

PROCEDURES FOR TRANSFERRING CASES FOR DUI / DRUG COURTS

ADULT DUI / DRUG COURT

These standards are intended to facilitate full participation in DUI/Drug Courts. Recognizing that many jurisdictions do not have existing DUI/Drug Courts, transfer of cases to jurisdictions having DUI/Drug Courts is authorized. These standards are not all inclusive.

Transfer Standards

- 1 A participant may request the transfer of his or her DUI / Drug Court case(s) to a DUI / Drug Court in another jurisdiction. If the sending DUI / Drug Court approves the transfer, the sending DUI / Drug Court shall initiate a transfer request.
- 2 If the receiving DUI / Drug Court does not agree to accept the participant, the receiving DUI / Drug Court shall notify in writing the sending DUI / Drug Court.
- 3 If the receiving DUI / Drug Court agrees to accept the participant, the receiving DUI / Drug Court shall notify the sending DUI / Drug Court of the acceptance.
- 4 Any transfers need to be accomplished without a significant lapse in treatment, supervision or judicial involvement. Until the transfer is effectuated, the participant must report as directed to the sending court.
- 5 The sending DUI / Drug Court shall order the transfer of the case to the receiving DUI / Drug Court on a form prescribed by Judicial Council. The sending DUI / Drug Court shall transmit a copy of the transfer order to the receiving DUI / Drug Court.
- 6 Following completion of acceptance, the receiving DUI / Drug Court shall provide an official acceptance letter on a form prescribed by the Judicial Council to the sending DUI / Drug Court and add the participant to its caseload
- 7 It is the responsibility of the sending DUI / Drug Court to maintain an appropriate level of communication with the receiving jurisdiction to ensure that the transfer process is successfully completed.
- 8 The participant shall contact the receiving DUI / Drug Court to make an appointment for orientation/intake, the next business day after notification of acceptance.
- 9 The sending DUI / Drug Court shall transfer jurisdiction over the entire case to the receiving DUI / Drug Court. All decisions including, but not limited to, sanctions, incentives, phase changes, incarceration, violation of probation, and termination, are to be made by the receiving court. The DUI / Drug Court in the receiving jurisdiction shall exercise the same authority over the transferee as for any participant sentenced within its jurisdiction.
- 10 Method of collection of fines and fees to be determined by the sending and receiving courts.

(over)

File Transfer

The following documents, if available, shall be forwarded in a timely manner to the receiving court for review:

- Request for Transfer;
- Signed Consent for Release of Information;
- Clinical Assessment report, if available;
- Police reports;
- Receiving Court's signed Participation Agreement;
- Accusation, Plea Agreement forms and Sentencing Orders;
- Any other documents deemed appropriate by either Court.