

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
 )  
PROCEDURES FOR VACATING ) Administrative Order  
ELIGIBLE UNPAID MONETARY ) No. 2023 - 221  
OBLIGATIONS IN JUVENILE )  
MATTERS )  
\_\_\_\_\_ )

Among other things, SB 1197, Juvenile Offenders; Monetary Sanctions; Repeal (Laws 2023, Ch. 162) (“the Act”) repeals several statutory provisions related to a court’s ability to impose monetary obligations, effective October 30, 2023, against a juvenile or a juvenile’s parent or guardian.

With respect to financial obligations imposed before October 30, 2023, Section 30(A) of the Act provides that 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-263, -321, -323, -341, -343, -344, 11-584, or 12-116 or -116.07, as amended by the Act, or A.R.S. §§ 8-241 or -418 as repealed by the Act, are eligible to be vacated.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.

Under Section 30(D) of the Act, “the court may automatically vacate any eligible unpaid balance or unsatisfied civil judgment by judicial discretion without requiring the juvenile or the juvenile’s parents or guardians to make a request.”

It is in the interest of the efficient administration of justice and good public service that courts be permitted to vacate eligible unpaid balances and unsatisfied civil judgments efficiently and without unnecessary delay or inconvenience to those who have an eligible outstanding balance or unsatisfied civil judgment. With appropriate judicial direction, this can be accomplished through the issuance of a local administrative order consistent with this Order.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that for cases that are under the jurisdiction of the juvenile court, the presiding judge of the superior court in each county 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.

IT IS FURTHER ORDERED that for cases that are under the jurisdiction of the juvenile court, the presiding judge of the superior court in each county may direct the presiding judges of the limited jurisdiction courts in their county to vacate eligible unpaid monetary obligations, unsatisfied civil judgments, and applicable portions of unsatisfied civil judgments in a manner that is consistent with this Order.

IT IS FURTHER ORDERED that for cases that are not under the jurisdiction of the juvenile court, such as civil traffic and civil marijuana cases where jurisdiction has been declined by the superior court, the presiding judge of an individual court may 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.

IT IS FURTHER ORDERED that the Administrative Director of the Administrative Office of the Courts (AOC) shall approve a model administrative order template to be provided to local courts to use consistent with this Order.

IT IS FURTHER ORDERED that any local administrative order issued must be substantially similar to the approved model template and must provide, at a minimum:

- a. The specific monetary obligations that are being vacated;
- b. The specific criteria, such as the cost type or receivable type, for identifying in the court's case management system the unpaid monetary obligations to which the local administrative order applies; and
- c. A provision directing the court clerk to notify the county recorder when the vacating of an eligible outstanding balance results in an unsatisfied civil judgment being vacated in its entirety.

IT IS FURTHER ORDERED that monetary obligations, including base fines and penalties, imposed pursuant to an authority other than a statute delineated in Section 30(A) of the Act shall not be vacated in a local administrative order or other order that vacates eligible monetary obligations pursuant to Section 30 of the Act.

IT IS FURTHER ORDERED that courts shall continue to allow the filing of, and shall timely handle, petitions to vacate eligible monetary obligations and unsatisfied civil judgments pursuant to Section 30 of the Act.

IT IS FURTHER ORDERED that if a payment is received on a case that may be subject to a local administrative order that has been issued 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 the local administrative order to the case before applying the payment to any remaining balance or returning the excess.

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

IT IS FURTHER ORDERED that any local administrative order issued shall be forwarded to the applicable prosecuting agencies and posted on the court's website.

IT IS FURTHER ORDERED that courts shall capture for reporting purposes the dollar amount and number of unpaid balances and unsatisfied civil judgments vacated through petition or by local administrative order. Courts shall report this information to the AOC in a manner prescribed by the Administrative Director.

Dated this 20th day of December, 2023.

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ROBERT BRUTINEL  
Chief Justice