

1398 INTRASTATE TRANSFER OF JUVENILE JUSTICE CASES

Chapter: **Juvenile Justice Field Services**

Section: **Case Management**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **17-57**

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Approved:

A handwritten signature in black ink, appearing to read "Christine Tappan".

Christine Tappan, Interim DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-D](#), [RSA 170-G](#), [RSA 170-H](#), and [RSA 621](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s):

Bridges' Screen(s) and Attachment(s):

All children and youth need and deserve permanency. Case transfer affords youth the opportunity to move from one New Hampshire city or town to another for reasons consistent with their successful completion of a Juvenile Justice case (e.g., family relocation, change of legal custodian or guardian, educational or employment opportunity) and permanency plan. Case transfer also permits youth who already reside in cities or towns not in proximity to the court having jurisdiction over them to remain home and receive local supervision and services.

Purpose

This policy establishes the requirements for the intrastate transfer of case management, case-planning, and supervision responsibilities for youth involved in a Juvenile Justice case. This policy is applicable to cases transferred via the court or between offices.

Definitions

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"JPPO" or **"Juvenile Probation and Parole Officer"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Juvenile Probation and Parole Officer.

"JPPS" or **"Juvenile Probation and Parole Supervisor"** means the job classification of a person with the powers and authority granted under RSA 170-G:16, employed to perform supervisory-level Juvenile Probation and Parole functions under the supervision of a Juvenile Justice Services Field Administrator.

"Juvenile Justice Case" means a case opened under delinquency (RSA 169-B), Child in Need of Services (RSA 169-D), or parole (RSA 170-H).

"Parole" means a conditional release from the custody of the department which allows a delinquent to serve the remainder of his commitment outside of an institution or facility operated by the department, contingent upon compliance with the terms and conditions of parole as established by the juvenile parole board [see: RSA 170-H:2, VII].

Policy

I. Transfer of supervision of a youth from one Juvenile Probation and Parole office to another shall be according to the following:

- A. This policy applies to intrastate transfer of youth involved in a Juvenile Justice Case.
- B. Proceedings may be originated in any judicial district in which a youth is found or resides, or where the offense is alleged to have occurred.
- C. Transfers:
 - 1. Proceedings may be transferred from one court to another “as the interests of justice or convenience of the parties require” (see: RSA 169-B:5, RSA 169-D:4); such transfers are subject to the approval and acceptance of both the sending and receiving courts; or
 - 2. All office-to-office transfers shall be implemented and coordinated between the JPPSs of the sending and receiving offices.
- D. A transfer from one office to another is precipitated by one or more of the following events or circumstances:
 - 1. The youth does not reside within the venue of the court where the proceedings originated;
 - 2. The youth plans to relocate or has already relocated to a New Hampshire city or town outside the venue of the court of current jurisdiction or the office’s catchment area if the case was not opened through a court (e.g. voluntary CHINS). The Juvenile Probation and Parole office serving the city or town of legal residence of the youth’s immediate family shall provide supervision;
 - 3. The youth is paroled to the catchment area of a Juvenile Probation and Parole office different from the one in which he or she resided at the time of commitment; or
 - 4. A conflict of interest has been identified in the sending office that prohibits that office from providing supervision and services.
 - 5. Exceptions may occur when:
 - (a) The youth’s confinement or placement in a group-care or inpatient facility, even though the youth is temporarily residing in a different locale than the court venue or his or her legal residence;
 - (b) The youth is placed in a foster home outside the catchment area of the sending office; or
 - (c) The JPPSs of both the sending and receiving offices mutually agree to a specific exception.
- E. When two or more Juvenile Probation and Parole offices become concurrently involved with the same youth resulting from multiple juvenile petitions filed in multiple courts, the assigned JPPOs and their JPPSs shall confer and jointly determine which office will provide ongoing primary supervision and if applicable, who will provide secondary supervision. Any resulting office-to-office transfer will then adhere to this policy.

- F. Any disputes between the sending and receiving offices regarding case transfers that cannot be satisfactorily resolved by the respective office JPPSs shall be immediately brought to the attention of their JJS Field Administrator(s), or designee(s), for resolution.

Procedures

- I. Prior to a transfer of supervision, the sending JPPO:
 - A. Notifies his or her JPPS;
 - B. Notifies the youth, parents, and other applicable participants (e.g. providers, GAL, schools) regarding the intrastate transfer;
 - C. If applicable, and unless already filed by another party or initiated by the court upon its own motion, files a "Motion for Change of Venue" with the court of current jurisdiction to seek a transfer of the case to the court having jurisdiction in the venue of the youth's legal residence.
 - 1. If both the sending and receiving courts approve a change of venue, subsequent court jurisdiction and juvenile justice supervision will both occur in the new (receiving) venue.
 - 2. If either court denies the motion for change of venue, the Division may still transfer the case to another Juvenile Probation and Parole office for supervision. The following shall apply:
 - (a) 'Primary' caseworker status on Bridges shall be assigned to the receiving JPPO. Responsibilities include all primary supervision including the submission of court reports and the determination of further court action if warranted; and
 - (b) 'Secondary' caseworker status on Bridges shall be assigned to the sending JPPO. Responsibilities include secondary supervision as well as representing JJS in court unless the Primary JPPO is required to attend.
 - D. Updates the case file consistent with the requirements of policy [1450 Juvenile Probation and Parole Case Files](#), unless otherwise agreed upon by the sending and receiving JPPSs;
 - E. Enters all required case recording into Bridges, including but not limited to, case contact logs, purchased service authorizations, and restitution collection accounts, unless otherwise agreed upon by the sending and receiving JPPSs;
 - F. Prepares a cover letter to the receiving JPPS that summarizes the status of the case, reasons for transfer, and the effective date of the transfer; and
 - G. Enters a case contact note in Bridges regarding the outgoing case transfer information.
- II. Prior to a transfer of supervision, the sending JPPS:
 - A. Reviews the case file and Bridges entries to ensure they are complete, up-to-date, and that the case record is appropriate and ready for transfer;

- B. Contacts the receiving JPPS to discuss the case and review transfer requirements;
 - C. Reviews the cover letter to the receiving office; and
 - D. Delivers the case file to the receiving JPPS in hand, as agreed upon.
- III. Upon receipt of a transferred case, the receiving JPPS:
- A. Reviews the case record;
 - B. Assigns the case to a JPPO; and
 - C. Enters the new case assignment information into Bridges.
- IV. Upon receipt of a transferred case, the receiving JPPO:
- A. Initiates contact with the youth, parent(s) or guardian(s), school, and service provider(s);
 - B. Reviews and enforces all conditions, court orders, and other responsibilities; and
 - C. Completes all necessary case contact updates in Bridges.