

## In-State Adult Jurisdictional Transfers

### 620.1 PURPOSE AND SCOPE

To set forth the guidelines and procedures for the jurisdictional transfer of adult supervision cases between counties in California. This policy applies to all designated personnel.

#### 620.1.1 DEFINITIONS

Definitions related to this policy include:

**Incoming Jurisdictional Transfer** - The transfer of jurisdiction and supervision of a case to a Riverside County Court or the Riverside County Probation Department from a court of equal rank of another county or probation department in California when an adult is found to be a permanent resident of this county.

**Incoming Permanent Residence** - Residence in Riverside County with a stated intention to remain which has been verified by the Deputy Probation Officer (DPO).

**Incoming Residence Verification** - An investigation conducted by a DPO to verify an adult from another county resides within the boundaries of Riverside County.

**Outgoing Jurisdictional Transfer** - The transfer of jurisdiction and supervision of a case from a Riverside County Court or Riverside County Probation Department to a court of equal rank in another county or probation department in California, when an adult is found to be a permanent resident of another county.

**Outgoing Permanent Residence** - Residence in a county other than Riverside with a stated intention to remain.

**Outgoing Residence Verification** - An investigation by the Probation Department in the receiving county to verify the adult is a permanent resident.

**Proof of Residence** – Examples of proof of residency include, but are not limited to the following:

- (a) Copy of rental agreement or proof of home ownership,
- (b) Verification of residency from the person whose home the adult will reside (third party verification form),
- (c) Utility bill,
- (d) A residence check by Probation or law enforcement.

### 620.2 AUTHORITY AND REFERENCES

- Penal Code §§ 1203.9 and 3460;
- Rules of Court 4.530.

## *In-State Adult Jurisdictional Transfers*

---

### **620.3 POLICY**

Whenever it is established that an adult is a permanent resident of another county in California, the case shall be transferred pursuant to 1203.9 PC or 3460 PC. Incoming adult transfers of jurisdiction pursuant to 1203.9 PC or 3460 PC shall be accepted unless it is determined the adult does not reside within the boundaries of Riverside County.

### **620.4 PROCEDURES FOR INCOMING ADULT 1203.9 TRANSFERS**

All incoming requests for transfer of jurisdiction pursuant to 1203.9 PC are received by the designated support staff for processing, who then forwards the file to the Supervising Probation Officer (SPO) for residence verification assignment.

Upon verification of residence, the DPO shall complete and submit the Receiving Court Comment Form CR-252- (<http://www.courts.ca.gov/forms.htm>). The SPO will review the document for accuracy and initial prior to it being filed with the Court.

Once the case is accepted by the Riverside County Superior Court and given a Riverside County Court number, support staff will update the file and the appropriate JAMS screens, and forward it to the appropriate SPO for assignment. The effective date of transfer is the date transfer is ordered by the sending Court.

### **620.5 PROCEDURES FOR OUTGOING ADULT 1203.9 TRANSFERS**

Prior to the transfer of a case, if the amount of victim restitution has not been determined, contact the Victim Restitution and Resources Division for an expedited determination. Requests should be accompanied by proposed transfer date, all relevant victim information and loss documentation whenever possible. Simultaneously, the assigned DPO shall obtain verification of the adult's residence and ensure the case is suitable for transfer based upon the factors below (Rule 4.530(f)):

- (a) The permanency of the supervised person's residence. As used in this subdivision, "residence" means the place where the supervised person customarily lives exclusive of employment, school, or other special or temporary purpose. A supervised person may have only one residence. The fact that the supervised person intends to change residence to the receiving county, without further evidence of how, when, and why this is to be accomplished, is insufficient to transfer supervision;
- (b) The availability of appropriate programs for the supervised person, including substance abuse, domestic violence, sex offender, and collaborative court programs;
- (c) Victim issues, including:
  - 1. The residence and places frequented by the victim, including school and workplace; and
  - 2. Whether transfer would impair the ability of the court, law enforcement, or the probation officer of the transferring county to properly enforce protective orders.

#### **620.5.1 NOTICE OF MOTION**

Complete a Notice of Motion for Transfer form CR-250 (NOM) (<http://www.courts.ca.gov/forms.htm>). When the adult has multiple cases each case must be processed separately.

## *In-State Adult Jurisdictional Transfers*

---

The date of hearing shall be not less than 60 days from the date of the NOM pursuant to Section 4.530 of the Rules of Court. DPOs in Riverside County shall use 70 days.

### 620.5.2 SUBMISSION OF WORK

The DPO shall submit the NOM to the SPO who will review the document for accuracy and then initial. Once initialed, the DPO shall notice the required parties, submit the original NOM to court, and update JAMS according to established procedures.

### 620.5.3 ACCEPTED TRANSFER

If 1203.9 PC is accepted by the receiving county, designated staff has 10 Court days to copy and send the entire probation file to the probation department of the receiving county.

### 620.5.4 REJECTED TRANSFER

If the request for 1203.9 transfer is rejected, the DPO shall determine the reason and staff the matter with their supervisor as soon as possible to determine the next course of action.

## **620.6 PROCEDURES FOR INCOMING ADULT 3460 PC TRANSFERS**

All incoming requests for transfer of jurisdiction pursuant to 3460 PC are received by the designated staff for processing. Designated staff review the transfer packet, consisting of the Post Release Community Supervision (PRCS) transfer form and California Department of Corrections and Rehabilitation (CDCR) pre-release packet, updates JAMS, and forwards the packet to the SPO for assignment of residence verification.

The assigned DPO completes the residence verification and responds to the designated staff, indicating if the transfer shall be accepted or denied.

The designated staff respond to the sending county, advising them of the acceptance or denial of the transfer. If the transfer is accepted, the date of the fax or email indicating acceptance will mark the official date for transfer of jurisdiction.

Following the acceptance of the transfer, the designated staff will forward the transfer packet to the designated support staff to set-up the file and forward to the appropriate SPO for assignment.

## **620.7 PROCEDURES FOR OUTGOING ADULT 3460 PC TRANSFERS**

Upon knowledge that a PRCS adult resides out of county, the assigned DPO shall obtain verification of the adult's residence and submit the PRCS transfer forms which are located in JAMS to the receiving county within two weeks.

### 620.7.1 ACCEPTED TRANSFER

If the transfer is accepted, the date of the fax or email indicating acceptance will mark the official date for transfer of jurisdiction. Staff will close out the file and update JAMS.

### 620.7.2 REJECTED TRANSFER

If the request for transfer is denied, the DPO shall determine the reason and staff the matter with their supervisor as soon as possible to determine the next course of action.

# Riverside County Probation Department

Policy Manual

## *In-State Adult Jurisdictional Transfers*

---

Date(s) revised:

08/03/2017

01/20/2016

09/09/2013

05/22/2013

04/29/1997

12/08/1993

Created: 12/04/1991

Attachments: None