

SacJoaquin Valley/Foothills INTERCOUNTY TRANSFER PROTOCOL

**Developed for Juvenile Dependency and
Delinquency Courts
*Implemented on October 3, 2005***

Participating Counties:

- **Amador**
- **El Dorado**
- **Napa**
- **Placer**
- **Sacramento**
- **San Joaquin**
- **Solano**
- **Stanislaus**
- **Sutter**
- **Yolo**
- **Yuba**



**Version 6
Issue Date: August 16, 2010
Effective: October 3, 2005**

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Amendment Log

Date	Amendment (Chapter, Section and Page number)
3/1/07	<p>Chapter 1, Section C. Add new 4, page 8:</p> <p>4. <u>In addition, each court shall provide contact information for CASA and any of the following attorney groups as appropriate: district attorney, delinquency defense counsel, county counsel, dependency children’s attorneys and dependency parents’ attorneys.</u></p>
3/1/07	<p>Chapter 2, Section B-1. Amend c, page 9:</p> <p>c. If at the time of the jurisdictional-<u>dispositional</u> hearing, the minor’s parent/legal guardian did not reside in another county, but thereafter moved, the court may transfer the case for supervision to the new county of residence.</p>
3/1/07	<p>Chapter 2, Section B. Add new 2, page 9:</p> <p>2. <u>If the minor refuses to waive time for disposition, the sending court may find good cause to schedule the matter beyond the statutory 10-day period pursuant to WIC § 682. If the court determines the transfer out is in the best interest of the minor, that necessarily establishes good cause to continue the dispositional hearing to be heard by the receiving county (See Calif. Rules of Court, rule 1425(c)(2) and (e).)</u></p> <p>Chapter 2, Section C. Add new 2, page 10:</p> <p>2. <u>If the child or parent/guardian refuses to waive time for disposition, the sending court may find good cause to schedule the matter beyond the statutory 10-day period pursuant to WIC § 352. If the court determines the transfer out is in the best interest of the child, that necessarily establishes good cause to continue the dispositional hearing to be heard by the receiving county. (See Calif. Rules of Court, rule 5.610(e).)</u></p>
3/1/07	<p>Chapter 2, Section D. Add new 3, page 10:</p> <p><u>3. Placement cases shall not be transferred out if there is less than 90 days before the next scheduled review hearing. Instead, the review hearing shall be held concurrent with the transfer-out hearing.</u></p>
3/1/07	<p>Chapter 2. Amend Section E, page 11:</p> <p>E. Delinquency Matters Regarding <u>California Department of the Corrections and Rehabilitation, Division of Juvenile Justice (formerly California Youth Authority) Wards.</u></p> <p>Except under unusual circumstances, for any crimes committed in a California Youth Authority (CYA) <u>California Department of the Corrections and Rehabilitation, Division of Juvenile Justice</u> facility, the county in which the crimes occurred shall conduct both the jurisdiction and disposition hearings.</p>

<i>Date</i>	<i>Amendment (Chapter, Section and Page number)</i>
3/1/07	<p>Chapter 3, Section A.1. Amend a and b, page 12:</p> <p>1. Address/Phone Check:</p> <p>a. The probation officer in the sending county shall utilize the Protocol Contact List maintained on the AOC's regional Internet <u>Intranet</u> Web page to determine the contact person in the probation department of the proposed receiving county to request a mandatory address check. <u>If the officer does not receive an email confirmation, he/she shall follow-up with a phone call to the receiving probation contact.</u></p> <p>b. Upon receiving the request, the probation officer in the proposed receiving county shall <u>within one court day, reply to the email to confirm receipt of the request. The officer shall then</u> conduct a home visit to verify: (1) residence in the county; (2) telephone number; and (3) address of the minor's parent or legal guardian.</p> <p>Chapter 4, Section A.1. Amend a and b, page 14:</p> <p>a. The social worker in the sending county shall utilize the Protocol Contact List to determine the contact person in the child welfare agency in the proposed receiving county to request a mandatory address check. <u>If the social worker does not receive an email confirmation, he/she shall follow-up with a phone call to the receiving social worker.</u></p> <p>b. Upon receiving the request, the social worker in the proposed transfer-in county shall <u>within one court day, reply to the email to confirm receipt of the request. The social worker shall then</u> conduct a home visit to verify: (1) residence in the county; (2) telephone number; and (3) address of the child's parent or legal guardian.</p>

Date	Amendment (Chapter, Section and Page number)
3/1/07	<p>Chapter 3, Section B. Delete 1, page 13:</p> <p>1. Within 24 hours of scheduling the WIC § 241.1 hearing in a courting which a dependency petition is pending, the clerk of the sending court shall email the contact person in the proposed receiving county. The email shall inform the proposed receiving court of the date set for the WIC § 241.1 hearing.</p> <p>Chapter 3, Section B. Amend 2, page 13:</p> <p>2. Within two (2) court days after setting the WIC § 241.1 hearing, the probation officer in the sending county shall contact the designated social worker in the proposed receiving county to obtain the name of the assigned probation officer <u>social worker</u> to begin the joint assessment utilizing the criteria stated in Attachment 1. <u>If the probation officer does not receive a reply to the email request after one court day of sending, he/she shall follow-up with a phone call to the social worker in the receiving county.</u></p> <p>Chapter 4, Section B. Delete 1, page 15</p> <p>1. Within 24 hours of scheduling the WIC § 241.1 hearing in a courting which a dependency petition is pending, the clerk of the sending court shall email the contact person in the proposed receiving county. The email shall inform the proposed receiving court of the date set for the WIC § 241.1 hearing.</p> <p>Chapter 4, Section B. Amend 2, page 15:</p> <p>2. Within two (2) court days after setting the WIC § 241.1 hearing, the social worker in the sending county shall contact the designated probation officer in the proposed receiving county to obtain the name of the assigned probation officer to begin the joint assessment utilizing the criteria stated in Attachment 1. <u>If the social worker does not receive an email confirmation receipt of the email request after one court day of sending, he/she shall follow-up with a phone call to the probation officer in the receiving county.</u></p>
3/1/07	<p>Chapter 5, Section B.2. Amend b, page 16:</p> <p>b. Out-of-custody delinquency matters: The transfer-in hearing date shall be <u>not be more than ten</u> (10) court days from the date of the transfer-out order.</p>
3/1/07	<p>Chapter 6, Section A. Amend 8, page 18:</p> <p>8. For Dependency <u>and Delinquency</u> cases only, the court clerk shall make a second copy of the file which need not be certified. It shall be mailed to the receiving court for use by the child welfare agency <u>or probation department</u> in the receiving court <u>county</u>.</p>

Date	Amendment (Chapter, Section and Page number)
3/1/07	<p>Chapter 7. Amend Section C, page 23:</p> <p>C. Unless mutually agreeable to each county, the sending county shall be responsible for physically transporting an in-custody The minor <u>and/or a dependent child shall be physically transported to the receiving county as follows:-</u></p> <ol style="list-style-type: none"> 1. <u>For delinquency in-custody matters, the sending county shall be responsible for transportation of the minor to the receiving county detention facility.</u> 2. <u>For delinquency out-of-custody matters, the minor's parent/legal guardian or foster care provider shall arrange for transportation of the minor to the receiving court.</u> 3. <u>For dependency matters, if the child or the child's attorney in the receiving county requests that the child attend the initial hearing, the receiving county shall be responsible for arranging transportation.</u>
3/1/07	<p>Chapter 7. Add new Section D, page 23</p> <p><u>D. Continuation of Responsibility</u></p> <p><u>The sending county's child welfare agency and/or Probation Department shall maintain responsibility of the case, including the provision of services and supervision, until the receiving court has accepted the case at the transfer-in hearing.</u></p>
3/1/07	<p>Chapter 8. Add new Section B, page 24</p> <p><u>B. Receiving In-custody Minors for Hearing</u></p> <p><u>Unless the Probation Officer in the receiving county contacts the parents to give an earlier date than scheduled by the sending court, if the in-custody minor arrives more than two days prior to the hearing set by the sending court:</u></p> <ol style="list-style-type: none"> 1. <u>The receiving court shall not vacate the date previously set by the sending court. The date set by the sending court should always remain calendared because that was the date the parents were notified to appear in the receiving court.</u> 2. <u>The receiving court may hold an initial transfer in hearing within two days of arrival to accept the transfer and continue the matter to the date set by the sending court.</u> 3. <u>In the alternative, the receiving court may delay holding the transfer in hearing, despite the minor being in custody more than two days in the receiving county, until the date set by the sending court, at which time the disposition shall be set within ten days of the minor's arrival in the receiving county, to avoid prejudicing the minor's right to a speedy disposition.</u>

Date	Amendment (Chapter, Section and Page number)
3/1/07	<p>Chapter 9, Section B. Add new 5, page27:</p> <p><u>5. Errors by the sending court shall be corrected as follows:</u></p> <p>a. <u>If a case is ordered transferred to one county, but is inadvertently mailed to another court (i.e., the case is ordered transferred to Sacramento, but the court record is received by San Joaquin), the court receiving the documents shall automatically forward the documents to the proper court without further court order.</u></p> <p>b. <u>If a case is ordered transferred to one county, but the clerk inadvertently types the wrong county name on the order (i.e., the case is ordered transferred to Yolo County, but the courtroom clerk inadvertently types Yuba County on the order), the court receiving the documents shall (1) automatically forward them to the proper court without further court order; and (2) contact the sending court to advise them of the error so that an amended transfer order can be prepared and mailed to the proper county.</u></p> <p>c. <u>If a case is ordered to the wrong jurisdiction (i.e., ordered transferred to Placer, but the residence is in El Dorado), the court receiving the documents shall contact the sending court and advise them of the error. The sending court shall correct the error by utilizing the informal appeal process.</u></p>
3/1/07	<p>Chapter 9. Amend Section D, page 29:</p> <p>1. <u>The notice of appeal shall be filed in the sending receiving court, after the disposition has been held. The clerk of that court shall send a copy of the notice to the receiving sending court so that the court reporter can be notified if there is a need to prepare the transcript of the pre-disposition proceeding.</u></p> <p>2. The receiving court shall first formally accept the transfer. Absent further order from the District Court of Appeal, the filing of an appeal shall not stay the original transfer out order.</p> <p>32. <u>If the appellate process requires a court reporter’s transcript of the proceedings in the sending court, the costs of preparing that transcript for an indigent party shall be born by the sending court.</u></p> <p>43. <u>Upon receipt of the remittitur from the District Court of Appeal, the clerk of the sending receiving court shall send a copy of it to the receiving sending court.</u></p>
3/1/07	<p>Chapter 10, Section A. Add new 3, page 30:</p> <p>3. <u>If the petition is sustained by trial, and the judicial officer in the sending court believes that the minor would have been considered for informal supervision pursuant to WIC § 654.2 in the absence of a transfer of the case, that judicial officer may state on the JV-550 form that there is no opposition from the transfer-out judicial officer to the receiving judicial officer setting aside the jurisdictional finding. Upon a waiver of double-jeopardy, the receiving court may place the minor on informal supervision. See Section B-2 below if trial becomes necessary.</u></p>

<i>Date</i>	<i>Amendment (Chapter, Section and Page number)</i>
3/1/07	<p>Chapter 10, Section B.3. Amend f, page 31:</p> <p>If the petition is sustained, the presumption is that the disposition will be scheduled in the original receiving court. If so, at the conclusion of the trial before the cross-designated judge, the clerk shall contact the receiving court to ascertain the date and time for the dispositional hearing. The cross-designated court shall notice the parties of that information, personally and by mail. <u>In open court, the cross-designated court shall order the minor and parent(s)/legal guardian to appear at that date, time and location for the disposition hearing.</u></p>
3/21/07	<p>The Judicial Council of California reorganized The California Rules of Court (CRC) and renumbered them to improve their format and usability, effective January 1, 2007. All CRC references in the Protocol have been updated.</p>
9/28/09	<p>Chapter 5, Section B. Sub-section 4 added, page 14:</p> <p>4. <u>In cases where the child is detained, the court shall determine whether the child waives time for the transfer-in hearing. If the child does not waive time, the court shall order the Probation Officer to transport the child to the receiving county two court days before the date-certain transfer-in hearing is scheduled to be heard. If such an order is issued, the Probation Officer shall not transport the child earlier than the date established by the court.</u></p> <p>Chapter 8. Amend Section B, page 21:</p> <p>Unless the Probation Officer in the receiving county contacts the parents to give an earlier date than scheduled by the sending court, the if the in custody minor arrives more than two days prior to the hearing set by the sending court:</p> <ol style="list-style-type: none"> 1. The receiving court shall not vacate the date previously set by the sending court. The date set by the sending court should always remain calendared because that was the date the parents were notified to appear in the receiving court. 2. The receiving court may hold an initial transfer in hearing within two days of arrival to accept the transfer and continue the matter to the date set by the sending court. 3. In the alternative, the receiving court may delay holding the transfer in hearing, despite the minor being in custody more than two days in the receiving county, until the date set by the sending court, at which time the disposition shall be set within ten days of the minor's arrival in the receiving county, to avoid prejudicing the minor's right to a speedy disposition.
8/16/10	<p>Changed cover page to add, "NAPA."</p>

Form Attachments 1, 4, 5, and 6

On all forms, the footer is changed to show a new date of “Effective 03/01/07” (All agreed.)

On all forms, the footer is changed to show page numbers as “Page 1 of _” (All agreed.)

Additional Amendment to Attachment 1, “JV 550 Order,” from those originally proposed. (All agreed.)

1. Section 4.a. The language “unless confidential” is stricken from the parenthetical phrase. Check boxes are added for “Confidential Address” and “Address Not Confidential.”
2. Section 4.a. Check boxes are added for “Probation Officer/Social Worker in the receiving county has conducted an address check and confirmed the address above;” as well fill in space for “Name of PO/SW” “Date verified” and “Method of verification”
3. Section 4.b. is expanded to all more space to include required “reasons” why it is in the child’s best interest to transfer out. [Note: it is insufficient to merely repeat prong 1 of the 2 part test that the child resides in another county.]
4. Section 4.f.3.(v). The reference to section “798” is corrected to “790.”
5. Section 6.a.(1). Alternative boxes are added for “The child does not have special education needs” and “The child has other educational issues: ___”
6. Section 6.a.(2). Space to include the name of the education advocate or surrogate has been added.
7. Section 6.a.(3) is added to require the minor/child’s last school for ALL cases, not just special education cases.

Amendments to Attachment 4, the “Certification of Transfer Documents and Return of Receipt of Documents,” not originally proposed are now proposed. (All agreed.)

1. Space is provided to show the number of volumes or boxes of documents transmitted.
2. Space is provided to indicate the name and address of the court to which the documents were transmitted.

Additional Amendments to Attachment 5, “Probation Cover Sheet,” from those originally proposed. (All agreed.)

1. New Section 1 (remaining sections renumbered from the original proposed amendment). A row of check boxes is added for “The minor is a non-ward” (with additional choices of “No dispo,” “654.2,” “725(a),” and “DEJ”) and on the next row another check box for “The minor is a ward” (with additional choices of “New dispo pending,” and “Supervision only”
2. Section 2. The “Parent(s)/legal guardian’s address ...” is changed to “Minor’s address ...”

Additional Amendments to Attachment 6, “Child Welfare Cover Sheet” from those originally proposed. (All agreed.)

1. The instructions for section B will now read, “List important orders that are in the file, but not in CWS/CMS.
2. Section D and E subheadings will now read, “not started/in progress.”

Introduction and Background

From time to time, a variety of difficult issues arise when it is necessary to transfer the authority over juvenile delinquency and dependency cases from one county to another. Courts can work collaboratively to make it easier for court staff, probation officers and social workers to understand and process these cases efficiently. In April 2002, the juvenile courts in Placer County and Sacramento County addressed a single aspect of the problem by implementing a pilot project between the two courts. The pilot focused on the concept of the transfer-out court setting a date-certain for the family to appear in the transfer-in court for both delinquency and dependency cases.¹ This was just one example of what could be done to facilitate the process. The two courts have been pleased with the results of the collaborative effort and are eager both to expand the existing process to other counties and create additional coordination tools.

A substantial number of additional issues remained to be addressed including: identifying key contact persons in each county; uniform forms and orders; advance confirmation of addresses in the transfer-in county; timely delivery of school information such as Individual Education Plans (IEP); timing of the transfer before and after disposition; rules for foster care cases; and rules when children reside with non-legal guardians.

A summit meeting of neighboring jurisdictions was held on September 26, 2003 at the Sacramento Superior Court. Judge Kenneth Peterson presided over the afternoon meeting that included judges, court staff and representatives from Probation, Child Welfare, and various attorney groups from seven counties. Break out groups were tasked with brainstorming problems, issues, concerns and solutions for assigned topics. At the end of the day, the groups reported back on the results of their respective sessions.

After the summit meeting, staff from the Sacramento County Juvenile Court took the lead in compiling and reviewing the issues and proposed solutions. This effort, including additional feedback from the participating jurisdictions, resulted in a proposed protocol designed to set forth procedures for both the sending and receiving of transferred cases between jurisdictions. The proposed protocol was reviewed at a second summit held on December 3, 2004 in Sacramento. Seven counties attended that meeting. The comments and suggestions from that meeting have been incorporated into the attached final protocol.

The Administrative Office of the Courts (AOC), Northern/Central Regional Office agreed to facilitate the final steps of this joint venture. A meeting with the juvenile court presiding judges of nine initial jurisdictions was held at that office on May 5, 2005 to review the protocol, observe

¹ Results of the pilot project reflected that the process provided speedier arrival and continuity of jurisdiction to minimize the possible loss of a case between a transfer-out hearing and a transfer-in hearing. Providing a date-certain order allows the transfer-out court to completely close out its case at the time of the transfer-out order. The transfer-in county is simultaneously provided the authority to assume full jurisdiction, including the ability to issue appropriate orders. This process relieves the transfer-in court from having to mail a notice of hearing or personally locate and serve a party for the initial appearance. For delinquent minors who fail to appear on the transfer-in arraignment date, the transfer-in court has authority to issue a warrant to obtain the minor's appearance without returning the matter to the transfer-out county.

a demonstration of how it works and decide whether to urge the local Chief Probation Office and Child Welfare Director from their respective counties to sign the agreement to participate.

As a result of the meeting, the presiding judges agreed to implement the Protocol on October 3, 2005. They set June 1, 2005, as the deadline for jurisdictions to indicate if they to agree to the provisions of the Protocol.

With assistance from the AOC, regional training will be arranged for court staff, probation officers and social workers during the month of September 2005.

The AOC has agreed to host a regional Intranet Web page (<https://jccprojects.intranets.com>), including appropriate security controls, for the participating jurisdictions. The Web page will contain the Protocol and corresponding forms, contact information, schedule of hearing dates and times of each jurisdiction and links to each jurisdiction's Internet Web page for quick access to court locations and driving directions.

Chapter One: Communication

A. Lead Court

1. On a rotating annual basis², one court shall be designated as the lead court to be responsible for disseminating ongoing information and changes related to the protocol. In addition, the court shall maintain the contact list of participating courts and ancillary agencies.
2. The lead court shall maintain the protocol and other relevant information on a regional Intranet Web Page provided by the Administrative Office of the Courts (AOC) Northern/Central Regional Office specifically designed for access by the participating counties to access.
3. The lead court shall maintain the contact list and notify each county's single point of contact of any changes.

B. Single Point of Contact

1. Each court shall identify a staff person to serve as the single point of contact for Delinquency and a single point of contact for Dependency, who may be same person.
 2. Each court shall supply the lead court with the following information for its designated court contact: name, title, mailing address, phone number and email address.
 3. Each court shall provide the names and contact information for staff in the respective probation and child welfare departments that will be identified as the designated contact for those county entities.
 4. Each court's single point of contact shall immediately notify the lead court when contact information for the court, Probation Department or Child Welfare Department changes.
 5. Each court's single point of contact shall receive and disseminate relevant information regarding the protocol to other agencies in its jurisdiction.
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² Initially, the Sacramento Superior Court will be the lead.

**C. Individual Court
Internet Web
Pages**

Each court shall maintain on the AOC Intranet Web page (<https://jccprojects.intranets.com>), the following information:

1. Designated hearing days, times and departments for transfer-in hearings.
2. Driving directions and maps to that county's court(s).
3. A list of their jurisdiction's contacts (court, probation and child welfare, presiding judge or designee).
4. In addition, each court shall provide contact information for CASA and any of the following attorney groups as appropriate: district attorney, delinquency defense counsel, county counsel, dependency children's attorneys and dependency parents' attorneys.

**D. Changes to
Protocol**

The lead court shall be responsible for facilitating and communicating to the participating jurisdictions requests to correct and/or amend the Protocol.

1. The requesting jurisdiction shall email the lead court's single point of contact with their proposed correction and/or amendment.
2. The lead court shall review the request, provide a proposed solution, if necessary and email to the single point of contact of each participating jurisdiction for comments.
3. The single point of contact in each county shall disseminate the request to their appropriate staff and other agencies for comments. The contact shall be responsible for compiling their comments and emailing one response back to the lead court by the due date.
4. The lead court shall review the comments.
 - (a) If there is full agreement by the participating jurisdictions, the lead court shall make the change(s) to the Protocol and note the change(s) on the "Amendment Log" located after the Table of Contents of the Protocol.
 - (b) If there is no agreement, the lead court shall arrange a date and time for a telephone conference for any jurisdiction that wants to participate. If there is an agreement by a majority of the

counties participating in the protocol, the lead court shall inform all of the jurisdictions of the resolution via an email to the single point of contacts. If appropriate, the Protocol shall be updated with any change(s) and noted on the Amendment Log.

Chapter Two: Appropriateness of Transfer

A. Standard for Determining if a Case Should be Transferred

Delinquency and Dependency cases shall be transferred only if the sending court determines all of the following pursuant to California Rules of Court, rule 5.610(a)³:

1. The child's parent or legal guardian resides in the proposed receiving county⁴;
 2. The transfer is in the child's best interest; and
 3. The level of services required by the child and family can be met in the proposed receiving county.
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B. Timing of Transfer of Delinquency Cases

The court shall not transfer a delinquency case until after jurisdiction is established pursuant to Rule 5.610(c)(2) (i.e. an admission is entered or one or more charges are found true at trial).

1. If at the time of the jurisdictional hearing, the minor's parent/legal guardian is known to reside in another county, the sending court shall not conduct the dispositional hearing (including the ordering of a deferred entry of judgment) and thereafter transfer the case out to another county.
 - a. In such situations, if the court conducts the dispositional hearing, it shall keep the case for supervision. Otherwise, the court must provide the receiving county with the opportunity to determine the appropriate disposition.
 - b. If the court conducts the dispositional hearing in a county where the parent/legal guardian does not live, it may request courtesy supervision in the county of the parent/legal guardian's residency, but shall retain formal jurisdiction over the case.
 - c. If at the time of the dispositional hearing, the minor's parent/legal guardian did not reside in another county, but thereafter moved, the
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³ All further 'Rule' references are to the California Rules of Court

⁴ See WIC section 375, 750, and Rule 5.610(a), (b) and (c) regarding residency guidelines for intercounty transfer. Pursuant to WIC section 375 and 750, no case shall be transferred to the county of residence of an adult (including relatives) who has custody of the child either on a voluntary basis or as a result of a court ordered placement unless that person is parent or legal guardian. Note that WIC section 17.1, which is in Chapter One of the code, does not apply because it is in conflict with the superseding language of WIC sections 375 and 750, which are in Chapter two of the code.

court may transfer the case for supervision to the new county of residence.

2. If the minor refuses to waive time for disposition, the sending court may find good cause to schedule the matter beyond the statutory 10-day period pursuant to WIC § 682. If the court determines the transfer out is in the best interest of the minor, that necessarily establishes good cause to continue the dispositional hearing to be heard by the receiving county (See California Rules of Court, rule 5.610(c)(2) and (e).)

C. Timing of Transfer of Dependency Cases

1. Except under unusual circumstances, the court where the dependency petition is sustained shall not conduct the dispositional hearing and shall transfer the case prior to disposition being imposed [Rule 5.610(c)(3)].

Unusual circumstances include, but are not limited to: (1) lengthy trial which otherwise would require transcripts for receiving county to understand the factual circumstances; and, (2) any other complex legal/factual circumstance.

2. If the child or parent/guardian refuses to waive time for disposition, the sending court may find good cause to schedule the matter beyond the statutory 10-day period pursuant to WIC § 352. If the court determines the transfer out is in the best interest of the child, that necessarily establishes good cause to continue the dispositional hearing to be heard by the receiving county. (See Calif. Rules of Court, rule 5.610(e).)

D. Placement Cases (Delinquency and Dependency)

1. During the Reunification Phase:
 - a. Cases may be transferred-out only to the county of residence of the parent/legal guardian.
 - b. Cases shall not be transferred-out based on the physical location of the child.
 - c. Cases shall not be transferred-out based on the county of residence of relatives who have not achieved the status of legal guardian.
2. During the Post Reunification Phase (long-term placement):

- a. There is a presumption that no case in this phase shall be transferred.
 - b. A transfer-out motion shall not be filed by the probation officer or social worker unless the chief probation officer/child welfare director (or designees) in the sending and receiving counties confer and agree that it is in the best interests of the child to do so, including that there are available and appropriate services in the proposed receiving county. The joint recommendation shall be reflected in the probation officer or social worker's transfer-out motion.
 - c. If the transfer-out motion is filed by a child's or parent's attorney, the probation officer/social worker shall file a report with the court prior to the hearing on the transfer-out motion. The report shall include the communication information and agreements prescribed in paragraph b. above.
3. Placement cases shall not be transferred out if there is less than 90 days before the next scheduled review hearing. Instead, the review hearing shall be held concurrent with the transfer-out hearing.
-

**E. Delinquent
Matters
Regarding
California
Department of
Corrections and
Rehabilitation,
Division of
Juvenile Justice
(formerly
California Youth
Authority)**

Except under unusual circumstances, for any crimes committed in a California Department of the Corrections and Rehabilitation, Division of Juvenile Justice facility, the county in which the crimes occurred shall conduct both the jurisdictional and disposition hearings. Otherwise, the matter shall not be transferred back to the originating committing county.⁵

⁵ The county responsible for the most recent juvenile court commitment will not be billed by DJF for the costs of confinement because the commitment is the result of prosecution requested by the Division of Juvenile Facilities. In that case, the county previously responsible for the ward will continue to be billed. [California Code of Regulations, Title 15, Division 4, Chapter 1.4, Subchapter 1, Article 2, Section 4143.4(d).]

**Chapter Three: Procedures to be Completed by the Probation Department
Prior to Requesting a Delinquency Court Transfer-Out
Order**

**A. Information for
Transfer-Out
Report/Motion**

The probation officer in the sending county where a delinquency case is pending is responsible for verifying residency and school information before submitting a recommendation to the court to transfer the case. Before the transfer-out motion/report is made, the following shall be completed:

1. Address/Phone Check:

- a. The probation officer in the sending county shall utilize the Protocol Contact List maintained on the AOC's regional Intranet Web page to determine the contact person in the probation department of the proposed receiving county to request a mandatory address check. If the officer does not receive an email confirmation, he/she shall follow-up with a phone call to the receiving probation contact.
- b. Upon receiving the request, the probation officer in the proposed receiving county shall within one court day, reply to the email to confirm receipt of the request. The officer shall then conduct a home visit to verify: (1) residence in the county; (2) telephone number; and (3) address of the minor's parent or legal guardian.
- c. The agency shall make every effort to complete the request within: (1) for delinquency in-custody matters two court days; and, (2) for delinquency out-of-custody matters within seven court days.

2. School Information:

The probation officer in the sending county shall determine the following: (a) the name of the last school and school district attended by the minor; and (b) whether there is an Individual Education Plan (IEP) on file for the minor in that district or any other district.

3. Availability of Services:

The probation officer in the receiving county shall inform the probation officer in the sending county what services would be available to serve the needs of the minor and family.

4. The information elicited pursuant to paragraphs 1, 2, and 3 above shall be included in the report to the sending court prior to the transfer-out hearing.
-

**B. WIC § 241.1
Determination**

If a delinquency petition is filed regarding a minor who is already a dependent child in another county, or appears to qualify for a dependency petition to be filed in that other county, the sending court shall make a WIC § 241.1 determination prior to the jurisdiction hearing and prior to holding the transfer-out hearing.

1. Within two (2) court days after setting the WIC § 241.1 hearing, the probation officer in the sending county shall contact the designated social worker in the proposed receiving county to obtain the name of the assigned social worker to begin the joint assessment utilizing the criteria stated in Attachment 1. If the probation officer does not receive a reply to the email request after one court day of sending, he/she shall follow-up with a phone call to the social worker in the receiving county.
2. Within two (2) court days after setting the WIC § 241.1 hearing, the social worker in the proposed receiving county shall contact the dependency attorneys in that county to notify them of the court date and time and obtain information from them for the assessment.
3. Within fifteen (15) court days of setting the WIC § 241.1 hearing, the probation officer and social worker shall complete their assessment and attempt to reach a joint recommendation pursuant to WIC § 241.1.
 - a. If the case carrying probation officer and case carrying social worker do not agree as to which discipline serves the minor's best interest and protection of society,⁶ they shall refer the matter to their respective supervisors who shall complete the assessment and reach a joint recommendation.
 - b. If the two supervisors do not agree, they shall refer the matter to the chief probation officer and director of the child welfare agency (or their designees) to complete the assessment and reach a joint recommendation.
 - c. If the chief probation officer and director of child welfare do not agree, each agency shall file a separate assessment with the court where the petition is pending.

⁶ See Rule 5.512(d).

Chapter Four: Procedures to be Completed by the Social Worker Prior to Requesting a Dependency Court Transfer-Out Order

A. Information for Transfer-Out Report/Motion

The social worker in the sending county where a dependency petition is pending is responsible for verifying residency, school information and availability of services in the proposed receiving county before submitting a recommendation to the court to transfer the case. Before the transfer-out motion/report is made, the following shall be completed:

1. Address/Phone Check:

- a. The social worker in the sending county shall utilize the Protocol Contact List to determine who is the contact person in the child welfare agency in the proposed receiving county to conduct a mandatory address check. If the social worker does not receive an email confirmation, he/she shall follow-up with a phone call to the receiving social worker.
- b. Upon receiving the request, the social worker in the proposed transfer-in county shall within one court day, reply to the email to confirm receipt of the request. The social worker shall then conduct a home visit to verify: (1) residence in the county; (2) telephone number; and (3) address of the child's parent or legal guardian.
- c. The agency shall make every effort to complete the request within seven days.

2. School Information:

The social worker in the sending county shall determine the following: (a) the name of the last school and school district attended by the child; and (b) whether there is an Individual Education Plan (IEP) on file for the child in that district or any other district.

3. Availability of Services:

The social worker in the receiving county shall inform the social worker in the sending county what services would be available to serve the needs of the child and family.

4. The information elicited pursuant to paragraphs 1, 2 and 3 above shall be included in the report to the sending court prior to the transfer-out hearing.
-

**B. WIC § 241.1
Determination**

If a dependency petition is filed regarding a child who already is a delinquent minor in another county or appears to qualify for a delinquency petition to be filed in that other county, the sending court shall make a WIC § 241.1 determination prior to the jurisdiction hearing and prior to holding the transfer-out hearing.

1. Within two (2) court days after setting the WIC § 241.1 hearing, the social worker in the sending county shall contact the designated probation officer in the proposed receiving county to obtain the name of the assigned social worker to begin the joint assessment utilizing the criteria stated in Attachment 1. If the social worker does not receive a reply to the email request after one court day of sending, he/she shall follow-up with a phone call to the social worker in the receiving county.
2. Within two (2) court days after setting the WIC § 241.1 hearing, the probation officer in the proposed receiving county shall contact the delinquency attorneys in that county to notify them of the court date and time and obtain information from them for the assessment.
3. Within ten (10) court days of setting the WIC § 241.1 hearing, the probation officer and social worker shall complete their assessment and reach a joint recommendation pursuant to WIC § 241.1.
 - a. If the case carrying probation officer and case carrying social worker do not agree as to which discipline serves the child's best interest and protection of society,⁷ they shall refer the matter to their respective supervisors who shall complete the assessment and reach a joint recommendation.
 - b. If the two supervisors do not agree, they shall refer the matter to the chief probation officer and director of the child welfare agency (or their designees) to complete the assessment and reach a joint recommendation.
 - c. If the chief probation officer and director of child welfare do not agree, each agency shall file a separate assessment with the court where the petition is pending.

⁷ See Rule 5.512(d).

Chapter Five: Transfer-Out Hearing

A. Hearing Procedure

1. Delinquency Cases: The parties and court shall apply the standard and timing outlined in Chapter Two, section A, B, D, and E of this protocol.
 2. Dependency Cases: The parties and court shall apply the standard and timing outlined in Chapter Two, section A, C and D of this protocol.
-

B. Date-Certain for the Transfer-In Hearing

If the transfer-out motion is granted, the court shall set a date certain for the transfer-in hearing. The sending court shall state on the record, the date, time and location of the hearing in the receiving court.

1. The sending court staff shall determine the appropriate location and time for the transfer-in hearing by utilizing the Internet Web Site information described in Chapter One, section C.
 2. The transfer-in hearing date shall be set as follows:
 - a. In-custody delinquency matters: The transfer-in hearing date shall be no more than seven (7) court days from the date of the transfer-out order.
 - b. Out-of-custody delinquency matters: The transfer-in hearing date shall not be more than ten (10) court days from the date of the transfer-out order.
 - c. All dependency matters: The transfer-in hearing date shall be ten (10) court days from the date of the transfer-out order.
-

C. Notice of Transfer-In Hearing Date

1. The court shall order the child and family to be personally present in court during the transfer-out hearing, to be orally informed, on the record, of the court order to be present at the transfer-in hearing at the date and time indicated.
 2. The sending court shall provide the child and family with a map and driving directions to the receiving court location. Staff shall utilize the Internet Web Site information required by Chapter One, section C to obtain that information.
-

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3. If a party is not present, the clerk of the sending court shall provide written notice to the child and family by mail of the information in paragraphs 1 and 2 above.
 4. In cases where the child is detained, the court shall determine whether the child waives time for the transfer-in hearing. If the child does not waive time, the court shall order the Probation Officer to transport the child to the receiving county two court days before the date-certain transfer-in hearing is scheduled to be heard. If such an order is issued, the Probation Officer shall not transport the child earlier than the date established by the court.
-

**D. Notifying
Receiving
County via
Electronic Mail**

1. Within 48 hours of the completion of the transfer-out hearing, the clerk of the sending court shall email the designated contact person in the receiving county. The email shall include either the Intercounty Transfer Advanced Notice (see Attachment 2) or the JV550 Form (see Attachment 3) to inform the receiving county of the name of the transferred case and the date for the transfer-in hearing.
 2. The designated contact person in the receiving county shall inform all necessary parties and agencies in that county of the scheduled transfer-in court appearance.
 3. The court clerk in the receiving county shall take sufficient steps to immediately record the scheduled court appearance in that court's case tracking and calendaring system, regardless of whether and when additional documentation is provided by mail pursuant to Chapter Six, section D of this protocol.
-

Chapter Six: Court Clerk Preparation of Documents to Send to Receiving Court

A. Summary of Procedure for Preparation of Court File by the Sending Court

The clerk of the sending court shall:

1. Prepare and complete a minute order for the file recording the transfer-out hearing;
2. Prepare and complete the Judicial Council JV-550 form, modified for use consistent with this protocol (See Attachment 3);
3. Copy the court file;
4. Retain the original court file;
5. Certify the copy of the court file consistent with the procedure prescribed in section C below; and
6. Mail the certified copy of the file to the receiving court. [See Rule 5.610(g).]
7. For delinquency cases only, the court clerk shall include copies of the Department of Justice Juvenile Detention Disposition Report forms (JUS 8716 and JUS 8717).
8. For dependency and delinquency cases, the court clerk shall make a second copy of the file which need not be certified. It shall be mailed to the receiving court for use by the child welfare agency or probation department in the receiving county.

B. Case File Preparation

1. The clerk of the sending court shall place copies of all documents from the court file in reverse chronological order (the most current document on top; the earliest document on the bottom).
2. The clerk shall count the number of pages contained within the file and note the number on the Certification/Return Receipt cover page. (See Attachment 4)⁸

⁸ Each page need not be separately numbered.

-
3. Both confidential and non-confidential documents shall be copied, counted and included in the packet. (Examples of confidential documents may include, but are not limited to, blood test results; victim address information; addresses for parents, guardians, de facto parents, foster homes and group homes; medication orders; and any other document ordered sealed by the court.)
 4. Confidential documents shall remain in the certified copy of the court file in its chronological order, but shall be sealed in confidential envelopes.
-

C. Certification of the Case File

1. The clerk of the sending court shall prepare a Certification/Return Receipt cover page, specifying the number of pages contained within the copy of the case file. (See Attachment 4.)⁹
 2. For Dependency cases involving multiple siblings, if the sending court ordinarily utilizes a single case file for multiple siblings, a single certified copy of the court file shall be provided. However, if the sending court ordinarily utilizes multiple case files for multiple siblings, a certified copy of each court file shall be provided separately.
-

D. Delivery of Certified Copy of the Case File

1. In-custody Delinquency Cases:
 - a. The certified copy of the court file should be completed within five (5) court days of the transfer-out order and accompany the minor to the receiving county.
 - b. The Probation Department shall make every attempt to transport minors to the receiving county with the appropriate documentation pursuant to Rule 5.610(g). However, the Probation Department shall transport the minor to the scheduled transfer-in hearing for the date set by the sending court even if the paperwork is not available, so as not to affect that date.
 2. All Dependency Cases and Out-of-Custody Delinquency Cases:
 - a. The certified copy of the court file should be completed and mailed to the receiving court within ten (10) court days of the transfer-out order.
-

⁹ Each page need not be separately certified.

-
- b. Mail shall be by first class delivery. [See Rule 5.610(g)]
 - c. In dependency cases where the child is in out-of-home care, the child shall be transported to the receiving county by the social worker by the hearing date set by the sending court even if the paperwork is not mailed, so as not to affect that date.
-

E. Exhibits

- 1. Unless requested by the receiving court, the sending court shall not transfer any hearing/trial exhibits to the receiving court.
 - 2. The sending court shall retain the exhibits until notified by the receiving court that the matter is concluded and that the exhibits can be returned to their rightful owners and/or destroyed.
 - 3. If the receiving court needs the exhibits, the receiving court shall contact the sending court to make arrangements for the delivery of the exhibits.
 - a. If exhibits are needed by the receiving court, an email shall be sent to the designated sending court contact requesting the exhibits.
 - b. The receiving court shall then retain custody of the exhibits until it is appropriate to return them to their rightful owners and/or destroy them.
-

Chapter Seven: Probation and Social Worker Preparation of Documents to Send to Receiving County Agency and Transportation

A. Probation File

Within ten (10) court days of the transfer-out hearing, the Probation Department in the sending county shall prepare and transmit a copy of the original probation file to the probation department in the receiving county.

The probation department in the sending county shall retain the original documents. It is not necessary for the copies to be certified.

The following documents shall be placed in reverse chronological order (the most current document on top; the earliest document on the bottom):

1. The Probation Cover Sheet. (See Attachment 5.)
2. Records concerning the current offense:
 - a. The court petition;
 - b. All minute orders;
 - c. Law enforcement reports;
 - d. Probation intake and social study reports;
 - e. Psychiatric/psychological evaluations; and
 - f. For violation of probation matters, all probation officer adjustment summaries.
3. Records concerning all prior adjudicated matters (i.e. other than the current case being adjudicated):
 - a. Petitions and violation of probation motions;
 - b. Social Study Reports, including restitution reports, case-plans and six-month review reports for placement cases;
 - c. Jurisdictional and dispositional minute orders, including restitution minute orders; and

- d. Psychiatric/psychological evaluations.
 - e. Copies of any Individual Education Plan (IEP) that is possessed by the Probation Department and/or the name and address of the school district where the most current IEP is on file.
-

**B. Social Worker
File and
Releasing
CWS/CMS Data**

1. Within 24 hours of the transfer-out court order, the social worker shall cause the Child Welfare System/Case Management System (CWS/CMS) to be modified to add the receiving county's code, in order to allow access to the case management system by both the sending county and the receiving county. The receiving county shall be designated as "primary" and the sending county will retain access and be designated as the "secondary."
 2. Within ten (10) court days of the transfer-out hearing, the social worker in the sending county shall prepare and transmit a copy of all documents in the original social worker file that are not contained in the CWS/CMS system, other than court minute orders to the child welfare agency in the child welfare agency in the receiving county. It is not necessary for the file to be certified.
 3. The sending county shall retain the original documents. The following documents, if not accessible by the CWS/CMS system, shall be placed in reverse chronological order (the most current document on top; the earliest document on the bottom):
 - a. Child Welfare cover sheet. (See Attachment 6.)
 - b. Individual Education Plan (IEP) that is possessed by the child welfare agency and/or the name and address of the school district where the most current IEP is on file;
 - c. Home study reports;
 - d. Correspondence from counselors;
 - e. Treatment provider reports;
 - f. Health and education passport information; and
 - g. Confidential address information.
-

C. Transportation of Minor/Child

The minor or dependent child shall be physically transported to the receiving county as follows:

1. For delinquency in-custody matters, the sending county shall be responsible for transportation of the minor to the receiving county detention facility.
2. For delinquency out-of-custody matters, the minor's parent/legal guardian or foster care provider shall arrange for transportation of the minor to the receiving court.
3. For dependency matters, if the child or the child's attorney in the receiving county requests that the child attend the initial hearing, the receiving county shall be responsible for arranging transportation.

D. Continuation of Responsibility

The sending county's child welfare agency and/or Probation Department shall maintain responsibility of the case, including the provision of services and supervision, until the receiving court has accepted the case at the transfer-in hearing.

Chapter Eight: Transfer-In Hearing

A. Receiving Transfer Documents

1. Upon receipt of the emailed Intercounty Transfer Advanced Notice or the JV550 form¹⁰, the receiving court shall calendar the matter for hearing on the date indicated in the advanced notice and then await delivery of the court record from the sending court.

In some instances, the court record will not arrive in time for the transfer-in hearing, but the court shall nevertheless keep the scheduled hearing date.

2. If, before the scheduled transfer-in hearing date, sufficient reason arises to reschedule the transfer-in hearing date that was set by the sending court, other than the delay in delivering the court file from the sending court, the receiving court shall be responsible for noticing the parties of the new date.
3. The receiving court shall not refuse to accept a transfer on the grounds that documents have not been timely received from the sending county.

If the failure to deliver documents to the receiving court prevents the court from completing the transfer-in hearing, the court shall continue the matter for further proceedings and shall not refuse to accept the transfer.

4. Upon receipt of the court record, the clerk in the receiving court shall sign and date the acknowledgement of receipt and mail it back to the sending court. (See Attachment 4.)

B. Receiving In-custody Minors for Hearing

Unless the Probation Officer in the receiving county contacts the parents to give an earlier date than scheduled by the sending court, the receiving court shall not vacate the date previously set by the sending court. The date set by the sending court should always remain calendared because that was the date the parents were notified to appear in the receiving court.

¹⁰ See Chapter 5, Section D regarding above receipt of an email notice from the sending county of a transfer in and the clerk's duties upon receipt of that notice.

**C. Mandatory
Acceptance**

At the transfer-in hearing, the court shall, in all cases, issue an order accepting transfer of jurisdiction from the sending court. Under no circumstances shall the court decline to accept the transfer. (See Rule 5.612.)

**D. Procedure After
Acceptance**

1. After the transfer-in is formally accepted, the clerk of the receiving court shall send an acknowledgment email to the designated contact person in the sending county, informing that county that the transfer has been accepted. Thereafter, it shall be the responsibility of the contact person in the sending county to inform other parties in that county of the acceptance of the transfer.
 2. After formally accepting the transfer-in, that court may:
 - a. Conduct a transfer-out hearing to another county if there is sufficient proof that the child's parent/legal guardian lives in another identified county; or
 - b. File an informal appeal as prescribed in Chapter 9; or
 - c. File a formal appeal in the sending county, seeking review by the District Court of Appeal.
-

Chapter Nine: Rehearings and Appeals

A. Proceedings in the Sending Court after Ordering Transfer

1. Any application pursuant to WIC § 252 for rehearing by a judge of any decision by a referee of the sending court shall be filed in, and decided by, the sending court.
2. Absent further order of the court, the filing of such an application, including an application to rehear a transfer-out order, shall not stay the transfer-out order or the scheduled transfer-in hearing date.
3. A copy of the application for rehearing filed in the sending court shall be sent to the receiving court for informational purposes.
4. After the sending court issues its ruling on the application for rehearing, a copy of the order granting or denying the rehearing shall be sent to the receiving court.
5. If the application for rehearing is granted by the sending court, the receiving county shall vacate its order accepting the transfer-in and order the case returned to the originating county to conduct the rehearing. The case shall not be returned to the receiving county unless a subsequent transfer-out order is made.

B. Informal Appeal of Transfer

In lieu of a formal appeal, the receiving court may engage in an informal intercounty appeal process in situations where the receiving court believes the matter should not have been transferred.

1. The Presiding Judge of the Juvenile Court in the receiving county shall contact the Presiding Judge of the Juvenile Court in the sending county by telephone to discuss the propriety of the transfer.
2. If the Presiding Judges agree that the matter should not have been transferred, the case shall be returned to the sending court, as described below. If the Presiding Judges do not agree that the matter was improperly transferred to the receiving county, the receiving county shall continue to have jurisdiction over the case.
3. Informal Agreement Prior to the Scheduled Transfer-In Hearing:
 - a. If the agreement between the Presiding Judges to return the case

to the sending county is made prior to the scheduled transfer-in hearing, the transfer-in hearing shall nevertheless remain on the calendar in the receiving county.

- b. The receiving court shall inform the parties and attorneys of the intended action by the courts and the parties may be heard as to their position regarding the courts' intention.
 - c. Whenever possible in such instances involving delinquency cases, the Probation Department in the sending county shall be informed of the courts' intention and, absent further order of the court, shall not transport in-custody minors to the receiving county. If however, the minor is transported to the receiving county prior to the joint decision being reached, the minor shall be transported back by the receiving county.
 - d. The clerk of the receiving court will issue a minute order indicating that the receiving court has been informed that the Presiding Judge of the original sending court has vacated the original transfer-out order and the case is returned to the original sending court "with the consent of the Presiding Judge" of the original sending court.
 - e. The clerk of the original sending court shall calendar the matter in that court and issue a minute order indicating that the Presiding Judge has vacated the original transfer-out order.
4. Informal Agreement after the Scheduled Transfer-In Hearing: If the agreement between the Presiding Judges to return the case to the sending county is made after the scheduled transfer-in hearing is conducted, the courts shall follow the procedure in paragraph 3.d. and 3.e. above.
5. Errors by the sending court shall be corrected as follows:
- a. If a case is ordered transferred to one county, but is inadvertently mailed to another court (i.e., the case is ordered transferred to Sacramento, but the court record is received by San Joaquin), the court receiving the documents shall automatically forward the documents to the proper court without further court order.
 - b. If a case is ordered transferred to one county, but the clerk inadvertently types the wrong county name on the order (i.e., the case is ordered transferred to Yolo County, but the courtroom clerk inadvertently types Yuba County on the order), the court receiving the documents shall (1) automatically forward them to

the proper court without further court order; and (2) contact the sending court to advise them of the error so that an amended transfer order can be prepared and mailed to the proper county.

- c. If a case is ordered to the wrong jurisdiction (i.e., ordered transferred to Placer, but the residence is in El Dorado), the court receiving the documents shall contact the sending court and advise them of the error. The sending court shall correct the error by utilizing the informal appeal process.

**C. Third County
Transfer- out;
Formal Appeal
of Transfer-Out
Order**

If the receiving court determines that the parent/legal guardian resides in a county other than either the sending county or the receiving county, the receiving court shall:

- a. Formally accept the transfer-in from the original sending county; and then
 - b. Conduct a separate transfer-out hearing to determine if transfer of the case to that third county resolves the court's concern.
1. A formal appeal to the District Court of Appeal shall not be sought if the remedy of transfer-out to a third county is sufficient.
 2. A formal appeal to the District Court of Appeal shall not be sought until the informal appeal process prescribed by Section B above has been exhausted.
 3. If a formal appeal to the District Court of Appeal is filed by any party concerning the transfer-out order:
 - a. The receiving court shall first formally accept the transfer. Absent further order from the District Court of Appeal or trial court, the filing of an appeal shall not stay the original transfer-out order.
 - b. The notice of appeal shall be filed in the sending court, but the clerk of that court shall send a copy of the notice to the receiving court.
 - c. The costs of preparing the court reporter's transcript of the proceedings in the sending court shall be borne by the sending county.

- d. Upon receipt of the remittitur from the District Court of Appeal, the clerk of the sending court shall send a copy to the receiving court.
-

**D. Formal Appeal
of Issues Not
Related to the
Transfer-Out
Order**

If a formal appeal to the District Court of Appeal is filed by any party concerning any other order made in the sending court prior to the transfer-out order:

1. The notice of appeal shall be filed in the receiving court, after the disposition has been held. The clerk of that court shall send a copy of the notice to the sending court so that the court reporter can be notified if there is a need to prepare the transcript of the pre-disposition proceeding.
 2. The costs of preparing the court reporter's transcript of the proceedings in the sending court shall be borne by the sending county.
 3. Upon receipt of the remittitur from the District Court of Appeal, the clerk of the receiving court shall send a copy to the sending court.
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Chapter Ten: Delinquency Case Eligibility for Informal Supervision

A. Sending Court Position on Informal Supervision

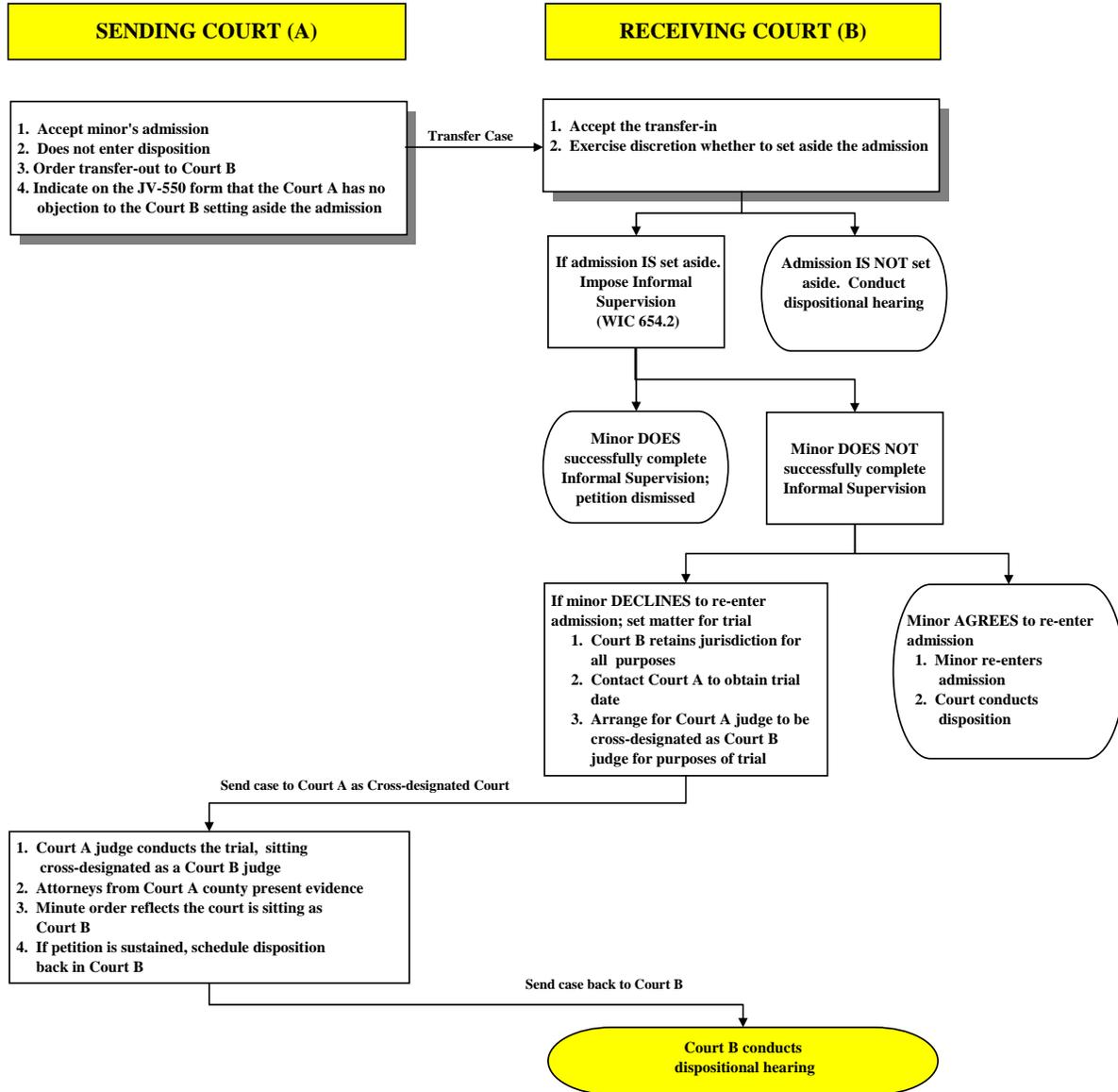
1. In a delinquency case, the sending court shall not order the transfer of a case without first either accepting an admission to one or more counts of the delinquency petition (WIC § 602) or violation of probation motion (WIC § 777), or sustaining one or more counts of such petition/motion at trial.
2. If, however, in the case of a minor who enters an admission to one or more charges and the judicial officer in the sending court believes that the minor would have been considered for informal supervision pursuant to WIC § 654.2 in the absence of a transfer of the case, that judicial officer may state on the JV-550 form that there is no opposition from the transfer-out judicial officer to the minor being allowed to withdraw the admission, in the discretion of the receiving court, in order to be placed on informal supervision.
3. If the petition is sustained by trial, and the judicial officer in the sending court believes that the minor would have been considered for informal supervision pursuant to WIC § 654.2 in the absence of a transfer of the case, that judicial officer may state on the JV-550 form that there is no opposition from the transfer-out judicial officer to the receiving judicial officer setting aside the jurisdictional finding. Upon a waiver of double-jeopardy, the receiving court may place the minor on informal supervision. See Section B-2 below if trial becomes necessary.

B. Receiving Court Position on Informal Supervision (See Figure A, page 32, for illustration of process.)

1. If the sending court has indicated that it has no opposition to the receiving court allowing the minor to withdraw the admission, the receiving court may, in its discretion, set the admission aside and order informal supervision pursuant to WIC § 654.2.
 2. If the minor thereafter fails WIC § 654.2 supervision and a trial on the charge(s) become necessary because the minor declines to reenter an admission, the receiving county shall continue to retain jurisdiction over the case.
 3. If a trial on the original charges takes place, it shall either be conducted in the receiving county or as follows:
-

- a. For the convenience of witnesses, the trial may take place in the original sending county courtroom, presided over by a judge of the sending county, sitting in a cross-designated capacity as a judge of the receiving court pursuant to Rule 10.630.
 - b. The clerk of the original receiving court shall contact the original sending court to ascertain an available date and time for trial.
 - c. The original receiving court shall notice the parties of the trial date, time and location.
 - d. Unless otherwise arranged, the original sending county shall provide the attorneys.
 - e. All minute orders related to the trial shall reflect that the judge presiding over the trial is sitting as a cross-designated judge of the original receiving court pursuant to Rule of Court 10.630.
 - f. If the petition is sustained, the presumption is that the disposition will be scheduled in the original receiving court. If so, at the conclusion of the trial before the cross-designated judge, the clerk shall contact the receiving court to ascertain the date and time for the dispositional hearing. In open court, the cross-designated court shall order the minor and parent(s)/legal guardian to appear at that date, time and location for the disposition hearing.
 - g. If the petition is sustained, the probation department in the original receiving county shall prepare a social study report and recommendations for disposition by the court.
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Figure A: Process for Receiving Court When Imposing Informal Supervision Pursuant to Welfare and Institutions Code section 654.2



Chapter Eleven: Post-Disposition Transfer and Courtesy Supervision

A. Post-Disposition Transfer If, after disposition in either a delinquency or dependency case, the child's parent/legal guardian moves to another county, the probation officer/social worker may apply to the court that has current jurisdiction over the case for an order transferring the matter for supervision to the parent/legal guardian's new county of residence. (See Rule 5.610(d).)

The process for that transfer-out shall be in accordance with the procedures in Chapters 3 and 4 of this Protocol.

B. Courtesy Supervision Authorization The court may authorize a minor/child who is on probation or who is a dependent to temporarily or permanently live in another county and to be placed under the supervision of the other county's probation officer/social worker with the other probation officer/social worker's consent. (See WIC §§380, 755 and Rule 5.614.) The court authorizing temporary or permanent residency shall retain jurisdiction over the minor/child. No court appearance shall be scheduled in the county of temporary residence.

Agreement

The provisions of the above protocol have been reviewed and are accepted. The court, probation department and child welfare agency of this county hereby agree to abide by the provisions of this Protocol.

1. Jurisdiction _____

Date Presiding Judge of Juvenile Court _____
Print Name

Date Court Executive Officer _____
Print Name

Date Chief Probation Officer _____
Print Name

Date Child Welfare Agency Director _____
Print Name