**PROBLEM-SOLVING COURTS PRACTICE GUIDELINES**

**Inter-County Transfers for the Purpose of Problem-Solving Court Participation**

The Problem-Solving Court Rules, Section 26 authorizes inter-county transfers for the purpose of problem-solving court participation. If a court (“referring court”) identifies a defendant for potential problem-solving court participation in another jurisdiction (“receiving court”), the Problem-Solving Courts Committee recommends the referring and the receiving courts take the following steps to determine eligibility and transfer the supervision of the defendant to the problem-solving court:

1. After obtaining all necessary approval to authorize a transfer\*, the referring court designates a point of contact whom is responsible for the referral of the defendant to the problem-solving court. The referring court point of contact, contacts the receiving court coordinator, see Problem-Solving Court Directory: <http://www.in.gov/judiciary/pscourts/index.htm>, to arrange an assessment for determining an individual’s legal and clinical eligibility for problem-solving court participation under IC 33-23-16-13 and to administer all required paperwork, including all necessary consent forms. See sample Assessment Request Form.
2. Upon completion of the assessment, the receiving court coordinator sends a notification of eligibility to the referring court point of contact. The referring court point of contact ensures timely communication among the referring court judge, prosecutor, and defense counsel regarding the eligibility determination. If the receiving court finds the defendant eligible, following all necessary approval for a transfer\*, the referring court schedules a hearing in which the defendant is ordered to complete the problem-solving court. The referring court point of contact will inform the parties of the hearing date and time. If the proposed transfer is not approved by the referring court, the referring court point of contact advises the receiving court coordinator. If found ineligible by the receiving court, the case continues in the court of origin. See sample Eligibility/Ineligibility Notification documents.
3. The referring court holds a hearing in which the defendant is required to complete the problem-solving court. At this hearing the court may accept the plea agreement and a condition of the plea is the defendant is required to complete the problem-solving court or the defendant is ordered to participant in the problem-solving court as a condition of post-conviction supervision (probation, community corrections, or parole). At this hearing, the defendant is provided with reporting instructions established by the referring court point of contact and the receiving court coordinator. See sample Reporting Instructions and Order of Participation as a Term of Probation or Judgment Withheld.
4. The case is transferred to the problem-solving court for supervision only. **The referring court shall maintain jurisdiction of the case for final case disposition.** The Clerk of the Courts in the receiving county will establish a Miscellaneous Criminal (MC) cause number to maintain record of the problem-solving court supervision. See sample Acceptance Order and Order to Assign a Miscellaneous Cause Number.

1. The receiving court holds an initial problem-solving court hearing in which the Participation Agreement, detailing the rules and conditions of the problem-solving court, is reviewed and executed. The defendant signs the Participation Agreement. The Participation Agreement is filed with the receiving court and the receiving court coordinator maintains a copy in the defendant’s case management file and provides a copy to the referring court.

\* Unless the prosecutor’s agreement is not necessary, the prosecutor and judge agree to the transfer and the defendant agrees to participate in the problem-solving court after a preliminary review of conditions. This may occur prior to the referral for assessment or following the determination that an individual is eligible for problem-solving court participation and is dependent on the policies of the problem-solving court. Problem-solving courts should include in their policies and procedures manual under what conditions an out-of-county referral will be screened for eligibility.

1. The receiving court shall oversee the defendant’s problem-solving court participation including, presiding over status hearings, administering incentives and sanctions and presiding over the graduation or termination hearing. The supervision transfer includes the problem-solving court’s authority to sanction the defendant for non-compliance, up to and including incarceration. The courts should discuss the expectations for the receiving court to send periodic status reports to the referring court.
2. Upon problem-solving court discharge (e.g. graduation or termination), the receiving court shall provide a copy of the discharge order to the referring court. The referring court shall dispose of the case, including any dismissal of charges or imposition of the appropriate plea agreement terms. See sampleDischarge Order.

**Judicial Authority/Supervision Transfers**

Problem-Solving Court Rules, Section 26 Transfers: Allows inter-county transfers for the purposes of problem-solving court participation. Upon acceptance of a transfer, the receiving court obtains supervision and sanctioning authority for problem-solving court purposes. The referring court retains jurisdiction over the underlying case following graduation or unsuccessful termination from the problem-solving court. Intra-county transfers are governed by local court rule or administrative practices.

**Chronological Case Summary (CCS)**

The referring court shall make a CCS entry detailing the acceptance by the receiving court and note the Miscellaneous Criminal (MC) cause number assigned to the receiving court’s case. The receiving court shall enter in the CCS the referring court’s case number and maintain CCS entries in accordance with Problem-Solving Court Rules Section 9 throughout problem-solving court participation.

**Sanctions**

The receiving court shall oversee all sanctions for non-compliance with the problem-solving court requirements. Sanctions involving incarceration may be served in the receiving problem-solving court’s county jail.

**Fees**

The schedule of fees set forth under Indiana Code 33-23-16-23 is applicable to inter-county transfer cases. Procedures of assessment and collection of fees pursuant to Problem-Solving Court Rules Section 16 shall be followed by the receiving court. Pursuant to Problem-Solving Court Rules Section 26, both the referring and receiving problem-solving courts, if certified, may charge participants a transfer fee not to exceed twenty-five dollars ($25.00). All problem-solving court fees shall be collected and utilized in accordance with IC 33-23-16-23.

All court costs, fines, restitution, and probation fees shall be collected by the referring court. The assessment and collection of probation fees shall be in accordance with IC 35-38-2.

**Weighted Caseload Credit**

Case credit is allotted for the referring court on the underlying case type. Additional case credit is allotted to the receiving problem-solving court for problem-solving court supervision (423 minutes/case). To receive weighted caseload credit, cases must be reported under Part 5, #7 of the Quarterly Case Status Report (QCSR). For additional information about assignment of weighted caseload credit in problem-solving court cases, please contact Jim Diller, Court Analyst, 317-233-2312.

**Sample Forms**

**PROBLEM-SOLVING COURT ASSESSMENT REQUEST FORM**

**Date: ­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Defendant Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Defendant Address/Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Referring Court/Judge: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Referring Court Cause Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Current Charge: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Defendant is a Veteran:** \_\_\_\_\_**Yes** \_\_\_\_\_**No**

**Next Court Date in Referring Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name/Agency/Phone/E-mail of Designated Contact:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Comments:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Please attach the probable cause affidavit, charging information, criminal history, IRAS result (if available) and submit to:**

**Coordinator, Sample County Problem-Solving Court**

**Address:**

**Phone:**

**Fax:**

**Email:**

**[PROBLEM-SOLVING COURT] ELIGIBILITY NOTIFICATION**

**To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Referring Court Point of Contact]**

**From:**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Receiving Court Coordinator]**

**Subject: [Problem-Solving Court] Assessment**

**JOHN DOE, 46D02-1801-F6-00001**

**Date: January 2, 2018**

The [**Referring Court]** has requested the Defendant be assessed for problem-solving court eligibility. The Defendant has completed the program application packet and received an assessment and evaluation by the **[Problem-Solving Court]** staff.

The **[Receiving Court]** Judge has determined the Defendant is eligible to participate in the **[Problem-Solving Court]**. In order to participate, the [**Referring Court]** shall order the Defendant to participate and complete the **[Problem-Solving Court]** [pursuant to a guilty plea and withheld judgment, condition of probation, etc.] The [**Referring Court]** judge, defense attorney, and prosecutor decide the terms of entry into the program.

A hearing will be held in the **[Referring Court]** in which the Defendant is required to complete the problem-solving court. All other **[Problem-Solving Court]** hearings shall be held in the **[Receiving Court]** courtroom. If the Defendant is discharged unsuccessfully, through termination or by way of circumstances making him/her unable to graduate, the Defendant will be immediately transferred back to the **[Referring Court]** for case disposition. If the Defendant is terminated from the **[Problem-Solving Court]**, the **[Referring Court]** shall maintain jurisdiction over the case and shall be responsible for disposing of the case. If the Defendant graduates from **[Problem-Solving Court]**, the **[Referring Court]** shall ensure any appropriate dismissal of charges or imposition of the appropriate plea agreement terms of sentence are imposed or otherwise dispose of the case.

Once the Defendant is ordered to participate in the **[Problem-Solving Court]**, a miscellaneous cause number “MC” will be generated, and a chronological case summary will be created and maintained for the problem-solving court case. The Judge of the **[Receiving Court]** shall oversee all of the Defendant’s **[Problem-Solving Court]** proceedings, hearings, incentives, sanctions, potential termination hearing, and potential graduation hearing. The Judge of the **[Receiving Court**] shall have authority to issue arrest warrants when necessary for a sanction or termination.

**[PROBLEM-SOLVING COURT]**

**INELIGIBILITY NOTIFICATION**

**To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Referring Court Point of Contact]**

**From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Receiving Court Coordinator]**

**Subject: [Problem-Solving Court] Assessment**

**JOHN DOE, 46D02-1801-F6-00001**

**Date: January 2, 2018**

The [**Referring Court]** has requested the Defendant be assessed for problem-solving court eligibility. The Defendant has completed the program application packet and received an assessment and evaluation by the **[Receiving Court]** staff.

The **[Receiving Court]** Judge has carefully reviewed the assessment and has determined the Defendant is not eligible to participate in the **[Problem-Solving Court]**. The Defendant does not have a right to participate in a problem-solving court. The **[Problem-Solving Court]** has the discretion under the Indiana Problem-Solving Court statutes, Indiana caselaw, and the Problem-Solving Court Rules to approve or deny an application. The assessment is carefully reviewed by the **[Problem-Solving Court]** team to determine eligibility on a case-by-case basis, with due consideration given to the available local treatment options and the **[Problem-Solving Court]** team resources.

**PROBLEM-SOLVING COURT**

**REPORTING INSTRUCTIONS**

Date: ­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your supervision has been transferred to Sample County Superior Court 1, for participation in the Sample County Superior Court 1 Problem-Solving Court.

You are to report for your next court hearing on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018 \_\_\_\_\_\_\_\_\_\_a.m./p.m.

Sample County Superior Court 1

Address

Courtroom Number (floor)

You are to report to the Problem-Solving Court Coordinator/Case Manager for a case management appointment on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018 \_\_\_\_\_\_\_\_\_\_a.m./p.m.

Sample County Problem-Solving Court

Address

Room Number (floor)

**FAILURE TO APPEAR MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.**

Additional details/comments:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Should you have any questions or concerns please contact:

Coordinator, Sample County Problem-Solving Court

Phone:

Email:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant Signature Witness

A copy of the signed form should be e-mailed or faxed to the problem-solving court coordinator.

**PROBLEM-SOLVING COURT PARTICIPATION**

**AS A TERM OF PROBATION FORM**

***If Defendant is entering the Problem-Solving Court as a Condition of Probation add the following language to the referral court’s standard Sentencing Order:***

“The Defendant shall actively participate in, successfully complete, and comply with all of the conditions of the **[Problem-Solving Court]**, as a condition of probation. If the Defendant is terminated from the **[Problem-Solving Court]**, the Defendant shall be returned to the [referring court] for case disposition.

Commentary:

If the defendant entered the program with assurances from the state, such assurances should be noted in the sentencing order. (i.e. misdemeanant treatment, early expungement, etc.)

**STATE OF INDIANA ) IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_COURT**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_ ) CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**)**

**VS. )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

**DEFENDANT**

**ORDER FOR JUDGMENT WITHHELD PURSUANT TO [PROBLEM-SOLVING COURT] PARTICIPATION AND NEGOTIATED PLEA AGREEMENT**

The Court accepts the Negotiated Plea Agreement and Judgment is Withheld so long as the Defendant actively participates in and successfully completes the **[Problem-Solving Court]**.

Pursuant to the conditions of the Negotiated Plea Agreement, if the Defendant successfully completes or is terminated from the **[Problem-Solving Court]**, prior to successful completion, an Order of this Court shall be entered pursuant to the exact terms of the plea agreement.

**ALL OF WHICH IS ORDERED ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

HON. , JUDGE

CC:

Hon. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County

\_\_\_\_\_\_\_\_\_ Defense Attorney

\_\_\_\_\_\_\_\_\_ County Clerk

\_\_\_\_\_\_\_\_\_ County Clerk

\_\_\_\_\_\_\_\_\_ County Prosecutor

\_\_\_\_\_\_\_\_\_ County Prosecutor

**[Problem-Solving Court]** Coordinator

Referring Court Point of Contact

**STATE OF INDIANA ) IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT**

**COUNTY OF \_\_\_\_\_\_\_\_\_ ) CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**)**

**VS. )**

**)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

**DEFENDANT**

**[PROBLEM-SOLVING COURT] ACCEPTANCE ORDER AND**

**ORDER TO ASSIGN A MISCELLANEOUS CAUSE NUMBER**

The Defendant is accepted into the **[Problem-Solving Court]**. The Defendant was referred from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County, State of Indiana under Cause Number: \_\_\_\_\_\_\_\_[Original Cause Number]\_\_\_\_\_\_\_\_\_\_.

The \_\_\_\_\_\_\_\_\_\_\_\_ County Clerk of Courts shall assign a new Miscellaneous “MC” Criminal Cause Number to this matter as well for future use.

**ALL OF WHICH IS ORDERED ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Problem-Solving Court]**

cc:

Hon. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County

\_\_\_\_\_\_\_\_\_ Defense Attorney

\_\_\_\_\_\_\_\_\_ County Clerk

\_\_\_\_\_\_\_\_\_ County Clerk

\_\_\_\_\_\_\_\_\_ County Prosecutor

\_\_\_\_\_\_\_\_\_ County Prosecutor

**[Problem-Solving Court]** Coordinator

Referring Court Point of Contact

**STATE OF INDIANA ) IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT**

**COUNTY OF \_\_\_\_\_\_\_\_\_ ) CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**)**

**VS. )**

**)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

**DEFENDANT**

**[PROBLEM-SOLVING COURT] DISCHARGE ORDER**

The Defendant is hereby discharged from the **[Problem-Solving Court]** following [graduation for successful completion of or termination for violation of] problem-solving court conditions. The Defendant is referred back to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County, State of Indiana under Cause Number: \_\_\_\_\_\_\_\_[Original Cause Number]\_\_\_\_\_\_\_\_\_\_ for case disposition.

**ALL OF WHICH IS ORDERED ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Problem-Solving Court]**

cc:

Hon. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County

\_\_\_\_\_\_\_\_\_ Defense Attorney

\_\_\_\_\_\_\_\_\_ County Clerk

\_\_\_\_\_\_\_\_\_ County Clerk

\_\_\_\_\_\_\_\_\_ County Prosecutor

\_\_\_\_\_\_\_\_\_ County Prosecutor

**[Problem-Solving Court]** Coordinator

Referring Court Point of Contact