I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

The Department of Corrections may transfer residents between its juvenile facilities to fulfill the treatment needs of residents or the management needs of the facility or the Department. Except in emergencies, all resident transfers are processed through the Classification Committee and require approval of the Superintendents of both the sending and receiving facilities, or their designees.

IV. CONTENTS

Procedure A: Transfers between Facilities
Procedure B: Transfer of Records
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V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Transfers between Facilities
1. A resident may be transferred between the Departmental juvenile facilities for any one of the following reasons:
   a. To manage facility populations and capacities;
   b. To meet the needs of a specific resident for a program or service available at only one of the facilities;
   c. To separate residents who are victims of other residents, co-defendants, or gang affiliated or for any other reason requiring separation;
   d. To meet operational needs; or
   e. When, in the opinion of the Superintendent, or designee, it is necessary for the orderly management of the facility.

2. If the Unit Treatment Team makes a recommendation for a resident’s transfer to another facility, the Director of Classification & Collateral Services shall schedule a Special Review to consider the recommendation. If approved by the Classification Committee, the recommendation shall be forwarded to the Superintendent, or designee, for review and decision.

3. If the sending facility’s Superintendent, or designee, approves the transfer, he/she shall contact the receiving facility Superintendent, or designee, to request approval and, if approved, to make all necessary arrangements to facilitate the transfer at an appropriate time.

4. If the Superintendents fail to reach an agreement regarding a transfer, the Superintendents shall contact the Associate Commissioner, or designee, for final resolution.

5. In an emergency situation, a resident may be transferred to another Departmental juvenile facility without a Classification Committee review with the approval of the Superintendents, or their designees, or the Commissioner, or the Associate Commissioner, or designee.

**Procedure B: Transfer of Records**

1. Once approved for transfer, the Juvenile Program Manager, or designee, shall ensure the resident’s Case Management File is forwarded to the Director of Classification & Collateral Services, or designee.

2. The Director of Classification & Collateral Services, or designee, shall ensure that all original records, including the Master Administrative Record, the Case Management File, education, health care, and other pertinent records are gathered, inventoried, and prepared to be transferred with the resident at the time of transfer.
3. All Departmental policies and procedures for providing necessary health care information about a transferred resident shall be followed.

4. All original records shall be delivered in person by transporting staff, or, in the case of an emergency, other staff, who shall obtain a written receipt.

5. The Director of Classification & Collateral Services, or designee, shall ensure that a process is developed that safeguards the confidentiality of information and ensures receipt of the records.

Procedure C: General

1. Information regarding departure and arrival dates, routes of travel, number of staff, etc., is confidential and shall not be shared with the resident, the resident’s parents/legal guardian, the resident’s attorney, or anyone other than departmental staff until the transfer is complete.

2. A resident transferred to another facility shall be processed through the release and admissions processes, as described in Policy 20.3, Release and Discharge, and Policy 17.1, Admissions.

3. The resident shall remain on the sending facility’s Master Population Count until custody is relinquished to the receiving facility and transporting staff has notified the sending facility that the resident has been admitted to the receiving facility.

4. Once custody has been relinquished to the receiving facility, the Juvenile Program Manager, or designee, from the sending facility shall notify the parents/legal guardian and the Juvenile Community Corrections Officer of the transfer.

5. The resident shall receive a health care screening and an orientation at the receiving facility.

6. After the resident has been admitted to the receiving facility, the Admitting Officer of the receiving facility shall allow the resident a ten-minute phone call to his/her parents/legal guardian.

7. The resident’s Social Worker at the receiving facility shall be responsible for notifying the resident’s parents/legal guardian of the visitation policy and other information, as appropriate.

8. The Director of Classification & Collateral Services shall ensure that a Classification Conference is held within seven (7) days of the resident’s transfer.

VII. PROFESSIONAL STANDARDS

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An established process requires that an updated case file for any juvenile transferred from one facility to another is transferred simultaneously, or, at the latest, within 72 hours.