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| **healing to wellness court**11Transfer (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  |
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| **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**  | □ |

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|  ***Action*** ***Judge’s ResponsE – RESPONSIBILITIES*** |
| Transfer MotionFiled 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 OrderFiled 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) |