

Transfer of Jurisdiction under MCL 600.1088

The Jackson County Adult Treatment Court does accept transfers however, has a policy that there is a transfer of jurisdiction.

MCL 600.1088 allows a case to "be transferred totally from one court to another court for the defendant's participation in a state-certified treatment court." A transfer under this section means that the transferring court is transferring jurisdiction of the entire case to the receiving PSC. The transfer of jurisdiction may occur before or after adjudication. The transfer is not effective until the courts complete a memorandum of understanding under MCL 600.1088.

Before a transfer is granted by the JCATC, the defendant must complete an eligibility screening form to determine legal eligibility which must be approved and agreed upon by the Jackson County Office of the Prosecutor. If approved, the defendant will then need to be screened for prognostic-risk and criminogenic-need. If it is determined the defendant meets this criteria and before the transfer can occur, the transferring court will prepare a SCAO approved MOU that details the necessary items below;

- 1) A detailed statement of how all funds assessed to defendant will be accounted for, including, but not necessarily limited to, the need for a receiving state-certified treatment court to collect funds and remit them to the court of original jurisdiction.
- 2) A statement providing which court is responsible for providing information to the department of state police, as required under section 3 of 1925 PA 289, MCL 28.243, and forwarding an abstract to the secretary of state for inclusion on the defendant's driving record.
- 3) A statement providing where jail sanctions or incarceration sentences would be served, as applicable.
- 4) A statement that the defendant has been determined eligible and will be accepted into the state-certified treatment court upon transfer.
- 5) The approval of all of the following:
 - a) The chief judge and assigned judge of the receiving state-certified treatment court and the court of original jurisdiction.
 - b) A prosecuting attorney from the receiving state-certified treatment court and the court of original jurisdiction.
 - c) The defendant.

Please submit an eligibility screening form to the Jackson County Adult Treatment Court for review. If approved by the Office of the Prosecutor, the Case Manager will schedule a screening to determine prognostic risks and criminogenic needs. Contact Jake Stressman at 517.768.7839 or jstressman@mijackson.org for more information.