

**FILED**

**Jane Dee Hull  
Secretary of State**

State of Arizona  
House of Representatives  
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Second Regular Session  
1996

CHAPTER 300

**HOUSE BILL 2238**

AN ACT

AMENDING SECTIONS 8-105, 8-106, 8-107, 8-116, 8-134 AND 12-268, ARIZONA REVISED STATUTES; RELATING TO ADOPTION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-105, Arizona Revised Statutes, is amended to  
3 read:

4 8-105. Preadoption certification; investigation; central  
5 adoption registry

6 A. Before any person may petition to adopt a child the person shall  
7 be certified by the court as acceptable to adopt children. ~~Such~~ A  
8 certificate shall be issued only after an investigation conducted by an  
9 officer of the court, by an agency or by the division. Written application  
10 for certification may be made directly to the court, ~~or~~ to an agency or to  
11 the division, in ~~such~~ THE form and content ~~as~~ THAT the court, agency or  
12 division may require.

13 B. The division is not required to accept every application for  
14 certification. In determining which applications to accept the division may  
15 give priority to applications filed by adult residents of this state who wish  
16 to adopt a child who has any of the special needs described in section 8-141.

17 C. After receiving and accepting the written and completed application  
18 of the prospective adoptive parent or parents, which shall include a  
19 financial statement, a completed fingerprint card and a physician's statement  
20 of the physical health of each applicant, the division, the agency or a  
21 person or agency designated by the court shall conduct or cause to be

1 conducted an investigation of the prospective adoptive parent or parents to  
2 determine if they are fit and proper persons to adopt children.

3 D. The division, agency or officer of the court conducting the  
4 preadoption certification investigation shall submit the completed  
5 fingerprint card, along with the fee prescribed in section 41-1750,  
6 subsection J, to the department of public safety which shall provide criminal  
7 history record information on the prospective adoptive parents to the person  
8 or entity submitting the completed fingerprint card.

9 E. This investigation and report to the court shall consider all  
10 relevant and material facts dealing with the prospective adoptive parents'  
11 fitness to adopt children, and shall include:

- 12 1. A complete social history.
- 13 2. The financial condition of the applicant.
- 14 3. The moral fitness of the applicant.
- 15 4. The religious background of the applicant.
- 16 5. The physical and mental health condition of the applicants.
- 17 6. Any court action for or adjudication of child abuse, abandonment  
18 of children, dependency or termination of parent-child relationship in which  
19 the applicant had control, care or custody of the child who was the subject  
20 of the action.

21 7. The submission of a fingerprint card and the results of a check of  
22 official fingerprint records based on such submission.

23 8. Whether the person or persons wish to be placed on the central  
24 registry established in subsection O of this section.

25 9. All other facts bearing on the issue of the fitness of the  
26 prospective adoptive parents that the court, agency or division may deem  
27 relevant.

28 F. As soon as the identity of the child to be adopted is known, an  
29 investigation and report shall be presented to the court which includes all  
30 of the following:

31 1. Whether the natural parents, if living, are willing that the child  
32 be adopted and the reasons for such willingness.

33 2. Whether the natural parents have abandoned the child or are unfit  
34 to have custody of the child.

35 3. Whether the parent-child relationship has been previously  
36 terminated by court action and the circumstances of such termination.

37 4. The heritage of the child and natural parents and the mental and  
38 physical condition of the child and the natural parents.

39 5. The existing and proposed arrangements as to the custody of the  
40 child.

41 6. The adoptability of the child and the suitability of the child's  
42 placement with the applicant.

1           7. The financial arrangements pertaining to the proposed adoption made  
2 by the natural parents, an agency, the division, an attorney or the  
3 prospective adoptive parents.

4           G. At no time shall the investigator reveal to the prospective  
5 adoptive parents the identity of a child or the child's parent or parents,  
6 and at no time shall the investigator reveal to the child or the child's  
7 parent or parents the identity of the prospective adoptive parents if these  
8 facts are not already known.

9           H. Within ninety days after the original application prescribed by  
10 subsection A of this section has been accepted, the division or the agency  
11 or a person or agency designated by the court to conduct an investigation  
12 shall present to the juvenile court the written report required by subsection  
13 E of this section, which shall include a definite recommendation for  
14 certifying the applicant as being acceptable or nonacceptable to adopt  
15 children with the reasons for the recommendation.

16           I. Within ninety days after the court, the division or an agency has  
17 acquired information that a child has been placed with a prospective adoptive  
18 parent or parents, the division, if it placed the child, an agency, if it  
19 placed the child, or an employee of the court, if the child was not placed  
20 by the division or an agency, shall investigate and present to the juvenile  
21 court the written report required by subsection F of this section, which  
22 shall include a definite recommendation for or against certifying the child  
23 as being suitable or not suitable for adoption by the prospective adoptive  
24 parent or parents and the reasons for the recommendation.

25           J. The reports required by subsections E and F of this section may be  
26 combined into one report at the discretion of the juvenile court.

27           K. The court, upon receiving the investigation report required by  
28 subsections E and H of this section, shall certify the applicant as being  
29 acceptable or nonacceptable to adopt children based on the investigation  
30 report and recommendations of such report. The court, upon receiving the  
31 investigation report required by subsections F and I of this section, shall  
32 certify the child as being suitable or not suitable for adoption by the  
33 prospective adoptive parent or parents subject to the investigation report  
34 and recommendations of such report. A certification shall remain in effect  
35 for one year from the date of its issuance and may be extended for additional  
36 one year periods if after review the court finds that there have been no  
37 material changes in circumstances which would adversely affect the  
38 acceptability of the applicant to adopt or the suitability of the child to  
39 be adopted by the prospective adoptive parent or parents. Upon the filing  
40 of a petition by the prospective adoptive parent or parents to adopt a child,  
41 the certification of such persons shall expire. Such persons must be again  
42 certified in order to petition for adoption of any other child.

43           L. The court in its discretion may require additional investigation  
44 if it finds that the welfare of the child would be served by such

1 investigation or if additional information is necessary upon which to make  
2 an appropriate decision regarding certification.

3 M. Any applicant who has been certified as nonacceptable may petition  
4 the court to review such certification. Notice shall be given to all  
5 interested parties and the matter shall be heard by the court, which may  
6 affirm or reverse the certification.

7 N. If the applicant is certified as nonacceptable, he or she may not  
8 reapply for certification to the court, ~~or~~ to any agency or to the division,  
9 for one year thereafter.

10 O. The division shall maintain a central adoption registry which shall  
11 include the names of all prospective adoptive parents currently certified by  
12 the court as acceptable to adopt children, except those who request that  
13 their names not be included therein, the names of all children under the  
14 jurisdiction of the division who are currently available for adoption, the  
15 names of any other children currently available for adoption whose names are  
16 voluntarily entered therein by any agency, parent or other person having the  
17 right to give consent to the child's adoption, and such other information as  
18 the division may elect to include in aid of adoptive placements. Access to  
19 information in the registry shall be made available on request to any agency  
20 under such assurances as the division may require that the information sought  
21 is in furtherance of adoptive placements and that confidentiality of the  
22 information is preserved.

23 P. This section ~~shall~~ DOES not apply where IF:

24 1. The prospective adoptive parent is the spouse of the natural parent  
25 of the child to be adopted or is an uncle, aunt or grandparent of the child  
26 of the whole or half-blood or by marriage and the child is not a ward of the  
27 court.

28 2. THE NATURAL PARENT IS DECEASED BUT AT THE TIME OF DEATH THE PARENT  
29 HAD LEGAL AND PHYSICAL CUSTODY OF THE CHILD TO BE ADOPTED AND THE CHILD HAD  
30 RESIDED PRIMARILY WITH THE SPOUSE OF THE NATURAL PARENT DURING THE TWENTY-  
31 FOUR MONTHS BEFORE THE DEATH OF THE PARENT.

32 3. THE GRANDPARENT, AUNT OR UNCLE IS DECEASED BUT AT THE TIME OF DEATH  
33 THAT PERSON HAD LEGAL AND PHYSICAL CUSTODY OF THE CHILD TO BE ADOPTED AND THE  
34 CHILD HAD RESIDED PRIMARILY WITH THE SPOUSE OF THE GRANDPARENT, AUNT OR UNCLE  
35 DURING THE TWENTY-FOUR MONTHS BEFORE THE DEATH OF THE GRANDPARENT, AUNT OR  
36 UNCLE.

37 Q. IN CASES NOT REQUIRING PREADoption CERTIFICATION, A CRIMINAL  
38 RECORDS CHECK WITH THE DEPARTMENT OF PUBLIC SAFETY AND A RECORDS CHECK WITH  
39 THE DIVISION REGARDING ANY HISTORY OF CHILD WELFARE REFERRALS SHALL BE  
40 CONDUCTED AND SUBMITTED AS PART OF THE SOCIAL STUDY REQUIRED UNDER SECTION  
41 8-112.

1           Sec. 2. Section 8-106, Arizona Revised Statutes, is amended to read:  
2           8-106. Consent to adoption; who shall consent; waiver; consent  
3           to the release of information; notification to  
4           potential fathers

5           A. No adoption of a child shall be granted unless consent to adopt has  
6           been obtained and filed with the court from the following:

- 7           1. The child's birth or adoptive mother, if living.  
8           2. The child's father if any of the following is true:

9           (a) The father was married to the child's mother at the time of  
10           conception or at any time between conception and the child's birth.

11           (b) The father has adopted the child.

12           (c) The court has established the father's paternity under title 12,  
13           chapter 7, article 3.

14           3. A child who is twelve years of age or older and who gives consent  
15           in open court.

16           4. Any guardian of the person of the child appointed by a court and  
17           given authority by it to consent to the child's adoption.

18           5. An agency or the division which has been given consent to place the  
19           child for adoption by the parent or parents whose consent would be necessary  
20           under paragraph 1 or 2 of this subsection, or which has been given authority  
21           in other legal proceedings to place the child for adoption.

22           6. The guardian of any adult parent for whom a guardian is currently  
23           appointed.

24           B. It is not necessary for a person to obtain consent to adopt from  
25           the following:

26           1. An adult parent for whom a guardian is currently appointed.

27           2. A parent whose parental rights have been terminated by court order.

28           3. A parent who has previously consented to an agency's or the  
29           division's placement of the child for adoption.

30           4. A person whose consent is not required under subsection A of this  
31           section.

32           C. The minority of the child or parent shall not affect his competency  
33           to give consent in the instances set forth in this section.

34           D. A consent to adopt is irrevocable unless obtained by fraud, duress  
35           or undue influence.

36           E. An agency, the division or an attorney participating or assisting  
37           in a direct placement adoption pursuant to section 8-130 shall obtain from  
38           a birth parent giving consent at the time consent for adoption is obtained a  
39           notarized statement granting or withholding consent for the child adopted to  
40           review the adoption records upon:

41           1. OBTAIN IDENTIFYING INFORMATION ABOUT THE CHILD AND THE CONSENTING  
42           BIRTH PARENT ON reaching twenty-one years of age. The agency, division or  
43           attorney shall inform the birth parent at the time of obtaining the notarized  
44           statement that the decision to grant or withhold consent may be changed at

1 any time by filing a notarized statement with the court and the agency,  
2 division or attorney who obtained the original notarized statement.

3 2. GRANT OR WITHHOLD CONSENT TO BE INFORMED OF THE DEATH OF THE CHILD  
4 ADOPTED, THE DATE AND THE CAUSE OF DEATH.

5 F. A notarized affidavit signed by the mother listing all potential  
6 fathers shall be filed with the court. The affidavit shall attest that all  
7 of the information contained in the affidavit is complete and accurate.

8 G. Notice shall be served on each potential father as provided for the  
9 service of process in civil actions. The notice shall inform the potential  
10 father of all of the following:

11 1. The adoption is planned.

12 2. The potential father's right to consent or withhold consent to the  
13 adoption.

14 3. The potential father's responsibility to initiate paternity  
15 proceedings under title 12, chapter 7, article 3, within thirty days of  
16 completion of service.

17 4. The potential father's right to seek custody.

18 5. The potential father's responsibility to begin to provide financial  
19 support for the child if paternity is established.

20 6. The potential father's failure to file a paternity action pursuant  
21 to title 12, chapter 7, article 3, within thirty days of completion of the  
22 service of the notice prescribed by this section, bars the potential father  
23 from bringing or maintaining any action to assert any interest in the child.

24 H. A mother may apply to the court for permission to omit her address  
25 from the affidavit and from the notice to potential fathers. The court shall  
26 grant this request if the mother shows to the court's satisfaction this is  
27 necessary to protect her safety.

28 Sec. 3. Section 8-107, Arizona Revised Statutes, is amended to read:

29 8-107. Time and contents of consent

30 A. All consents to adoption shall be in writing and signed by the  
31 person giving the consent and witnessed by two or more credible witnesses who  
32 are at least eighteen years of age and who subscribe their names in the  
33 presence of the person giving the consent or shall be ~~duly acknowledged~~  
34 ~~before an officer authorized to take acknowledgments~~ by the person giving  
35 consent BEFORE A NOTARY PUBLIC.

36 B. A consent given before seventy-two hours after the birth of the  
37 child is invalid.

38 C. The consent shall be dated, shall sufficiently identify and give  
39 the addresses of the party giving the consent and the name and address of the  
40 witness or witnesses and shall sufficiently identify the child to whose  
41 adoption the consent is given.

42 D. The consent shall designate either of the following:

43 1. An agency or the division as authorized by the party giving the  
44 consent to place the child for adoption.

1           2. The particular person or persons authorized to adopt the child by  
2 the person giving the consent. The true names of the adopting person or  
3 persons shall be used, except that fictitious names may be used if the  
4 consent also truthfully states that the adopting person or persons are  
5 currently certified as acceptable to adopt the child, that the consenting  
6 party knows that the names used are fictitious and does not wish to know the  
7 true names and that the consenting party has been furnished with all  
8 information which the consenting party wishes to know about the adopting  
9 person or persons.

10           E. The consent shall contain a statement which includes the following:

- 11           1. The consequences of the consent pursuant to section 8-117.  
12           2. The irrevocability of the consent pursuant to section 8-106.  
13           3. The prohibition of any direct or indirect compensation for the  
14 consent except as provided in section 8-114.

15           F. A consent other than to any agency or the division which does not  
16 designate a particular person or persons, or which purports to permit a third  
17 person to locate or nominate an adoptive parent, is invalid.

18           Sec. 4. Section 8-116, Arizona Revised Statutes, is amended to read:  
19 8-116. Court order; contents; form

20           If after the hearing and consideration of all the evidence, the court  
21 is satisfied that the requirements of this article have been met and that the  
22 adoption is in the best interests of the child, the court shall make an order  
23 granting the adoption. The order may change the name of the child to that  
24 of the petitioner. The order of the court shall be in writing and shall  
25 recite the findings of fact upon which such order is based, including  
26 findings pertaining to the court's jurisdiction and findings of fact as to  
27 the date and place of birth of the child being adopted based upon the best  
28 available evidence. IF THE EXACT PLACE OF BIRTH IS UNKNOWN, THE ORDER SHALL  
29 INCLUDE THE INFORMATION THAT IS KNOWN AND DESIGNATE A PLACE OF BIRTH  
30 ACCORDING TO THE BEST INFORMATION KNOWN WITH RESPECT TO THE COUNTRY OF  
31 ORIGIN. IF THE EXACT DATE OF BIRTH IS UNKNOWN, THE ORDER SHALL CONTAIN  
32 FINDINGS OF FACT ESTABLISHING A DATE OF BIRTH BASED ON THE MEDICAL EVIDENCE  
33 AS TO THE PROBABLE AGE OF THE CHILD AND OTHER EVIDENCE THE COURT CONSIDERS  
34 APPROPRIATE. Such order shall be conclusive and binding on all persons from  
35 the date of entry subject to appeal as provided in section 8-236.

36           Sec. 5. Section 8-134, Arizona Revised Statutes, is amended to read:  
37 8-134. Confidential intermediary

38           A. Any of the following persons may use the services of a confidential  
39 intermediary who is listed with the court:

- 40           1. The adoptive parents of an adoptee who is at least eighteen years  
41 of age or, if the adoptive parents are deceased, the adoptee's guardian.  
42           2. An adoptee if he is twenty-one or more years of age.  
43           3. If an adoptee is deceased, the adoptee's spouse if he is the legal  
44 parent or guardian of any child of the adoptee.

1           4. If an adoptee is deceased, any progeny of the adoptee who is  
2 twenty-one or more years of age.

3           5. Either of the birth parents of an adoptee.

4           6. If the birth parent of an adoptee is deceased, the parent of the  
5 birth parent.

6           7. A BIOLOGICAL SIBLING OF THE ADOPTEE IF THE SIBLING IS TWENTY-ONE  
7 OR MORE YEARS OF AGE.

8           B. An adoption agency licensed by this state, the division or an  
9 individual who meets the requirements adopted pursuant to subsections F and  
10 G of this section may serve as a confidential intermediary.

11           C. Notwithstanding sections 8-120 and 8-121, a confidential  
12 intermediary may inspect documents compiled pursuant to this article.  
13 DOCUMENTS INCLUDE THE COURT RECORDS, DIVISION RECORDS, AGENCY RECORDS AND  
14 MATERNITY HOME RECORDS. The confidential intermediary shall keep  
15 confidential all information obtained during the course of the investigation.  
16 The intermediary shall use confidential information only to arrange a contact  
17 or share information between the individual who initiates the search and the  
18 person who is the subject of the search. A confidential intermediary shall  
19 review the court record before making any contact with an adoptee to  
20 determine if an affidavit has been filed pursuant to subsection E of this  
21 section. A confidential intermediary shall not contact persons under  
22 twenty-one years of age, except as provided in subsection A, paragraph 1 of  
23 this section.

24           D. The confidential intermediary shall obtain written consent from the  
25 person who initiated the search and the person who is the subject of the  
26 search before arranging for the sharing of identifying information or a  
27 contact between them. If the confidential intermediary discovers the subject  
28 of the search is deceased or that the identity of the birth father was  
29 unknown to or not revealed by the birth mother, the confidential intermediary  
30 shall share this information with the person initiating the search. If the  
31 confidential intermediary, after a diligent effort, is unable to locate the  
32 subject of the search to obtain written consent to share information, the  
33 confidential intermediary shall share this information with the person  
34 initiating the search and prepare and place with the compiled documents a  
35 written report describing search efforts. If the person who initiated the  
36 search petitions the court to release identifying information, the court  
37 shall review the report prepared by the confidential intermediary and shall  
38 decide if the information may be released and in what manner the information  
39 may be released if the court determines there is good cause. ~~The~~  
40 ~~confidential intermediary shall return all documents to the court, the~~  
41 ~~division, the attorney or the agency from which they were obtained.~~

42           E. An adoptive parent who has not informed an adoptee that the adoptee  
43 was adopted may file an affidavit so stating with the court where the  
44 adoption took place. The affidavit may be withdrawn at any time by the

1 adoptive parent. If an affidavit is a part of the court record, the  
2 confidential intermediary shall not make contact with the adoptee unless the  
3 adoptive parent withdraws the affidavit and grants permission in writing or  
4 the adoptee has filed an affidavit stating that the adoptee knows he was  
5 adopted and wishes to make contact with his birth parent.

6 F. A BIRTH PARENT WHO HAS NOT INFORMED HIS OR HER BIOLOGICAL OFFSPRING  
7 OF THE EXISTENCE OF THE ADOPTEE MAY FILE AN AFFIDAVIT SO STATING WITH THE  
8 COURT WHERE THE ADOPTION TOOK PLACE. THE AFFIDAVIT MAY BE WITHDRAWN AT ANY  
9 TIME BY THE BIRTH PARENT. IF AN AFFIDAVIT IS A PART OF THE COURT RECORD, THE  
10 CONFIDENTIAL INTERMEDIARY SHALL NOT MAKE CONTACT WITH THE BIOLOGICAL SIBLING  
11 UNLESS THE BIRTH PARENT WITHDRAWS THE AFFIDAVIT AND GRANTS PERMISSION IN  
12 WRITING OR THE BIOLOGICAL SIBLING HAS FILED AN AFFIDAVIT STATING THAT THE  
13 BIOLOGICAL SIBLING KNOWS ABOUT THE ADOPTEE AND WISHES TO MAKE CONTACT WITH  
14 THE ADOPTEE.

15 G. ON RECEIPT OF A WRITTEN STATEMENT FROM A PHYSICIAN THAT EXPLAINS  
16 IN DETAIL HOW A HEALTH CONDITION MAY SERIOUSLY AFFECT THE HEALTH OF THE  
17 ADOPTEE OR A DIRECT DESCENDANT OF THE ADOPTEE, THE COURT SHALL ORDER THE  
18 CONFIDENTIAL INTERMEDIARY PROGRAM TO APPOINT A CONFIDENTIAL INTERMEDIARY.  
19 THE CONFIDENTIAL INTERMEDIARY SHALL MAKE A DILIGENT EFFORT TO NOTIFY AN  
20 ADOPTEE WHO HAS ATTAINED EIGHTEEN YEARS OF AGE, AN ADOPTIVE PARENT OR  
21 GUARDIAN OF AN ADOPTEE WHO HAS NOT ATTAINED EIGHTEEN YEARS OF AGE OR A DIRECT  
22 DESCENDANT OF A DECEASED ADOPTEE THAT THE NONIDENTIFYING INFORMATION IS  
23 AVAILABLE AND SHALL BE PROVIDED ON WRITTEN REQUEST.

24 H. ON RECEIPT OF A WRITTEN STATEMENT FROM A PHYSICIAN THAT EXPLAINS  
25 IN DETAIL WHY A SERIOUS HEALTH CONDITION OF THE ADOPTEE OR A DIRECT  
26 DESCENDANT OF THE ADOPTEE SHOULD BE COMMUNICATED TO THE BIRTH PARENT OR  
27 BIOLOGICAL SIBLING TO ENABLE THE BIRTH PARENT OR BIOLOGICAL SIBLING TO MAKE  
28 AN INFORMED MEDICAL DECISION, THE COURT SHALL ORDER THE CONFIDENTIAL  
29 INTERMEDIARY PROGRAM TO APPOINT A CONFIDENTIAL INTERMEDIARY. THE  
30 CONFIDENTIAL INTERMEDIARY SHALL MAKE DILIGENT EFFORT TO NOTIFY THOSE  
31 INDIVIDUALS THAT THE NONIDENTIFYING INFORMATION IS AVAILABLE AND SHALL BE  
32 PROVIDED ON WRITTEN REQUEST.

33 ~~F.~~ I. The Arizona supreme court shall administer the confidential  
34 intermediary program. The court shall adopt rules and procedures necessary  
35 to implement the program, including qualifications, required fees, minimum  
36 standards for certification, training and standards of conduct of  
37 confidential intermediaries, and shall establish the fees that may be charged  
38 by a confidential intermediary.

39 ~~G.~~ J. A person shall not act as a confidential intermediary unless  
40 he possesses a confidential intermediary certificate issued by the supreme  
41 court. In order to be certified as a confidential intermediary a person  
42 shall meet and maintain the minimum standards prescribed by this section and  
43 the rules adopted by the supreme court.

1           ~~H~~ K. In carrying out the provisions of this section the supreme  
2 court shall require applicants for a confidential intermediary certificate  
3 to furnish fingerprints and the supreme court shall obtain criminal history  
4 information pursuant to section 41-1750. The applicant for certification  
5 shall pay a fee to the department of public safety to reimburse the  
6 department of public safety for the cost of obtaining the applicant's  
7 criminal history information required by this section. The fee shall not  
8 exceed the actual cost of obtaining the applicant's criminal history  
9 information.

10           ~~I~~ L. The actual and reasonable cost to the agency, division,  
11 ~~attorney~~ or court of providing information pursuant to the confidential  
12 intermediary program shall be paid by the person requesting the services of  
13 a confidential intermediary. If the juvenile court of a county is supplying  
14 the information, the actual and reasonable costs shall be paid to the clerk  
15 of the court of that county who shall transmit the monies to the county  
16 treasurer of that county for deposit in the juvenile probation services fund  
17 to be utilized by the juvenile court of that county for reimbursing the court  
18 for costs associated with providing information pursuant to the confidential  
19 intermediary program. If the division is supplying the information, the  
20 actual and reasonable costs shall be paid to the division. If an agency ~~or~~  
21 ~~attorney~~ is supplying the information, the actual and reasonable costs shall  
22 be paid to the agency ~~or attorney~~.

23           Sec. 6. Section 12-268, Arizona Revised Statutes, is amended to read:  
24           12-268. Juvenile probation services fund; use

25           A. The board of supervisors shall designate a chief fiscal officer who  
26 shall establish and administer a juvenile probation services fund consisting  
27 of:

- 28           1. County general fund appropriations for juvenile probation.
- 29           2. Court information cost monies received pursuant to section 8-134,  
30 subsection ~~I~~ L.
- 31           3. State appropriations for juvenile probation, except monies in the  
32 juvenile probation fund established by section 8-230.02 and except monies in  
33 the court appointed special advocate fund established by section 8-524, but  
34 including:
  - 35           (a) Monies for juvenile probation officers authorized by section  
36 8-203.
  - 37           (b) Monies for state aid for juvenile probation services authorized  
38 by this article.
  - 39           (c) Monies for family counseling services established by title 8,  
40 chapter 2, article 5.
  - 41           (d) Monies for juvenile intensive probation services established by  
42 title 8, chapter 2, article 6.
- 43           4. Probation fees collected pursuant to section 8-230.01,  
44 subsection C.

1           5. Probation fees collected pursuant to section 8-241, subsection C.

2           6. Federal monies provided for juvenile probation services.

3           7. Juvenile probation monies from any other source.

4           B. The chief fiscal officer shall establish and maintain separate  
5 accounts in the fund showing receipts and expenditures of monies from each  
6 source listed in subsection A of this section. The presiding juvenile judge  
7 of the superior court shall annually present to the board of supervisors for  
8 approval a detailed expenditure plan for the juvenile probation services fund  
9 accounts. Any modifications to the expenditure plan affecting state  
10 appropriations shall be made in accordance with the rules and procedures  
11 established by the supreme court. Any modifications to the expenditure plan  
12 affecting county appropriated funds shall be made in accordance with the  
13 policies established by the county. The chief fiscal officer shall disburse  
14 monies from the fund accounts only at the direction of the presiding juvenile  
15 judge of the superior court. The chief fiscal officer, on or before August  
16 31 of each year for the preceding fiscal year, shall submit an annual report  
17 to the supreme court showing the total amount of receipts and expenditures  
18 in each account of the juvenile probation services fund.

19           C. The state monies in the juvenile probation services fund shall be  
20 used in accordance with guidelines established by the supreme court or the  
21 granting authority.

22           D. State monies expended from the juvenile probation services fund  
23 shall be used to supplement, not supplant, county appropriations for the  
24 superior court juvenile probation department.

25           E. County monies in the juvenile probation services fund shall be used  
26 in accordance with the fiscal policies and procedures established by the  
27 board of supervisors.

**APPROVED BY THE GOVERNOR APRIL 29, 1996**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 1996**