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| **healing to wellness court** 11  Transfer (in) **process/Procedure Bench Card** | | | | | |
| **A Healing to Wellness Court’s consent to transfer and accept a case from a sister docket or foreign jurisdiction requires formal legal procedures that are pronounced in court rules or statutes and include provisions for complete transfer and transfer for a particular purpose (e.g.: assuming supervisory jurisdiction of a participant whose case originated elsewhere).** | | | | |
| Path – Process | | | Protocol – Procedure | | |
|  | | | |  |  | | --- | --- | | **Motion or Order to Transfer Filed in Wellness Court** | □ | | **Wellness Court File prepared, Docketed** | □ | | **File Motion/Order Forwarded for Review** | □ | | **Motion/Order Reviewed** | □ | | **Motion to Transfer Granted/Denied/Other** | □ | | **Order Granting/Denying/Other Served** | □ | | **If Granted, Participant Ordered to Appear to Initial Hearing** |  | | **Per original Order to Transfer** | □ | | **Per granted Motion to Transfer** | □ | | | |
| ***Action*** ***Judge’s ResponsE – RESPONSIBILITIES*** | | | | | |
| Transfer Motion  Filed in Wellness Court;  File Prepared;  Forwarded For Review | □ Ensure Wellness Court maintains up-to-date transfer rules and requirements, and are readily available to all parties.  □ Verify the required documents are attached to the Motion (plea document/application/support materials, etc.)  □ Confirm eligibility: review results of legal and clinical screening to confirm target population match.  □ Return incomplete Motion to movant with directions to file the required document(s)/submit information. | | | | |
| Tribal Court Transfer Order  Filed in Wellness Court Docket  (from criminal/civil dockets) | □ Ensure all required documents are attached to the Order; If incomplete, instruct movant to file requisite docs/info.  □ If case stems from plea agreement, check for participant consent to Wellness Court participation.  □ Confirm eligibility: review results of participant’s legal and clinical screening to confirm target population match.  □ Accept transfer and draft Wellness Court Initial Hearing Order, instructing participant when to appear for 1st hearing | | | | |
| Court Decides Motion  (Court Considerations);  Court Issues Order | □ Ensure there is space for a new participant in the Wellness Court.  □ Ascertain if there are any participation issues in regards to the transfer that requires team input. Set for staffing.  □ Confirm participant was informed of the rights/responsibilities of Wellness Court participation and impact on due process.  □ Check status of participant’s clinical assessment. If not complete or outdated, schedule assessment immediately.  □ Produce Order: granting or denying Motion, with relevant findings to support decision. | | | | |
| Wellness Court Order Served; New Participant Ordered to Appear to Initial Hearing | □ If Denied, state relevant findings supporting decision (i.e., lack of space, criminal record, Tx needs cannot be met)  □ If Granted, serve Order to team members prior to next staffing for their review and introduction of new participant.  □ If Granted, serve order to participant with Initial Hearing Order stating the date to appear for the 1st hearing.  □ Include in Initial Hearing Order instructions to the new participant of what to expect at the Initial Hearing. | | | | |
| Record, Research & Rule References | | | | | |
| Data Points & Performance Measures  # of Transfer Motions filed in Court quarterly  # of Transfer Motions granted/denied  # of candidate requests or self-referrals to the Court  # of candidate requests granted/denied  # of days from date of filing motion to initial hearing  # of days from date of filing motion to court decision  # of days from date of filing motion to review Hearing | | **Wellness Court Policies & Procedures** | | Court Rules | |
| Code/Statute Sections | |
| Resources/Technology: [www.WellnessCourts.org](http://www.WellnessCourts.org), [www.home.tlpi.org](http://www.home.tlpi.org), [www.ndci.org](http://www.ndci.org), [www.american.edu/spa/jpo/initiatives/drug-court/](http://www.american.edu/spa/jpo/initiatives/drug-court/), [www.ndcdr.org](http://www.ndcdr.org), [www.drugcourtonline.org](http://www.drugcourtonline.org) | | | | | |