



Virginia Department of Corrections

Offender Supervision and Management in the Community

Operating Procedure 940.1

Community Residential Programs

Authority:

Directive 940, *Special Programs*

Effective Date: May 1, 2020

Amended: 4/1/21, 7/1/21

Supersedes:

Operating Procedure 940.1, June 1, 2017

Access: Public Restricted

Incarcerated Offender

ACA/PREA Standards: 4-APPFS-2C-04,
4-APPFS-2C-05; 2-CO-1B-10; §115.12, §115.212

Content Owner/Reviewer:	Jermiah Fitz Jr. Corrections Operations Administrator	<i>Signature Copy on File</i>	4/15/20
		Signature	Date
Signatory:	A. David Robinson Chief of Corrections Operations	<i>Signature Copy on File</i>	4/28/20
		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in April 2021 and determined that no changes are needed.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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DEFINITIONS

Community Residential Program - Any group home, halfway house, or other physically unrestricting facility used for the housing, treatment, or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions, or privately operated agency within the Commonwealth.

Offender - An inmate, probationer, parolee or post release supervisee, or other person placed under the supervision (conditional release) or investigation of the Department of Corrections.

Pass - A written approval that allows a resident to leave the facility for a period of time, other than overnight with documented approval from the Program Director or designee. Passes may not exceed four hours.

Transition Visit - An authorized overnight absence from the Program intended to provide the offender an opportunity to connect with family and community resources in support of their re-entry plan. The Transition Visit must have documented approval from the Program Director or designee and the Chief P&P Officer or designee; Transition Visits must not exceed 72 hours.

PURPOSE

This operating procedure will inform and guide Department of Corrections (DOC) personnel and service providers in the process by which offenders are to be selected, screened, treated, and monitored when they are admitted into the Community Residential Program (CRP).

PROCEDURE

I. Community Residential Programs

- A. All CRP's are listed on Attachment 2, *Statewide Community Corrections Residential Programs*, and must comply with the [Standards for Community Confinement Facilities](#) of 28 CFR Part 115, *Prison Rape Elimination Act National Standards*.
- B. The DOC must include in all new contracts and contract renewals for the confinement of DOC offenders the CRPs obligation to adopt and comply with the PREA standards, Attachment 3, *Standards for Community Residential Programs*, COV §53.1-10, Powers and duties of the Director, COV §53.1-177, Authority of Director; establishment of halfway houses; employment of personnel, and COV §53.1-178, Director to establish standards. (§115.12[a], §115.212[a])
 1. Any new contract or contract renewal must provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. (§115.12[b], §115.212[b])
 2. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, will the DOC enter into a contract with any entity that fails to comply with these standards. In such a case, all unsuccessful attempts to find an entity in compliance with standards must be documented. (§115.212[c])
- C. The DOC will establish procedures for the operation of CRP's for offenders.
 1. These procedures represent the official position of the DOC and compliance with the instructions contained herein is required.
 2. Designated DOC staff meets at least annually with the contractor to review the program. (2-CO-1B-10)
- D. All probationers/parolees accepted by a CRP will be transferred in VACORIS to the P&P Office where the CRP is located.
- E. Any offender who is required to register with the *Sex Offender and Crimes Against Minors Registry* must be assisted as needed with the requirements by the local P&P Office's Sex Offender Supervision Specialist and/or Virginia State Police; see Operating Procedure 735.1, *Sex Offender and Crimes Against Minors Registration*.
- F. The DOC may purchase bed space from approved vendors to house offenders. The bed space is for offenders needing residential placement or inpatient substance abuse treatment. Admittance is monitored by the appropriate Regional Administrator or designee.

II. Eligibility for Community Residential Programs

- A. CRP's may be used for any inmate, probationer, parolee or post release supervisee, or other person placed under the supervision (conditional release) or investigation of the DOC as needed for graduated release, program participation, or to resolve crisis situations. (4-APPFS-2C-04, 4-APPFS-2C-05)
- B. Felony offenders who are pending sentencing, clemency, or sanctioning by Courts of competent jurisdiction, the Governor of Virginia, or the Virginia Parole Board may be referred for participation.

III. Offender Referral Process

- A. All referrals for DOC CRP bed utilization must come directly from DOC personnel.
- B. Subject to a signed release of information from the prospective offender, the referring P&P Office or

facility will provide criminal history, medical, psychological, substance abuse, and any other criminal or social history information required by the CRP to facilitate an acceptance decision.

- C. A completed [Community Residential Program-P&P Referral](#) 940_F21 is required for all offenders referred that are currently on community supervision. A [Community Residential Program-Institutional Referral](#) 940_F22 is required for offenders referred directly from a facility.
- D. A current photo should be provided by the supervising P&P Office or facility that is assigned in VACORIS.
- E. Acceptance in the program must occur in advance of program participation.
- F. An *Agreement to Participate*; see Attachment 1, must be executed by each offender.
- G. The reasons for non-acceptance of a referred offender must be returned in writing to the referring P&P Office.
- H. Upon request, the Regional Administrator or designee may review referrals which are not accepted.
- I. Transportation to the CRP will be coordinated between the program and the sending DOC Unit. The program will assist in transport to and from common carrier stations.

IV. Accountability for Offender Movement

- A. Except for time while on Transition Visits or Passes, time out of the program must be limited to authorized absences such as fulfilling program obligations, e.g., employment, community service, treatment, counseling appointments, job interviews, or medical appointments. These must be verified prior to the offender leaving the program.
- B. The program must have a sign in/out system that includes:
 - 1. Destination and phone number
 - 2. Reason for signing out
 - 3. Time and date out
 - 4. Expected time of return
 - 5. Offender's signature at time of departure
 - 6. Staff signature or initials at time of departure
 - 7. Date and time of return
 - 8. Offender's signature at time of return
 - 9. Staff signature or initials at time of return
- C. As required in the contract, random telephone or on-site checks will be made to ensure the offender is where they are supposed to be.
- D. Approved electronic monitoring program may be used.
- E. Offender Curfews
 - 1. Weekday (Sunday - Thursday) 10:00 p.m. to 5:00 a.m.
 - 2. Weekend (Friday - Saturday) 11:00 p.m. to 5:00 a.m.
 - 3. The Program Director may grant an exception to the curfew for an offender who is participating in a pass, transitional visit, treatment program, or employment, which extends after or before curfew begins. Exceptions must be documented and indicate that the offender was instructed to return promptly by the alternative curfew time.

V. Community Residential Program Operations

A. Serious Incident Reports

1. Unauthorized Absence

- a. In the event of an unauthorized absence from the CRP, staff must:
 - i. Notify the supervising P&P Officer and Regional Administrator or designee within one hour upon determining the offender is missing.
 - ii. Submit written reports, via e-mail or fax to the supervising P&P Officer and Regional Administrator or designee by the end of the day after the incident occurred.
- b. The supervising P&P Officer should submit an incident report in accordance with Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.

2. Other Serious Incidents

- a. All other serious incidents must be reported within one hour to the supervising P&P Officer and Regional Administrator or designee
- b. The supervising P&P Officer should submit an incident report in accordance with Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.

B. Medical Expenses

1. Offenders are responsible for their own medical and/or health care expenses. The “purchase of services” monies may be used in instances of dire need as defined and authorized by the Chief P&P Officer of the applicable P&P District.
2. Authorization as required will be obtained prior to any commitment of funds. The Chief P&P Officer will exercise sole authority over this decision.

C. Bed Utilization, Monthly Progress, and Transition Reports

1. A [*Bed Utilization Report*](#) 940_F8 is due every other Tuesday to the applicable DOC Regional Office.
2. A [*Community Residential Program-Monthly Report*](#) 940_F26 will be prepared by the Program Director or designee and sent to the supervising P&P Officer and Chief P&P Officer responsible for the probationer’s/parolee’s supervision by the tenth working day of the following calendar month covered by the report. The *Monthly Report* will be due by the tenth working day of the month following the calendar month covered by the report. *Monthly Reports* should include results of any new reports for alcohol and other drug testing conducted since the previous report, changes or efforts toward the development of re-entry plans, and family reintegration.
3. Attachment 4, *Data Collection Survey* - will be due by the tenth working day of the month following the calendar month.
4. A [*Community Residential Program Re-entry Plan*](#) 940_F6 addressing proposed residence, employment, and other services will be developed in coordination with the supervising P&P Office and receiving P&P Office.
 - a. The proposed *Plan* should be submitted to both P&P Offices no later than 45 business days before the scheduled program end date.
 - b. The proposed *Plan* must be developed and submitted to both P&P Offices within ten business days of the intake date if the proposed release plan is out-of-state.
 - c. The final *Plan* must be submitted to both P&P Offices no later than ten business days before the scheduled end date.

D. Financial Records

1. All offenders will turn over all funds in their possession upon entry and all funds received thereafter. The Program Director or designee will maintain a financial record for each offender using generally accepted accounting principles to document all funds received and disbursed. Electronic deposits of incoming funds may be used.

2. Program staff must provide each offender a monthly statement indicating deposits, withdrawals, and balance.
3. See Attachment 3, *Standards for Community Residential Programs*, for guidance on fiscal management requirements.

E. Compensation to the Commonwealth

1. Offenders in CRP's who are employed 40 or more hours a week will pay \$25.00 per week (Monday-Sunday) to defray the cost of their care.
2. Offenders who are working less than 40 hours a week will pay \$5.00 for every eight hours worked not to exceed \$25.00 a week.
3. This compensation will be deducted from the offender's account weekly and will be reflected on a monthly account statement.
4. The Program Director will submit the total amount collected monthly by check to the Regional Administrator for Community Corrections. See *Method of Payment* section of this operating procedure, for required reports and payment procedures.

F. Additional Fees

1. At its discretion, a CRP may require an additional fee from each offender who becomes employed
2. The additional fee may not exceed \$5.00 for every eight hours worked nor exceed \$25.00 per week (Monday-Sunday).
3. Additional fees will be deducted from the offender's account and will be reflected on a monthly account statement.
4. Additional fees are in addition to and subordinate to payments in the *Compensation to the Commonwealth* section of this operating procedure.

G. Maintenance Checks

1. Maintenance checks are designed to provide the individual offender with funds for personal hygiene needs, transportation, and other personal spending needs.
2. Offenders who have sufficient funds in their accounts may receive a weekly maintenance check for a total not to exceed \$80.00.
 - a. An offender may request maintenance checks of less than \$80.00, if desired.
 - b. The request must be documented in writing from the offender and placed in the offender's program record.
3. At no time will the offender receive more than \$80.00 of maintenance funds per week from any source, unless additional funds are approved through a special money request.
4. All maintenance checks will be recorded on the offender's monthly statement. Under no circumstances should the Program Director or staff withhold an offender's maintenance check as a disciplinary action.
5. Maintenance checks are the only expenditures from the offender's account that do not require written approval of a Chief P&P Officer or designee.

H. Special Money Request

1. It is recognized that an offender may require additional funds from their account for special purposes. If Court ordered restitution, support, fines, and court costs are required to be paid, the offender will submit a written request to the Program Director to be reviewed and forwarded to the Chief P&P Officer or designee of the supervising P&P District for approval of the expenditure.
2. The approved payment will be forwarded to the appropriate agency/individual by check and a record entered on the offender's monthly statement.

3. The special money request can also be used for purchase of tools for employment purposes, special clothing needs of the offender, and other types of special requests. These requests will be reviewed by program staff for validity and approved by the Chief P&P Officer or designee of the supervising P&P District.
 - I. Alcohol and Other Drug (AOD) Testing
 1. All offenders who are assigned to a CRP will be required to submit to random AOD testing in accordance with Attachment 1, *Agreement to Participate (CRP)*.
 2. The DOC specifically requires that AOD testing be conducted on each offender upon arrival and at a minimum of three times per month including returns from authorized absences.
 3. Each time an offender is tested; it should be documented in writing in some form of log at the program and also entered into the offender's program file. A copy of the test results will be submitted to the supervising Chief P&P Officer or designee.
 4. Either the DOC or DOC approved local law enforcement Narcotic Detection Canines will be used to conduct random, unannounced inspections. Other alcohol and drug detection devices approved by DOC may be employed.
 - J. Passes and Transition Visits
 1. Passes and Transition Visits are a privilege and not a right. These are to be earned through positive behavior, good work habits, and a demonstrated ability to warrant such a privilege.
 2. Passes are an authorized absence from the facility for up to four hours that must have documented approval from the Program Director or designee.
 - a. Based on suitability, offenders may be granted none or any portion of the stated maximum of four hours.
 - b. There is no provision for the extension of hours allowed for Passes.
 3. Transition Visits are an authorized overnight absence from the program with documented approval from the Program Director or designee and supervising Chief P&P Officer or designee. Transition Visits may not exceed 72 hours. There is no provision for the extension of hours allowed for Transition Visits including emergency Transition Visits.
 - a. The intended purpose of the Transition Visit is to provide the offender an opportunity to establish connections with family and community resources that will support their re-entry plan e.g., family ties, employment, treatment service, a suitable residence. Transition Visits will be directly linked to clearly defined goals and tasks developed by program staff for the express purpose of enhancing the offender's chances of successful reintegration into the community.
 - i. Transition Visits allow program staff to gauge whether or not the offender has changed those behaviors that resulted in the offender's placement in the program, prior to returning to their community. This is accomplished through random telephone checks to the Transition Visit site to ensure offender's compliance with curfews, as well as subjecting the offender to a search for contraband and AOD testing upon their return to the program.
 - ii. If program and DOC staff determine the offender has violated any program rules or conditions of the offender's [Transition Visit Application](#) 940_F2, the offender should be immediately arrested and unsuccessfully terminated from the program.
 - b. The following maximum number of Transition Visits for which an offender is eligible is applicable to all offenders assigned to a CRP. Based on suitability, offenders may be granted none or any portion of the stated maximum:
Transition Visits:
31 - 60 days in program = one this period
61 - 90 days in program = two this period
Over 90 days in program = weekly
- c. All offenders must submit a completed [Transition Visit Application](#) 940_F2 to the Program Director

or designated staff to request an overnight visit away from the program.

- i. The Program Director or designee will forward all approved *Transition Visit Applications* to the supervising and/or receiving P&P Office and request an investigation of the proposed Transition Visit at least site 21 days prior to the date of the visit,.
 - ii. The supervising P&P Office should determine if it is a suitable situation for any offender who requests a Transition Visit to a site other than their proposed home plan or whose home situation is considered unstable.
- d. Upon receipt of the *Transition Visit Application*, the investigating P&P Office has ten working days to investigate the Transition Visit site and respond to the Program Director by fax or phone. Both program staff and the investigating P&P Officer must document the response.
- e. Upon approval by the investigating P&P Office, the Program Director may allow the Transition Visit.
- f. Subsequent Transition Visits to the same address do **not** require any further investigation by the P&P Office. A program staff member must make and document contact with the proposed Transition Visit site to ensure suitability prior to the visit.
- g. The monitoring of Passes and Transition Visits is required by contract. All Transition Visit sites must have a land line telephone at the location of the Transition Visit site so the offender can be contacted.
- i. Program staff must randomly contact the offender by telephone or site visit at least two times per 24 hours in order to monitor the offender.
 - ii. Curfew for Transition Visits is 11:00 p.m. until 7:00 a.m. the following day. The offender must not leave the residence during the hours of curfew.
 - iii. Program staff must document that a random telephone/site visit contact was initiated and completed at least once during the hours of curfew.

K. Funeral and Death Bed Visits

1. If approved by the Program Director or designee in concurrence with the supervising Chief P&P Officer or designee, a Funeral or Death Bed visit for a close relative of the offender may be granted.
2. Program staff must verify and document in writing the circumstances of the visit and all approvals.
3. A Funeral or Death Bed visit can be allowed regardless of the time the offender has been in the residential program.
4. The maximum time limit for the visit is 72 hours, but overnight visits are discouraged.

L. Temporary Travel Permits

1. A [*Travel Permit-Out of State*](#) 920_F3, is required for any offender in a program outside of the Commonwealth of Virginia for less than 31 calendar days and for any offender who wishes to travel out-of-state for a Pass or Transition Visit.
2. These *Travel Permits* require approval by the Chief P&P Officer or designee of the originating P&P District; see Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
3. Travel to or participation in a program outside of the Commonwealth of Virginia for more than 31 calendar days requires a transfer via the *Interstate Compact for Adult Offender Supervision*; see 920.4 *Interstate Transfer of Supervision*.

M. Electronic Monitoring

1. Any offender may be placed in one of the DOC approved electronic monitoring programs.
2. Such monitoring will require the prior approval of the supervising P&P Office and will be conducted in accordance with Operating Procedure 435.5, *Electronic Monitoring Program*.

N. Use of Motor Vehicles

1. No offender will have access to a motor vehicle while residing at the program.

2. No offender may drive a vehicle to or from the residential program to the job site, or drive any motor vehicle for personal reasons while in residence.
3. This does not preclude the operation of a motor vehicle by a duly licensed offender while at the job site, but only in connection with employment responsibilities. Program staff will verify an offender's operator's license and that the employer has appropriate insurance on the work vehicle prior to permitting the offender to drive.

O. Program Termination

1. Offenders who commit violations of their conditions of supervision and/or CRP requirements while in the CRP may be terminated. Termination may result from unauthorized absences, serious incidents, disruptive/ non-cooperative behavior, positive drug and alcohol screens, illegal offenses committed while in the CRP, or for other acts against the rules of the program or the conditions of supervision.
2. In the event of a termination, the Program Director must submit a [Residential Program Termination Report](#) 940_F5 to the supervising P&P Officer and Regional Administrator or designee within one business day of the offender's departure.
3. The supervising P&P Officer should notify the Chief P&P Officer of the supervising and originating P&P District.
4. If the Program Director and the supervising P&P Officer do not agree, the Chief P&P Officer of the originating and supervising P&P District should be consulted.
5. The termination of an offender must be coordinated with the supervising Chief P&P Officer or designee of the supervising P&P District if the originating P&P District arranges for transfer or arrest/detention by law enforcement agents; see Operating Procedure 920.6, *Violation of Supervision Conditions*.
6. In all cases where an offender is terminated from a CRP, the supervising P&P District will transfer the case to the most appropriate sentencing P&P District, and the sentencing P&P District(s) is/are responsible for creation and submission of any Major Violation Report (MVR) to any higher authority (Court, Parole Board, Out-of-state Authority) unless previously agreed to otherwise between sentencing P&P District(s) and the supervising P&P District.
7. During business hours
 - a. The supervising P&P District will notify the sentencing P&P District(s) and await instructions.
 - b. The sentencing P&P District employs one of the following actions:
 - i. Authorizes arrest via PB15 and prepares the MVR, or
 - ii. Returns the offender to the sentencing P&P District by best possible means, to include purchase of public transportation
8. During non-traditional business days or hours
 - a. The supervising P&P District manages the termination in accordance with local operating procedures, which may include issuance/service of PB15
 - i. Supervising P&P District staff will notify sentencing P&P District(s) staff of the activity causing termination, and the response of the supervising P&P District
 - ii. Supervising P&P District staff will transfer the case to the appropriate sentencing P&P District in VACORIS
 - iii. If a PB15 warrant has not been served, the sentencing P&P District(s) may request the supervising P&P District rescind the warrant, provided the sentencing P&P District returns the offender to the sentencing P&P District by best possible means, to include purchase of public transportation

P. Retake / Arrest / Return Protocol

1. Each Program Director or designee in coordination with the supervising P&P Officer will develop and have available a written protocol governing the retake, arrest, or return of an offender to DOC or law

enforcement custody.

2. The protocol should include but not be limited to the following: alerts to officials, physical plant issues, training, and briefing of on-duty staff, handling resistance, information sharing, reporting, and other related issues.

Q. Requests for Extensions

1. An offender's assignment to a CRP may be extended beyond the scheduled release date by the designated Regional Administrator or designee.
2. The Program Director must submit a request for an extension using the [Community Residential Program Extension Request](#) 940_F12, to the designated Regional Administrator or designee at least ten business days prior to the scheduled release date and must note the supervising P&P Officer recommendation.

R. Program Completion

1. When the Program Director or designee and the supervising P&P Officer agree on a participant's successful completion of the program, they will establish a release date.
2. The Program Director or designee will confirm the release date with the supervising P&P Officer on the [Community Residential Program Re-entry Plan](#) 940_F6 at least ten business days prior to the discharge date.
3. The supervising P&P Officer should notify the Chief P&P Officer of the supervising and originating P&P District(s).
4. If the Program Director and supervising P&P Officer do not agree on completion, the Chief P&P Officer of the originating and supervising P&P District(s) should be consulted.
5. No offender will remain in the CRP more than 90 days without the written approval of the Regional Administrator or designee.
6. A [Residential Program Discharge Summary](#) 940_F7 must be submitted within three working days of program completion.

S. Method of Payment

1. The CRP will be paid monthly for services rendered for the previous month.
2. By the tenth of the month following the month of service, the program must submit to the DOC Community Corrections Regional Administrator or designee the following documents:
 - a. [Request for Payment – CRP](#) 940_F3
 - b. Attachment 4, *Data Collection Survey*
 - c. [Community Residential Program-Monthly Report](#) 940_F26
 - d. [Contracted Residential Program Population Report](#) 940_F4
 - e. [Compensation to the Commonwealth \(CRP\)](#) 940_F1 and accompanying check made payable to the DOC
 - i. The *Report* must include the name and legal status of the offender and dates of service.
 - ii. The payment period will include the date of arrival and will exclude the date of departure.
3. Departure and arrival dates must be documented with the designated Regional Office staff using the [Arrival/Departure Notification](#) 940_F20 with copies provided to P&P Office that the offender plans to return to. Payments will be made in accordance with the Prompt Payment Act of Virginia.
 - a. The Regional Administrator or designee will then forward these documents and checks to the Chief of Corrections Operations or designee.
 - b. Alternative payment arrangements may be requested of and approved by the Chief of Corrections Operations or designee.

T. Report Formats



1. All required reports must be in DOC approved formats.
2. Acceptable equivalents may be approved by the DOC Contract Administrator.

U. Records Management

1. Confidentiality - Contractors will be expected to manage the records of offenders under DOC supervision in accordance with Operating Procedure 050.1, *Offender Records Management*.
2. Retention and Destruction - All books, offender case files, financial records, and other documents relative to the provision of services under this operating procedure and related contracts will be maintained until the DOC provides written authorization to destroy the records. The records must be destroyed by shredding or burning.

V. Background Investigations for Contractors

1. See Operating Procedure 260.1, *Procurement of Goods and Services*.
2. See Operating Procedure 102.3, *Background Investigation Program*.

REFERENCES

COV §53.1-10, *Powers and duties of the Director*.

COV §53.1-177, *Authority of Director; establishment of halfway houses; employment of personnel*.

COV §53.1-178, *Director to establish standards*.

28 CFR Part 115, *Prison Rape Elimination Act National Standards*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 050.1, *Offender Records Management*

Operating Procedure 102.3, *Background Investigation Program*

Operating Procedure 260.1, *Procurement of Goods and Services*

Operating Procedure 435.5, *Electronic Monitoring Program*

Operating Procedure 735.1, *Sex Offender and Crimes Against Minors Registration*

Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*

Operating Procedure 920.6, *Violation of Supervision Conditions*

ATTACHMENTS

Attachment 1, *Agreement to Participate (CRP)*

Attachment 2, *Statewide Community Corrections Residential Programs*

Attachment 3, *Standards for Community Residential Programs*

Attachment 4, *Data Collection Survey*

FORM CITATIONS

[Travel Permit-Out of State](#) 920_F3

[Compensation to the Commonwealth \(CRP\)](#) 940_F1

[Transition Visit Application](#) 940_F2

[Request for Payment – CRP](#) 940_F3

[Contracted Residential Program Population Report](#) 940_F4

[Residential Program Termination Report](#) 940_F5

[Community Residential Program Re-entry Plan](#) 940_F6

[Residential Program Discharge Summary](#) 940_F7

[Bed Utilization Report](#) 940_F8



[Community Residential Program Extension Request](#) 940_F12

[Arrival/Departure Notification](#) 940_F20

[Community Residential Program-P&P Referral](#) 940_F21

[Community Residential Program-Institutional Referral](#) 940_F22

[Community Residential Program-Monthly Report](#) 940_F26