

WSR 25-02-011
RULES OF COURT
STATE SUPREME COURT
[November 7, 2024]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO ) NO. 25700-A-1609
ARLJ 11—MISDEMEANANT )
PROBATION DEPARTMENT )

The District and Municipal Court Judges' Association, the District and Municipal Court Managers' Association, and the Misdemeanant Probation Association, having recommended the suggested amendments to ARLJ 11—Misdemeanant Probation Department, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2025.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2025. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of November, 2024.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9

RULE AMENDMENT COVER SHEET

Suggested Amendments to

WASHINGTON STATE COURT RULES:

ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION (ARLJ)

PROPOSED AMENDMENT TO ARLJ 11

1. Proponent Organization: District and Municipal Court Judges' Association (DMCJA), District and Municipal Court Managers' Association (DMCMA), Misdemeanant Probation Association (MPA).

2. Spokespersons: Judge Karl Williams, DMCJA President; Judge Catherine McDowall, Co-Chair DMCJA Court Rules Committee; Judge Wade Samuelson, Co-Chair DMCJA Court Rules Committee; Frankie Peters, President DMCMA; Mindy Breiner, MPA.

3. Purpose of Proposed Rule Amendment: ARLJ 11 was originally adopted in 2001 and, while much has changed regarding probation services in the past 23 years, this rule has never been updated. The proposed amendments to ARLJ 11 represent the collaborative efforts of the

District and Municipal Court Judges Association (DMCJA), the District and Municipal Court Managers Association (DMCMA), and the Misdemeanant Probation Association (MPA).

ARLJ 11.2 (a) and (b) have been updated to reflect current statewide practice and create a clearer distinction between Probation Officer qualifications and Probation Officer core services. Similarly, ARLJ 11.2 (c) and (d) are updated to reflect current statewide practice and more clearly define minimum qualifications and core responsibilities for Probation Clerks.

**4. Hearing:** A hearing is not recommended.

**5. Expedited Consideration:** Expedited consideration is not requested.

## ARLJ 11

### MISDEMEANANT PROBATION DEPARTMENT

#### RULE 11.1 DEFINITION

A misdemeanor probation department, if a court elects to establish one, is an entity that provides services designed to assist the court in the management of criminal justice and ~~thereby~~ aid in the preservation of public order and safety. ~~This entity~~ The probation department may consist of probation officers, and probation clerks, and other positions as determined by the Presiding Judge, or their designee. The method of providing these services shall be established by the Presiding Judge or their designee, ~~of the local court~~ to meet the specific needs of the court.

#### RULE 11.2 QUALIFICATIONS AND CORE SERVICES OF PROBATION DEPARTMENT PERSONNEL

##### (a) Probation Officer Qualifications.

(1) Education: ~~A minimum of a Bachelor's of arts or bachelor of science degree is required. that provides the necessary education and skills in dealing with complex legal and human issues, as well as competence in making decisions and using discretionary judgment. A course of study in sociology, psychology, behavioral sciences, or criminal justice, or a related field is preferred.~~

(2) ~~Counseling skills necessary to evaluate and act on offender crisis, assess offender needs, motivate offenders, and make recommendations to the court.~~

(3) Skills: ~~Education and training necessary to~~ Communicate effectively, both orally and in writing. Utilize critical thinking and organization to manage complex situations. Employ empathy and interpersonal skills to motivate defendants. Deliver effective and technical presentations. ~~to interview and counsel offenders with a wide variety of offender problems, including, but not limited to, alcoholism, domestic violence, mental illness, sexual deviancy; to testify; to communicate with referral resources; and to prepare legal documents and reports.~~

(3) Complete the Misdemeanant Probation Counselors Academy per WAC 139-10-235 within one year of hire.

(4) ~~Anyone not meeting the above qualifications and having competently held the position of probation officer for the past two years~~ A probation officer hired prior to the adoption of the 2025 amendments to ARLJ 11 shall be deemed to have met the qualifications.

##### (b) Probation Officer--Core Services.

(1) Conduct ~~pre- and postsentence~~ investigations with through interviews and extensive research that may includes, ~~but is not limited to,~~ criminal history, contact with victims, personal history, social and economic needs, community resource needs, counseling/treatment needs, work history, and family, and employer, and community support. ~~complete written pre- and postsentence reports, which includes sentencing recommendations to the court.~~

(2) ~~For offenders referred to the misdemeanor probation department, determine their risk to the community using a standardized classification system with a minimum of monthly interviews for offenders classified at the highest level. Monitor and/or supervise defendants according to the risk, needs, and classification systems used by the court.~~

(3) ~~Evaluate offenders' social problems, defendants through interview and/or assessments to determine appropriate service referrals. Identify potential barriers and defendant amenability to different types of treatment programs and treatment services., and determine appropriate referral. Conduct case management planning with defendants and assess compliance with court ordered probation conditions.~~

(4) ~~Supervise offenders with interviews depending on risk classification system. Complete written reports, which may include sentencing and/or sanctioning recommendations to the court. Communicate with judicial officers regarding probation matters. Testify in court as required.~~

(5) ~~Oversee community Review reports from agencies providing court ordered services required of offenders with input to defendants. the judicial officer (e.g., alcohol/drug, domestic violence, sexual deviancy, and mental illness).~~

(6) ~~Other Duties. The core services listed under both probation officer and probation clerk are not meant to exclude other duties that may be performed by either classification of employee or other court clerical staff, such as record checks, calendaring court proceedings, and accounting of fees.~~

**(c) Probation Clerk Qualifications.**

(1) High school or equivalent diploma and two years practical experience in social services, criminal justice, or a related field.

(2) Efficient in all facets of basic eClerical skills including but not limited to keyboarding, computer familiarity and competence, data entry, filing, document review, multi-tasking, prioritization, and customer service positive public interaction.

(3) Above average aAbility to work with individuals experiencing mental health issues, substance use disorders, and homelessness. in dealing with stress and difficult clients.

(4) Ability to complete and perform multi-task assignments. A probation clerk hired prior to the adoption of the 2025 amendments to ARLJ 11 shall be deemed to have met the qualifications.

**(d) Probation Clerk--Core Services.**

(1) ~~Monitor compliance of treatment obligations with professional treatment providers. receipt of progress reports and documents regarding compliance with court-ordered probation conditions.~~

(2) ~~Report offender Monitor defendant non-compliance with conditions of sentence to the court. per court practice.~~

(3) ~~Coordinate treatment referral information, and monitor community agencies for statutory reporting compliance. Communicate with defendants to collect and verify personal contact information. Provide resource information for court-ordered probation conditions and defendant needs.~~

~~(4) Anyone not meeting the above qualifications and having held the position of probation clerk for the past two years shall be deemed to have met the qualifications.~~

~~(5) Other Duties. The core services listed under both probation officer and probation clerk are not meant to exclude other duties that may be performed by either classification of employee, or other court clerical staff, such as record checks, calendaring court proceedings, and accounting of fees.~~

**RULE 11.3 STATUTORY PROBATION SERVICE FEES TO BE USED FOR PROBATION SERVICES**

All positions, which are funded by statutory probation service fees, shall be limited to working with individuals or cases ~~who are on~~ receiving probation services. Any additional funds raised from statutory probation services fees beyond what is necessary to fund the positions in the probation department shall be used to provide additional levels of probation services.

[Adopted effective September 1, 2001; Amended effective July 9, 2024.]