

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

People of the State of Illinois

Vs.

Cause No. _____

RECOMMENDATION FOR REFERRAL

The above-named defendant has been accepted by the _____ court and has requested that supervision of his problem-solving court probation be transferred to _____ court. Based on this request and the circumstances of the case, it is the recommendation of the undersigned that the Court issue an Order for Transfer between problem-solving courts. Said transfer would be for supervision and problem-solving court proceedings only, with final jurisdiction to be retained by this court.

Dated: _____

Coordinator

ORDER FOR TRANSFER BETWEEN PROBLEM-SOLVING COURTS

It is hereby ordered that defendant's problem-solving court probation be transferred to _____ county.

Subject matter and personal jurisdiction of the case is transferred for problem-solving court supervision which includes, but is no limited to, monitoring the defendant's compliance with the Policies and Procedures, rewards, sanctions and service adjustments. This court shall maintain jurisdiction of the case for final disposition.

IT IS FURTHER ORDERED that the defendant shall report to the _____ Court on _____ at _____.m.

(The Clerk of the Circuit Court for _____ County is directed to send a copy of this Order to the Clerk of the Circuit Court for _____ County.)

Entered this ____ of _____, 20____.

Judge

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

People of the State of Illinois

Vs.

Cause No. _____

AGREED ORDER OF TRANSFER

On request of the defendant, _____, that his/her/their problem-solving court probation be transferred to _____ County because

() he/she/they is/are a resident of that county

() he/she/they is/are presently residing or wish to reside in that county

And, further, defendant has acknowledged in writing that he/she has read and understands the Policies and Procedures of the receiving court and agrees to abide by the rules and procedures of the receiving county's problem-solving court's program,

It is hereby ordered that defendant's problem-solving court probation be transferred to _____ county.

Subject matter and personal jurisdiction of this case is transferred for supervision, which includes but is not limited to monitoring the defendant's compliance with the Policy and Procedures, rewards, sanctions, and service adjustments while in the problem-solving court. This court shall maintain jurisdiction of the case for final disposition.

(The Clerk of the Circuit Court for _____ County is directed to send a copy of this Order to the Clerk of the Circuit Court for _____ County.)

Entered this ____ of _____, 20____.

Judge

Defendant

Date

MEMORANDUM OF UNDERSTANDING BETWEEN _____ COUNTY AND _____
COUNTY FOR TRANSFER TO PROBLEM-SOLVING COURT

The Illinois Drug Court Treatment Act (730 ILCS 166/1, *et seq.*), Mental Health Court Treatment Act (730 ILCS 169/1 *et seq.*), and Veterans and Servicemembers Court Treatment Act (730 ILCS 130/1 *et seq.*) recognize the value and importance of offering problem-solving court opportunities to Illinois residents. However, the need for close supervision, frequent court appearances, and other logistical considerations have led many Illinois problem-solving courts, including the undersigned counties, to limit participation in their problem-solving courts to residents of their counties.

Recognizing that it is not uncommon for individuals who qualify for problem-solving court to have charges in counties other than their county of residence and for other problem-solving court participants to find it advantageous to move to other counties while still participating in PSCs, the undersigned counties wish to enter into a Memorandum of Understanding (MOU) to allow for such individuals to still receive the benefits of PSCs. The purpose of this MOU is to clarify the expectations and roles of the counties in regard to transfers of participants between the _____ County and _____ County.

Whenever an individual with a non-disqualifying charge in _____ County (the sending county) is a resident and wishes to be considered as a participant or candidate for the _____ County problem-solving court ("PSC") (the receiving county) and it appears the participant is likely to qualify for the receiving county's PSC, the candidate's attorney or Coordinator of the sending county shall notify the Coordinator of the PSC of the receiving county by phone or electronically of the request to transfer.

PARTICIPANT ALREADY ADMITTED TO PSC. If the participant has already been admitted to _____ PSC, the _____ PSC Coordinator will provide any information requested by _____ PSC Coordinator so that _____ PSC can make its decision whether to accept the transfer in a timely fashion. That information may include but is not limited to any and all screenings, assessments, police reports, criminal history, probation and treatment history.

PARTICIPANT NOT YET ADMITTED TO PSC. If the referred candidate has not yet been accepted into PSC and the admission into PSC is contingent upon _____ PSC accepting the transfer:

Upon notification by the referred candidate's attorney of the request for entry into _____ PSC, _____ PSC Coordinator shall forward a referral form to the attorney, who will complete the form on behalf of the client and submit it to the Coordinator.

The _____ PSC Coordinator will then determine if the defendant is eligible to be accepted in the receiving court's PSC according to the receiving court's Policies and Procedures. If the referred defendant is eligible, the Coordinator will bring the requested transfer to the PSC team's attention at the next staffing. If the PSC is not already at capacity and the PSC team is willing to consider accepting the transfer, the referral will continue to the scheduling of assessments as with other non-transfer referrals and a decision made on a timely basis. The _____ PSC Coordinator will notify the defendant's attorney of the PSC's decision as soon as possible after the decision is made so that all delays in an ultimate resolution of the pending case is kept to a minimum.

If _____ PSC agrees to accept the transfer, the plea will be entered in _____ County. If _____ County has a PSC, the plea will be for PSC probation. If _____ does not have a PSC, the plea will for regular probation, with completion of _____ PSC as a term of the probation.

DECISION TO REVOKE OR TERMINATE _____ County agrees that, if _____ PSC accepts the transfer, the decision to revoke probation or terminate the PSC probation rest solely with _____ PSC.

FEES. It is agreed that for the time the Participant is a member of the _____ PSC, all fees due for participation in the PSC/Probation shall be paid to the Clerk of the _____ County Circuit Court.

JAIL SANCTIONS. It is further agreed that any jail sanctions ordered will be served in the _____ County jail.

POLICIES AND PROCEDURES. It is agreed that, in the event that both counties have PSCs, the participant will be bound by the policies and procedures of the _____ PSC (the receiving PSC).

FINAL JURISDICTION RESERVED. It is further agreed that the receiving court will have subject

matter and personal jurisdiction over this cause of action. The jurisdiction in the receiving court is for supervision of the defendant pursuant to the receiving court's Policy and

Procedures, including but not limited to, monitoring the defendant's compliance with the Policy

and Procedures, rewards, sanctions and service adjustments. The sending court retains subject matter jurisdiction for final determination and disposition of the case.

In the event that _____PSC determines that the participant should be unsuccessfully discharged from its PSC, the case will be returned to _____ County for further proceedings.

In the event of successful discharge and graduation from the _____ PSC, it shall provide a Discharge of PSC Order to _____ Court and the participant shall be entitled to the benefit of any agreed upon plea terms.

IMPORTANCE OF TIMELINESS. Both Counties are aware of the importance of admitting referred individuals to PSCs as soon as possible after arrest and agree to use their best efforts to prevent any lapses from occurring in the referral and transfer process.

IT IS FURTHER AGREED AS FOLLOWS:

_____County, by:

_____County, by:

SAMPLE INTER-COUNTY PROBLEM-SOLVING COURT TRANSFER PROCEDURE (AFTER ADMISSION)

1. When a Problem-Solving Court (PSC) participant has changed their place of residence or wishes to change their place of residence and wishes to transfer their PSC supervision to another county, the participant may submit a request to transfer in writing.
2. Upon learning of a desired transfer, the coordinator of the original county (hereafter, “sending county”) will consult with the coordinator of the county to which the participant wishes to transfer (hereafter “receiving county”) to notify them of the requested transfer.
3. If the receiving county is willing to consider accepting the transfer, the coordinator will send a copy of the PSC Handbook and a request for any additional information to the sending county in a timely fashion. The sending county coordinator will provide the Handbook to the defendant and the defendant’s attorney and will provide the requested information to the receiving county coordinator in a timely fashion.
4. If the transfer is approved by the defendant and by the receiving county, a Memorandum of Understanding (MOU) will be entered into between the PSCs.
5. Upon entry into the sending county’s PSC, the participant will be given a date to report to the coordinator of the receiving PSC.
6. (The PSC judge of the sending court will enter an Agreed Order of Transfer to transfer the case to the PSC of the receiving court.)
7. If the participant successfully completes the receiving PSC’s program, the participant will be deemed to have completed the sending county’s program and be entitled to all benefits, including any rights of dismissal and expungement.
8. If the participant is unsuccessfully discharged from the receiving PSC’s program, the results will be as determined in the MOU agreed upon between the PSCs.

SAMPLE INTER-COUNTY PROBLEM-SOLVING COURT TRANSFER PROCEDURE (BEFORE ADMISSION)

9. Upon referral of a resident of another county that has a Problem-Solving Court (PSC), the original county (hereafter, “sending county”) will conduct its normal assessments and criminal history checks to determine if the defendant is eligible and qualifies for its PSC. If the defendant is eligible, the coordinator from the sending county will consult with the coordinator of the county of the defendant’s residence (hereafter “receiving county”) to notify them of the proposed transfer.
10. If the receiving county is willing to consider accepting the transfer, the coordinator will send a copy of the PSC Handbook and a request for any additional information to the sending county in a timely fashion. The sending county coordinator will provide the Handbook to the defendant and the defendant’s attorney and will provide the requested information to the receiving county coordinator in a timely fashion.
11. If the transfer is approved by the defendant and by the receiving county, a Memorandum of Understanding (MOU) will be entered into between the PSCs.
12. Simultaneously with the entering into of the MOU, the sending court will arrange for the entry of the participant into the PSC.
13. Upon entry into the sending county’s PSC, the participant will be given a date to report to the coordinator of the receiving PSC.
14. (The PSC judge of the sending court will enter an Agreed Order of Transfer to transfer the case to the PSC of the receiving court.)
15. If the participant successfully completes the receiving PSC’s program, the participant will be deemed to have completed the sending county’s program and be entitled to all benefits, including any rights of dismissal and expungement.
16. If the participant is unsuccessfully discharged from the receiving PSC’s program, the results will be as determined in the MOU agreed upon between the PSCs.