
IN THE SECOND JUDICIAL DISTRICT COURT, STATE OF UTAH

GENERAL COURT ORDER

PRIVATE PROBATION PROVIDERS

July 2017

No. 17 - 01

In consideration of Informal Opinion 12-02 of the Judicial Ethics Advisory Committee, dated December 28, 2012, the judges of the Second District Court will establish and maintain a roster of qualified private probation providers. Judges may choose to allow the defendant to select a probation provider from the roster, or may assign providers on a rotation basis. In either case, the provider must meet the following conditions:

1. The provider must be fully licensed and certified by the Utah Division of Occupational and Professional Licensing, in accordance with applicable laws and regulations of the State of Utah.
2. The provider must be present in court at the time of selection. This condition ensures that providers will be immediately aware of their selection and with their responsibility for and continuing involvement with defendants and with the requirements and orders of the court. It also allows them to schedule initial intake and other important activities, which helps defendants better comply with court orders and complete probation successfully.
3. The provider must be able to provide the supervision and arrange the services needed by the defendant, as ordered by the court.

The judge may deviate from the rotation of assignments if the distance the defendant would be required to travel to meet with the provider would cause undue hardship for the defendant and another provider is in closer proximity, if the judge believes that the provider is unable to provide the support required by the defendant, or for any other good cause.

Qualification of Private Probation Providers

Any interested individual or entity may apply to be included on this roster, but only those who are qualified will be accepted. The list of qualifications may be amended from time to time

to meet the needs of defendants and the court, and changes will be included in an amended version of this general court order that will be posted on the court's web site. Qualified providers also will be notified of such changes. Qualifications include the following:

1. Private probation providers must be licensed and certified by the Utah Division of Occupational and Professional Licensing, in accordance with applicable laws and regulations of the State of Utah.
2. Providers must be able and willing to provide or arrange for treatment organizations to provide the services ordered by the court, including classes, assessments, urinalysis, evaluations, treatment programs, counseling, and monitoring of interlock devices or ankle monitors.
3. Providers must be able to be present in the courtroom when assignments are made.
4. Providers must be able to monitor and ensure that a defendant complies with the sentence imposed by the court.
5. Providers must be able to make recommendations to the court with respect to violations of a court order, including probation violations, if applicable.
6. Providers must be able to supervise a person on formal probation.
7. Providers must be able to monitor completion of community service and payment of fines, court fees, and restitution.
8. Providers must be able to prepare and submit orders to show cause and supporting affidavits in compliance with court rules that set forth the probation violation allegations against a defendant and submit them to the court. They also must be able to properly serve the Order to Show Cause and affidavit on the defendant, file the return of service with the court, and appear in court at any hearing date scheduled in connection with the Order to Show Cause.

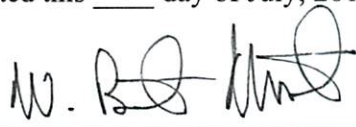
Application Process

Any individual or entity interesting in applying for inclusion on the court's roster of private probation providers must submit a letter certifying that they have reviewed the qualifications listed above, and that they do and will fully meet these qualifications. Letters should be submitted to the Trial Court Executive for the Second District Court, who will review them with the judges. If approved, the provider will be added to the roster. Applicants will be notified of the decision of the court.

Provider Participation in Court Hearings

Private probation providers must behave professionally in the courtroom. Any inappropriate behavior may result in the removal of an individual or company from the roster of qualified providers. They should check in with the bailiff upon arrival, and ask where the judge would like them to sit in the courtroom. Under no circumstances will providers be allowed unaccompanied access to holding cells or other secure areas of the courthouse. Bailiffs or other security staff will assist providers by shuttling paperwork to and from detained defendants.

Dated this 07th day of July, 2017.



W. Brent West
Presiding Judge



David Connors
Associate Presiding Judge