please see Table 2).

Table 2

End of Year Non-Maricopa Probation Caseloads ^{1/}

Probation Category	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate
Adult Standard ^{2/}	15,860	16,607	16,474	16,536	16,616
Adult Intensive	1,275	1,181	1,260	1,222	1,212
Juvenile Standard	1,020	821	945	900	850
Juvenile Intensive	<u>264</u>	<u>186</u>	<u>169</u>	<u>150</u>	<u>125</u>
Total Caseload	18,419	18,795	18,848	18,808	18,803

^{1/} Numbers represent June probation caseloads. FY 2024 and FY 2025 represent JLBC Staff estimates.

^{2/} Does not include Interstate Compact participants.