

MODEL PROCEDURE FOR COURT ORDERED COUNSELING AND TESTING

Step 1

Upon conviction/adjudication and before sentencing/dispositional hearing, the court having jurisdiction over the prosecution shall:

- a. Order defendant/juvenile to be counseled and tested for disease/infection by completing the Order for Counseling and Testing for Disease/Infection (MC 234).
- b. Send two copies of MC 234 to the Prosecuting Attorney/Victim Advocate.

Step 2

After receiving MC 234, the Prosecuting Attorney/Victim Advocate Office shall:

- a. Complete the Victim Authorization form (DCH 1253). The victim's name and address will have been provided to the office as specified in the Crime Victim Right's Act.
- b. Complete Part A of the Verification of Test Results form (DCH 1252).
- c. Transmit forms MC 234 and DCH 1252 to either the County Correctional/Juvenile Facility or the Physician/Testing Agency as ordered in MC 234. Transmit form DCH 1253 according to the instructions on the form.

Step 3

If the defendant/juvenile is incarcerated/placed: OR

After receiving the forms stated in Step 2, the County Correctional/Juvenile Facility shall:

- a. Make arrangements to have the tests conducted by the counseling and testing agency or physician specified in MC 234.
- b. Forward MC 234 and DCH 1252 (and DCH 1253 if provided) to the counseling and testing agency or physician.

If the defendant/juvenile is not incarcerated/placed:

After receiving the forms stated in Step 2, the Physician or Testing Agency shall:

- a. Provide counseling and testing to the defendant/juvenile.
- b. Complete Part B of form DCH 1252 and transmit the test results according to the instructions on the form.
- c. If authorized by form DCH 1253, provide the test results to the victim as indicated and/or refer the victim for counseling and testing.
- d. Return one copy of form DCH 1252 to the victim advocate office. If instructed to do so, attach the test results to the form.
- e. Return one copy of form DCH 1252 and the attached test results to the court that ordered the testing.

Step 3a

After receiving the forms stated in Step 3, the Physician or Testing Agency shall:

- a. Provide counseling and testing to the defendant/juvenile.
- b. Complete Part B of form DCH 1252 and transmit the test results according to the instructions on the form.
- c. If authorized by form DCH 1253, provide the test results to the victim as indicated and/or refer the victim for counseling and testing.
- d. Return one copy of form DCH 1252 to the victim advocate office. If instructed to do so, attach the test results to the form.
- e. Return one copy of form DCH 1252 and the attached test results to the court that ordered the testing.

Step 4

The court shall make the test results part of the court record. The test results shall be kept confidential as specified in statute. Form DCH 1252, Verification Regarding Test Results, need not be kept confidential. The court shall determine that testing has been completed before the sentencing date or the dispositional hearing date. As specified by MCL 333.5129(5), the court shall transmit a copy of the test results and other medical information to the facility where the defendant is sentenced/juvenile is placed. Refer to MCL 333.5129(5) for details.

Step 5 (applies only when victim has authorized the Victim Advocate to receive notification of test results)

If the Victim Advocate Office has not received form DCH 1252 by the sentencing date/dispositional hearing date, the Victim Advocate Office shall follow up on compliance with testing and counseling.