

## **Section VII**

### **Superior Court Accountability Court Case Policy/Transfer Rules**

These rules are intended to facilitate full participation in Superior Court Accountability Courts. Recognizing that many jurisdictions do not have Drug, Mental Health, and Veterans Treatment Courts and that some defendants live or work in jurisdictions different from the offense county, transfer of cases to and from jurisdictions having Felony Accountability Courts is authorized. These rules are not all inclusive.

1. A participant or person who lives or works in a jurisdiction other than that in which the offense was committed and who wishes to participate in a Superior Court Accountability Court in another county may request the transfer of supervision of his or her eligible Accountability Court case(s) to an Accountability Court in another jurisdiction. If the Sending Court approves the transfer, the Sending Court shall initiate a transfer request.
2. The proposed transferee shall expeditiously comply with all application requirements of the Receiving Accountability Court.
3. If the Receiving Accountability Court does not agree to accept the participant, the Receiving Accountability Court shall notify the Sending Court in writing. No case shall be accepted into another county's Accountability Court unless and until approved by the Receiving Accountability Court.
4. If the Receiving Accountability Court agrees to accept the participant, the Receiving Accountability Court shall notify the Sending Court of the acceptance in writing. The Sending Court shall honor conditions of acceptance by the Receiving Accountability Court or not send the case.
5. Any transfers must be accomplished without a significant lapse in or initiation of treatment, supervision, or judicial involvement. Until the transfer is effectuated, the participant must report as directed to the Sending Court.
6. The Sending Court shall order the transfer of supervision of the participant to the Receiving Accountability Court on a fully executed form prescribed by the Council of Accountability Court Judges, which can be modified to fit circuit specific requirements. The Sending Court shall transmit a signed duplicate of the transfer order to the Receiving Accountability Court.
7. It is the responsibility of the Sending Court to maintain an appropriate level of communication with the Receiving Accountability Court to ensure that the transfer process is successfully completed.
8. The Sending Court shall transfer supervision of the participant to the Receiving Accountability Court until successful completion of the program. The Receiving Accountability Court shall notify the Sending Court of the participant's successful program completion.
9. If the Receiving Accountability Court terminates the participant, the Receiving Accountability Court shall notify the Sending Court, and the case will be returned to the Sending Court for disposition.
10. Program fees and the methods for their collection shall be determined by the Receiving Accountability Court.
11. For the purpose of Council of Accountability Court Judges data collection, the Receiving Accountability Court shall receive credit for the participant so long as that participant is enrolled in the Receiving Accountability Court.

IN THE SUPERIOR Accountability Court OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

vs.

CASE NO. \_\_\_\_\_

TRANSFER ORDER

The above-named Defendant having entered a plea, been sentenced, or otherwise accepted in this Court on \_\_\_\_\_, 20\_\_ to participate in the \_\_\_\_\_ County \_\_\_\_\_ Court, and it appearing that said Defendant is eligible for and has been accepted into said \_\_\_\_\_ Court and has agreed to the terms hereof, it is hereby **ORDERED** that supervision over Defendant’s case be and hereby is transferred until program completion or termination, to the Superior Court of \_\_\_\_\_ County. All parties to this Order explicitly agree to the following conditions of transfer:

1. Treatment and supervision shall be transferred to the Receiving Accountability Court and all sanctions shall hereafter be imposed by the presiding Judge of the Receiving Accountability Court as long as the Defendant remains in the program.
2. The Clerk of Receiving Court shall create a file into which any and all official motions and orders of the Receiving Court shall be maintained. The Clerk of the Receiving Court shall close the file upon the Defendant’s completion or termination from the Receiving Court’s program.
3. Defendant shall pay fines and surcharges originally imposed as a part of the sentence as directed by the \_\_\_\_\_ County \_\_\_\_\_ Court (Sending Court). All Court-related fees, including, but not limited to, participant fees and monetary sanctions, shall be paid to the \_\_\_\_\_ County \_\_\_\_\_ Court (Receiving Court). <Insert specific provisions here>
4. It is further ordered that the Defendant successfully complete each and every condition of the Receiving Accountability Court’s program until such time that the Defendant graduates from said program.
5. In the event that the Defendant is terminated from the Receiving Accountability Court program, the Defendant shall be transferred back to the Sending Court for disposition of the case.

SO ORDERED this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**TO BE SIGNED IN DUPLICATE**

\_\_\_\_\_  
\_\_\_\_\_, Judge  
Superior Court of \_\_\_\_\_ County

\_\_\_\_\_  
\_\_\_\_\_, Judge  
Superior Court of \_\_\_\_\_ County

Consented to by:

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant’s Attorney Bar. No