

**Western Wayne County
Regional Behavioral Treatment Court (RBTC)
Transfer Case Instructions**

1) **PLEA/DISPOSITION:**

Before referring a defendant to the RBTC, the transferring court must accept a plea, either of guilty or no contest, and take one of the following actions as appropriate:

- a) For an individual who may be eligible for discharge and dismissal pursuant to the agreement with the court and prosecutor upon successful completion of the RBTC program, defer further proceedings (i.e. do not enter a judgement), OR
- b) Pursuant to agreement with the participant and the prosecutor, enter a judgement of guilt but delay sentencing for up to one year in accordance with MCL 771.1 OR
- c) Pursuant to agreement with the participant and the prosecutor, proceed to sentencing and place the participant on probation with the terms and conditions to comply with the 29th District Court RBTC program.

2) **IDENTIFICATION OF CANDIDATES:**

The “**29th District Court RBTC Referral form**” may be used to aid in the determination of possible candidates. Qualifying participants must meet eligibility requirements as defined in the **29th District RBTC Policies & Procedures Manual**. Please note: Participation in the RBTC program is *voluntary*, if the defendant declines to participate in the program the case will be sent back to the transferring court for further action.

3) **REFERRAL TO RBTC:**

Once the transferring court determines the defendant may be a candidate, they may contact Kirstin Aslanian, the RBTC Coordinator at: (734) 722-5220 to receive the following:

- a) **Screening date** for the defendant to meet with the 29th District RBTC Probation Officer, and Clinical assessment with the Care Manager.
- b) **Sentencing date** with Judge Mack, to order the defendants probation conditions and program requirements.

Please note: To avoid duplication of defendants’ requirements, sentencing at the transferring court (including assessment of any fines and costs) should be completed prior to being sentenced by Judge Mack. If the candidate is accepted into the program, the transferring court will be notified prior to the sentencing date, so the transferring Judge can impose proper sentencing.

The aforementioned dates should be indicated on the “**Notice to Appear**” form, along with a date for sentencing at the transferring court. Provide one copy of this notice to the defendant, and one to the 29th District Court.

The transferring court will then supply the following to the 29th District Court RBTC Coordinator **prior** to the screening date:

1. Referral form (page 2 of this packet)
2. Notice to appear (page 3 of this packet)
3. Letter of Understanding (page 4 of this packet)
4. Charging document (ticket or complaint)
5. Police report
6. Criminal history
7. Driving record
8. Register of actions

4) **RBTC SCREENING:**

The RBTC Probation officer and RBTC Care Manager will screen the defendant to determine eligibility, and to explain all program requirements.

5) **ACCEPTANCE/ DENIAL:**

A determination will be made for acceptance or denial into the program by the RBTC Treatment Team. The transferring court will receive the “**RBTC Acceptance/Denial**” form prior to the defendant’s sentencing at the transferring court, so the originating Judge may impose proper sentencing. The defendant will be advised to report back to the transferring court on the sentencing date indicated on the “**Notice to appear**”.

6) **TRANSFERRING COURT SENTENCING:**

As stated above, sentencing at the transferring court should be completed *prior* to being sentenced by Judge Mack to avoid duplication of defendants’ requirements, including assessment of any fines and costs. Transferring Judge’s may order the defendant to non-reporting probation; with the conditions to complete the 29th District RBTC program. Once the defendant has been sentenced by the transferring Judge, the transferring court must send a completed “**Transfer of Jurisdiction’ (SCAO form 600.1088) ((last form attached on referral packet))** and a Judgement of Sentence or an Order of Probation to the 29th District Court.

7) **RBTC SENTENCING:**

After the defendant is sentenced by Judge Mack in RBTC program, the defendant’s probation requirements will be provided to the transferring court on a Sentencing Order/Judgement of Sentence form.

8) **SUPERVISION:**

- a) The transferring court will be notified upon issuance of any jail sanction or bench warrant. These must be documented in the transferring court’s case management system (i.e. JIS). In addition, all LEIN entries will be managed and entered by the transferring court.
- b) When the defendant completes the program or is terminated, the RBTC Coordinator will complete an “**Mental Health Court Discharge Statement**” and the transferring court will be advised in writing.

Contact Information:

29th District Court - 34808 Sims Ave. Wayne, MI 48184

RBTC Coordinator:	Kirstin Aslanian	Phone: (734) 722-5220	Fax: (734) 722-7003	Email: kaslanian@cityofwayne.com
RBTC Probation Officer:	Purity Marsh	Phone: (734) 722-7138	Fax: (734) 419-0176	Email: pmarsh@cityofwayne.com



29th DISTRICT – REGIONAL BEHAVIORAL TREATMENT COURT REFERRAL

DEFENDANT CONTACT INFORMATION:

Name: _____

Date of Referral: _____

Address: _____

Phone Number: _____

Criminal Charge: _____

Docket Number: _____

TRANSFERRING COURT CONTACT INFORMATION:

Transferring Court: _____

Judge: _____

Contact Person: _____

Phone: _____

Fax: _____

E-mail: _____

PLEASE NOTE: TO QUALIFY FOR PARTICIPATION IN M.H.C, THE DEFENDANT MUST HAVE A SEVERE AND PERSISTENT MENTAL ILLNESS AND/OR DEVELOPMENTAL DISABILITY

The following questions may be utilized to identify an individual that may suffer from a mental illness:

Question	No	Yes
Are you currently taking any medication prescribed for you by a physician/psychiatrist for any emotional or mental health problems?		
A. Were you ever in special education? B. Do you currently have a therapist/"worker"?	A. B.	A. B.
Have you ever been in a hospital for emotional or mental health problems?		
Do you currently believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?		
Have you ever been depressed for weeks at a time, lost interest or pleasure in most activities, had trouble concentrating/making decisions, or thought about killing yourself?		
Have you ever given in to an aggressive urge or impulse that resulted in serious harm to others or led to the destruction of property?		
Have you or your family or friends noticed that you are <u>currently</u> much more active than you usually are?		
Do you recently feel like you have to talk or move more slowly than you usually do?		
Have there recently been a few weeks when you felt like you were useless or sinful?		

Psychiatrist/Therapist: _____

Location: _____

Last Seen: _____

Insurance: _____

Known Diagnosis? _____

Medications: _____

Additional information (if needed): _____

Completed referral packets can be sent to: Kirstin Aslanian, RBTC Coordinator
Phone: (734) 722-5220 | Fax: (734) 722-7003 | E-mail: kaslanian@cityofwayne.com



NOTICE TO APPEAR

Name: _____

You have been ordered to complete a Screening with the Probation Department located at:

**The 29th District Court
34808 Sims Ave
Wayne, MI 48184
(734) 722-5220**

Screening scheduled for:

_____ With: Purity Marsh, 29th District Probation Officer
(Date) (Time)

Sentencing at originating court:

_____ With: _____
(Date) (Time) (Transferring Court)

RBTC Program Sentencing:

_____ With: Judge Laura Mack, 29th District Court
(Date) (Time)

Please note:

- The screening will take between 30 and 45 minutes
- No children are allowed
- Please bring proof of income, medication list, and insurance information if available
- If you fail to appear to your ordered interview, a bench warrant will be issued for your arrest
- NO other notices for this appointment will be sent
- A copy of the Pre-Sentence screening report will be available at the court 2 days prior to scheduled sentencing date



**Western Wayne County
Regional Behavioral Treatment Court
Letter of Understanding**

Defendant pled: _____ to: _____ on date: _____
(guilty or no contest) (charge)

Defendant has met the initial eligibility requirements for participation in the Western Wayne County Regional Behavioral Treatment Court (hereafter "RBTC") and wishes to participate in the RBTC program.

TRANSFER: This case is transferred to 29th District Court so the Defendant can participate in the Regional Behavioral Treatment Court.

SENTENCING: Defendant will be sentenced by the originating Judge/Court to non-reporting probation and ordered to comply with the terms and conditions of RBTC probation imposed by Judge Laura Mack. Any fines and costs assessed by the originating Judge will be collected by the originating court.

PROBATION: The defendant's term of probation will be supervised by the 29th District Court personnel. The originating court will be notified in the event that the defendant violates probation, is sent to jail as a sanction, absconds, or is terminated for any reason. Supervision /Probation fees for the RBTC will be assessed and collected by the 29th District Court at the rate of \$30 per month. The RBTC Judge has the discretion to waive these fees.

The case has been taken under a special statute and is made non-public: NO YES*

If yes,

- _____ 769.4a (Spouse Abuse Act)
- _____ 333.7411 (Controlled Substance Act)
- _____ 762.14 (HYTA)
- _____ 436.1703 (MIP)
- _____ 600.1098 (Mental Health Court)

*If the terms of probation are successfully completed the case may be dismissed.

Dated: _____

Originating Judge

Prosecutor

Defense Attorney

Defendant

Completed forms may be sent to:
Kirstin Aslanian, 29th District Court RBTC Coordinator
Phone: (734) 722-5220 Fax: (734) 722-7003
E-mail: kaslanian@cityofwayne.com

Western Wayne County Regional Behavioral Treatment Court, Transfer of Jurisdiction

STATE OF MICHIGAN <small>[transferring court number and type]</small>	PSC Memorandum of Understanding Transfer of Jurisdiction under MCL 600.1088	CASE NO. <small>[transferring case]</small>
The people of: <input type="checkbox"/> The State of Michigan <input type="checkbox"/>	v	Defendant's name, and DOB

Offense:	
Transferring Court:	
Receiving Court:	

Under MCL 600.1088, a case may be transferred totally from one court to another for the defendant's participation in a state-certified treatment court. A total transfer may occur before or after adjudication, but it must not be consummated until the completion and execution of a memorandum of understanding that must include, but need not be limited to, the following items.

(1) Accounting for Funds Assessed to the Defendant

Fines, costs, fees, restitution and other monetary obligations have been assessed as follows:¹

Category of funds assessed	Balance due at time of transfer	Amount to be collected by transferring court	Amount to be collected by receiving court	Distribution of funds to remit			
				<i>Transferring court</i>	<i>Receiving court</i>	<i>Other amount</i>	<i>Other agency</i>
Total fine:							
Total costs:							
State minimum fee:							
Crime victim's rights fee:							
Restitution:							
Prosecutor reimbursement:							
Law enforcement agency reimbursement:							
DNA assessment:							
Other (describe):							
Other (describe):							

Other information regarding how all funds assessed to the defendant will be accounted for:

¹ If determined by transferring court, enter as monetary amounts, or as percentage if the amount is not known. If it is to be determined by the receiving court, and the monetary amounts are not known, enter as percentages.

(2) Providing Information to State Police and Forwarding Abstract to the Secretary of State

The transferring court is responsible for providing information to the department of state police, as required under section 3 of 1925 PA 289, MCL 28.243.

The transferring court is responsible for forwarding an abstract to the secretary of state for inclusion on the defendant's driving record.

(3) Where Jail Sanctions and Incarceration Sentences Will Be Served

Jail sanctions or incarceration sentences shall be served as follows:

- All jail sentences will be served at the 29th District court.
- Any jail sentence of less than 365 days will be served at the 29th District court, and any jail sentence of more than 365 days will be served at the transferring court.
- Any jail sentence for a program violation will be served at the 29th District court.
- Any jail sentence ordered as part of program termination will be served at the 29th District court.
- Other: _____

(4) The defendant has been determined eligible by and will be accepted into the state-certified treatment court upon transfer.

Signatures

Transfer is hereby ordered and effective immediately upon signature of the following persons and receipt by the receiving court, as required by MCL 600.1088.

_____	_____	_____	_____
Defendant	Date	Defense Attorney	Date
_____	_____	_____	_____
Chief Judge (transferring court)	Date	Chief Judge (receiving court)	Date
_____	_____	_____	_____
Assigned Judge	Date	Prosecuting Attorney (transferring)	Date
_____	_____		
Prosecuting Attorney (receiving)	Date		