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**To: Assignment Judges
Trial Court Administrators**

Directive # 05-22
(Supersedes Directive #05-19)

From: Glenn A. Grant, Administrative Director

**Subj: Recovery Court - Revision to
Transfer Policy and Form**

Questions may be directed to the
Recovery Court Unit at
609-815-3810, ext. 55316

Date: May 25, 2022

This memo promulgates the revised Adult Recovery Court Transfer Policy and Form, and supersedes the prior policy promulgated by Directive #05-19.

The policy, as approved by the Judicial Council and effective immediately, has been updated regarding electronic submission of the Participation Agreement, to remove a sentence about the judge needing to prepare an order for a transfer to occur, to address what county is to perform the ORAS (risk assessment) when the case is transferred to a different county, to change "drug court" to "recovery court" throughout, and to change "defendant" to "participant" throughout.

The form that accompanies all transfers (CN 12406) has also been updated. It now includes space for a client's email address, adds a space for the client's risk level, and is updated to include the newly created phase five.

Questions regarding the revised Transfer Policy and form may be directed to Donna Westhoven, Statewide Recovery Court Manager, via email at Donna.Westhoven@njcourts.gov or by telephone at 609-815-3810 ext. 55316.

Attachments (Revised Policy and Form)

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges
Recovery Court Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors

Vicinage Criminal Division Managers and Assistants
Vicinage Probation Division Managers and Assistants
Donna Westhoven, Statewide Recovery Court Manager
Marcia Matthews, Assistant Recovery Court Manager

RECOVERY COURT TRANSFER POLICY

(Revised Effective May 25, 2022)

The initial stages of recovery are exceptionally fragile and participants are at high risk for relapse. Therefore, transfers always must occur without a lapse in treatment, supervision, or judicial involvement.

I. NEW POLICY

a. Newly Sentenced Recovery Court Participant

A newly sentenced recovery court participant who resides in a county other than the one where the offense was committed may have his/her supervision transferred to their county of residence following sentencing. The case will be transferred immediately after sentencing in the county of offense if the clinical recommendation is outpatient or after the participant has successfully completed any initial residential treatment program, if required. In these instances, the criminal division staff of the sending county should communicate with the staff of the receiving county in advance of the sentencing date to ensure that outpatient treatment is secured or residential treatment is completed.

At the time of sentencing, for participants recommended to attend outpatient treatment, the judge should put on the record the name of the participant's treatment provider and the date of the first scheduled appointment in the drug court in the receiving county. The participant should be given specific instructions to report to the receiving county as soon as they are sentenced into drug court. The recovery court coordinators in both counties should communicate these reporting instructions for both court and outpatient intake appointment via email, copying all relevant managers, team leaders, probation supervisors, and vicinage chief probation officers.

Transfer requests will not be approved until the participant has successfully completed any initial residential treatment. The probation officer in the sending county will remain responsible for all aspects of supervision of any pending transfer case until the participant has successfully completed the residential treatment program and the transfer process is complete.

This step will depend on a variety of resource factors, however, whenever possible, the probation officer in the receiving county should visit the participant while he or she is in residential treatment so that a relationship between the participant and supervising probation officers can begin to be established.

The two teams must coordinate an appropriate aftercare plan with the residential treatment provider to ensure that the participant has a scheduled appearance before the recovery court in the receiving county upon his/her release from residential treatment.

When a participant is in residential treatment and a transfer has been approved, the two recovery court teams should coordinate closely with the residential provider. The participant should be specifically told where to go for in-court status reporting and brought to the receiving county at least once prior to discharge. It can be helpful to begin forming a relationship with the team in the county where supervision will be transferred.

After the participant is sentenced to recovery court, the case should not be considered transferred until the coordinator has confirmed with the receiving county coordinator:

- That the participant has a scheduled appearance in the recovery court in the receiving county and,
- That an appropriate treatment provider agency has been identified.

For a newly sentenced participant the Ohio Risk Assessment System (ORAS) will be conducted in the receiving county during the Assessment Phase. The transfer will not be contingent on a home visit being conducted, and will not be contingent on any additional legal or clinical review by the team.

b. Existing Recovery Court Participants

Currently active participants may request a transfer if he/she seeks to move his/her residence to another county. The recovery court judge, after consultation with the recovery court team, may grant this transfer request. A change in location and supervision requires a level of adjustment that could endanger recovery therefore, the participant must demonstrate to the recovery court team that such a change is in his/her best interest. The team will carefully review the transfer request and seek input from the treatment provider when considering any transfer request

The current level of compliance and cooperation with supervision should be considered when reviewing transfer requests, to ensure that the transfer of a case is appropriate. It is important to note that any outstanding sanctions or incentives should be rendered prior to transfer, and that a participant in danger of termination should *never* be considered for a transfer. A case should not be transferred to another county while a participant remains incarcerated, unless special arrangements are made with the team in the receiving county. A case should not be transferred to the receiving county until the team has reviewed and approved the participant's written transfer request.

Once the written request is sent to the receiving county, Probation shall verify the address within 14 days. Whenever the receiving county cannot verify a participant's address, the case shall not be accepted for transfer. Recovery Court Coordinators, Probation Supervisors, Vicinage Chief Probation Officers as well as Criminal Division Managers in both counties should always communicate with each other prior to any transfer case that is not being accepted or returned to a sending county.

After the address is verified, the teams shall work together immediately to set treatment up in the receiving counties and to get reporting instructions for court or Probation to the client.

The electronic transfer of cases in CAPS and Promis/Gavel should take place immediately and on the same day the participant reports to the receiving county's recovery court. When the electronic transfer has occurred, the sentencing county relinquishes supervision of the participant to the receiving county and the receiving county shall complete a home inspection within 30 days.

c. Newly Sentenced and Existing Participants

Although a transfer cannot occur prior to conviction, it is essential that the recovery court coordinators begin communicating about a potential transfer case as soon as a request for transfer is made or when a case is identified through the screening, assessment and acceptance

process. The recovery court coordinators should consult frequently prior to and throughout the transfer process in order to promptly address any concerns or questions. A case is not considered a "transfer case" if residency remains within the same vicinage. Multi-county vicinages have the flexibility to handle internal county transfer protocols in whatever manner works best for their program.

As soon as possible after transfer, the receiving county will obtain a new, signed consent for release of information form. This is a critical step, required to comply with federal confidentiality laws.

The adult recovery court program is a statewide program structured to provide each participant in the state with equal treatment in every vicinage. For this reason, the receiving county must accept the decision of the sending county that the participant is an eligible candidate for the recovery court. An exception can be made only in the following situations:

- Team members in the receiving county provide the judge/team in the sending county with previously unknown information about this applicant that renders him/her ineligible for recovery court, or
- There is a significant change in circumstances from the time of program acceptance to the time of the transfer request.

Although the team members in the receiving county do not have the authority to reject a case accepted by the sending county for legal/clinical reasons, other than as set forth above, they may do so for capacity reasons. If the receiving county can demonstrate that they are unable to accept the transfer due to a lack of sufficient resources, then the sending county must retain supervision of that case. If a county has admitted a number of new cases at, or in excess of its monthly allotment for the past 6 months, or if their probation officer to participant ratio is in excess of 1:50, that county has reached a capacity situation justifying the rejection of transfer cases.

The receiving county in which the participant resides will be permitted to reject the supervision of a case whenever a field visit establishes that the address provided is invalid.

Special consideration should be given to assisting the participant with acceptance into the drug court "family" of fellow participants. It is recommended that successful Phase III participants "mentor" the newly transferred participant as a way of accomplishing this goal.

After the case is transferred to the receiving county, all case management decisions are the sole responsibility of that team. All decisions about sanctions, incentives, phase changes, incarceration, violation of probation charges and termination are to be made by the team in the receiving county.

The recovery court judge in the receiving county has the same authority and responsibility for the transferred participant as they do for participants sentenced within their county.

Any violation of probation hearing, whether it results in a sanction, continuation of probation (COP) or termination is under the jurisdiction of the judge in the receiving county.

The judge in the receiving county is required to abide by any parameters of the case indicated on the plea agreement form.

d. Transfer of the Case File

The exchange of information between the recovery court coordinators will no longer be handled using hard copies; all transfer file documents should be exchanged electronically via email attachment, eCourts or Probation Case Jacket. In addition, this policy no longer requires that police reports and discovery be part of any drug court transfer file.

The team in the receiving county should be given two weeks in which to review the materials and conduct a field visit, if applicable, before the case is formally accepted for supervision.

The Transfer File shall consist of the following:

1. Recovery Court Application or Mandatory Drug Court Screening form (via eCourts)
2. Judgment of Conviction (via eCourts)
3. Any VOPs (if applicable, via eCourts)
4. Signed Standard Conditions of Probation (via Probation Case Jacket)
5. Signed Participation Agreement (via eCourts)
6. Probation Discharge Form (via Probation Case Jacket)
7. Participant's written transfer request (if applicable, via Probation Case Jacket)
8. Treatment provider inpatient and/or outpatient discharge reports (if applicable, via Probation Case Jacket)
9. Current pre-sentence investigation reports (via CCM)
10. A summary of all jail credits, as of the date of transfer (to be included in CAPS notes)
11. Substance Abuse Assessment report prepared by the TASC evaluator in the sending county (via separate email)

Any documents not available at the time of the transfer request should be forwarded to the receiving county's drug court team as soon as they are prepared.

e. Data Entry Responsibilities

Note that case data must be re-entered manually in Promis/Gavel by data entry staff in the receiving county, as the system does not automatically transfer a case.

By requesting that the prosecutor's office in the county of residence enter the participants basic case data into their Promis/Gavel system, the supervising drug court team will be able to track the court events and provide the recovery court judge and other courtroom staff with an accurate court calendar.

The last event recorded in Promis/Gavel in the sending county should reflect the transfer and advise the viewer to refer to case data in the receiving county for further court events and/or court actions. Likewise, the receiving county will need to refer a Promis/Gavel viewer to the sending county for prior court events.

Transferred cases should be considered active only in the county of supervision (generally the receiving county). Once the case is successfully transferred, the sending county should no longer have an active case. Thereafter the sending county will track the case only as a "transferred out" case.

In CAPS, the data entry process for transferred cases remains the same as that set by the Probation Division in other probation cases.

If a participant is supervised by the sending county while in residential treatment, it is the responsibility of the probation officer in the sending county to complete all case related data entries up to the point that the case is formally transferred to the receiving county.

In the State Police Computerized Criminal History (CCH), the CCH flag used to link systems will not be transferred to the county of residence. Any new sentencing event must be recorded in Promis/Gavel in the county where the original sentence occurred. When a transfer case results in a re-sentencing due to program termination, the data entered into Promis/Gavel to record that action must also be added to the case record in the county where the participant was originally sentenced. These steps will insure that a participant's CCH properly reflects the re-sentence information.



Superior Court of New Jersey
Criminal Division

Vicinage Recovery Court Transfer Form

To: _____ Vicinage Recovery Court			Date	
Participant Name		Date of Birth	SBI Number	
Address (Street)		City	State	Zip
Telephone Number		Cell Phone Number	Email	
Mandatory ☐ Yes ☐ No	Application Date	Legal Acceptance		Clinical Acceptance
Date of sentence	Sentencing County	Track 1 ☐ Yes ☐ No		Track 2 ☐ Yes ☐ No
Alternative Sentence		Probation Length		
Defense Counsel Name ☐ PD		Sending County		
PG Case Number(s)				
All Transfer Files must consist of the following electronically exchanged documents: ☐ Recovery Court Application or Mandatory Recovery Court Screening form (via eCourts) ☐ Judgment of Conviction (via eCourts) ☐ Any VOPs (if applicable, via eCourts) ☐ Signed Standard Conditions of Probation (via Probation Case Jacket) ☐ Signed Participation Agreement (via eCourts) ☐ Probation Discharge Form (via Probation Case Jacket) ☐ Participant's written transfer request (if applicable, via Probation Case Jacket) ☐ Treatment provider inpatient and/or outpatient discharge reports (if applicable, via Probation Case Jacket) ☐ Current pre-sentence investigation reports (via CCM) ☐ A summary of all jail credits, as of the date of transfer (to be included in CAPS notes) ☐ Substance Abuse Assessment report prepared by the TASC evaluator in the sending county (via separate email)				

Participant Name		CAPS ID Number	PO	
Phase progression				
Current Phase				Risk Level
Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Treatment				
Sobriety Date	Current Treatment Provider (if applicable)			