

SUPERIOR COURT OF DELAWARE
VETERANS TREATMENT COURT
PROBATION AND DIVERSION
PROGRAM MANUAL
FOR KENT COUNTY AND NEW CASTLE COUNTY

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Foreword

This manual was prepared by Judge Jan R. Jurden, Judge William Witham, and Miranda Klein, Veterans Treatment Court Case Manager. The authors gratefully acknowledge the valuable assistance of Marjorie Swain, Judicial Assistant, Cecilia Gonzalez, Veteran Justice Outreach Specialist, Melissa Ridley, Veterans Treatment Court Case Manager, and Kathryn Wolinski, Special Projects Analyst for the Administrative Office of the Courts.

The authors thank President Judge Vaughn and Judge Witham for their leadership and for establishing this program to insure “NO VETERAN LEFT BEHIND.”

For questions or to obtain further information about the Delaware Veterans Treatment Court, please contact Miranda Klein at (302) 255-0646 or by email, Miranda.klein@state.de.us.

Introduction

In February, 2011, The Superior Court instituted Veterans Treatment Court (“VTC”). The Delaware VTC is the first statewide program and the first to have both diversion and probation tracks.

The Delaware VTC is a collaborative effort by the Delaware Superior Court, the Department of Veterans Affairs, the Delaware Department of Justice, the Office of Public Defender, the Treatment Access Center (“TASC”), and Delaware Substance Abuse and Mental Health (“DESAMH”).

The Delaware VTC serves veterans throughout the state, including those charged with new offenses, those convicted and sentenced to probation, and those charged with violations of probation. Delaware veterans who qualify have the opportunity to participate in this innovative problem-solving treatment court which utilizes evidence-based practices to address the mental health and addiction issues that lead to involvement in the criminal justice system.

Based on drug and veterans treatment court models, the Delaware VTC works with veterans referred by various sources, including, the Veteran Justice Outreach Specialist, the Delaware Department of Justice, the Office of the Public Defender, judges, lawyers, community treatment providers and family members.

On diversion track, the veteran will have his/her charges deferred pending successful completion of VTC. If the veteran is offered diversion by the State, and accepts, he/she reviews and initials the police report setting forth the crimes the veteran is alleged to have committed. The veteran reports to the Court for status conferences on a regular basis to insure compliance with his/her individualized treatment plan. Once the veteran successfully completed VTC diversion, he/she graduates and the State dismisses the charges against the veteran.

On the probation track, if a veteran chooses to participate, the Court will modify the veteran’s sentence order to include Veterans Treatment Court. Once admitted, the veteran will be expected to report to Court for status conferences, comply with conditions of probation and adhere to his/her individual treatment plan.

Once the veteran successfully completes VTC probation, he/she can be flowed down to a lower level of community supervision or their probation can be discharged. The length of time the probation participant spends in the program varies, depending on the veteran's crimes, compliance with probation and adherence to their treatment plan, but will be at least 6 months.

To graduate from VTC, veterans on either track must comply with Court-ordered treatment and appear in Court for status hearings on a regular basis. Failure to comply will result in sanctions which can range from an admonishment to termination from the program. Veterans are expected to live in a stable environment, be gainfully employed if appropriate, and in compliance with treatment. Graduation may be expected to occur within 6 months to 18 months.

Mission and Goals

A. Mission:

The mission of the Delaware Superior Court Veterans Treatment Court is to successfully rehabilitate veterans with substance abuse and mental health issues charged with felonies and misdemeanors by diverting them from the traditional criminal justice system and providing them with the tools they need to lead productive and law-abiding lives.

B. Goals:

- (1.) Promptly identify and assist justice-involved veterans with mental health issues and/or substance abuse issues in accessing appropriate treatment and ancillary services.
- (2.) Reduce recidivism of justice-involved veterans.
- (3.) Improve and insure public safety.
- (4.) Increase collaboration between the Court, law enforcement, the community, government and mental health agencies/organizations.
- (5.) Improve information sharing between courts, law enforcement, treatment providers, government and mental health agencies/organizations.
- (6.) Heighten awareness of the specialized needs of justice-involved veterans such as homelessness, unemployment, and adapting to civilian life.



The National Clearinghouse for Veterans Treatment Courts at the
National Association of Drug Court Professionals

The Ten Key Components of Veterans Treatment Court

In 2011, The Delaware Veterans Treatment Court adopted with slight modifications the essential tenements of the U.S. Department of Justice Publication entitled “*Defining Drug Courts: The Key Components*”, (Jan.1997). There are key differences between Drug Courts, Mental Health Courts, and Veterans Treatment Courts. These *Key Components* provide the foundation for the successful operation of a Veterans Treatment Court.

Key Component #1: Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing

Veterans Treatment Courts promotes sobriety, recovery and stability through a coordinated response to veteran’s dependency on alcohol, drugs, and/or management of their mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of the traditional partners found in drug treatment courts and mental health treatment courts with the addition of the Veteran Administration Health Care Network, veterans and veterans family support organizations, and veteran volunteer mentors.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights

To facilitate the veterans’ progress in treatment, the prosecutor and defense counsel shed their traditional adversarial courtroom relationship and work together as a team. Once a veteran is accepted into the treatment court program, the team’s focus is on the veteran’s recovery and law-abiding behavior—not on the merits of the pending case.

Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program

Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Treatment Court program. Arrest can be a traumatic event in a person’s life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial by the veteran for the need for treatment difficult.

Key Component #4: Veterans Treatment Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services

While primarily concerned with criminal activity, AOD use, and mental illness, the Veterans Treatment Court team also consider co-occurring problems such as primary medical problems, transmittable diseases, homelessness; basic educational deficits, unemployment and poor job preparation; spouse and family troubles—especially domestic violence—and the ongoing effects of war time trauma.

Veteran peer mentors are essential to the Veterans Treatment Court team. Ongoing veteran peer mentors interaction with the Veterans Treatment Court participants is essential. Their active, supportive relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing

Frequent court-ordered AOD testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress.

Key Component #6: A coordinated strategy governs Veterans Treatment Court responses to participants' compliance

A veteran's progress through the treatment court experience is measured by his or her compliance with the treatment regimen. Veterans Treatment Court reward cooperation as well as respond to noncompliance. Veterans Treatment Court establishes a coordinated strategy, including a continuum of graduated responses, to continuing drug use and other noncompliant behavior.

Key Component #7: Ongoing judicial interaction with each Veteran is essential

The judge is the leader of the Veterans Treatment Court team. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a veteran will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to veterans that someone in authority cares about them and is closely watching what they do.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Management and monitoring systems provide timely and accurate information about program progress. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify program

Key Component #9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations

All Veterans Treatment Court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues, and Veteran Administration, veteran volunteer mentors, and treatment staff to criminal justice issues. It also develops shared understandings of the values,

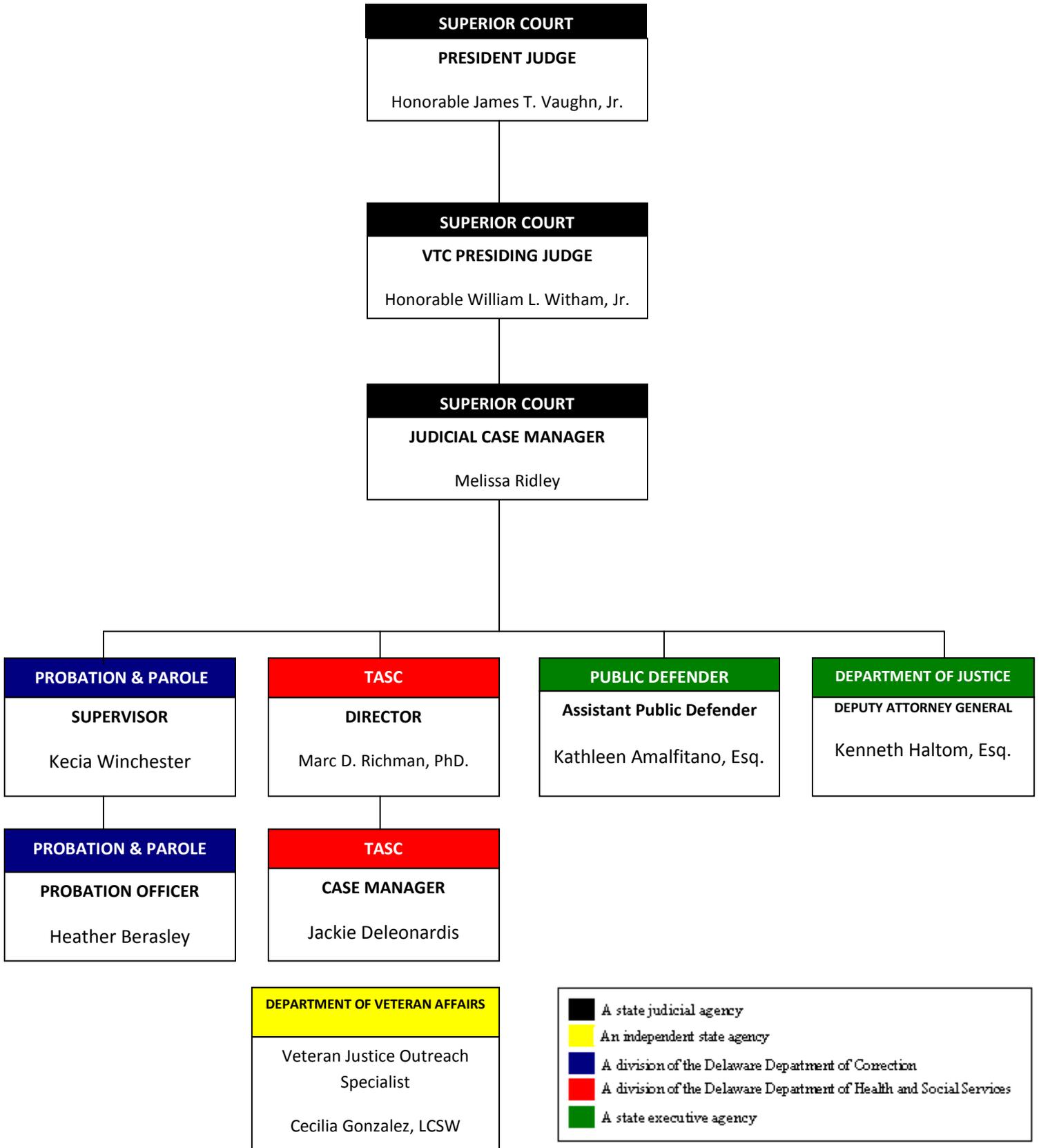
goals, and operating procedures of both the veteran administration, treatment and the justice system components.

Education and training programs help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice, Veteran Administration, veteran volunteer mentors, and treatment personnel, and promote a spirit of commitment and collaboration.

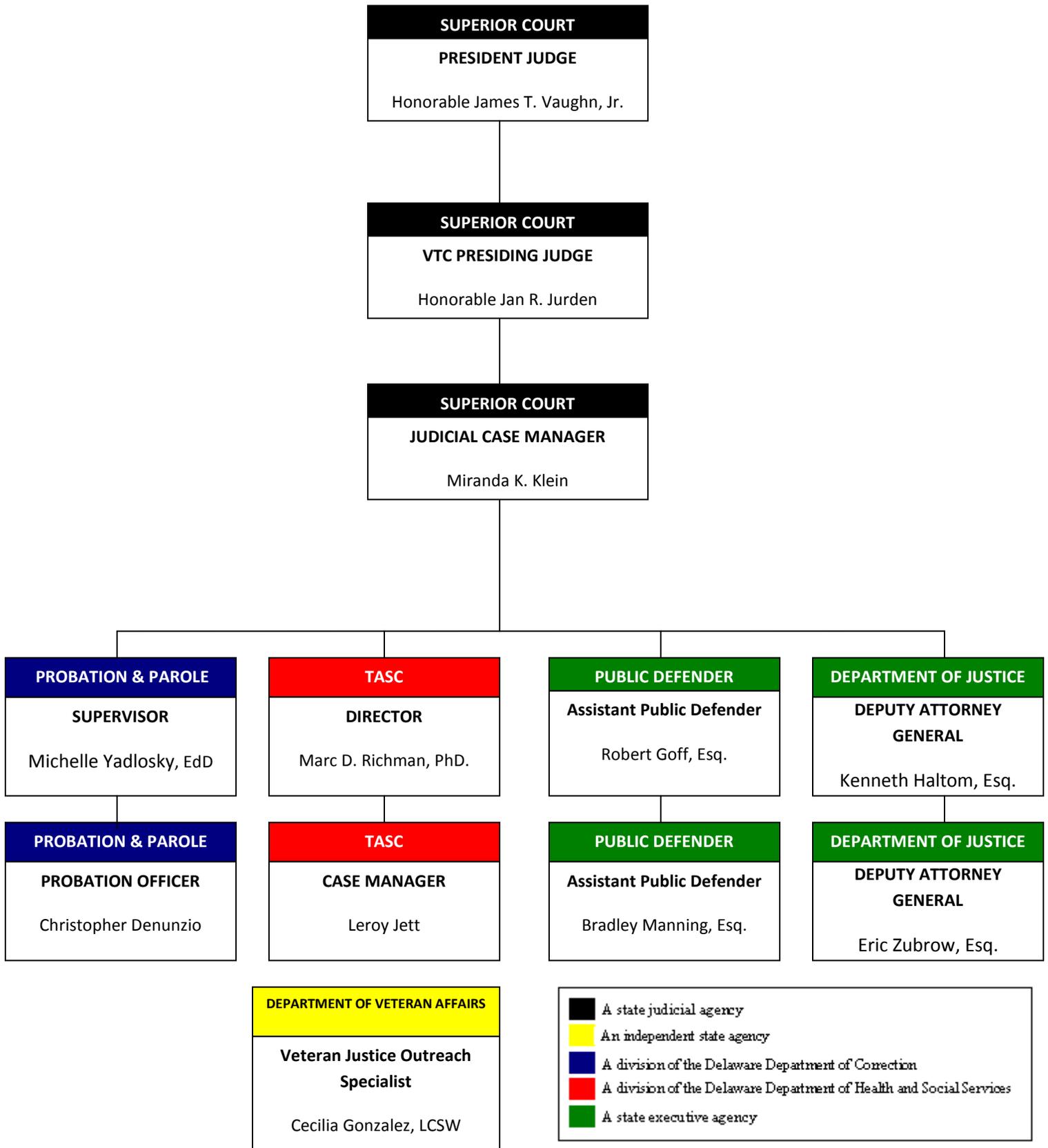
Key Component #10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness

Because of its unique position in the criminal justice system, Veterans Treatment Court is well suited to develop coalitions among private community-based organizations, public criminal justice agencies, the Veteran Administration, veterans and veterans families support organizations, and AOD and mental health treatment delivery systems. Forming such coalitions expands the continuum of services available to Veterans Treatment Court participants and informs the community about Veterans Treatment Court concepts. The Veterans Treatment Court fosters system wide involvement through its commitment to share responsibility and participation of program partners.

**Kent County Superior Court of Delaware
Veterans Treatment Court Organizational Chart**



**New Castle County Superior Court of Delaware
Veterans Treatment Court Organizational Chart**



Job Descriptions

A. Judge

The Judge presides over the Veterans Treatment Court. The Judge reviews Veterans Treatment Court Reports describing each veteran's achievements and/or compliance with conditions of the program. During status conferences, the Judge encourages veterans, and disciplines those veterans who are not in compliance by imposing appropriate sanctions.

B. Judicial Case Manager

The Judicial Case Manager is a Criminal Case Manager specifically assigned to the Veterans Treatment Court. The case manager's duties include: creating and managing all VTC calendars, files, reviewing status reports on all participants, and serving as a liaison between the Court and the treatment team, the various treatment providers and the various state and federal agencies (i.e. Department of Labor, Medicaid, Social Security Administration and Department of Correction, Department of Veterans Affairs).

C. Probation & Parole

The Probation & Parole Officers specially assigned to the Veterans Treatment Court have an interest and/or experience or expertise with justice-involved veterans. These officers' responsibilities include:

- (1.) Assisting in the selection of appropriate veterans by conducting background checks, obtaining criminal histories, mental health records and prison records, and conferring with the veteran's family members.
- (2.) If the veteran is at Level 4 (Work Release or CREST) or Level 5 (prison), coordinating release in conjunction with Level 4 and Level 5 institutional staff.
- (3.) If the veteran is not at Level 4 or Level 5, contacting current treatment providers for updated information and assessing compliance with program requirements.

- (4.) Maintaining contact with treatment providers in order to insure compliance, and adjust supervision in collaboration with treatment provider as appropriate.
- (5.) Attending treatment team meetings.
- (6.) Preparing violation reports per Probation & Parole policies or scheduling status conferences.
 - (a.) If a veteran is arrested, notifying the institution and assist in coordination of medication.
 - (b.) If a veteran is admitted to a psychiatric facility, conducting visits and maintain contact with staff.
- (7.) Providing status reports to the Court.
- (8.) Maintaining statistics for the Department of Correction.

B. Veteran Justice Outreach Specialist

Once a veteran is admitted to the Veterans Treatment Court, a Veteran Justice Outreach Specialist (“VJO”) is assigned to facilitate services for the participants in the program. The VJO’s duties include obtaining VA Releases of Information, determining VA benefit eligibility, identifying the needs of VA eligible participants, linking veterans to clinically indicated VA treatment and social services and communicating progress to the court. The VJO acts as the liaison between the Court, the veteran, and the Department of Veteran Affairs by collecting and providing the veteran’s status reports, including a summary of treatment, testing compliance with a treatment plan.

C. Treatment Access Center (“TASC”)

If a veteran is admitted to the Veterans Treatment Court, but is not VA eligible, a TASC case manager will be assigned to them. The TASC case manager schedules an initial appointment with the veteran. During the first session, the TASC case manager explains all program requirements to insure that the veteran understands what is expected. Together they review the VTC paperwork and the veteran signs the Release of Information Form, Case

Management Plan and confidentiality form. The TASC case manager administers a base line urine drug screen and gives the veteran a schedule of appointments and phone numbers to call in case of emergency. Depending on the severity of the veteran's needs and mental health issues, TASC will meet with the veteran weekly or bi-weekly.

TASC schedules additional assessments and makes referrals for whatever services are required, i.e. medical, psychiatric, social services, vocational, substance abuse, housing, etc. The TASC Case Manager monitors the veteran's progress and treatment requirements.

TASC consults with treatment and service providers specific to the veterans' needs on a regular basis to monitor progress and insure the veterans' participation in treatment. This information, in turn, is provided to the court in the form of a "Superior Court of Delaware Veterans Treatment Court Report." This report includes the veterans' progress, and any recommendations necessary to aid in the veterans' in successfully completing the program. The TASC Case Manager is responsible for monitoring the case until either the veteran successfully graduates or is terminated from the program.

D. Delaware Department of Justice

The Deputy Attorney General ("DAG") serves as the prosecutor for the Veterans Treatment Court. The DAG monitors veterans' compliance with program requirements and makes recommendations for modifications of the veteran's sentence, including conditions of probation and sanctions. The DAG also reviews veterans' cases when they have been recommended for graduation or termination from the program.

E. Public Defender

The Assistant Public Defender ("APD") assists the client and Court in determining whether an election to enter the Veterans Treatment Court is being made knowingly, intelligently, voluntarily and in the client's best interests. Throughout a client's participation, the APD assists the Veterans Treatment Court team in developing solutions to the special challenges presented by the client's mental health or substance abuse, while continuing to protect the client's legal interests. The APD encourages clients, notes their successes along the way, and, when

needed advises them on the legal ramifications of their failure to comply with their individualized treatment plan and supervision. Finally, the APD educates the client on the importance of compliance with prescribed medication and abstinence from illegal drugs and/or unauthorized prescription drugs.

F. Peer Mentoring

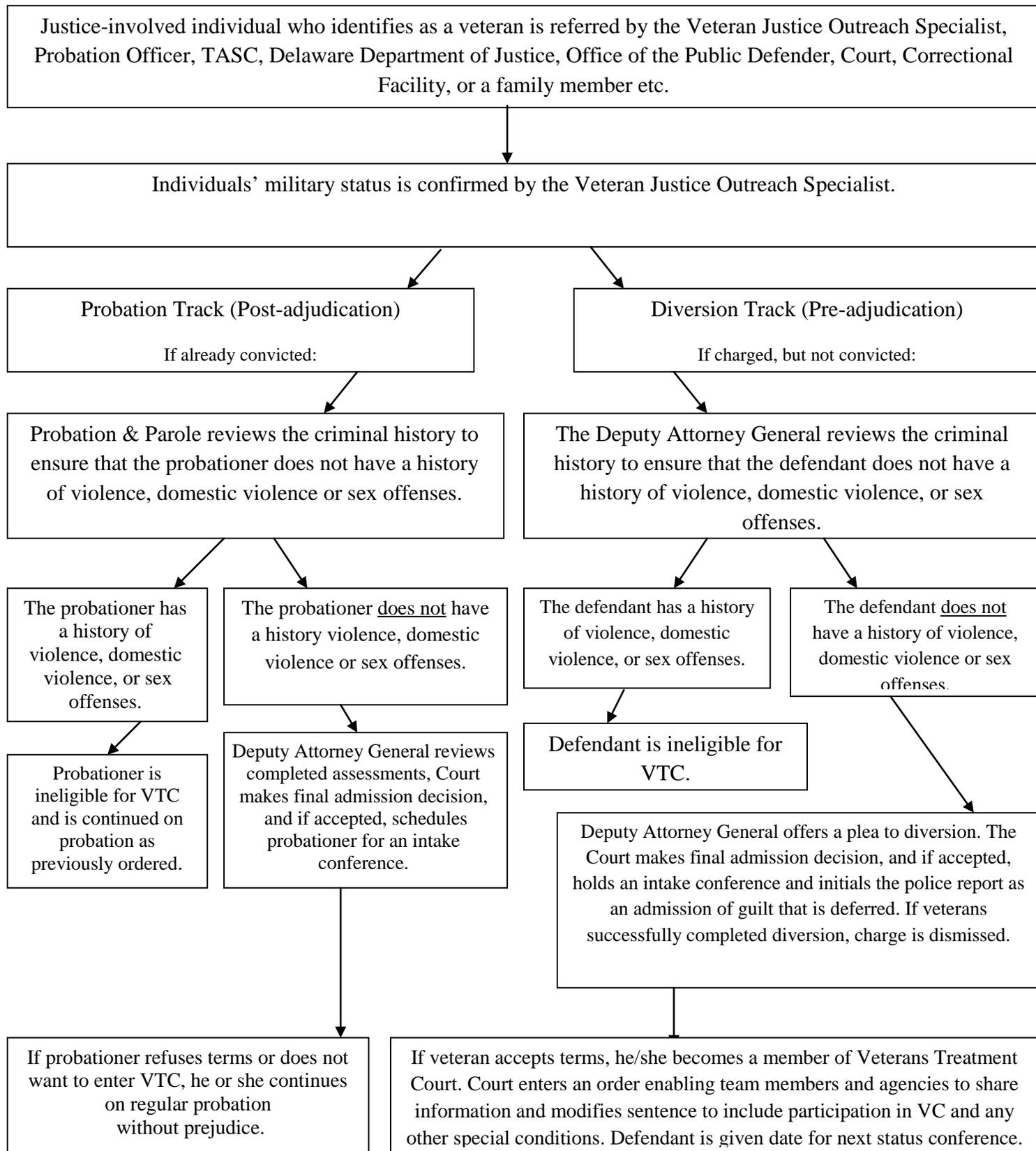
To support veterans through this court process, volunteer mentors, who are veterans or are currently serving in the military, work with the participants as advocates and role models. The mission of the volunteer peer mentors is to use their training and resources to pledge that no veteran is left behind. They are not counselors, but assist in ways the Court cannot. They are able to develop a close relationship with the veterans as they navigate through the Court and treatment. The peer mentors will be screened and trained in order to effectively be able to fulfill the duties and responsibilities of what is asked of them. Some of which include:

- (1.) Attending court sessions.
- (2.) Participating in and leading mentoring sessions.
- (3.) Being supportive and understanding to the difficulties the veterans are facing.
- (4.) Resolving any concerns the veteran shares regarding court procedures or the VA system.

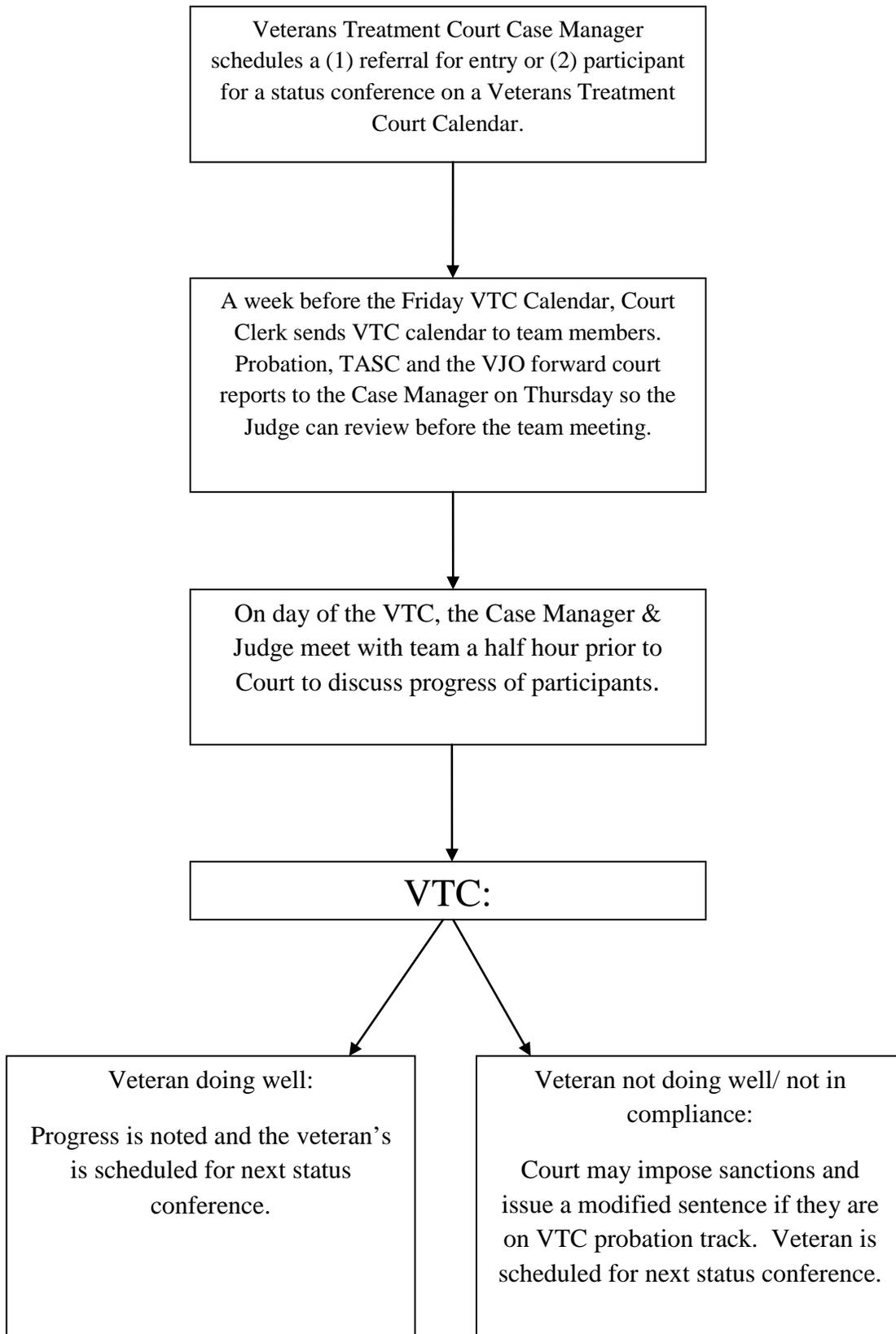
To serve as a volunteer peer mentor for VTC, one must:

- (1.) Be actively serving in, or be a veteran of, one of the branches of the United States Military, including, the Army, Marine Corp, Navy, Air Force, Coast Guard, or their corresponding Reserve or Guard branches.
- (2.) Comply with the policies and procedures of the Superior Court of Delaware VTC.
- (3.) Commit to volunteer as a peer mentor for a minimum of 12 months.
- (4.) Complete all the required training.

Referral Process



Court Process





Superior Court of Delaware Veterans Treatment Court Referral Process

If a defendant identifies as a veteran of the United States Military, they may be eligible to participate in the Superior Court Veterans Treatment Court (“VTC”) in either Kent County or New Castle County. With respect to Sussex County, currently there is no VTC in Sussex, but appropriate cases in accord with this manual will be referred to the Kent County VTC following the referral process.

Superior Court of Delaware VTC does not accept violent or domestic violence offenders or sexual offenders. Therefore, Class A and Class B felonies are not considered for participation. Some Class C and lesser classes may be considered, but are subject to the Deputy Attorney General’s approval. Eligibility for VTC is determined on a case-by-case basis by the Delaware Department of Justice and the Court.

In order to have a case referred to Kent County VTC and to verify whether the veteran is eligible for VA services, please email the following information to Melissa Ridley (Melissa.Ridley@state.de.us), Kent County VTC Case Manager and cc: Cecilia Gonzalez (cecilia.gonzalez2@va.gov), Veterans Justice Outreach Specialist:

1. Name of defendant
2. Case Number
3. Court of current jurisdiction
4. Date motion was filed with the current court

In order to have a case referred to New Castle County VTC and to verify whether the veteran is eligible for VA services, please email the following information to Miranda Klein (Miranda.Klein@state.de.us), New Castle County VTC Case Manager and cc: Cecilia Gonzalez (Cecilia.Gonzalez2@va.gov), Veterans Justice Outreach Specialist:

1. Name of defendant
2. Case Number
3. Court of current jurisdiction
4. Date motion was filed with the current court

Once this information is received, the case manager in the appropriate county will ask the State to assess the justice-involved veteran’s eligibility for VTC. If the justice-involved veteran is eligible, the assigned Deputy Attorney General will file an Information. The Deputy Attorney General and the Judge will then sign and submit a Motion to Transmit Order to have the file transferred to Superior Court. The case manager will schedule the veteran for entry once all the necessary paperwork is completed. Superior Court VTC in Kent County is held on the 1st and 3rd Friday of every month at 11:30am. Superior Court VTC in New Castle County is held on the 2nd and 4th Friday of every month at 11:30 am.

For any questions or more information, please call:

Miranda Klein (302) 255-0646
Melissa Ridley (302) 735-1915
Cecilia Gonzalez (302) 824-9322

MEMORANDUM OF UNDERSTANDING

between

Wilmington Veteran Affairs Medical Center (VAMC)

and

Kent County Superior Court of Delaware (KCSCD)

Background

Each year, veterans are charged with non-violent felony and misdemeanor crimes within Kent County, Delaware. Many of these veterans have medical or mental health conditions and other life stressors, including those related to their military service. Veterans charged with non-violent felony and misdemeanor crimes, are often in need of treatment and rehabilitative services which are available through the Department of Veterans Affairs. The Kent County Superior Court of Delaware (KCSCD) has agreed to establish a Veterans Treatment Court, in Dover, DE, to work with the Wilmington VA Medical Center (VAMC) to divert select members of this veteran population who are charged with non-violent felony and misdemeanor crimes, from jail into appropriate treatment or rehabilitative programs. The Veterans Treatment Court will operate as a part of the existing Kent County Superior Court of Delaware Treatment Program.

Purpose

The purpose of this Memorandum of Understanding (MOU) between Wilmington VAMC, and the KCSCD is to establish the Veterans Court of Delaware which will provide interested veterans charged with non-violent felony and misdemeanor crimes in Kent County with the opportunity to be diverted from incarceration and realize better outcomes in their contact with the criminal justice system through utilization of VA-sponsored rehabilitative programs.

Authority

The KCSCD has the authority to operate the Veterans Treatment Court as a unique Veterans Court pursuant to Article IV, Section: 7, of the Delaware Constitution, 10 Delaware Code, 542 et al. The VA has the authority to administer programs and provide healthcare to eligible veterans pursuant to Title 38 of the United States Code. This MOU is not intended to confer or create authority not already in existence for the parties.

The Parties to this MOU agree as follows:

1. The Veterans Treatment Court will include representatives of the KCSCD, the Wilmington VAMC, the state of Delaware Attorney General's Office, the state of Delaware Department of Probation and Parole, TASC, and the state of Delaware Public Defender's office who will assist in the planning, development, and application of the same.
2. Veterans charged with non-violent felony and misdemeanor crimes may be eligible to enter the Veterans Treatment Court program.
3. The Veterans Treatment Court is a voluntary program, which requires veterans charged with non-violent felony and misdemeanor crimes to agree in writing, during a hearing, to enter into the Veterans Treatment Court.

4. The KCSCD shall be responsible for having the veteran-defendant sign all necessary forms provided by the Court, including those allowing a release of health information from the VAMC to the KCSCD and the veteran's (defendant's) current charges from KCSCD to the VAMC. The parties understand and agree that if the veteran's (defendant's) consent to release information is revoked by the veteran (defendant) at any time, the VAMC will be unable to provide any information to the KCSCD pursuant to federal privacy laws.
5. The parties will collaborate and cooperate for the purpose of developing and utilizing necessary forms to be utilized to fulfill the requirements of the Veterans Treatment Court and to create a viable data collection process for a review of the efficacy of the Veterans Treatment Court at the conclusion of the 1-year trial period.
6. The VAMC shall provide one Veterans Treatment Court liaison provider whose responsibilities shall include:
 - a. Obtaining and scanning into VA's Computerized Patient Record System ("CPRS") consents for Releases of Information between KCSCD and the VAMC for each veteran (defendant) and verifying validity of the same prior to any disclosure;
 - b. Appearing at Veterans Treatment Court docket on a weekly basis to respond to court inquiries and assist with the scheduling of treatment appointments;
 - c. Providing treatment status reports to the KCSCD on a regular basis as requested;
 - d. Assisting in treatment planning and placement for veterans (defendants);
 - e. Assisting veteran (defendants) with VA enrollment and eligibility determinations.
7. The VAMC agrees to adopt the treatment recommendation proposed by the KCSCD independent evaluator independent evaluator as long as the treatment recommendation is consistent with the VA's standard of care. If the VA is unwilling to adopt the treatment recommendation proposed by the KCSCD independent evaluator, the parties shall attempt to reach an agreement as to the proposed level of treatment to be provided by the VA; however, in the absence of such agreement, KCSCD shall seek alternative treatment options existing within the community.
8. To preclude the appearance of or an actual conflict of interest, the KCSCD understands and agrees that the VA is not required to accept recommendations by a KCSCD independent evaluator that would result in a referral to the KCSCD independent evaluator's own agency/employer.
9. The parties understand and agree that the VAMC may provide an assessment of a Veteran (defendant) if the KCSCD independent evaluator is unable to do so; however, under no circumstances is a VAMC evaluator able to perform an assessment on a veteran (defendant) while in custody. VA will not furnish hospital and outpatient care to a veteran (defendant) who is an inmate in an institution of another government agency if that agency has a duty to give the care and services. 38 U.S.C. § 1710(h); 38 C.F.R. § 17.38(c)(5).
10. The KCSCD agrees that the referral for treatment shall be general as to the level of treatment and it is within the discretion of the VAMC to develop a specific treatment plan for each veteran-defendant. The VA shall provide treatment to the degree and duration needed in accordance with the VA standard of care.
11. The parties understand and agree that the VAMC may only provide treatment through programs and services the VAMC has available and to which a veteran is eligible and entitled to receive under federal law, and that the VAMC may be limited in its treatment options due to budget and availability of providers, The parties also understand and agree that veteran-defendants participating in the Veterans Treatment Court may not receive priority over veterans who are not participating in the Veterans Treatment Court.
12. The KCSD agrees to locate alternative

- a. the Veteran-defendant is not eligible for VA care
 - b. the VAMC is unable to provide treatment within the time frame mandated by the Treatment Court.
 - c. The VAMC is unable to provide treatment at the level mandated by the Veteran's Treatment court.
 - d. The VAMC is unable to provide treatment for any other valid reason.
13. VAMC's authority to pay for care for a veteran-defendant at non-VA facilities is limited to those specific situations set forth in 38 U.S.C. § 1703.
 14. In order to assist in treatment planning, the KCSCD agrees to provide the VA with the veteran-defendant's criminal history and current changes at the time of referral to the VA.
 15. The Veterans Treatment Court Mentor Program will be the responsibility of the KCSCD.
 16. The parties shall not make any statements, representations, or commitments of any kind, to bind another party except as expressly provided herein or otherwise agreed to by the parties in writing.

Confidentiality of Veteran Records: The VA medical and acclaims records are and shall remain the property of VA and shall not be removed or transferred from VA except in accordance with 5 U.S.C. § 522a (Privacy Act), 38 U.S.C. § 5701 (Confidentiality of Claimants Records), 5 U.S.C. § 552 (FOIA), 38 U.S.C. § 5705 (confidentiality of Medical Quality Assurance Records), 38 U.S.C. § 7332 (Confidentiality of Certain Medical Records) and federal laws, rules, and regulations. Subject to applicable federal confidentiality and privacy laws, veterans or their designated representatives may have access to information from VA's records, upon request during normal business hours.

All individually identifiable health information shall be treated as confidential by the parties in accordance with all applicable federal, state, and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information, including, but without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

Independent Contractors: For purposes of this MOU, the relationship of the parties shall not be construed or interpreted to be a partnership, association, joint venture, or agency. The relationship of the parties is an independent contractor relationship and not agents, representatives, or employees of the other party. No party shall have the authority to make any statements, representations, or commitments of any kind or to take any action that shall be binding on another party, except as may be expressly provided herein or authorized in writing.

Liability: Each party shall retain all the rights and remedies available under applicable Federal and State laws. Each party shall be responsible and liable for the errors and omissions of their employees, agents, and representatives. VA employees performing under this NKR) are covered by Federal Tort Claims Act and do not carry separate insurance

Notices: Any notices required or resulting from this MOU shall be in writing and made to the following:

The Resident Judge of Kent County Superior Court

Term of Agreement: The term of this MOU is on (1) year commencing on February 15, 2011. Thereafter, for all parties who do not opt out by written notification to all parties, it will automatically renew for consecutive one (1) year terms

commencing on December 31, 2011, of each year until amended. Any party may terminate its participation in this MOU at any time by providing written notice to all other parties not less than thirty (30) days prior to the effective date of such termination. if a party terminates its participation in the MOU, the parties agree to honor any and all agreements entered into with participating veteran-defendants until the conclusion of their criminal case.

CHARLES M. DORMAN, FACHE

DATE

RESIDENT JUDGE WILLIAM L. WITHAM, JR.

DATE

MEMORANDUM OF UNDERSTANDING

between

Wilmington Veteran Affairs Medical Center (VAMC)

and

New Castle County Superior Court of Delaware (NCSCD)

Background

Each year, veterans are charged with non-violent felony and misdemeanor crimes within New Castle County, Delaware. Many of these veterans have medical or mental health conditions and other life stressors, including those related to their military service. Veterans charged with non-violent felony and misdemeanor crimes, are often in need of treatment and rehabilitative services which are available through the Department of Veterans Affairs. The New Castle County Superior Court of Delaware (NCSCD) has agreed to establish a Veterans Treatment Court, in Wilmington, DE, to work with the Wilmington VA Medical Center (VAMC) to divert select members of this veteran population who are charged with non-violent felony and misdemeanor crimes, from jail into appropriate treatment or rehabilitative programs. The Veterans Treatment Court will operate as a part of the existing New Castle County Superior Court of Delaware Treatment Program.

Purpose

The purpose of this Memorandum of Understanding (MOU) between Wilmington VAMC, and the NCSCD is to establish the Veterans Court of Delaware which will provide interested veterans charged with non-violent felony and misdemeanor crimes in New Castle County with the opportunity to be diverted from incarceration and realize better outcomes in their contact with the criminal justice system through utilization of VA-sponsored rehabilitative programs.

Authority

The NCSCD has the authority to operate the Veterans Treatment Court as a unique Veterans Court pursuant to Article IV, Section: 7, of the Delaware Constitution, 10 Delaware Code, 542 et al. The VA has the authority to administer programs and provide healthcare to eligible veterans pursuant to Title 38 of the United States Code. This MOU is not intended to confer or create authority not already in existence for the parties.

The Parties to this MOU agree as follows:

1. The Veterans Treatment Court will include representatives of the NCSCD, the Wilmington VAMC, the state of Delaware Attorney General's Office, the state of Delaware Department of Probation and Parole, TASC, and the state of Delaware Public Defender's office who will assist in the planning, development, and application of the same.
2. Veterans charged with non-violent felony and misdemeanor crimes may be eligible to enter the Veterans Treatment Court program.
3. The Veterans Treatment Court is a voluntary program, which requires veterans charged with non-violent felony and misdemeanor crimes to agree in writing, during a hearing, to enter into the Veterans Treatment Court.
4. The NCSCD shall be responsible for 24 having the veteran-defendant sign all

necessary forms provided by the Court, including those allowing a release of health information from the VAMC to the NCSCD and the veteran's (defendant's) current charges from NCSCD to the VAMC. The parties understand and agree that if the veteran's (defendant's) consent to release information is revoked by the veteran (defendant) at any time, the VAMC will be unable to provide any information to the NCSCD pursuant to federal privacy laws.

5. The parties will collaborate and cooperate for the purpose of developing and utilizing necessary forms to be utilized to fulfill the requirements of the Veterans Treatment Court and to create a viable data collection process for a review of the efficacy of the Veterans Treatment Court at the conclusion of the 1-year trial period.
6. The VAMC shall provide one Veterans Treatment Court liaison provider whose responsibilities shall include:
 - a. Obtaining and scanning into VA's Computerized Patient Record System ("CPRS") consents for Releases of Information between NCSCD and the VAMC for each veteran (defendant) and verifying validity of the same prior to any disclosure;
 - b. Appearing at Veterans Treatment Court docket on a weekly basis to respond to court inquiries and assist with the scheduling of treatment appointments;
 - c. Providing treatment status reports to the NCSCD on a regular basis as requested;
 - d. Assisting in treatment planning and placement for veterans(defendants);
 - e. Assisting veteran (defendants) with VA enrollment and eligibility determinations.
7. The VAMC agrees to adopt the treatment recommendation proposed by the NCSCD independent evaluator independent evaluator as long as the treatment recommendation is consistent with the VA's standard of care. If the VA is unwilling to adopt the treatment recommendation proposed by the NCSCD independent evaluator, the parties shall attempt to reach an agreement as to the proposed level of treatment to be provided by the VA; however, in the absence of such agreement, NCSCD shall seek alternative treatment options existing within the community.
8. To preclude the appearance of or an actual conflict of interest, the NCSCD understands and agrees that the VA is not required to accept recommendations by a NCSCD independent evaluator that would result in a referral to the NCSCD independent evaluator's own agency/employer.
9. The parties understand and agree that the VAMC may provide an assessment of a Veteran (defendant) if the NCSCD independent evaluator is unable to do so; however, under no circumstances is a VAMC evaluator able to perform an assessment on a veteran (defendant) while in custody. VA will not furnish hospital and outpatient care to a veteran (defendant) who is an inmate in an institution of another government agency if that agency has a duty to give the care and services. 38 U.S.C. § 1710(h): 38 C.F.R. § 17.38(c)(5).
10. The NCSCD agrees that the referral for treatment shall be general as to the level of treatment and it is within the discretion of the VAMC to develop a specific treatment plan for each veteran-defendant. The VA shall provide treatment to the degree and duration needed in accordance with the VA standard of care.
11. The parties understand and agree that the VAMC may only provide treatment through programs and services the VAMC has available and to which a veteran is eligible and entitled to receive under federal law, and that the VAMC may be limited in its treatment options due to budget and availability of providers, The parties also understand and agree that veteran-defendants participating in the Veterans Treatment Court may not receive priority over veterans who are not participating in the Veterans Treatment Court.

12. The NCSD agrees to locate alternative treatment options within the community:
 - a. the Veteran-defendant is not eligible for VA care
 - b. the VAMC is unable to provide treatment within the time frame mandated by the Treatment Court.
 - c. The VAMC is unable to provide treatment at the level mandated by the Veterans Treatment Court.
 - d. The VAMC is unable to provide treatment for any other valid reason.
13. VAMC's authority to pay for care for a veteran-defendant at non-VA facilities is limited to those specific situations set forth in 38 U.S.C. § 1703.
14. In order to assist in treatment planning, the NCSCD agrees to provide the VA with the veteran-defendant's criminal history and current charges at the time of referral to the VA.
15. The Veterans Treatment Court Mentor Program will be the responsibility of the NCSCD.
16. The parties shall not make any statements, representations, or commitments of any kind, to bind another party except as expressly provided herein or otherwise agreed to by the parties in writing.

Confidentiality of Veteran Records: The VA medical and acclaims records are and shall remain the property of VA and shall not be removed or transferred from VA except in accordance with 5 U.S.C. § 522a (Privacy Act), 38 U.S.C. § 5701 (Confidentiality of Claimants Records), 5 U.S.C. § 552 (FOIA), 38 U.S.C. § 5705 (confidentiality of Medical Quality Assurance Records), 38 U.S.C. § 7332 (Confidentiality of Certain Medical Records) and federal laws, rules, and regulations. Subject to applicable federal confidentiality and privacy laws, veterans or their designated representatives may have access to information from VA's records, upon request during normal business hours.

All individually identifiable health information shall be treated as confidential by the parties in accordance with all applicable federal, state, and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information, including, but without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

Independent Contractors: For purposes of this MOU, the relationship of the parties shall not be construed or interpreted to be a partnership, association, joint venture, or agency. The relationship of the parties is an independent contractor relationship and not agents, representatives, or employees of the other party. No party shall have the authority to make any statements, representations, or commitments of any kind or to take any action that shall be binding on another party, except as may be expressly provided herein or authorized in writing.

Liability: Each party shall retain all the rights and remedies available under applicable Federal and State laws. Each party shall be responsible and liable for the errors and omissions of their employees, agents, and representatives. VA employees performing under this NKR) are covered by Federal Tort Claims Act and do not carry separate insurance

Notices: Any notices required or resulting from this MOU shall be in writing and made to the following:

The Resident Judge of New Castle County Superior Court

Term of Agreement: The term of this MOU is on (1) year commencing on December 3, 2012. Thereafter, for all parties who do not opt out by written notification to all parties, it will automatically renew for consecutive one (1) year terms

commencing on December 3, 2013, of each year until amended. Any party may terminate its participation in this MOU at any time by providing written notice to all other parties not less than thirty (30) days prior to the effective date of such termination. if a party terminates its participation in the MOU, the parties agree to honor any and all agreements entered into with participating veteran-defendants until the conclusion of their criminal case.

DANIEL D. HENDEE, FACHE
Director, Wilmington VAMC

DATE 3/25/2013

JUDGE JAN R. JURDEN
New Castle County Superior Court of Delaware

DATE 4/29/2013

MEMORANDUM OF UNDERSTANDING

Between the

DEPARTMENT OF VETERANS AFFAIRS, WILMINGTON VA MEDICAL CENTER

And

THE SUPERIOR COURT OF DELAWARE, VETERANS TREATMENT COURT

And

**STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION, DIVISION OF
MOTOR VEHICLES**

And

**STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY,
OFFICE OF HIGHWAY SAFETY**

Background: Each year hundreds of veterans are charged with crimes in the State of Delaware. Many of these veterans have medical, mental health, and other problems including those related to their military service. Veterans, who are charged with a crime, often need rehabilitative services that are not otherwise available to them except through the Department of Veterans Affairs (“VA”). The Superior Court of Delaware has established a Veterans Treatment Court to work with the VA to divert select members of the veteran population who are charged with crimes away from possible incarceration and into appropriate rehabilitative programs. The Veterans Treatment Court operates as a part of the Superior Court of Delaware (“Veterans Court”).

Purpose: The purpose of this Memorandum of Understanding (“MOU”) between the Department of Veterans Affairs Wilmington VA Medical Center (“VAMC”), the Superior Court, the State of Delaware, Department of Transportation, Division of Motor Vehicles (“DMV”), and the State of Delaware, Department of Safety and Homeland Security, Office of Highway Safety (“OHS”), (collectively the “Parties”), is to provide veterans, whose drivers’ licenses have been revoked or suspended for violations including but not limited to operating a vehicle while under the influence of intoxicating liquor or drugs, the rehabilitative services required pursuant to 21 *Del. C.* § 4177D.

Authority: The VAMC has the authority to administer programs and provide healthcare to eligible veterans pursuant to Title 38 of the United States Code. The Veterans Court has the authority to operate as a unique Court pursuant to Art. IV, Sec. 7, Delaware Constitution,

10 *Del. C.* § 542. The OHS has the authority to approve the VAMC's evaluation and treatment programs as at least equivalent to the evaluation and treatment programs established pursuant to 21 *Del. C.* § 4177D. Usually, these treatment programs are provided by contracted DUI provider agencies upon referral from the Delaware Evaluation and Referral Program ("DERP"). The OHS, after review on a case by case basis will provide their approval of the VAMC's programs if appropriate. The DMV has the authority to accept OHS's approval of VAMC's evaluation and treatment programs as compliant for purposes of reinstating driving privileges for those veterans who successfully complete Veterans Court.

The Parties to the MOU agree as follows:

1. The Veterans Court will include judicial officials and staff from the Superior Court of Delaware, representatives from the VAMC, representatives from the Department of Justice, representatives from the Public Defender's Office, who will assist in the planning, development and monitoring of select veteran's referred to the Veteran's Court.
2. Veterans charged with violating 21 *Del. C.* § 4177 – Driving a Vehicle Under the Influence or with a Prohibited Alcohol or Drug Content – may be eligible to enter the Veterans Court when referred to the Veterans Court by the Department of Justice.
3. The Veterans Court is a voluntary program, which requires the veteran charged with a violation of 21 *Del. C.* §4177 to agree in writing during a hearing to enter into the Veterans Court.
4. The Veterans Court shall be responsible for having the referred veteran-defendant review and sign all necessary forms provided by the Veterans Court including those allowing the release of health information from the VA and/or the VAMC to the Veterans Court and to the OHS, and the referred veteran-defendant's charges released by the Veterans Court to the VA and/or VAMC. The Parties understand and agree that the veteran-defendant's consent to release information may be revoked at any time. The Parties further understand and agree that in the event the veteran-defendant revokes the consent to release information, the VA and/or the VAMC will be unable to provide any information to the Veterans Court pursuant to federal privacy laws.
5. The Parties will collaborate and cooperate for the purpose of developing and implementing necessary forms to be utilized to fulfill the requirements of the Veterans Court.
6. The VAMC shall provide a Veterans Court liaison who is responsible for:
 - a. Obtaining and scanning into the VA's Computerized Patient Record System ("CPRS") consents for release of information between the Parties for each veteran-defendant and verifying the validity of such release prior to any disclosure of information;
 - b. Appearing at Veterans Court docket to respond to court inquiries and assist with scheduling of treatment appointments;

- c. Providing treatment status reports to the Veterans Court on a regular basis as requested;
 - d. Assisting in rehabilitative services planning and placement for veteran-defendants;
 - e. Providing assistance to veteran-defendants with VA enrollment and eligibility determinations.
7. The OHS, if after finding that a veteran-defendant's treatment plan and status report satisfies the program requirements, shall also find that the VAMC's instruction and/or program of rehabilitation meets all the requirements of a contracted DUI agency provider and also meets all the requirements of the First Offenders Program (21 Del. C. § 4177B), if applicable.
8. The DMV agrees to accept OHS's approval of VAMC's evaluation and treatment programs as compliant for purposes of reinstating driving privileges for those veterans who successfully complete Veterans Court.
9. Further, DMV agrees to waive any reinstatement fees for those veteran-defendants who successfully complete their treatment plan and are approved by OHS.
10. The VAMC agrees to review and determine whether it has the ability to provide the veteran-defendant with the required instruction and/or program of rehabilitation mined necessary to meet the approval of the OHS.
11. The VAMC agrees to adopt additional required instruction and/or program of rehabilitation if determined necessary by OHS as long as such additional instruction and/or program of rehabilitation are consistent with the VA's standard of care. If the VA is unable or unwilling to adopt the additional instruction and/or program of rehabilitation, the Parties shall attempt to reach an agreement as to the proposed instruction and/or program of rehabilitation to be provided by the VAMC; however, if the Parties are unable to reach such agreement, the Veterans Court shall seek alternative providers for the veteran-defendant's required instruction and/or program of rehabilitation.
12. The Parties understand and agree that the VAMC will provide an assessment of a veteran-defendant and provide that assessment to the Veterans Court. The VAMC, under no circumstances, is able to perform an assessment on a veteran-defendant while that veteran-defendant is in custody. Further, neither the VA, nor the VAMC, will furnish hospital and/or outpatient care to a veteran-defendant, who is an inmate in an institution of another government agency if that agency has a duty to give such care and services. 38 U.S.C. § 1710(h); 38 C.F.R. § 17.38(c)(S).
13. The Veterans Court agrees that the referral for rehabilitative services shall be general and it is within the discretion of the VAMC to develop a specific treatment plan for each veteran-defendant which will meet the requirements of the instruction and/or program of rehabilitation as determined by OHS. The VA and/or the VAMC shall

provide rehabilitative services to the degree and duration needed in accord with the acceptable standard of care.

14. The Parties understand and agree that the VAMC may only provide rehabilitative services through programs and services the VAMC has available and to which a veteran is eligible and entitled to receive under federal law, and that the VAMC may be limited in its rehabilitative service options due to budget and availability of providers. The Parties also understand and agree that veteran-defendants participating in the Veterans Court may not receive priority over veterans who are not participating in the Veterans Court.
15. The Veterans Court agrees to work with OHS to locate alternative rehabilitative services options if:
 - a. The veteran-defendant is not eligible for VA care;
 - b. The VAMC is unable to provide rehabilitative services within the time frame mandated by the Veterans Court;
 - c. The VAMC is unable to provide rehabilitative services at the level mandated by the Veterans Court and/or OHS;
 - d. The VAMC is unable to provide treatment for any other valid reason.
16. The VAMC's ability to pay for care for a veteran-defendant at non-VA facilities is limited to those specific situations set forth in 38 U.S.C. §1703.
17. In order to assist in rehabilitative services planning, the Veterans Court agrees to provide the VA and/or the VAMC with the veteran-defendant's criminal history and current charges at the time of referral to the VA and/or VAMC.
18. The Parties shall not make any statements, representations, or commitments of any kind, to bind another party except as expressly provided herein or otherwise agreed to by the Parties in writing.
19. The person signing this MOU on behalf of each of the Parties confirms that they have the authority to execute this MOU on behalf of their respective Party.

Confidentiality of Veteran Records: The VA medical and acclaims records are and shall remain the property of VA and shall not be removed or transferred from VA except in accordance with 5 U.S.C. § 522a (Privacy Act), 38 U.S.C. § 5701 (Confidentiality of Claimants Records), 5 U.S.C. § 552 (FOIA), 38 U.S.C. § 5705 (confidentiality of Medical Quality Assurance Records), 38 U.S.C. § 7332 (Confidentiality of Certain Medical Records) and federal laws, rules, and regulations. Subject to applicable federal confidentiality and privacy laws, veterans or their designated representatives may have access to information from VA's records, upon request during normal business hours.

All individually identifiable health information shall be treated as confidential by the Parties in accordance with all applicable federal, state, and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information, including, but without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

Independent Contractors: For purposes of this MOU, the relationship of the Parties shall not be construed or interpreted to be a partnership, association, joint venture, or agency. The relationship of the Parties is an independent contractor relationship and not agents, representatives, or employees of the other party. No party shall have the authority to make any statements, representations, or commitments of any kind or to take any action that shall be binding on another party, except as may be expressly provided herein or authorized in writing.

Liability: Each party shall retain all the rights and remedies available under applicable Federal and State laws.

Notices: Any notices required or resulting from this MOU shall be in writing and made to the following:

VA	Cecilia Gonzalez Thompson, Veteran Outreach Specialist
Veteran's Court	Resident Judge Witham
	Melissa Ridley, Judicial Case Manager Kent & Sussex Counties
	Miranda Klein, Judicial Case Manager New Castle County
DMV	Kami Beers, Chief of Driver Services
	Nicole Chamberlain, Motor Vehicle Services Manager
OHS	Jana Simpler, Director
	Lisa M. Shaw, Deputy Director

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Kent County Superior Court Veterans Treatment Court Team

Superior Court of Delaware

Honorable William L. Witham	Judge	414 Federal St. Dover, DE 19901	302.735.2121	William.Witham-Jr@state.de.us
Melissa Ridley	VTC Case Manager	414 Federal St. Dover, DE 19901	302.735.1915	Melissa.Ridley@state.de.us
Dawn Horan	Secretary	414 Federal St. Dover, DE 19901	302.735.5332	Dawn.Horan@state.de.us

Department of Veterans Affairs

Cecilia Gonzalez	Veteran Justice Outreach Specialist	1601 Kirkwood Hwy Wilmington, DE 19805	302.824.9322	Cecilia.Gonzalez2@va.gov
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Treatment Access Center

Marc Richman, Ph.D	TASC Director	1901 N. DuPont Hwy New Castle, DE 19702	302.255.9416	Marc.Richman@state.de.us
Jim Ruben	TASC Operations Manager	805 River Rd. Dover, DE 19903	302.354.6594	James.Ruben@state.de.us
Jackie Deleonardis	Senior Case Manager	805 River Rd. Dover, DE 19903	302.857.9096	Jaelyn.DeLeonardis@state.de.us

Probation and Parole

Kecia Winchester	Probation and Parole Supervisor	511 Maple Parkway Dover, DE 19901	302.739.5387	Kecia.Winchester
Heather Berasley	Senior Probation Officer	511 Maple Parkway Dover, DE 19901	302.739.5387	Michelle.Yadlosky@state.de.us

Delaware Department of Justice

Kenneth Haltom, Esq.	Kent County Chief Prosecutor	102 W. Water St. Dover, DE 19904	302.739.4211	Kenneth.Haltom@state.de.us
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Delaware Office of the Public Defender

Kathleen Amalfitano, Esq.	Assistant Public Defender	45 The Green Dover, DE 19901	302.526.5937	Kathleen.Amalfitano@state.de.us
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Mentor Coordinator

John McDonald	Volunteer Mentor Coordinator	1308 Chadwick Rd. Wilmington, DE 19803	302.764.1681	signal261@comcast.net
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New Castle County Superior Court Veterans Treatment Court Team

Superior Court of Delaware

Honorable Jan R. Jurden	Judge	500 N. King St. Wilmington, DE 19801	302.255.0665	Jan.Jurden@state.de.us
Miranda Klein	VTC Case Manager	500 N. King St. Wilmington, DE 19801	302.255.0646	Miranda.Klein@state.de.us
Marjorie Swain	Secretary	500 N. King St. Wilmington, DE 19801	302.255.0665	Marjorie.Swain@state.de.us

Department of Veterans Affairs

Cecilia Gonzalez	Veteran Justice Outreach Specialist	1601 Kirkwood Hwy Wilmington, DE 19805	302.824.9322	Cecilia.Gonzalez2@va.gov
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Treatment Access Center

Marc Richman, Ph.D	TASC Director	1901 N. DuPont Hwy New Castle, DE 19702	302.255.9416	Marc.Richman@state.de.us
Gail Riblett, Esq.	TASC Operations Manager	801 S. Harrison St. Wilmington, DE 19805	302.577.2711	Gail.Riblett@state.de.us
Leroy Jett	Case Manager	801 S. Harrison St. Wilmington, DE 19805	302.577.2711	Leroy.Jett@state.de.us

Probation and Parole

Michelle Yadlosky	Probation and Parole Supervisor	26 Parkway Circle New Castle, DE 19720	302.323.6050	Michelle.Yadlosky@state.de.us
Christopher DeNunzio	Senior Probation and Parole Officer	26 Parkway Circle New Castle, DE 19720	302.323.6050 ext. 1358	Chris.Denunzio@state.de.us

Delaware Department Of Justice

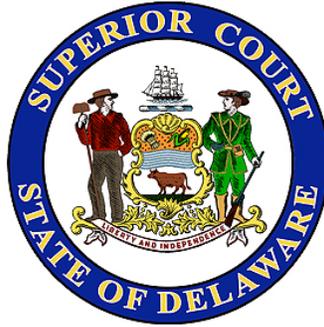
Eric Zubrow, Esq.	NCC Deputy Attorney General	820 N. French St. Wilmington, DE 19801	302.577.8840	Eric.Zubrow@state.de.us
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Delaware Office of the Public Defender

Robert Goff, Esq.	Assistant Public Defender	900 N. King St. Wilmington, DE 19801	302.577.5134	Robert.Goff@state.de.us
Bradley Manning, Esq.	Assistant Public Defender	900 N. King St. Wilmington, DE 19801	302.577.5140	Bradley.Manning@state.de.us

Mentor Coordinator

John McDonald	Volunteer Mentor Coordinator	1308 Chadwick Rd. Wilmington, DE 19803	302.764.1681	signal261@comcast.net
Kemp Vye	Volunteer Peer Mentor		302.379.3642	DEMAJDAD@aol.com



Superior Court of Delaware
Veterans Treatment Court Dates 2014

<u>Kent County</u>	<u>New Castle County</u>
January 17, 2014	January 24, 2014
February 7, 2014	February 14, 2014
February 21, 2014	March 14, 2014
March 7, 2014	March 28, 2014
March 21, 2014	April 25, 2014
April 4, 2014	May 9, 2014
May 2, 2014	May 23, 2014
June 6, 2014	June 27, 2014
June 13, 2014	July 11, 2014
July 18, 2014	July 25, 2014
August 1, 2014	August 22, 2014
August 15, 2014	September 12, 2014
September 5, 2014	September 26, 2014
September 19, 2014	October 10, 2014
October 3, 2014	October 24, 2014
November 7, 2014	November 14, 2014
November 21, 2014	December 12, 2014
December 5, 2014	
December 19, 2014	

Index of Veterans Treatment Court Forms

<u>Number</u>	<u>Title</u>
1. VTC Form 1 (02/04/2011)	Superior Court of Delaware Veterans Treatment Court Report
2. VTC Form 2 (Revised 05/20/2014)	Veterans Treatment Court Information Sharing Order
3. VTC Form 3 (Revised 06/12/2014)	Veterans Treatment Court Diversion Petition, Waiver, and Agreement
4. VTC Form 4 (Revised 05/20/2014)	Veterans Treatment Court Probation Participation Contract
5. VTC Form 5 (12/10/2012)	Superior Court of Delaware Problem-Solving Courts Disposition Worksheet
6. VTC Form 6 (Revised 05/30/2014)	Certificate of Achievement
7. VTC Form 7 (12/10/2012)	Status Log
8. VTC Form 8 (Revised 09/27/2013)	Judge's Fact Sheet
9. VTC Form 9 (Revised 09/27/2013)	Exit Information Worksheet
10. VTC Form 10 (Revised 05/20/2014)	Veterans Treatment Court Change of Venue Order
11. VTC Form 11 (10/03/2013)	Veterans Treatment Court Enrollee Information
12. VTC Form 12 (02/10/2014)	Veterans Treatment Court Photography Consent Form/Release

Superior Court of Delaware Veterans Treatment Court Report

Client Information	
Last Name:	First: Middle: SBI: DOB:
Case Numbers:	; ; ;
Date of Report:	For Status Conference:
Treatment Provider:	Contact Person: Phone:
Diagnosis:	
Next Status Conference (Requested):	
Statures:	
Change in Housing Status:	<input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Change in Educational Status:	<input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Change in Employment Status:	<input type="checkbox"/> Yes <input type="checkbox"/> No Explain:
Drug Screens:	
Date:	Location: <input type="checkbox"/> TASC <input type="checkbox"/> Treatment <input type="checkbox"/> Positive <input type="checkbox"/> Negative Result:
Date:	Location: <input type="checkbox"/> TASC <input type="checkbox"/> Treatment <input type="checkbox"/> Positive <input type="checkbox"/> Negative Result:
Date:	Location: <input type="checkbox"/> TASC <input type="checkbox"/> Treatment <input type="checkbox"/> Positive <input type="checkbox"/> Negative Result:
Date:	Location: <input type="checkbox"/> TASC <input type="checkbox"/> Treatment <input type="checkbox"/> Positive <input type="checkbox"/> Negative Result:
Probation: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Officer Name:	Probation Level:
Compliance with Conditions of Probation:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Problem Behavior
Violations/New Charges:	<input type="checkbox"/> Yes <input type="checkbox"/> No Description:
Incarceration:	<input type="checkbox"/> Yes <input type="checkbox"/> No Length: days Reason:
Was a warrant issued?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:	

Treatment:			
Missed Treatment Appointment(s):	<input type="checkbox"/> Yes <input type="checkbox"/> No	#	Date verified: with
Missed TASC Appointment(s):	<input type="checkbox"/> Yes <input type="checkbox"/> No	#	
Current Medication(s):			
Compliance with Program Rules:	<input type="checkbox"/> Always <input type="checkbox"/> Sometimes <input type="checkbox"/> Rarely/Never	Date verified:	with
Psychiatric Hospital Visits:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Length: days	Reason:
ER Visits:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Length: days	Reason:
Crisis Unit Visits:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Total Visit(s):	Length: days Reason:
Change in Treatment Provider or Program:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Explain:	Date verified: with
Change in Benefits:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Explain:	
Comments:			
Submitted By:	Agency:		Date:

Court Notes: _____

Date Submitted: _____

In the Superior Court of the State of Delaware

In and For Kent County

State of Delaware

CRA Number(s)

v

Defendant

ID #: _____ DOB: _____ SBI #: _____

Veterans Treatment Court Information Sharing Order

AND NOW, this 8th day of July, A.D., 2014,

having determined that the above-captioned defendant is an offender within the custody of the Department of Correction either as an incarcerated individual or being supervised in the community; and

WHEREAS, this defendant has voluntarily agreed to participate in the Veterans Treatment Court, whose mission is to assist justice-involved individuals in addressing their mental health needs through treatment and supervision in an effort to improve mental health, promote self sufficiency, reduce recidivism, and protect the public.

WHEREAS, this Court may impose interim orders, or modify the sentence and conditions of probation arising out of the above-captioned criminal matter; and

WHEREAS, it may be necessary to evaluate the Defendant's protected healthcare information, educational, vocational rehabilitation, and correctional records in order to properly adjudicate this matter;

IT IS HEREBY ORDERED that upon presentation of this Order to any State of Delaware agency, hospital, school, organization, division or department of the State, doctor, nurse or other health care provider, treatment facility, psychologist, psychiatrist, police department, mental health clinic, drug or alcohol treatment provider, such agency shall permit the inspection and/or copying of any records, whether in electronic format or otherwise, relating to the above-captioned Defendant, without the consent of the Defendant.

1. Substance abuse treatment records shall be released pursuant to **42 U.S.C. § 290dd-2** and **42 C.F.R. § 2.61**, et seq. because the Court has determined that good cause exists. Other ways of obtaining this information are not available or would not be effective; and the public interest for disclosure outweighs potential injury.
2. Said records are needed for the purpose to assessing the propriety of this offender's criminal sentence, the offender's likelihood of re-offense, relapse, and the offender's ability to comply with the conditions of said criminal sentence.
3. In the matter at hand, the need for disclosure outlined above outweighs any potential injury to the patient, or physician/patient relationship, and to treatment services because such disclosures are strictly limited

to the Court and parties and may not be distributed to any other individual without express written consent of this Court.

This Order complies with **34 CFR § 99.31(a)(9)**(permitting court ordered disclosure of educational records otherwise protected under FERPA); **34 CFR § 361.38(e)(4)**(requiring the release of personal information relating to vocational rehabilitation pursuant to a court order); and **45 CFR § 164.512(e)(i)**(permitting disclosure of HIPAA protected healthcare information in response to an order of the court). Further, this is a court order to produce correctional records pursuant to and consistent with the purposes set forth at **11 Del. C. §4322(a)** and protected health information pursuant to **16 Del. C. § 1232(d)(5)**. This Order is specifically limited to the purposes set forth herein. Secondary disclosures are prohibited without written leave of Court.

The authority to receive documents and other records shall be strictly limited to the following individuals:

This order shall remain in full force and effect until further order of the Court. Unless otherwise ordered by the Court, this order shall terminate automatically at the expiration of the Defendant's criminal sentence.

Judge

cc: Original- Prothonotary File

VTC FORM 2 12/10/2012 (Revised 05/20/2014)



In the Superior Court of the State of Delaware
In and For New Castle County

Defendant Name

DUC Number

DOB

Address

Phone Number

Veterans Treatment Court
Diversion Petition, Waiver and Agreement

1. I voluntarily request entry into the Superior Court Veterans Treatment Court Program. I understand that, I will have to follow orders and directions given to me by the Superior Court of Delaware Veterans Treatment Court Judge and treatment personnel. To that end, I understand and agree to comply with all of the following terms and conditions.
2. If I complete the program successfully, the criminal charges pending against me relating to the stipulated facts herein will be *nolle prossed* by the Delaware Department of Justice. Election of this program also requires the waiver of certain important rights as a condition of participation which is listed below.
3. I agree to submit to and complete a diagnostic evaluation and treatment program dealing with my substance abuse problem as ordered by the Court. I understand that the treatment program recommended by the TASC/VA Case Manager could include **residential** in addition to **outpatient** treatment. I further authorize release of all treatment information to the Court. Such information will not, however, be utilized by the Attorney General in any subsequent trial, if necessary, on the charges presently before the Court.
4. If I successfully complete the diversion program and fulfill all terms and conditions of this Agreement, prosecution for the offense which is the subject of the stipulated facts will not proceed and the charges against me stemming from those facts will be dismissed. The minimum length of the program is 6 months, lasting up to a year or more if necessary.

If I do not successfully complete the diversion program or comply with the conditions of this Agreement, a failure to Comply Hearing will be scheduled and may result in (1) modification of my treatment program or (2) revocation of my pre-trial release or (3) transfer of my case back to a court that retained jurisdiction or (4) termination from the program resulting in a trial based only upon the facts stipulated to be accurate for the purposes of these proceedings and the trial.

State agrees to NOLP the above mentioned charges upon successful completion/graduation of this program.

5. By signing this document I acknowledge that I have read and understand that the attached statement of facts is accurate for the purposes of these proceedings and any subsequent trial. I agree that those facts will be the sole basis to be considered in any trial which results from my breach of any of the terms of this Agreement. **(Defendant shall sign and initial each page.)**
6. I further understand by agreeing to the stipulated trial referred to in Paragraph 5, I am surrendering certain rights, including:
 - (a) my right to a speedy trial;
 - (b) my right to a jury trial;
 - (c) my right to call witnesses and cross-examine State witnesses;
 - (d) my right to testify and present evidence;
 - (e) my right to raise and legal or factual defenses arising from out State and Federal constitutions, including but not limited to, the right of the police to stop and/or seize me and/or evidence and the legality of any statement obtained by the police;
 - (f) my right to appeal unless the sentence imposed exceeds the statutory maximum sentence prescribed by law.
7. I understand the minimum general requirements to achieve final disposition in the Superior Court of Delaware Veterans Treatment Court Program are:
 - (a) Participation and compliance with my treatment program.
 - (b) Remaining drug and alcohol free (excluding prescribed medications) during my participation in the Superior Court of Delaware Veterans Treatment Court Program.
 - (c) Remain medication compliant.
 - (d) Meet with Veterans Treatment Court Mentor as directed by the Superior Court of Delaware Veterans Treatment Court Judge.
8. I understand that if I violate any of the terms and conditions of this contract, the Superior Court Delaware Veterans Treatment Court Judge, at his or her discretion, may impose sanctions. Violations include, but are not limited to: missed appointments, missed court appearances, positive tests for illegal drugs or alcohol, new arrest, failure to work diligently toward the goals of the program, or failure to follow the instructions of the Judge or treatment personnel.
9. I also agree:
 - (a) not to violate any law (federal, state or local) and to immediately contact the treatment counselor if arrested;
 - (b) to attend school or work regularly at a lawful occupation or be otherwise engaged productively as approved by the Court;
 - (c) to continue to reside at the address supplied to the Court, and to notify and to update my information if I change my address ;
 - (d) to report to the program to which I am referred, as required, cooperate fully, and abide by all of the program's conditions;
 - (e) to appear in Court for status conferences or termination hearings as required;
 - (f) that the Court may extend my treatment as the Court determines appropriate to allow successful completion of the requirements;
 - (g) to pay a civil drug education fund assessment to the Clerk of the Superior Court in the amount of \$200.00 Court Cost, **unless deemed suspended by the Court**. I may also be charged a fee by the private treatment provider, based on a sliding scale which will take into account my income and dependants. The exact details of this fee will be explained to me by the treatment provider personnel.
 - (h) I understand that participation in the Delaware Superior Court Veterans Treatment Court Program is voluntary. If I wish to withdraw from the program, I must ask my lawyer to schedule a hearing

before the Judge. I understand that my withdrawals from the program may result in my case being re-listed for trial or if another court retained jurisdiction, to be transferred back to that court.

- (i) I understand that I have the right to consult with an attorney with respect to any questions I have concerning my rights and the Superior Court of Delaware Veterans Treatment Court Program. I understand that if I am unable to afford an attorney, the Court will appoint one to me.
- (j) **to stipulate to the following: facts contained in the police report, complaint no. _____ by the defendant above and the substance was _____.**
- (k) to the following additional requirements:
 - a. **Defendant/Petitioner agrees not to file for a motion for expungement for three (3) years after successful completion/graduation from this program.**
 - b. **If the Defendant/Petitioner was charged with a Driving Under the Influence (“DUI”) offense, the Defendant/Petitioner agrees not to file a motion for expungement after successful completion/graduation from this program.**

I have read or my attorney has read to me and I understand this petition and my obligations and the rights I am surrendering. I am knowingly and voluntarily entering into this Agreement understanding that the police report and/or accompanying statement of facts and/or stipulation will form the sole basis of the evidence in any trial that may occur.

Date

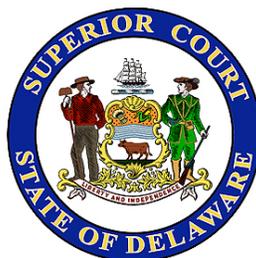
Defendant Signature

Attorney General Signature

Defense Attorney Signature

Veterans Treatment Court Judge Signature

Veterans Administration Signature



In the Superior Court of the State of Delaware
In and For Kent County

State of Delaware

v

Defendant

DUC Number(s):

Veterans Treatment Court
Probation Participation Contract

I, _____, the above-named defendant, by entering into the Delaware Veterans Treatment Court Program, understand that I will have certain obligations and responsibilities, and will have to follow orders and directions given to me by the Delaware Veterans Treatment Court Judge and treatment personnel. To that end, I understand and agree to comply with all of the following terms and conditions.

I will keep all appointments and I will follow all recommendations and directions involving my treatment plan.

I understand if I willfully miss any scheduled court appearances, a bench warrant for my arrest may be issued and sanctions may be imposed.

I understand that I must be in compliance with my probation at all times.

I will sign any and all releases of confidential information requested of me for and during my participation in the Delaware Veterans Treatment Court Program. I understand that any statements made by me while participating in this program could be used against me for post-conviction purposes only. This includes statements made to Delaware Veterans Treatment Court staff during the pre-screening phase, statements made in open court during Kent County County, Delaware Veterans Treatment Court proceedings, and/or statements made to any treatment provider during the treatment phase of the program. Spontaneous statements made by me in open court which refer to unrelated criminal activity and which are not related to participation in the Delaware Veterans Treatment Court Program may be admissible in other proceedings.

I understand that if I violate any of the terms and conditions of this contract, the Delaware Veterans Treatment Court Judge, at his or her discretion, may impose sanctions. Violations include, but are not limited to: missed appointments, missed court appearances, positive tests for illegal drugs or alcohol, new arrest, failure to work diligently toward the goals of the program, or failure to follow the instructions of the Judge or treatment personnel.

I understand the minimum general requirements to achieve final disposition in the Delaware Veterans Treatment Court Program are:

- a. Participation and compliance with my treatment program.

- b. Remaining drug and alcohol free (excluding prescribed medications) during my participation in the Delaware Veterans Treatment Court Program.
- c. Remain medication compliant.
- d. Meet with a Veterans Court Mentor as directed by the Delaware Veterans Treatment Court Judge.
- e. Remain compliant with all my probation requirements.

I will provide all documentation requested by the Delaware Veterans Treatment Court concerning these requirements. I understand that meeting the minimum requirements does not automatically entitle me to a final disposition. That determination will be made at the discretion of the Judge after consultation with the Office of Probation, TASC, the Attorney General’s Office, and my attorney.

I understand if I fail to comply with this contract and am terminated from the Delaware Veterans Treatment Court Program, after a hearing in a Violation of Probation, the following may occur:

- a. I may be held in violation of my probation for failure to complete this program.
- b. I may be placed on the normal probation tract and not be permitted to continue my probation in Veterans Treatment Court.

I understand that participation in the Delaware Veterans Treatment Court Program is voluntary. If I wish to withdraw from the program, I must ask my lawyer to schedule a hearing before the Judge. I understand that my withdrawal from the program will result in my probation being continued or dismissed as determined by the Court.

I understand that I have the right to consult with an attorney with respect to any questions I have concerning my rights and the Delaware Veterans Treatment Court Program. I understand that if I am unable to afford an attorney, the Court will appoint one to me.

I have read all of the above conditions, or my lawyer has read them to me. My lawyer has explained these conditions to my satisfaction and answered all of my questions. I understand and agree to these conditions.

Date

Defendant Signature

Attorney General Signature

Defense Attorney Signature

Veterans Treatment Court Judge Signature

Veterans Administration Signature

cc: Prothonotary

Certificate of Achievement



This certificate is presented to

JOHN DOE



For Successful Completion of the

Delaware Veterans Treatment Court

The Veterans Treatment Court mission is to divert veterans, who meet strict requirements, from the traditional criminal justice system and provide them with the tools to lead a productive and law-abiding life. Through your hard work and dedication you have once again brought honor to yourself, your loved ones, and to all of those who proudly served their country in uniform.

Signed this 30th day of May, 2014

Veteran Court Judge

Deputy Attorney General

Veterans Justice Outreach
Specialist



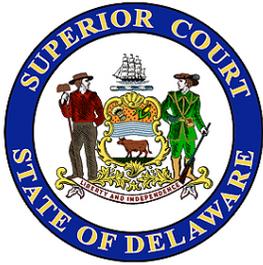
VETERANS TREATMENT COURT STATUS LOG

DEFENDANT NAME

PROBATION/DIVERSION MENTOR: _____

BRANCH OF SERVICE: _____

DATE	STATUS



SUPERIOR COURT OF DELAWARE
VETERANS TREATMENT COURT
JUDGE'S FACT SHEET

Name: _____ DOB: ___/___/_____

Probation/Diversion Case Number(s): _____

Entry Date: ___/___/_____

Branch of Service: _____

Main Underlying Charge: _____

Sentence: _____

Diagnosis: _____

Probation Officer: _____

V.A. Coordinator/TASC Case Manager: _____

Treatment Provider: _____

Defense Attorney: _____

Mentor: _____

Referred By: _____



**SUPERIOR COURT OF DELAWARE
VETERANS TREATMENT COURT
EXIT INFORMATION WORKSHEET**

Name: _____
(Please print)

Address: _____

Phone Number: (____) _____ Mobile
(____) _____ Home

Branch of Service: _____

Graduation Date: ____/____/____

Would you be interested in becoming a peer mentor to other Veterans Treatment Court Participants?

Yes No
(Circle one)

In the Superior Court of the State of Delaware
In and For New Castle County

State of Delaware

CRA Number(s):

v

Defendant

ID #:

DOB:

SBI #:

Veterans Treatment Court Change of Venue Order

AND NOW TO WIT, this 8th day of July , A.D., 2014 ,

WHEREAS, the above-captioned defendant has voluntarily agreed to enter into Kent County Superior Court Veterans Treatment Court.

THEREFORE, the Kent County Superior Court is hereby directed electronically to transfer the case information to Kent County Superior Court and to forward the official file to the Kent County Prothonotary's Office for all future events in this case. All financial obligations will be collected through the Prothonotary's Office in and for Kent County.

IT IS SO ORDERED.

Judge

cc: Prothonotary – Original
 Prothonotary –

VTC FORM 10 12/10/2012 (Revised 05/20/2014)

LAST NAME	FIRST NAME	MIDDLE NAME	DOB (dd/mm/yyyy)
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**SUPERIOR COURT OF DELAWARE
VETERANS TREATMENT COURT
PHOTOGRAPHY CONSENT FORM / RELEASE**

I, (print name) _____, hereby grant permission to New Castle County Superior Court, to take and use: photographs and/or digital images of me for use in for display at court proceedings, news releases, and/or meetings pertaining to the Veterans Treatment Court. These materials might include printed or electronic publications, Web sites or other electronic communications. I further agree that my name and identity may be revealed in descriptive text or commentary in connection with the image(s). I authorize the use of these images without compensation to me. All negatives, prints, digital reproductions shall be the property of New Castle County Superior Court.

(Signature)

(Date)

If you would like a copy of the photos, please write your current address below:
