

PROBATION DEPARTMENT OR OTHER MOVING PARTY (Name and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____	FOR COURT USE ONLY
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PEOPLE OF THE STATE OF CALIFORNIA
 v.
 DEFENDANT:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
 STREET ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME:

NOTICE AND MOTION FOR TRANSFER (Pen. Code, § 1203.9 and Cal. Rules of Court, rule 4.530)	CASE NUMBER:
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NOTICE

- Before filing this form, petitioners should consult with local court staff to schedule the date, time, and place for the hearing on the motion for transfer in item 1. In addition, notice must be provided as set forth below at least **60 days** before the date specified in item 1.
- **If transfer is requested by a probation officer of the transferring county**, notice must be provided to (a) the presiding judge (or designee) of the receiving court; (b) the probation officer (or designee) of the receiving county; (c) the prosecutor of the transferring county; (d) the victim, if any; (e) the supervised person; and (f) the supervised person's last counsel of record, if any.
- **If transfer is requested by any other party**, the party must first request in writing that the probation officer of the transferring county notice the motion, and the probation officer must decide within 30 days. Only after the probation officer has refused may the party make the motion. Failure by the probation officer to decide within 30 days is deemed a refusal. If the party makes the motion, the motion must include a declaration that the probation officer has refused to bring the motion, and the party must provide notice to (a) the presiding judge (or designee) of the receiving court; (b) the probation officers (or designees) of the receiving and transferring courts; (c) the prosecutor of the transferring county; (d) the supervised person; and (e) the supervised person's last counsel of record, if any. Upon receipt of this notice, the probation officer of the transferring county must provide notice to the victim, if any.

1. A hearing on this motion for intercounty case transfer has been scheduled in the above-entitled court on:

Date:	Time:	Dept:
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Regarding (name of supervised person): _____ Date of birth: _____
 Address: _____

2. The supervised person was placed on (select one): probation mandatory supervision
 for the following offenses: _____ on (date): _____ for a period of: _____

3. I (print name): _____
 hereby request transfer of the case to the Superior Court in the County of (specify): _____

4. I am (select one)
 a probation officer of the transferring county. I have verified that the supervised person's residence is in the above county.
 not a probation officer of the transferring county. I have asked the probation officer of the transferring county to notice this motion for me. I am making this motion only because the probation officer has either refused or failed to notify me of his or her decision within 30 days. (Cal. Rules of Court, rule 4.530(d)(2) and (3).)

5. If the court determines that the supervised person's permanent residence is in the county specified above, the court must transfer the case unless it determines that transfer would be inappropriate and states its reasons on the record. The court must consider at least the following factors (Cal. Rules of Court, rule 4.530(f)(1)):
 a. The permanency of the supervised person's residence;
 b. The availability of appropriate programs for the supervised person;
 c. Restitution orders, including whether transfer would impair the collection of restitution; and
 d. Victim issues, including the residence of the victim and whether transfer would impair enforcement of a protective order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ U _____
 SIGNATURE

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