

**Transfer of Probation Supervision between Counties
Information and Implementation Package for the New Statutory System
Contained in House Bill 1575**

Texas Juvenile Probation Commission Legal Division
Pierre Williams, Staff Attorney
Nydia Thomas, Senior Staff Attorney
Lisa A. Capers, General Counsel

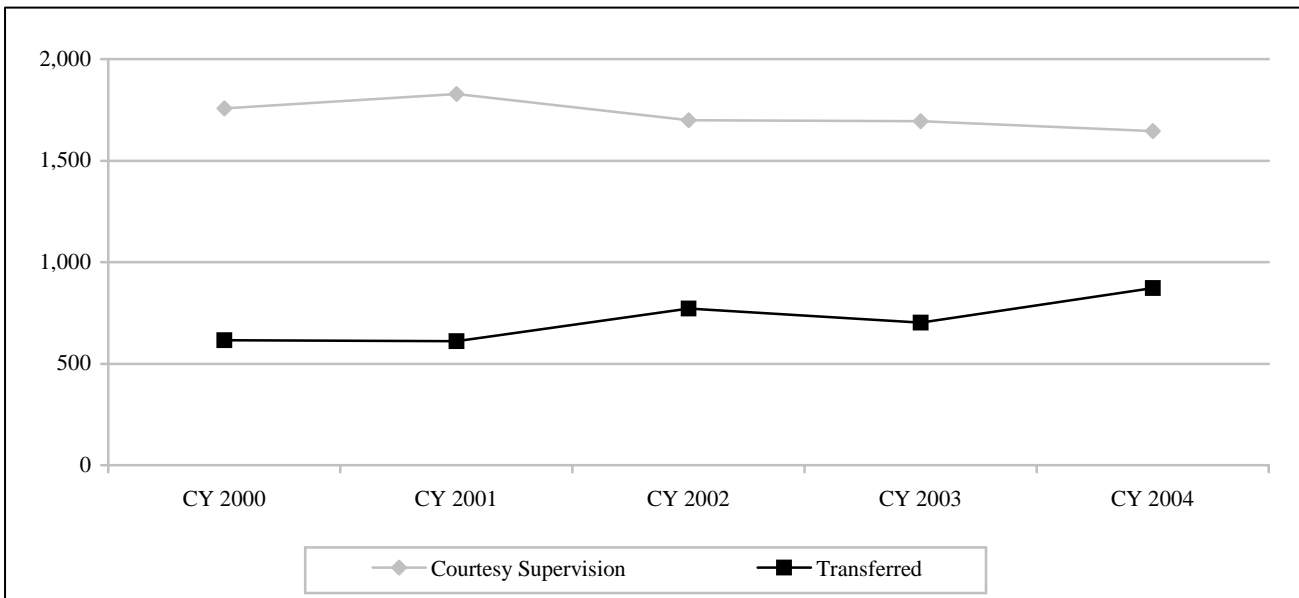
Background and History

In the summer of 2004, the Texas Juvenile Probation Commission (TJPC) sponsored a field workgroup to address the issues surrounding courtesy supervision of juvenile probationers in Texas. This workgroup was co-chaired by the late Professor Robert Dawson and Chief Juvenile Probation Officer Mike Meade from Ft. Bend County. The workgroup met in Austin three times during the summer of 2004 and was composed of approximately 42 juvenile justice professionals including probation officers, prosecutors, defense attorneys, judges and agency staff. The workgroup analyzed the use of the practice of courtesy supervision in Texas and the related issues and problems surrounding its use.

As shown in Chart 1, in calendar year 2004, there were 1,646 cases placed under informal courtesy supervision arrangements and 873 transfers of jurisdiction to supervised probation in Texas. Thus, in 2004 over 2,500 cases began on supervision in a county other than the county where they were originally placed under supervision. Approximately 41% of the transfer and courtesy supervision cases in 2004 were for felony level offenses as depicted in Chart 2. From a public protection standpoint, it is clear that the effective supervision of these youth who move during their term of probation is essential. Prior systemic problems with courtesy supervision seriously undermined this goal.

**Chart 1
Courtesy Supervision and Transfer Cases
Calendar Year 2000 – 2004¹**

Re	CY 2000	CY 2001	CY 2002	CY 2003	CY 2004	Difference Between 2000 – 2004
Courtesy Supervision	1,757	1,829	1,699	1,696	1,646	-6%
Transferred	615	611	771	703	873	42%



¹ Source: Texas Juvenile Probation Commission

Chart 2
Offenses for Courtesy Supervision and Transfer of Supervision Referrals
Calendar Year 2004

Offense Category	Courtesy Supervision		Transfer Cases		Courtesy & Transfer	
	Number	Percent	Number	Percent	Number	Percent
Sexual Assault/ Indecency with a Child	84	5%	57	7%	141	6%
Robbery	26	2%	8	1%	34	1%
Aggravated Assault	93	6%	35	4%	128	5%
Burglary	193	12%	101	12%	294	12%
Theft - Felony	33	2%	28	3%	61	2%
Auto Theft	79	5%	32	4%	111	4%
Drug Offenses - Felony	56	3%	34	4%	90	4%
Weapons Off - Felony	20	1%	13	1%	33	1%
Other Offenses - Felony	92	6%	38	4%	130	5%
TOTAL FELONY	676	41%	346	40%	1,022	41%
Weapons Off - Misdemeanor A & B	18	1%	7	1%	25	1%
Assault - Misdemeanor A & B	161	10%	52	6%	213	8%
Theft - Misdemeanor A & B	177	11%	79	9%	256	10%
Drug Offenses - Misdemeanor A & B	154	9%	100	11%	254	10%
Other Offenses - Misdemeanor A & B	215	13%	134	15%	349	14%
TOTAL MISDEMEANOR A & B	725	44%	372	43%	1,097	44%
Violation of Probation	27	2%	9	1%	36	1%
Contempt of Court	24	1%	15	2%	39	2%
TOTAL VIOLATION/CONTEMPT	51	3%	24	3%	75	3%
Truancy	5	0%	4	0%	9	0%
Runaway	17	1%	20	2%	37	1%
Theft - Misdemeanor C	3	0%	2	0%	5	0%
Disorderly Conduct	12	1%	4	0%	16	1%
Alcohol Offenses - Misdemeanor C	4	0%	2	0%	6	0%
Expelled from Alt. Education Program	5	0%	3	0%	8	0%
Other Offenses - Misdemeanor C	148	9%	96	11%	244	10%
TOTAL CINS	194	12%	131	15%	325	13%
GRAND TOTAL	1,646	100%	873	100%	2,519	100%

In reviewing the statistics and analyzing the courtesy supervision process, the workgroup brought to light many problems with the law existing prior to September 1, 2005. In some situations because of the lack of legal regulation of this process, children on probation were residing in a county without probation supervision from either the county where they were originally placed on probation or the county where they were currently residing. These children were not absconders, but fell through the cracks of the system and were not being provided the supervision and services they should have received. The workgroup addressed all these concerns and their recommendations were presented to legislators in the proposed juvenile justice omnibus bill which became HB 1575.

House Bill 1575 basically created a new system to transfer probation supervision to another county and it abolishes the use of the practice commonly known as courtesy supervision for offenses or conduct engaged in on or after September 1, 2005, the effective date of this legislation. Courtesy supervision and transfer of probation supervision are now replaced with a new system composed of a combination of interim supervision and permanent supervision, as spelled out in the new Family Code provisions at the end of this article.

House Bill 1575 included several legislative findings in Section 53 of the bill which are designed to aid officials who operate the juvenile justice system and the trial and appellate courts in interpreting the new provisions in the Family Code regarding interim and permanent supervision. The legislature found that:

- (1) children and families in Texas are becoming increasingly mobile and children on probation frequently move to other counties in the state;
- (2) when children on probation move from one county to another, it is in the interests of the child, the child's family, and society that probation supervision continue with as little interruption as possible;
- (3) if a child on probation in a county to which probation has been transferred violates a condition of probation, the transfer should not impede appropriate legal consequences for the violation;
- (4) numerous issues are raised by transfer of probation between counties that are not currently addressed by law but that should be resolved;
- (5) the county to which supervision has been transferred should provide similar supervision and services to transferred children as is provided to children adjudicated in that county; and
- (6) the current informal system of courtesy supervision provides neither the assistance to the child nor the protection of the public that should be provided.

Implementation of the New Procedures

The Texas Juvenile Probation Commission (TJPC) Legal Division has prepared a packet of information, sample forms and sample court pleadings related to the new transfer provisions for use by juvenile probation departments, prosecutors and judges which follows this article. While juvenile probation departments will be affected the most directly by these new procedures, it is important for all juvenile justice practitioners to have a working knowledge of this new system.

It is important to note that these sample forms and pleadings are not mandatory—they are simply examples that the Commission has prepared for your convenience in implementing the new legislation. The packet of information includes a variety of sample forms, pleadings, reference sheets and explanatory articles. Probation departments should discuss these forms and suggested practices with their local juvenile court prosecutor prior to the implementation. All of these documents are available for download in Microsoft Word and Adobe Acrobat PDF formats from the TJPC website at www.tjpc.state.tx.us. It is our hope that this information will assist probation departments in effectively and efficiently implementing the new system. Any questions or comments about this material may be directed to the TJPC Legal Help Line at 512-424-6721.

New Family Code Provisions

Texas Family Code § 51.07. Transfer To Another County For Disposition.

When a child has been found to have engaged in delinquent conduct or conduct indicating a need for supervision under Section 54.03, the juvenile court may transfer the case and transcripts of records and documents to the juvenile court of the county where the child resides for disposition of the case under Section 54.04. Consent by the court of the county where the child resides is not required.

Texas Family Code § 51.071. Transfer Of Probation Supervision Between Counties: Courtesy Supervision Prohibited.

Except as provided by Section 51.075, a juvenile court or juvenile probation department may not engage in the practice of courtesy supervision of a child on probation.

Texas Family Code § 51.072. Transfer of Probation Supervision Between Counties: Interim Supervision.

(a) In this section:

(1) "Receiving county" means the county to which a child on probation has moved or intends to move.

(2) "Sending county" means the county that:

(A) originally placed the child on probation; or

(B) assumed permanent supervision of the child under an inter-county transfer of probation supervision.

(b) When a child on probation moves or intends to move from one county to another and intends to remain in the receiving county for at least 60 days, the juvenile probation department of the sending county shall request that the juvenile probation department of the receiving county provide interim supervision of the child.

(c) The juvenile probation department of the receiving county may refuse the request to provide interim supervision only if:

(1) the residence of the child in the receiving county is in a residential placement facility arranged by the sending county; or

(2) the residence of the child in the receiving county is in a foster care placement arranged by the Department of Family and Protective Services.

(d) The juvenile probation department of the sending county shall initiate the request for interim supervision by electronic communication to the probation officer designated as the inter-county transfer officer for the juvenile probation department of the receiving county or, in the absence of this designation, to the chief juvenile probation officer.

(e) The juvenile probation department of the sending county shall provide the juvenile probation department of the receiving county with the following information in the request for interim supervision initiated under Subsection (d):

(1) the child's name, sex, age, and date of birth;

(2) the name, address, date of birth, and social security or driver's license number of the person with whom the child proposes to reside or is residing in the receiving county;

(3) the offense for which the child is on probation;

(4) the length of the child's probation term;

(5) a brief summary of the child's history of referrals;

(6) a brief statement of any special needs of the child; and

(7) the reason for the child moving or intending to move to the receiving county.

(f) Not later than five business days after a receiving county has agreed to provide interim supervision of a child, the juvenile probation department of the sending county shall provide the juvenile probation department of the receiving county with a copy of the following documents:

(1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;

(2) the child's conditions of probation;

(3) the social history report for the child;

(4) any psychological or psychiatric reports concerning the child;

(5) the Department of Public Safety CR 43J form or tracking incident number concerning the child;

(6) any law enforcement incident reports concerning the offense for which the child is on probation;

(7) any sex offender registration information concerning the child;

(8) any juvenile probation department progress reports concerning the child and any other pertinent documentation for the child's probation officer;

- (9) case plans concerning the child;
- (10) the Texas Juvenile Probation Commission standard assessment tool results for the child;
- (11) the computerized referral and case history for the child, including case disposition;
- (12) the child's birth certificate;
- (13) the child's social security number or social security card, if available;
- (14) the name, address, and telephone number of the contact person in the sending county's juvenile probation department;
- (15) Title IV-E eligibility screening information for the child, if available;
- (16) the address in the sending county for forwarding funds collected to which the sending county is entitled;
- (17) any of the child's school or immunization records that the juvenile probation department of the sending county possesses; and
- (18) any victim information concerning the case for which the child is on probation.

(g) The juvenile probation department of the receiving county shall supervise the child under the probation conditions imposed by the sending county and provide services similar to those provided to a child placed on probation under the same conditions in the receiving county. On request of the juvenile probation department of the receiving county, the juvenile court of the receiving county may modify the original probation conditions and impose new conditions using the procedures in Section 54.05. The juvenile court of the receiving county may not modify a financial probation condition imposed by the juvenile court of the sending county or the length of the child's probation term. The juvenile court of the receiving county shall designate a cause number for identifying the modification proceedings.

(h) The juvenile court of the sending county may revoke probation for a violation of a condition imposed by the juvenile court of the sending county only if the condition has not been specifically modified or replaced by the juvenile court of the receiving county. The juvenile court of the receiving county may revoke probation for a violation of a condition of probation that the juvenile court of the receiving county has modified or imposed.

(i) If a child is reasonably believed to have violated a condition of probation imposed by the juvenile court of the sending county, the juvenile court of the sending or receiving county may issue a directive to apprehend or detain the child in a certified detention facility, as in other cases of probation violation. In order to respond to a probation violation under this subsection, the juvenile court of the receiving county may:

- (1) modify the conditions of probation or extend the probation term; or
- (2) require that the juvenile probation department of the sending county resume direct supervision for the child.

(j) On receiving a directive from the juvenile court of the receiving county under Subsection (i)(2), the juvenile probation department of the sending county shall arrange for the prompt transportation of the child back to the sending county at the expense of the sending county.

(k) The juvenile probation department of the receiving county is entitled to any probation supervision fees collected from the child or the child's parent while providing interim supervision for the child.

(l) The sending county is financially responsible for any special treatment program or placement that the juvenile court of the sending county requires as a condition of probation if the child's family is financially unable to pay for the program or placement.

(m) Except as provided by Subsection (n), a period of interim supervision may not exceed 180 days. Permanent supervision automatically transfers to the juvenile probation department of the receiving county after the expiration of the period of interim supervision. The juvenile probation department of the receiving county may request permanent supervision from the juvenile probation department of the sending county at any time before the 180-day interim supervision period expires.

(n) Notwithstanding Subsection (m), the period of interim supervision of a child who is placed on probation under Section 54.04(q) does not expire until the child has satisfactorily completed one-third of the term of probation, including one-third of the term of any extension of the probation term ordered under Section 54.05. Permanent supervision automatically transfers to the probation department of the receiving county after the expiration of the period of interim supervision under this subsection. The juvenile court of the sending county may order transfer of the permanent supervision before the expiration of the period of interim supervision under this subsection.

(o) At least once every 90 days during the period of interim supervision, the juvenile probation department of the receiving county shall provide the juvenile probation department of the sending county with a progress report of supervision concerning the child.

Texas Family Code § 51.073. Transfer Of Probation Supervision Between Counties: Permanent Supervision.

(a) In this section:

(1) "Receiving county" means the county to which a child on probation has moved or intends to move.

(2) "Sending county" means the county that:

(A) originally placed the child on probation; or

(B) assumed permanent supervision of the child under an inter-county transfer of probation supervision.

(b) On transfer of permanent supervision of a child under Section 51.072(m) or (n), the juvenile court of the sending county shall order the juvenile probation department of the sending county to provide the juvenile probation department of the receiving county with the order of transfer. On receipt of the order of transfer, the juvenile probation department of the receiving county shall ensure that the order of transfer, the petition, the order of adjudication, the order of disposition, and the conditions of probation are filed with the clerk of the juvenile court of the receiving county.

(c) The juvenile court of the receiving county shall require that the child be brought before the court in order to impose conditions of probation. The child shall be represented by counsel as provided by Section 51.10.

(d) Once permanent supervision is transferred to the juvenile probation department of the receiving county, the receiving county is fully responsible for selecting and imposing conditions of probation, providing supervision, modifying conditions of probation, and revoking probation. The sending county has no further jurisdiction over the child's case.

(e) This section does not affect the sending county's jurisdiction over any new offense committed by the child in the sending county.

Texas Family Code § 51.074. Transfer Of Probation Supervision Between Counties: Deferred Prosecution.

A juvenile court may transfer interim supervision, but not permanent supervision, to the county where a child on deferred prosecution resides.

Texas Family Code § 51.075. Collaborative Supervision Between Adjoining Counties.

(a) If a child who is on probation in one county spends substantial time in an adjoining county, including residing, attending school, or working in the adjoining county, the juvenile probation departments of the two counties may enter into a collaborative supervision arrangement regarding the child.

(b) Under a collaborative supervision arrangement, the juvenile probation department of the adjoining county may authorize a probation officer for the county to provide supervision and other services for the child as an agent of the juvenile probation department of the county in which the child was placed on probation. The probation officer providing supervision and other services for the child in the adjoining county shall provide the probation officer supervising the child in the county in which the child was placed on probation with periodic oral, electronic, or written reports concerning the child.

(c) The juvenile court of the county in which the child was placed on probation retains sole authority to modify, amend, extend, or revoke the child's probation.

Chapter 61 Parental Rights and Responsibilities

Texas Family Code § 61.0031. Transfer Of Order Affecting Parent Or Other Eligible Person To County Of Child's Residence.

(a) This section applies only when:

(1) a juvenile court has placed a parent or other eligible person under a court order under this chapter;

(2) the child who was the subject of the juvenile court proceedings in which the order was entered:

(A) resides in a county other than the county in which the order was entered;

(B) has moved to a county other than the county in which the order was entered and intends to remain in that county for at least 60 days; or

(C) intends to move to a county other than the county in which the order was entered and to remain in that county for at least 60 days; and

(3) the parent or other eligible person resides or will reside in the same county as the county in which the child now resides or to which the child has moved or intends to move.

(b) A juvenile court that enters an order described by Subsection (a)(1) may transfer the order to the juvenile court of the county in which the parent now resides or to which the parent has moved or intends to move.

(c) The juvenile court shall provide the parent or other eligible person written notice of the transfer. The notification must identify the court to which the order has been transferred.

(d) The juvenile court to which the order has been transferred shall require the parent or other eligible person to appear before the court to notify the person of the existence and terms of the order. Failure to do so renders the order unenforceable.

(e) If the notice required by Subsection (d) is provided, the juvenile court to which the order has been transferred may modify, extend, or enforce the order as though the court originally entered the order.



Texas Juvenile Probation Commission
INTER-COUNTY TRANSFER OF PROBATION SUPERVISION
Overview and Implementation Recommendations
September 1, 2005

I. OVERVIEW

During the 79th Texas Legislative Session in 2005, House Bill 1575 was passed which contained amendments that abolished the practice of courtesy supervision. Previously, there was little uniformity in the way these informal transfers of probation supervision were handled between counties. The legislature replaced the old system and created in its place two new procedures entitled interim supervision and permanent supervision. The amended provisions of the Texas Family Code (TFC) became effective on September 1, 2005 and apply to offenses that occur on or after that date. The following information as well as related sample documents, forms and pleadings have been provided by the Texas Juvenile Probation Commission (Commission) as an educational service to assist local juvenile probation departments, prosecutors and judges in implementing and establishing local policies and procedures that address the new law regarding inter-county transfers of probation supervision. All sample documents, forms and pleadings are available for download at the Commission's website at www.tjpc.state.tx.us. It is recommended that all sample documents, forms and pleadings be reviewed by each local juvenile court prosecutor for legal sufficiency and adapted for your county's particular situation or drafting preferences.

II. DEFINITIONS

- A. **Child Transfer Packet:** This packet refers to the 18 categories of information mandated in Texas Family Code Section 51.072(f) that are required to be forwarded by the Sending County to the Receiving County upon acceptance of interim supervision of a child.
- B. **Inter-County Transfer Officer:** The person designated by the chief administrative officer (i.e., chief juvenile probation officer) to act as the contact person for all matters involving the transfer of juvenile probation supervision between counties.¹
- C. **Receiving County:** Receiving County refers to the county in which a child on probation has moved or intends to move. [TFC 51.072 (a)(1) and 51.073(a)(1)].
- D. **Residence:** When used in reference to the residence of a child for purposes of inter-county transfer of probation supervision, refers to the county where the child intends to move or has moved and intends to remain for at least 60 days. [TFC 51.072(b)].
- E. **Eligible Person:** Parent, guardian, custodian or other responsible person with whom the child resides or will reside as each are defined in Title III of the Family Code. [TFC 51.02; 61.001(2)].
- F. **Sending County:** Sending County refers to the county that originally placed the child on probation or assumed permanent supervision of the child under an inter-county transfer of probation. [TFC 51.072 (a)(2) and 51.073(a)(2)].

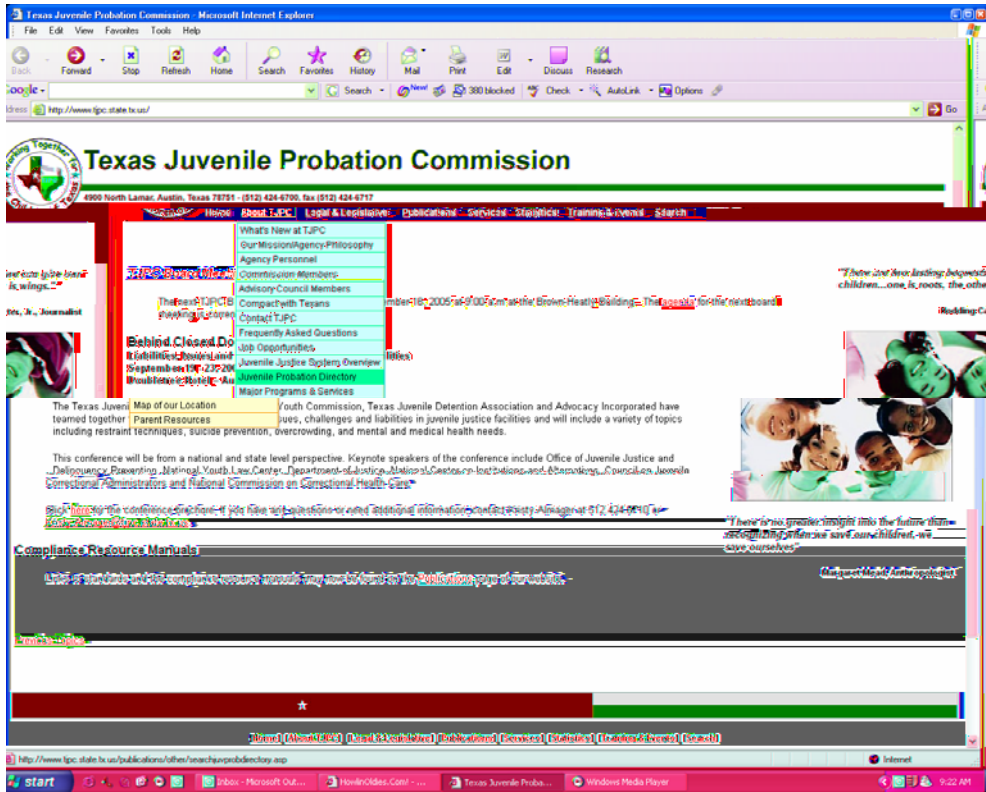
III. DESIGNATION OF AN INTER-COUNTY TRANSFER OFFICER

Commencing with the 2006-2007 Biennium State Financial Assistance Contract between local juvenile boards and the Commission, each juvenile board is required to designate and provide contact information for an Inter-County Transfer Officer (ICT Officer) to serve as the primary contact for all matters involving inter-county transfer of probation supervision in compliance with TFC Section 51.072 (d). The ICT Officer may be the chief juvenile probation officer. As contemplated by the statute, the officer will serve as the source and/or recipient of any information (e.g., court papers, social and psychological reports, incident reports, juvenile identifying information, case plans, etc.) that must be exchanged between the sending and receiving counties. The ICT Officer for each county can be located in the Commission's web-based Juvenile Probation Directory that contains key personnel contact information for use by juvenile justice personnel around the state. This information can be accessed at www.tjpc.state.tx.us. See the following directions and examples.

¹ The 2006-2007 Biennium State Financial Assistance Contract, General Grant Requirements require each juvenile board to provide to the Commission contact information regarding key personnel [SFA 3.4; GGR (V)(A)(3)].

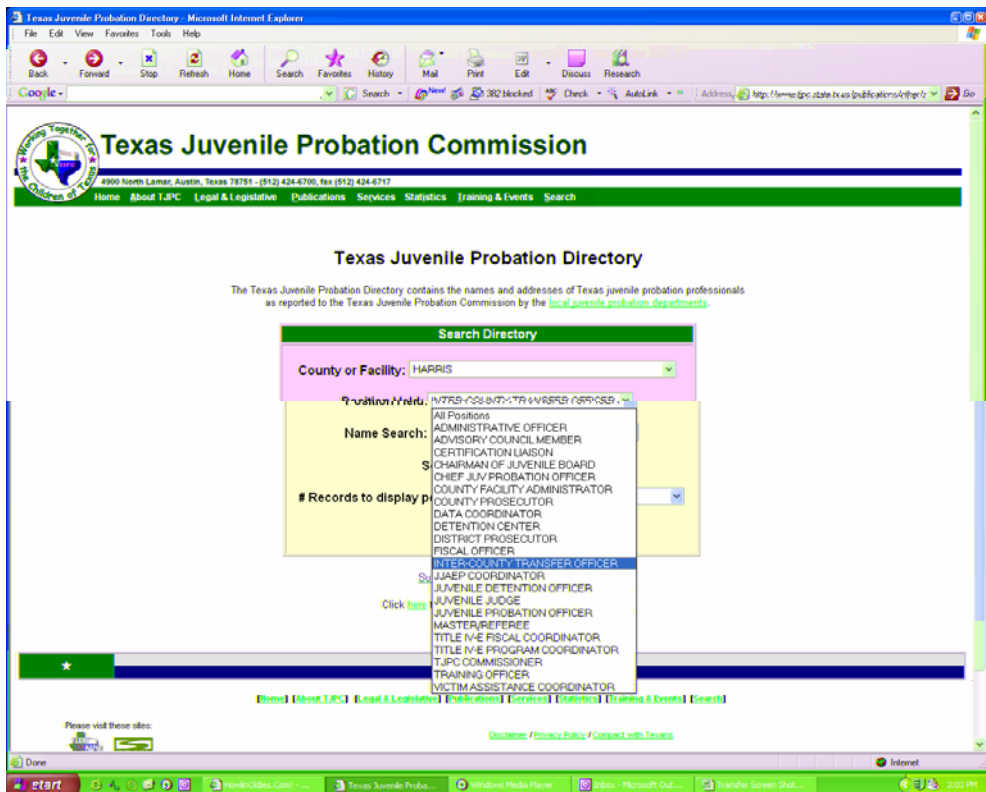
Step 1

Access the Commission's website at www.tjpc.state.tx.us and select the tab *About TJPC*. A dropdown menu will appear; select the *Juvenile Probation Directory* link.



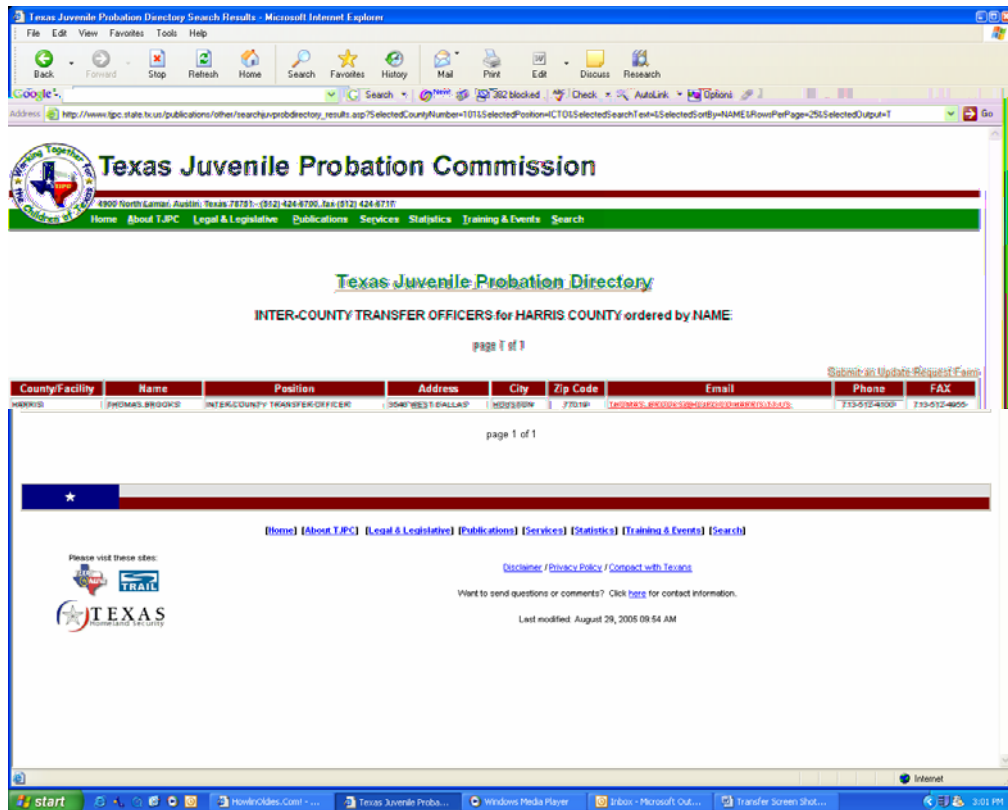
Step 2

At the *Texas Juvenile Probation Directory* page, the position of Inter-County Transfer Officer may be searched by a specific county or statewide. In the example below, the search is for Harris County information.



Step 3

As shown here, the search produced the contact information for the Inter-County Transfer Officer in Harris County.



Practice Pointer: Each juvenile probation department must maintain current information on its ICT Officer and must advise the Commission of any address and/or personnel changes regarding the designation of the ICT Officer in writing within ten (10) calendar days of the effective date of the change. This may be done using the website update screen shown below. The following information will be required:

ICT OFFICER NAME: Joseph A. Probation
COUNTY TITLE: Inter-County Transfer Officer
MAILING ADDRESS: 4900 North Austin, Anytown, Texas 77777
TELEPHONE: 000-000-0000
FAX: 000-000-0000
EMAIL: Name.Name@any.email.provider.com

Updating ICT Officer Information

Input any new required information by accessing the *Update Request Form* page.

The screenshot shows a web browser window titled "Texas Juvenile Probation Directory Update Request - Microsoft Internet Explorer". The address bar shows the URL "http://www.tjpc.state.tx.us/publications/other/s...". The main content area displays the "Texas Juvenile Probation Directory Update Request Form". A red warning message states: ">>> To be completed by authorized juvenile probation personnel only. All requests are verified by phone. <<<". The form includes several sections: "Person Submitting Request" and "Phone Number" (text input fields); "Type of Update" (radio buttons for Change, Add, Delete); "Position(s) Affected" (checkboxes for Chair of the Juvenile Board, Juvenile Judge, Master/Referee of Juvenile Court, County Juvenile Prosecutor, District Juvenile Prosecutor, and Inter-County Transfer Officer); "Headquarter County or Facility" (text input field); "Additional Jurisdictions (list counties)" (list box); "Name" and "Title" (text input fields); "Address" and "City State Zip" (text input fields); "Email Address (required for Inter-County Transfer Officer)" (text input field); and "If replacing someone, previous name of person in position" (text input field). The browser's taskbar at the bottom shows the Windows Start button and several open applications.

IV. INTERIM SUPERVISION

- A. Triggering Event: Child Moves or Intends to Move.** The provisions regarding interim supervision must be activated when a child on probation has moved or intends to move from one county to another and intends to remain in that county for at least 60 days. [TFC 51.072(b)]. The county that placed the child on probation is the Sending County and the county to which the child moves or intends to move is the Receiving County.

Practice Pointer for Sending County:

- The ICT Officer in the Sending County should have reasonable information to establish that the child on probation will reside in the new county. For example, when the supervising probation officer has received information from the child and/or an eligible person that the child is moving or intends to move to a new county as a result of a change of circumstances such as a custody provision of a divorce decree or a change of employment, sufficient identifying information should be collected regarding the person with whom the child will reside and the address of relocation. Additionally, information as to when the child will reside in the Receiving County is important. This information should promptly be forwarded by the child's probation officer to the ICT Officer for the Sending County to assist that person in completing the *Child and Family Identifying Information* form. [TJPC-ICT-04-06] which is necessary to initiate a request for interim supervision.
- Note: Once supervision becomes permanent in the Receiving County, the Receiving County then becomes the Sending County if the child were to move again.

B. Initiating a Request for Interim Supervision

1. **Notification by Sending County.** TFC Section 51.072(d) requires that the juvenile probation department of the Sending County request that the Receiving County provide interim supervision of the child. The request should be initiated by sending an electronic message to the ICT Officer in the Receiving County.

SAMPLE FORMS

- ***Request to Initiate Interim Supervision [TJPC-ICT-03-06]***. This sample email provides language that the Sending County may use to initiate a request for interim supervision to the Receiving County.
- ***Child and Family Identifying Information [TJPC-ICT-04-06]***. This sample form may be used to provide identifying information required to accompany an initial request for interim supervision. The ICT Officer in the Sending County should fill out the form in its entirety and email the request for interim supervision and the completed form as an email attachment to the designated ICT Officer in the Receiving County.

Practice Pointers for Sending County:

- Prior to transmitting the request, the Sending County should:
 - Review its records to verify that the child is not residing in the Receiving County as a result of a residential placement that it arranged or in a Department of Family and Protective Services (DFPS) foster care placement.
 - Verify the date the child began or will begin residing in the Receiving County.
Note: It is important for the Sending County and Receiving County to agree on the date when interim supervision officially begins for the child.
- The Sending County ICT Officer should, if available, select the email program option that would allow for receipt confirmation from the Receiving County ICT Officer.
- Verify e-mail addresses. The ICT Officer should take precautions to ensure that confidential information is not being disseminated to anyone other than the intended recipient.
- Because e-mail addresses frequently change, place a courtesy call to the ITC Officer in the Receiving County to advise that the e-mail was sent.
- Attach a completed *Child and Family Identifying Information* form.
- Document the request for interim supervision in the child's case file.
- Anticipate a prompt reply from Receiving County. If no reply has been received within two business days, follow up with a telephone call.

2. **Receiving County Duties after Notification.** As a matter of law, the Receiving County is required to promptly accept interim supervision of the child so long as the child has moved or intends to move to the Receiving County and will remain there for at least 60 days. TFC Section 51.072(c) sets forth two circumstances in which the Receiving County can refuse interim supervision of a child residing in its county. Specifically, interim supervision may be refused when the child is in the Receiving County as a result of a residential placement arranged by the Sending County or when the child is in a DFPS foster care placement in the Receiving County.

SAMPLE FORMS

- ***Acceptance of Request for Interim Supervision [TJPC-ICT-05-06]***. This sample email provides language that the Receiving County may use to accept and acknowledge a request for interim supervision.
- ***Refusal of Request for Interim Supervision [TJPC-ICT-06-06]***. This sample email provides language that the Receiving County may use to refuse a request for interim supervision for one of the statutory reasons.

Practice Pointers for Receiving County:

- Send a **REPLY** email immediately accepting or refusing interim supervision.
- If the request is refused, affirmatively state in the email reply the statutory reason for the refusal.
- Verify the Receiving County's contact information.
- As a courtesy, attach to the e-mail a blank *Child Transfer Packet Checklist* for the convenience of the Sending County.
- Request that all supporting documentation be forwarded in one complete packet.
- Document your receipt and reply to the request for interim supervision in the child's case file.
- Anticipate receiving the Child Transfer Packet with all applicable supporting documents required in TFC Section 51.072 (e) from the Sending County promptly but no later than five (5) business days of acceptance of interim supervision. If not received, place follow-up telephone call.

3. **Sending County Duties Upon Acceptance by Receiving County.** TFC Section 51.072(f) sets forth 18 categories of information that are normally a part of a child's case file. The sample *Child Transfer Packet Checklist* tracks the supporting documentation required to facilitate an interim supervision transfer under TFC Sections 51.072 (e) and (f). The Sending County is required to forward all mandated and applicable documents which make up the Child Transfer Packet to the Receiving County immediately, but no later than five (5) business days after the Receiving County has agreed to provide interim supervision.

SAMPLE FORM

- ***Child Transfer Packet Checklist* [TJPC-ICT-07-06].** This sample form is a checklist that details the supporting documentation required by statute to be sent by the Sending County to the Receiving County upon acceptance of interim supervision by the Receiving County. The sample *Child Transfer Packet Checklist* reorganizes the information listed in the statute into specific user-friendly categories. The statute mandates all of the listed documents with certain exceptions. Examples of exceptions include the use of terms such as "any", "if available", and "in possession of" in the actual statute. These terms appear to limit certain documents to information that may already be an existing part of the juvenile's case file at the time of the request for interim supervision. On the *Child Transfer Packet Checklist*, all mandatory items are designated in bold letters.

Practice Pointers for Sending County:

- Immediately prepare the Child Transfer Packet by compiling all mandated and applicable pleadings, reports and other information from the child's case file in order to comply with the requirements of TFC Section 51.072(f).
- Timely send the Child Transfer Packet to the Receiving County with a copy of the completed checklist no later than five (5) business days after acceptance of interim supervision.
- Document the transmittal of the Child Transfer Packet in the child's case file.
- Consult with the ITC Officer in Receiving County and establish the day interim supervision will officially begin. This date is critical in order to establish when permanent supervision begins.

4. **Receiving County Assumes Interim Supervision.** TFC Section 51.072(g) requires the Receiving County to supervise the child under the original probation conditions imposed by the Sending County and provide services similar to those provided to a child on probation under the same conditions in the Receiving County. See also Section VII. Fees and Financial Responsibility for Services.

V. VIOLATIONS OF PROBATION AND MODIFICATIONS DURING INTERIM SUPERVISION

- A. **Receiving County Modification Proceedings Upon Acceptance of Interim Supervision.** When a child is initially placed on interim supervision, TFC Section 51.072(g) authorizes the juvenile probation department in the Receiving County to request a modification of probation except that financial conditions and the length of the probation term may not be modified. The Receiving County's juvenile court may modify the Sending County's probation order just as it would its own via a regular modification proceeding under TFC Section 54.05.

Practice Pointers for Receiving County:

- File a Motion to Modify.
- Receiving County's juvenile court must designate a new cause number for identifying the modification proceedings in its county.
- Receiving County's juvenile court may grant a motion modifying probation conditions.
 - *Exceptions: No Modification of*
 - Financial Conditions, (i.e., fees, costs, restitution ordered by Sending County)
 - Length of Probation Term

Note: This (option) allows the Receiving County flexibility in providing probation services similar to those that would have been provided by the Sending County. Similarly, if the Receiving County has conditions different from the Sending County that it imposes on each child, this option allows the Receiving County to modify the child's probation conditions to reflect the Receiving County's practice.

B. Modifications for Violations of Probation During Interim Supervision

1. **Issuance of a Directive to Apprehend and Detention.** TFC Section 51.072(i) authorizes either the Sending or Receiving County to issue a directive to apprehend (DTA) or to detain a child in a certified detention center if it reasonably believes that the child violated an original condition of probation.
2. **Modification Options.** TFC Section 51.072 (i)(1) authorizes the Receiving County to modify a child's probation conditions or extend the probation term. Alternatively, TFC Section 51.072 (i)(2) authorizes the Receiving County to require the Sending County to resume direct supervision of the child.

SAMPLE FORM

- **Directive to Resume Supervision [TJPC-ICT-08-06].** This sample directive of the juvenile court should be used when a child violates a condition of probation under interim supervision and the Receiving County determines that it will not seek to revoke or modify the probation conditions but will require the Sending County to resume supervision of the child. The ICT Officer in the Receiving County should present the *Directive to Resume Supervision* to the juvenile court for signing and entry. The ICT Officer should forward a copy of the directive to the ICT Officer in the Sending County to advise that supervision of the child should be resumed. The directive requires that the Sending County arrange and be financially responsible for prompt transportation of the child back to the Sending County.

Practice Pointers for Receiving County:

- File a Motion to Modify.
- Modify the conditions of probation or extend the probation term.

or

- After consulting with your juvenile court prosecutor, require the Sending County to resume direct supervision of the child.
- Prepare a *Directive to Resume Supervision of a Child*.
- Present the directive to the juvenile court for signing.
- Forward a copy of the signed directive to the Sending County.
- Forward copies of any updated case file information to the Sending County.
- Document the directive in the child's case file.
- Make the child available for pick up (pursuant to a DTA) by the Sending County.

Practice Pointers for Sending County:

- Upon receipt of the *Directive to Resume Supervision*, the Sending County should promptly arrange for transportation of the child.
- Document and update the child's case file.
- Resume supervision of the child in the Sending County.
- Modify the conditions of probation, extend the probation term or revoke probation as needed. Note: The Sending County may not revoke a child's probation for the violation of a condition imposed by the Receiving County.

VI. REVOCATIONS DURING INTERIM SUPERVISION

- A. **Sending County Revocation Proceedings.** TFC Section 51.072(h) provides that the Sending County may revoke probation for a violation of a condition imposed by its own juvenile court if the condition has not been specifically modified or replaced by the juvenile court of the Receiving County.
- B. **Receiving County Revocation Proceedings.** TFC Section 51.072(h) further provides that the juvenile court of the Receiving County may revoke probation for a violation of a condition of probation that it modified or imposed.

Practice Pointers for Sending and Receiving County:

- Sending or Receiving County files a Motion to Revoke.
- Receiving County should use the cause number designated when it modified the probation condition for which it is seeking revocation.
- Sending County should maintain its existing cause number.
- Sending or Receiving County juvenile court may grant a Motion to Revoke probation and signs Order.
 - *Exception:*
 - Sending County: Revocation allowed only for violation of conditions that have not been modified or replaced by the Receiving County.
 - Receiving County: Revocation allowed only for violation of conditions that have been modified or imposed by the Receiving County.

VII. FEES AND FINANCIAL RESPONSIBILITY FOR SERVICES

- A. Receiving County Collection of Supervision Fees.** TFC Section 51.072(k) authorizes the juvenile probation department of the Receiving County to keep any probation supervision fees collected from the child or child’s parent while providing interim supervision of the child.
- B. Restitution.** Although not specifically mentioned in the statute, the Commission recommends that the Receiving County also be the agent responsible for collecting restitution and distributing payments to the victim(s). This will streamline the process and eliminate the necessity of the child having to make payments to two different counties.

Practice Pointers for Receiving County:

- *Remember*
 - Financial conditions (i.e., fees, costs, restitution, etc.) previously imposed by the Sending County cannot be modified by the Receiving County.

- C. Sending County Financial Responsibility.** TFC Section 51.072(l) makes the Sending County financially responsible for any special treatment program or placement that the juvenile court of the Sending County requires as a condition of probation if the child’s family is financial unable to pay for the program.

VIII. PROGRESS REPORTS DURING INTERIM SUPERVISION

- A. 90-Day Progress Reports.** TFC Section 51.072(o) requires that at least once every 90 calendar days during the period of interim supervision, the juvenile probation department of the Receiving County shall provide the juvenile probation department of the Sending County with a progress report of the supervision concerning the child.

SAMPLE FORM

- ***Interim Supervision 90-Day Progress Report to Sending County [TJPC-ICT-14-06].*** This sample progress report form may be used to comply with the 90-day reporting requirement. This report should be completed at least twice during the period of interim supervision, at a minimum. This report format is available for download in a writable Microsoft Word or Adobe Acrobat format.

Practice Pointers for Receiving County:

- Send a progress report as an email attachment to the Sending County ICT officer not later than the 90th day of interim supervision.
- Send a final progress report prior to the expiration of the 180-day period.
- If necessary, provide more frequent progress reports to the Sending County.
- Place copies of all progress reports in the child’s case file.

IX. EXPIRATION OF INTERIM SUPERVISION

- A. Interim Supervision Expires After 180 Calendar Days.** TFC Section 51.072(m) provides that the period of interim supervision may not exceed 180 calendar days.

X. AUTOMATIC PERMANENT SUPERVISION BY OPERATION OF LAW

- A. Permanent Supervision to Receiving County.** After the expiration of 180 calendar days, interim supervision automatically becomes permanent supervision as set forth in TFC Section 51.072 (m). Complete jurisdiction, duties and responsibilities regarding the supervision of the child transfer automatically to the Receiving County. The Sending County juvenile court should sign and enter the *Order to Transfer Permanent Supervision*.

SAMPLE FORM

- **Order to Transfer Permanent Supervision [TJPC-ICT-11-06].** This sample order provides language which may be used when interim supervision expires (i.e., at the end of 180 calendar days from the date interim supervision officially began) to transfer permanent supervision of the child to the Receiving County. The form should be completed and presented to the juvenile court for signing. The signed order should be copied in the juvenile's case file and provided to the Receiving County, along with any required information not previously provided.

Practice Pointers for Sending County:

- On expiration of 180 calendar days from the beginning of interim supervision, the Sending County should prepare an *Order to Transfer Permanent Supervision*.
- Sending County juvenile court signs order transferring case to Receiving County.
- The ICT Officer forwards a copy of the signed order to the Receiving County.
- The ICT Officer forwards any updated information required under 51.072(f).
- Document the transfer of permanent supervision in the child's case file and close.
- The Sending County has no further jurisdiction over the child's case except for any new offense committed in the Sending County.

Practice Pointers for Receiving County:

- Upon receipt of transfer order from Sending County, follow the provisions set out in TFC Section 51.073. See Transfer to Permanent Supervision Process.
- Receiving County now assumes permanent supervision of child.

XI. TRANSFER OF PERMANENT SUPERVISION BY REQUEST

- A. Requesting Permanent Supervision Before Expiration of Interim Supervision.** At its discretion, the juvenile probation department of the Receiving County may request permanent supervision from the Sending County at any time before the 180-day interim supervision expires. [TFC Section 51.072(m)].

SAMPLE FORMS

- **Request to Transfer Permanent Supervision [TJPC-ICT-11-06].** This sample form provides language which may be used by the Receiving County to request the early transfer of permanent supervision before the 180-day interim supervision period has ended. The request should be completed by the Receiving County ICT Officer and forwarded to the Sending County ICT officer. The Sending County ICT Officer should inform the juvenile court of the request and the court should be provided with a completed order.
- **Order to Transfer Permanent Supervision by Request [TJPC-ICT-10-06].** This order should be completed and provided to the Sending County juvenile court, to sign when a Receiving County requests the transfer of permanent supervision **before** the expiration of the 180-day interim supervision.

Practice Pointers for Sending County:

- Upon receiving a *Request to Transfer Permanent Supervision*, the ICT Officer presents the request to the Sending County juvenile court.
- Sending County juvenile court signs an order transferring the child's case to the Receiving County.
- Sending County should forward a copy of the granted order to the Receiving County.
- Sending County should forward any information required under TFC Section 51.072(e) if not previously provided.
- Document the request for early transfer and order to transfer permanent supervision in the child's case file and close.

Practice Pointers for Receiving County:

- Receiving County ICT Officer completes and forwards a *Request to Transfer Permanent Supervision* form to the Sending County ICT officer.
- Upon receipt of transfer order, follow steps set out in Transfer to Permanent Supervision Process.
- Receiving County now assumes permanent supervision of the child.

XII. DETERMINATE SENTENCE PROBATION AND PERMANENT SUPERVISION

- A. Requirement to Complete One-Third Determinate Sentence Probation.** TFC Section 51.072(n) provides that interim supervision for a child who is placed on determinate sentence probation under TFC Section 54.04(q) does not expire until the child has satisfactorily completed one-third of the term of probation including one-third of the term of any extension of the probation term ordered under a TFC Section 54.05 modification. The Sending County juvenile court will sign and enter the *Order to Transfer Permanent Supervision under a Determinate Sentence Probation*. The juvenile court of the Sending County may order transfer of permanent supervision before the expiration of one-third of the period of determinate sentence probation. Interim supervision for determinate sentence probation automatically becomes permanent at the completion of one-third of the determinate sentence probation term. Upon discretion of the Sending County, determinate sentence probation may be transferred earlier. As with other permanent supervision provisions, complete jurisdiction, duties and responsibilities regarding the child transfer to the Receiving County

SAMPLE FORM

- ***Order on Request to Transfer Permanent Supervision under Determinate Sentence Probation [TJPC-ICT-12-06]***. This sample order provides language which may be used when requesting the transfer of a determinate sentence probation after a child has completed one-third (1/3) of the determinate sentence probation and any extensions ordered. This form should be completed and provided to the juvenile court of the Sending County to sign and then provided to the Receiving County juvenile court.

Practice Pointers for Receiving and Sending and Receiving County:

- Follow steps for Transfer of Permanent Supervision by Request above.

XIII. TRANSFER TO PERMANENT SUPERVISION PROCESS

- A. Sending County Responsibilities.** TFC 51.073 (b) provides that upon transfer of permanent supervision, (i.e. automatic transfer after the expiration of 180 days, early transfer prior to the expiration of 180 days or transfer of determinate sentence probation after the expiration of one-third of the probation term) the juvenile court of the Sending County shall require its juvenile probation department to send the transfer order to the Receiving County.
- B. Receiving County Responsibilities.** Upon receipt of the transfer order, the Receiving County shall ensure that the following documents are filed with the clerk of the juvenile court in the Receiving County:
1. Order of Transfer
 2. Petition
 3. Order of Adjudication
 4. Order of Disposition
 5. Conditions of Probation
- C. Court Hearing.** TFC 51.073(c) provides that the child should then be brought before the juvenile court of the Receiving County in order to impose conditions of probation. The child is entitled to be represented by an attorney as set forth under TFC Section 51.10.

Practice Pointers for Receiving County:

- Set the matter for hearing.
- Receiving County prepares conditions of probation under its own terms.
- Appoint an attorney to represent the child.

D. Effect of Supervision Becoming Permanent. Under Sections TFC 51.073(d) and (e), upon transfer of permanent supervision, the Sending County's jurisdiction of the child's case ends and the Receiving County is fully responsible for the following:

1. Selecting and imposing conditions of probation.
2. Providing supervision.
3. Modifying conditions of probation.
4. Revoking probation.

From this point on, if the child were to move again, the Receiving County is the Sending County (i.e., the county that assumed permanent supervision of the child under an inter-county transfer of probation supervision).

XIV. DEFERRED PROSECUTION

A. No Transfer of Permanent Supervision. TFC Section 51.074 provides that children on deferred prosecution may be transferred for a period of interim supervision, but not permanent supervision.

XV. COLLABORATIVE SUPERVISION BETWEEN ADJOINING COUNTIES

A. Circumstances to Consider. TFC Section 51.075 (a) provides that if a child on probation in one county spends substantial time in an adjoining county (e.g., visiting with a parent on weekends or in summer, attending school, working, etc.), the juvenile probation department in the county where the child resides may enter into a collaborative agreement with another county juvenile probation department to supervise the child.

B. Collaborative Supervision Probation Officer. Under a collaborative agreement, an adjoining county may designate a probation officer to provide supervision and services for a child as an agent of another adjoining county which placed the child on probation. The probation officer providing services under a collaborative agreement is required to provide periodic oral, electronic or written reports concerning the child to the county which placed the child on probation. [TFC 51.075(b)]

C. Juvenile Court with Original Jurisdiction. The juvenile court which placed a child on probation has sole original jurisdiction and retains the authority to modify, amend, extend, or revoke the child's probation. [TFC 51.075(c)]

D. RECOMMENDED KEY ELEMENTS OF A COLLABORATIVE AGREEMENT:

1. Collaboration criteria and process;
2. Required documentation [See 51.072(f)(1) as a starting point];
3. Required communication and reports between collaborators;
4. Role of probation officer providing supervision under collaborative agreement;
5. Case management and service expectations; and
6. Handling of disputes, problems with collaborative supervision.

XVI. TRANSFER OF ORDER AFFECTING PARENTS AND OTHERS

A. Transfer of Orders Affecting Parents to New County of Residence. TFC Section 61.031 relates to parents and others who are under court order by the juvenile court. This provision should be utilized in connection with the provisions regarding inter-county transfers of probation supervision contained in Chapter 51. Specifically, Section 61.003(b) authorizes the juvenile court to transfer an order affecting parents to the new county where the parent now resides or to which the parent has moved or intends to move.

B. Parental Transfer Provision Applies When:

1. Parent or other eligible person is under an order of the juvenile court; and
2. The child subject to juvenile proceedings resides in the county other than county in which an order was entered and has moved or intends to move to the other county and will remain there for at least 60 days;

SAMPLE FORM

- ***Transfer of Order Affecting Parent or Other Eligible Person [TJPC-ICT-13-06].*** This form may be used when a juvenile court wishes to transfer an Order Affecting Parent to a county where the child moves or intends to move.

Practice Pointers:

- **Sending County Notice of Transfer.** The juvenile court in the Sending County must provide the parent or other eligible person with notice of the transfer. The notice must:
 - Be in writing.
 - Identify the new court to which the order has been transferred.
 - Provide the parent with a copy of the *Transfer of Order Affecting Parent or Other Eligible Person*. The Order will be sufficient if it identifies the court to which the case has been transferred.
- **Receiving County and the Parental Appearance Requirement.** The juvenile court in the Receiving County must require the parent or other eligible person to appear before the court to notify the person of the existence and terms of the order.
 - Schedule appearance court date for parent.
 - Serve parent with a Notice of Appearance to appear before Receiving County juvenile court.
 - **Caveat.** Failure to advise parent at appearance renders the order unenforceable.

XVII. RECOMMENDATION FOR ALL NEW PROBATION ORDERS

- A. Verbiage in Probation Orders.** The Commission recommends that the following language or its substantial equivalent be included in all probation orders to provide notice to the child and defense counsel regarding when inter-county transfer may occur and how that may affect the child:
1. "Immediately notify your probation officer of any change in residence and telephone number if you, your parent or other eligible person with whom you reside move or intend to move to another county and intend to remain there for a period of at least 60 days."
 2. "I hereby understand that in the event that my case is transferred pursuant to an inter-county-transfer of probation supervision, the terms and conditions set forth in these conditions of probation may be amended, altered or modified by another juvenile court. I further understand that the probation conditions contained herein that relate to fees or the length of probation term may not be amended altered or modified."

XVIII. COMMUNICATION BETWEEN ICT OFFICERS

- A. Consistency in Communication.** The Commission recommends that during the period of interim supervision, ICT officers in the Sending County and the Receiving County should maintain periodic contact with one another via telephone and/or email to ensure that their efforts are coordinated effectively regarding the status of the child's case and the supervision being provided.

Inter-County Transfer of Probation Supervision QUICK REFERENCE CHART

	Sending County (SC)	Receiving County (RC)
Mandatory Actions	<p>If a child on probation moves or intends to move from one county to another county and intends to remain there for at least 60 days, the Sending County (SC) shall: [Section 51.072(b)]*</p> <ul style="list-style-type: none"> - Step 1: Initiate request for Interim Supervision (IS) of the child by emailing Inter-County Transfer Officer (ICTO) in Receiving County (RC). [Section 51.072(d)] See <i>Request to Initiate Interim Supervision TJPC-ICT-03-06</i> <ul style="list-style-type: none"> • Include all seven (7) required pieces of information in attachment to email. [Section 51.072(e)] See <i>Child and Family Identifying Information TJPC-ICT-04-06</i> - Step 2: Immediately, but no later than five (5) business days after acceptance of interim supervision by RC, send copies of 18 mandatory categories of documents to RC. [Section 51.072(f)] See <i>Child Transfer Packet Checklist TJPC-ICT-07-06</i> - Step 3: Be financially responsible for any special treatment programs or placements that juvenile court of SC requires as a condition of probation if juvenile's family is financially unable to pay. [Section 51.072(l)] - Step 4 (If Applicable): Upon receipt of directive from RC to resume supervision of child per Section 51.072(i) (2), arrange for prompt transportation of child back to SC at expense of SC. [Section 51.072(j)] See <i>Directive to Resume Supervision TJPC-ICT-08-06</i> - Step 5: Provide the <i>Order to Transfer Permanent Supervision</i> to SC after 180 days of IS (if determinate sentence probation, IS lasts until child completes one-third of probation term plus any extension). [Section 51.072(n) and Section 51.073(b)] See <i>Order to Transfer Permanent Supervision TJPC-ICT-11-08-06</i> and <i>TJPC-ICT-10-06</i> (Determinate Sentence) <p>Go to www.tjpc.state.tx.us for statewide listing of ICT Officers and all referenced sample forms and pleadings.</p>	<p>Upon receipt of an electronic communication (i.e., email) from the Sending County (SC) requesting Interim Supervision (IS) of a child, the Receiving County (RC) shall: [Section 51.072(c)]</p> <ul style="list-style-type: none"> - Step 1 (Option 1): Immediately refuse IS by replying to email from SC. See <i>Refusal of Request for Interim Supervision TJPC-ICT-06-06</i> <ul style="list-style-type: none"> • RC can refuse IS only if: 1) the residence of the child in the RC is a residential placement facility arranged by the SC; or 2) the residence of the child in the RC is a foster care placement arranged by the Texas Department of Family & Protective Services (TDFPS).

SAMPLE EMAIL
Request to Initiate Interim Supervision

Date: September 1, 2005

To: (Name and Email Address of ICT Officer)

Subject: Request to (Receiving) County, Receiving County, to Provide Interim Supervision of (Child's Initials and D.O.B.)

Dear ICT Officer:

This electronic mail will initiate our request to (Receiving) County to provide interim supervision of a child under Texas Family Code Section 51.072 (d).

Provided in the attached document [TJPC-ICT-04-06] is the required identifying information regarding the above-referenced child currently under our jurisdiction who has moved or intends to move to your county with the intent to reside there for a period of at least 60 days.

Should your department agree to provide interim supervision of this child, our department will immediately, but not later than five (5) business days, provide the documentation required to facilitate this transfer as set forth in Texas Family Code Section 51.072(f). Our records reflect that this child is not residing in your county as a result of a residential placement arranged by this county nor is the child in a Department of Family and Protective Services foster care placement.

As the designated Inter-County Transfer Officer for your county, please verify all contact information including the appropriate electronic and regular mail addresses to which the Child Transfer Packet and any correspondence should be directed. We anticipate your prompt electronic reply. Thank you.

Should you have any questions, please do not hesitate to contact me at (000) 000-0000 or Name.Name@emailprovider.com. Thank you.

Sincerely,

Joseph A. Probation
Inter-County Transfer Officer
Any County Juvenile Probation Department
4900 North Street, Any Town, Texas 77777
Telephone 000-000-0000
Fax 000-000-0000
EMAIL: itc.officer@any.email.provider.com

Confidentiality Notice: The information contained in this message is CONFIDENTIAL and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee, please notify the sender immediately and delete this message.

Information relating to juvenile offenders, their files, court proceedings or other records is considered confidential under Section 58.005 of the Texas Family Code and may not be disseminated to the public. Access is specifically restricted to individuals or entities authorized by statute or court order.

Inter-County Transfer of Probation Supervision Child and Family Identifying Information

This form contains identifying information required to accompany an initial request for interim supervision pursuant to Section 51.072 (e) of the Texas Family Code. It should be transmitted by the Sending County along with an email requesting interim supervision when a child moves or intends to move to and reside in the Receiving County for a period of at least 60 days. Please fill out this form in its entirety and email the request for interim supervision and the completed form as an attachment to the designated Inter-County Transfer Officer (ICTO) in the Receiving County. A comprehensive list of ICT Officers can be accessed at the Texas Juvenile Probation Commission website at www.tjpc.state.tx.us.

SENDING COUNTY INFORMATION

Name of Requestor:	Title: <input type="checkbox"/> Inter-County Transfer Officer <input type="checkbox"/> Chief Juvenile Probation Officer		
E-Mail Address:	Telephone: ()	Fax: ()	Date Request Sent:

RECEIVING COUNTY INFORMATION

Name of Recipient:	Title: <input type="checkbox"/> Inter-County Transfer Officer <input type="checkbox"/> Chief Juvenile Probation Officer		
E-Mail Address:	Telephone: ()	Fax: ()	

CHILD'S INFORMATION

Name of Child:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth:	Age:
Offense(s) for Which Child is Currently on Probation:		Current Probation Term: From To	
Is Child Currently Residing in Receiving County? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Child First Resided in Receiving County:	Projected Date Child Will First Reside in Receiving County:	

Referral History Summary:		
Offense:	Date:	Disposition:

Statement of Special Needs: <input type="checkbox"/> Mental Health <input type="checkbox"/> Mental Retardation <input type="checkbox"/> Education <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Sex Offender <input type="checkbox"/> Other Explain	Reason for Moving to Receiving County: <input type="checkbox"/> Change in Employment <input type="checkbox"/> Child Custody Change <input type="checkbox"/> Family Circumstances <input type="checkbox"/> Live with Relative <input type="checkbox"/> Other Explain	Other Important Information:
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PARENT OR OTHER ELIGIBLE PERSON'S INFORMATION

Name of Person With Whom Child Will Reside:	Social Security Number:	Driver's License Number:	Date of Birth:
Relationship of Person With Whom Child Will Reside: <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Relative (not a parent) Relationship <input type="checkbox"/> Custodian <input type="checkbox"/> Other Relationship	Address of Residence in Receiving County:		
	City:	County:	State: Zip Code:

SUPERVISION TRANSFER AUTHORIZATION OR REFUSAL (Receiving County Use Only)

<input type="checkbox"/> Accepted <input type="checkbox"/> Refused (If Refused, check reason) <input type="checkbox"/> Residential Placement <input type="checkbox"/> DFPS Foster Care Placement	Remarks:
Signature of Receiving County ICTO or Chief Juvenile Probation Officer:	Date Signed: Date Emailed to Sending County:

CONFIDENTIALITY NOTICE: Information relating to juvenile offenders, their files, court proceedings or other records is considered confidential under Section 58.005 of the Texas Family Code and may not be disseminated to the public. Access is specifically restricted to individuals or entities authorized by statute or court order.

SAMPLE EMAIL
Acceptance of Request for Interim Supervision

Date: September 2, 2005

To: <Email Address of ICT Officer or CJPO>

Subject: Acceptance by <Receiving County Name> of Interim Supervision of
<child's initials and DOB>

Dear ICT Officer:

This electronic mail will confirm our conditional acceptance of your request dated MM/DD/YYYY to provide interim supervision of a child under Texas Family Code Section 51.072 (d). We also acknowledge receipt of the juvenile's identifying information [TJPC-ICT-04-06] forwarded with your initial request.

We ask that you provide promptly, but no later than five (5) business days of this acceptance, all mandatory documentation required under Section 51.072(f)(1). In order to finalize our acceptance and assure a smooth transfer of the case, please ensure that the child's transfer packet containing the mandatory documents, (e.g., legal petitions and orders, social history report, assessments, etc.) arrives at our office in one single mailing, if possible.

For your convenience, we have attached of a copy of the *Child Transfer Packet Checklist* [TJPC-ICT-07-06]. Please print a copy of this email for your records and include one in the child's transfer packet. Please send the Child Transfer Packet and correspondence to the following:

Jacqueline N. Detention
Inter-County Transfer Officer
Any County Juvenile Probation Department
1234 South Street, Any Town, Texas 77777
Telephone 000-000-0000
Fax 000-000-0000
EMAIL: itc.officer@any.email.provider.com

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

(Name)
Inter-County Transfer Officer
(Receiving) County Juvenile Probation Department

Confidentiality Notice: The information contained in this message is CONFIDENTIAL and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee, please notify the sender immediately and delete this message.

Information relating to juvenile offenders, their files, court proceedings or other records is considered confidential under Section 58.005 of the Texas Family Code and may not be disseminated to the public. Access is specifically restricted to individuals or entities authorized by statute or court order.

SAMPLE EMAIL
Refusal of Request for Interim Supervision

Date: September 2, 2005

To: (Email Address of ICT Officer or CJPO)

Subject: (Receiving County Name)'s Refusal of Request for Interim Supervision of (Child's Initials and D.O.B.)

Dear ICT Officer:

This electronic mail will confirm our refusal of your request dated MM/DD/YYYY to provide interim supervision of a child under Texas Family Code Section 51.072 (d).

Pursuant to Section 51.072(b), our refusal is based upon the fact that our records reflect that this child is residing at (Name of Residential Placement Facility) in our county as a result of placement arrangements made by (Sending) county. Please note your file accordingly. *[Alternate language: ...our records reflect that this child is in a Department of Family and Protective Services foster care placement].* Please note your file accordingly.

If your case file reflects different information that will affect this decision, please contact me immediately. We await your prompt response and will take no further action on this request until you reply.

Please send any correspondence to the following:

Jacqueline N. Detention
Inter-County Transfer Officer
Any County Juvenile Probation Department
1234 South Street, Any Town, Texas 77777
Telephone 000-000-0000
Fax 000-000-0000
EMAIL: itc.officer@any.email.provider.com

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Name)
Inter-County Transfer Officer
(Receiving) County Juvenile Probation Department

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Inter-County Transfer of Probation Supervision CHILD TRANSFER PACKET CHECKLIST

This checklist details the supporting documentation required to facilitate an interim supervision transfer under Family Code Sections 51.072 (e) and (f). The statute requires the Sending County to forward immediately, but no later than **five (5) business days** of the Receiving County's acceptance of interim supervision, copies of specific information relating to the child. All mandated and applicable documents should be sent in one complete Child Transfer Packet to the Receiving County's Inter-County Transfer Officer, if not previously provided in the initial request.

The Sending County shall provide the following up-to-date information. All **bolded items** are mandatory. If not provided, please explain.

IDENTIFYING DATA ON CHILD

- Name, sex, age, and date of birth*;**
- Birth certificate;**
- Social security number or copy of social security card, if available;

IDENTIFYING DATA ON PERSON WITH WHOM CHILD WILL RESIDE

- Name, address, date of birth*;**
- Social security or driver's license number*;**

COURT DOCUMENTS

- Petition;**
- Adjudication and disposition orders, including thumbprint;**
- Conditions of probation;**
- Sex offender registration, if any;
- Victim information, if any;

SOCIAL, PSYCHOLOGICAL REPORTS AND IMMUNIZATION RECORDS

- Social history reports;**
- Psychological or psychiatric reports, if any;
- Results of the (MAYSI-2), i.e., the Texas Juvenile Probation Commission standard assessment tool;**
- Statement of Special Needs, if applicable;
- Title IV-E eligibility screening information, if available;
- School or immunization records, if any.

DPS TRACKING AND LAW ENFORCEMENT REPORTS

- Department of Public Safety (DPS) CR 43J form or tracking incident number;**
- Law enforcement Incident report on offense for which child is on probation, if any;

CASE MANAGEMENT

- Progress reports and any other pertinent documentation, if any;
- Case plans;**
- Computerized referral and case history report for the child, (e.g., Caseworker or other county computerized case management system printout);**

SENDING COUNTY CONTACT INFORMATION

- Sending County's Inter-County Transfer Officer's name, address, and telephone number, fax and email address;**
- Sending county's physical and/or mailing address for forwarding collected funds;**

OTHER (Specify)

* This information must be provided in the initial request for interim supervision pursuant to TFC Section 51.072(e).

Inter-County Transfer of Probation Supervision

Interim Supervision 90-Day Progress Report to Sending County

Texas Family Code Section 51.072(o) requires that at least once every 90 calendar days during the period of interim supervision, the juvenile probation department of the Receiving County shall provide the juvenile probation department of the Sending County with a progress report of supervision concerning the child. This report format may be used to satisfy this statutory mandate. This form should be completed in its entirety by the Receiving County and transmitted to the Sending County in a timely manner. The report may be completed by the Supervising Probation Officer in the Receiving County, but should ultimately be sent by the Inter-County Transfer Officer to the Sending County. The Inter-County Transfer Officer should ensure the report is prepared and sent in a timely manner.

SENDING COUNTY INFORMATION			
To:	Title: <input type="checkbox"/> Inter-County Transfer Officer		
E-Mail Address:	Telephone: ()		
RECEIVING COUNTY INFORMATION			
From:	Title: <input type="checkbox"/> Inter-County Transfer Officer		
E-Mail Address:	Telephone: ()		
CHILD AND FAMILY INFORMATION			
Name of Child:	Date of Birth:	Cause Number:	
Offense(s) for Which Child is Currently on Probation:		Probation Term: From To	
Child and Family Have Relocated Within Receiving County: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Provide New Contact Information:		Child and/or Family Have Experienced New Problems/Issues: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please explain:	
PROGRESS OF CHILD DURING INTERIM SUPERVISION			
Date Interim Supervision Began:	Name of Supervising Probation Officer:	Telephone: ()	Level/Type of Supervision and Monitoring (check all that apply):
Date Interim Supervision Ends:	Probation Officer Contacts With Child During Reporting Period: <input type="checkbox"/> Office Visits <input type="checkbox"/> Home Visits <input type="checkbox"/> School Visits		<input type="checkbox"/> Regular Supervision <input type="checkbox"/> Intensive Supervision <input type="checkbox"/> Specialized Caseload <input type="checkbox"/> Electronic Monitoring <input type="checkbox"/> Curfew Checks <input type="checkbox"/> School Checks <input type="checkbox"/> Other Explain:
Date Permanent Supervision Will Transfer by Operation of Law:	Child Reporting Status: <input type="checkbox"/> Reported to PO as Required <input type="checkbox"/> Failed to Report to PO as Required Explain:		
Name of School Child is Attending: Type of School Setting: <input type="checkbox"/> Regular Campus <input type="checkbox"/> Alternative Education Program <input type="checkbox"/> Disciplinary Alternative Education Program <input type="checkbox"/> JJAEP <input type="checkbox"/> Charter <input type="checkbox"/> Private School <input type="checkbox"/> Other Explain:		Probation Supervision Fees (if applicable): <input type="checkbox"/> N/A <input type="checkbox"/> Child Current on Payments <input type="checkbox"/> Payments <input type="checkbox"/> Child Missed <input type="checkbox"/> Payments	New Referrals: <input type="checkbox"/> No New Referrals <input type="checkbox"/> New Referral(s) Explain: Detention Status During Reporting Period: <input type="checkbox"/> Child Has Not Been Detained <input type="checkbox"/> Child Has Been Detained Explain:
Educational/School Status During Report Period: (check all that apply) <input type="checkbox"/> Attending School as Required <input type="checkbox"/> Unexcused Absences: Number <input type="checkbox"/> Passing All Subjects <input type="checkbox"/> Failing Subjects: List Subjects <input type="checkbox"/> School Discipline Incidents Explain: <input type="checkbox"/> Other: Explain:		Child Has Satisfactorily Complied with Required: Community Service <input type="checkbox"/> Yes <input type="checkbox"/> No Counseling <input type="checkbox"/> Yes <input type="checkbox"/> No Special Programs <input type="checkbox"/> Yes <input type="checkbox"/> No Drug Testing <input type="checkbox"/> Yes <input type="checkbox"/> No Special Programs <input type="checkbox"/> Yes <input type="checkbox"/> No Curfew <input type="checkbox"/> Yes <input type="checkbox"/> No Sex Offender Register <input type="checkbox"/> Yes <input type="checkbox"/> No	Modifications to Probation Conditions by Receiving County During Report Period: <input type="checkbox"/> No Modifications <input type="checkbox"/> Probation Modified Explain: <input type="checkbox"/> Probation Modification Pending Explain:
General Comments, Observations and Recommendations (if any):			
REPORT SUBMITTED BY RECEIVING COUNTY			
Name of Person Completing This Report:	Date Prepared:	Date Emailed to Sending County:	Date Approved by ICT Officer:

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**TO BE USED TO TRANSFER ORDER
AFFECTING PARENT**

CAUSE NO. _____

IN THE MATTER OF	§	IN THE _____ DISTRICT COURT
	§	
<u>(NAME OF JUVENILE)</u>	§	_____ COUNTY, TEXAS
	§	
A CHILD/JUVENILE	§	A DESIGNATED JUVENILE COURT

**TRANSFER OF ORDER AFFECTING PARENT OR OTHER ELIGIBLE PERSON
TO COUNTY OF CHILD'S RESIDENCE**

On this the _____ day of _____, 2005, the Court hereby finds the following:
(Name of Parent(s)), Respondent(s), is/are the parent(s) or other eligible person(s) for (Name of Juvenile), a child (age) years of age, born (D.O.B.), who was found to have engaged in delinquent conduct/CINS for the offense of (Offense(s) Adjudicated) in the above-numbered and styled cause on (Date of Adjudication) in (Sending County), Sending County.

On (Date of Disposition), (Name of Juvenile) was placed on probation under reasonable and lawful terms and conditions of probation until (Date Probation Expires). In conjunction, pursuant to Sections 54.041 of the Texas Family Code, this Court issued an order against Respondent(s) dated (Date of Order).

(Name of Juvenile) resides in, has moved to, or intends to move to (Receiving County), receiving county, and intends to reside in (Receiving County) for at least (60) days. Respondent(s) resides or will reside in the same county as the county in which the juvenile now resides or to which the juvenile has moved or intends to move.

IT IS THEREFORE ORDERED that the Order Affecting Parent is hereby transferred to the (Court #) District/County Court, (Receiving County), Texas, a Designated Juvenile Court, pursuant to Section 61.0031 of the Texas Family Code.

IT IS FURTHER ORDERED that Respondent shall be provided with a copy of this order.

SIGNED AND ENTERED this _____ day of _____, 2005.

JUDGE PRESIDING

THIS FORM TO BE USED TO REQUIRE SENDING COUNTY TO RESUME SUPERVISION

DIRECTIVE TO RESUME SUPERVISION OF A CHILD

TO: Joseph A. Probation
Inter-County Transfer Officer
(Sending) County Juvenile Probation Department
4900 North Street, Any Town, Texas 77777
Telephone 000-000-0000
Fax 000-000-0000
EMAIL: itc.officer@any.email.provider.com

RE: (Cause Number) (Style of Case)

(Name of Juvenile), Respondent, a child (age) years of age, born (D.O.B.), was found to have engaged in delinquent conduct/CINS for the offense of (Offense(s) Adjudicated) in the above-numbered and styled cause on (Date of Adjudication), in (Sending County), Sending County.

On (Date of Disposition), Respondent was placed on probation under reasonable and lawful terms and conditions of probation until (Date Probation Expires).

Respondent has moved to and resided in (Receiving County), receiving county, at least 60 days but not more than 180 days and Respondent is under interim supervision with (Juvenile Probation Department) in (Receiving County).

Respondent's interim supervision period will expire on (Date Interim Supervision Expires).

This Court reasonably believes that Respondent has violated the terms and conditions of probation imposed by (Sending County).

(Sending County) is directed to resume supervision of Respondent and (Sending County) must arrange for the prompt transportation of Respondent back to (Sending County) pursuant to Section 51.072(j) of the Texas Family Code.

SIGNED this the ____ day of _____, 2005.

JUDGE PRESIDING

**THIS FORM TO BE USED TO REQUEST
EARLY TRANSFER OF PERMANENT SUPERVISION**

TO: Joseph A. Probation
Inter-County Transfer Officer
Any County Juvenile Probation Department
4900 North Street, Any Town, Texas 77777
Telephone 000-000-0000
Fax 000-000-0000
EMAIL: itc.officer@any.email.provider.com

FROM: Jacqueline N. Detention
Inter-County Transfer Officer
Any County Juvenile Probation Department
1234 South Street, Any Town, Texas 77777
Telephone 000-000-0000
Fax 000-000-0000
EMAIL: itc.officer@any.email.provider.com

WHEREAS, _____, hereinafter Respondent, a child (age) years of age, born (D.O.B.), is under the interim supervision provided by the Receiving County, hereinafter referred to as (Receiving) County pursuant to Family Code Section 51.072; and

WHEREAS, the (Receiving) County has supervised the Respondent from 00/00/2005 to Present under the original probation conditions imposed by the Juvenile Court of (Sending) County, the Sending County. (...or modified probation conditions imposed by the Juvenile Court of (Sending) County; and

WHEREAS, Respondent's interim supervision has not expired and (Receiving) County wishes to assume early permanent supervision of Respondent.

THEREFORE, the (Receiving) County Juvenile Probation Department hereby requests the permanent transfer of Respondent's supervision to (Receiving) County pursuant to Family Code Section 51.072(m).

SIGNED THIS _____ day of _____, 2005

SIGNATURE
(Receiving) County Inter-County Transfer Officer

**ORDER TO BE USED TO TRANSFER
PERMANENT SUPERVISION ON REQUEST OF RECEIVING COUNTY**

CAUSE NO. _____

IN THE MATTER OF	§	IN THE _____ DISTRICT COURT
	§	
<u>(NAME OF JUVENILE)</u>	§	_____ COUNTY, TEXAS
	§	
A CHILD/JUVENILE	§	A DESIGNATED JUVENILE COURT

ORDER TO TRANSFER PERMANENT SUPERVISION BY REQUEST

On this the ____ day of _____, 2005, the Court hereby finds the following:

(Name of Juvenile), Respondent, a child (age) years of age, born (D.O.B.), was found to have engaged in delinquent conduct/CINS for the offense of (Offense(s) Adjudicated) in the above-numbered and styled cause on (Date of Adjudication), in (Sending County), Sending County.

On (Date of Disposition), Respondent was placed on probation under reasonable and lawful terms and conditions of probation until (Date Probation Expires).

Respondent has moved to and resided in (Receiving County), Receiving County, at least 60 days but not more than 180 days and Respondent is under interim supervision with (Juvenile Probation Department) in (Receiving County).

Respondent's interim supervision period will expire on (Date Interim Supervision Expires) and Respondent intends to remain in (Receiving County).

(Receiving County) has requested that Respondent's interim supervision become permanent supervision.

IT IS THEREFORE ORDERED that Respondent's probation is hereby permanently transferred to (Receiving County) pursuant to Sections 51.072 and 51.073 of the Texas Family Code.

IT IS FURTHER ORDERED that (Sending County JPD) provide (Receiving County) with a copy of this transfer order and all information required under Section 51.072(e) of the Texas Family Code if not previously provided.

SIGNED AND ENTERED this _____ day of _____, 2005.

JUDGE PRESIDING

**ORDER TO BE USED TO TRANSFER
PERMANENT SUPERVISION TO RECEIVING COUNTY
(NOT FOR DETERMINATE SENTENCE)**

CAUSE NO. _____

IN THE MATTER OF (NAME OF JUVENILE) A CHILD/JUVENILE	§ § § § §	IN THE _____ DISTRICT COURT _____ COUNTY, TEXAS A DESIGNATED JUVENILE COURT
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ORDER TO TRANSFER PERMANENT SUPERVISION

On this the ____ day of _____, 2005, the Court hereby finds the following:

(Name of Juvenile), Respondent, a child (age) years of age, born (D.O.B.), was found to have engaged in delinquent conduct/CINS for the offense of (Offense(s) Adjudicated) in the above-numbered and styled cause on (Date of Adjudication), in (Sending County), Sending County. On (Date of Disposition), Respondent was placed on probation under reasonable and lawful terms and conditions of probation until (Date Probation Expires).

Respondent has moved to and resided in (Receiving County), Receiving County, under interim supervision by (Juvenile Probation Department).

Respondent's interim supervision began on (Date Interim Supervision Began) and ended by operation of law after the expiration of 180 days on (Date Interim Supervision Expires) pursuant to 51.072(m).

IT IS THEREFORE ORDERED that supervision of Respondent be permanently transferred to (Receiving County) pursuant to Section 51.073 of the Texas Family Code.

IT IS FURTHER ORDERED that (Sending County JPD) provide (Receiving County) with a copy of this transfer order and all information required under Section 51.072(e) of the Texas Family Code if not previously provided.

SIGNED AND ENTERED this _____ day of _____, 2005.

JUDGE PRESIDING

**ORDER TO BE USED TO TRANSFER
PERMANENT SUPERVISION OF A DETERMINATE SENTENCE PROBATION**

CAUSE NO. _____

IN THE MATTER OF <u>(NAME OF JUVENILE)</u> A CHILD/JUVENILE	§ § § § §	IN THE ____ DISTRICT COURT _____ COUNTY, TEXAS A DESIGNATED JUVENILE COURT
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**ORDER TO TRANSFER PERMANENT SUPERVISION
UNDER DETERMINATE SENTENCE PROBATION**

On this the ____ day of _____, 2005, the Court hereby finds the following:

(Name of Juvenile), Respondent, a child (age) years of age, born (D.O.B.), was found to have engaged in delinquent conduct pursuant to Section 53.045 of the Texas Family Code for the offense of (Offense(s) Adjudicated) on (Date of Adjudication), in (Sending County), sending county.

On (Date of Disposition), Respondent was placed on determinate sentence probation under reasonable and lawful terms and conditions of probation until (Date Probation Expires).

Respondent has moved to and resided in (Receiving County), receiving county, at least 60 days and Respondent has been on interim supervision with (Juvenile Probation Department) in (Receiving County) for more than 180 days.

Respondent has completed one-third (1/3) of Respondent's determinate sentence probation and Respondent intends to remain in (Receiving County).

IT IS THEREFORE ORDERED that Respondent's probation be permanently transferred to (Receiving County) pursuant to Sections 51.072(n) and 51.073 of the Texas Family Code.

IT IS FURTHER ORDERED that (Sending County JPD) provide (Receiving County) with a copy of this transfer order and all information required under Section 51.072(e) of the Texas Family Code if not previously provided.

SIGNED AND ENTERED this _____ day of _____, 2005.

JUDGE PRESIDING