

## INTERCOUNTY TRANSFERS OF WARDSHIP JURISDICTION

<b>AUTHORITY:</b>	Welfare and Institutions Code (WIC) Sections 17.1, 241.1, 300, 329, 366.26, 366.31, 375, 388, 601, 602, 682, 725, 750, 751, 752, 753, 754, 755, 781, and 790 California Rules of Court, Rule 5.510 (Proper court determination of child's residence; exclusive jurisdiction), Rule 5.512 (Joint assessment procedure), Rule 5.610 (Transfer-out hearing), and Rule 5.612 (Transfer-in hearing) Juvenile Court Administrative Order No. 12/003-903 (Exchange of Information) Superior Court of Orange County Local Rule 903.1 Southern California Inter-County Transfer Protocol, dated September 8, 2015
<b>RESCINDS:</b>	Procedure Manual Item 2-5-005, dated <b>1/6/21</b>
<b>FORMS:</b>	Juvenile Court Report Worksheet Face Sheet F057-4086W Motion for Transfer Out JV-548 Additional Proof of Service JUVICT-001A Juvenile Court Transfer-Out Orders JV-550 Juvenile Court Transfer-Out Orders Non-Minor Dependent JV-552 Petition for Modification F057-5120.1
<b>PURPOSE:</b>	To outline the procedure for the "Transfer-in" and Transfer-out" of Juvenile Court cases in California via either the Southern California Inter-County Transfer Protocol or the Non-Inter-County Transfer Protocol.

### I. GENERAL INFORMATION

- A. In all juvenile proceedings involving transfer out of state or cases requesting transfer in from out of state jurisdiction, Interstate Compact services shall be requested. Refer to Procedure Manual Item (PMI) 2-6-005 (Interstate Compact for Juveniles [Out-of-State Courtesy Supervision] Rules of Interstate Compact on Juveniles) for guidance.
- B. Before proceeding with any transfer, out or in county, discuss the case with the unit supervising probation officer (SPO) for prior approval.

### II. PROCEDURE

- A. Acceptance of Transfer of Proceedings/Wardship
  - 1. Clerical Processing
    - a. When the Juvenile Court clerk receives the original court record of a youth in which proceedings/wardship is being transferred from another county, pursuant to WIC 752, the court clerk will:
      - (1) Assign a J/DL number to the case.

- (2) Notify the District Attorney's Office.
- (3) Complete a Notice of Hearing and Order advising the youth, parents, and the deputy probation officer (DPO) of the date of the Acceptance of Transfer Hearing.
  - b. If the youth is in custody, the date of the Acceptance of Transfer Hearing is set at the Detention Hearing.
  - c. The Notice of Hearing and Order goes to the Probation Department Juvenile Intake Log Unit which logs in the documents, duplicates the legal file, collates the probation file on new cases, and forwards it to the Juvenile Investigations Unit clerk for assignment.
  - d. If the youth is presently under the supervision of this department, the Juvenile Investigations Unit clerk returns the file to Juvenile Intake Log for delivery to the assigned DPO.
2. Juvenile Court Report
  - a. Investigation
    - (1) Upon receiving the case, the DPO proceeds as in any investigation, securing police reports, school information, interviewing the parties, etc.
    - (2) Additionally, the DPO verifies the youth's residence in this county via school records or documentation (e.g. utility bill, residence rental/lease agreement, mortgage documents, etc.) and notes this in the report.
    - (3) Refer to PMI 2-5-002 (Probation Officer's Report to the Juvenile Court) for information to collect and report formatting.
  - b. Face Sheet

Add the words "ACCEPTANCE OF TRANSFER" to the top of the report face sheet.
  - c. Orders
    - (1) If no disposition has been made in the sending county, recommendations may include any of those regularly used and included in the "Transfer In" or "Transfer Out" section of the *Juvenile Court Recommendations* Attachment at the end of PMI 2-5-003 (Juvenile Court Report Recommendations), preceded by:

"In view of the foregoing, it is respectfully recommended that the Court accept transfer of proceedings from \_\_\_\_\_

County, and that the youth be declared a ward of the Court under WIC 602."

- (2) If a disposition order has been made in the sending county, do not recommend another disposition. The sending county's recommendation is to be stated verbatim as the recommendation in the report. If there is a specific order that cannot be carried out in this county, it should be noted in the evaluation section of the report.
- (3) Do not recommend another disposition without filing a WIC 778 petition or having a new WIC 602 petition before the Court. (See above-mentioned PMI 2-5-003 for sample recommendations.)
- (4) In addition, all transfer-in cases must recommend that the Orange County Juvenile Court accept the transfer from the sending county. If the youth is not a resident of Orange County, make the following recommendation:

When the youth is out of custody

"In view of the foregoing, it is respectfully recommended that the Court accept transfer of proceedings/wardship from \_\_\_\_\_ County and find the youth's legal residence is not in Orange County, and that all proceedings be transferred to \_\_\_\_\_ County.

When the youth is in custody

"In view of the foregoing, it is respectfully recommended that the Court accept transfer of proceedings/wardship from \_\_\_\_\_ County, the youth's legal residence be found to be \_\_\_\_\_, and that all proceedings be transferred to \_\_\_\_\_ County, with the youth detained at Juvenile Hall pending transportation, in custody, with a transportation review date set for \_\_\_\_\_ (within fourteen [14] calendar days from the date of the hearing).

B. Transfer of Proceedings to San Bernardino County, San Diego County, Los Angeles County, Riverside County, or Imperial County – Southern California Inter-County Transfer Protocol

1. In field supervision cases, the DPO will complete the Inter-County Residence Verification Form and forward it to the Juvenile Admin Unit Interstate Compact Juvenile (ICJ) DPO. The Juvenile Admin Unit ICJ DPO is the point of contact for the Southern California Inter-County Transfer Protocol. The ICJ DPO will forward the request to the receiving county who will verify the youth's address and send verification back to our department.
2. In urgent cases, and with the unit SPO's approval, the DPO may personally verify the residence by a home call into adjacent counties.

3. Upon completion of the above steps, file a Petition for Modification to request a Transfer Out Hearing be calendared. [REDACTED]  
[REDACTED]  
a. Petition for Modification to request hearing.  
b. Completed forms *Motion for Transfer* (JV-548) and *Juvenile Court Transfer-out Orders* (JV-550) with address verification and current case plan attached.  
c. Copy of the probation file (originals to remain with file)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
4. The court officer will submit the Modification Petition to request the transfer out hearing. Once a hearing is set, the Court Clerk's office will notice all parties.
5. Transfer Out Hearing – The youth will be present. The Court Officer will submit the previously completed JV-548 AND JV-550 forms with proof of residence and current case plan attached. The Court will set an acceptance of transfer hearing in the receiving county. The court officer will provide the youth with a map and directions to the courthouse that includes the date and time the youth is ordered to appear in the receiving county. The court officer will forward the copy of the probation file to the receiving county within seven (7) business days of the transfer out hearing if the youth is detained and fifteen (15) business days if the youth is not detained.
6. If the youth has a scheduled hearing and informs the court and probation for the first time that they reside out of county, the court should transfer the case on that same date. The court officer will complete the JV-548 AND JV-550 forms and submit them to the court. The court officer will send a copy of the probation file to the receiving county and provide the youth with a map and directions to the courthouse that includes the date and time the youth is ordered to appear in the receiving county.

C. Transfer of Proceedings to Another County – Non-Inter-County Transfer Protocol

1. Obtain verification of the youth's residence in the other county. Send a letter or telephone the Probation Department of the county of the youth's legal residence, requesting verification of residence.
2. In urgent cases, and with the unit SPO's approval, the DPO may personally verify the residence by a home call into adjacent counties. Residency may also be verified by other methods, such as the transfer of school records or rental agreement, as long as the methods clearly establish that the youth is a resident of the other county, and this is documented in the court report.

3. In field supervision cases and when appropriate, upon completion of the above steps, file a Petition for Modification in pursuant to WIC 750, indicating the youth is now a resident of \_\_\_\_\_ County. Forward the Petition for Modification, along with the completed JV-548 and JV-550 forms with address verification and current case plan, and a copy of the probation file to JJC/Contested 5<sup>th</sup> Floor.
4. The court report shall include information about how this new residence was verified, gives the reasons why a transfer is being sought, and note if a disposition is needed in the recipient county.
  - a. Review the youth's adjustment while on probation in the report and include any other pertinent new information not contained in the prior report.
  - b. Include the name and residence address of the youth's parent or guardian.
5. The recommendation will:
  - a. Find or continue the youth a ward of the Court under WIC 602.
  - b. Find the youth is a resident of \_\_\_\_\_ County.
  - c. Order the entire proceedings (and wardship when applicable) transferred to \_\_\_\_\_ County for further proceedings.
  - d. If appropriate, order the youth transported in custody to the receiving county.
    - (1) Identify the transporting agency.
    - (2) The youth must be transported as soon as possible, but in any event, within seven (7) calendar days.
6. Court officer
  - a. The Court officer will present the Petition for Modification to the court clerk in the courtroom, along with the completed JV-548 and JV-550 forms with address verification and current case plan, and a copy of the probation file which includes police reports and relevant information.
  - b. The Court Clerk's office will forward the court file along with a copy of the probation file to receiving county once the Petition for Modification is signed by the judge.

## REFERENCES

Procedures:	2-5-002 2-5-003	Probation Officer's Report to the Juvenile Court Juvenile Court Report Recommendations
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2-5-007	Juvenile Court Officer
2-6-005	Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact on Juveniles
Policy:	E-4
	Clients with Legal Residence Outside of Orange County

**I. Gutierrez**

**APPROVED BY:**