



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 11, 2015

Title	Agenda Item Type
Family and Juvenile Law: Southern California Inter-County Transfer Protocol with Modification of Form JV-550	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
JV-550	December 11, 2015
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	November 5, 2015
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Nicole Giacinti, 415-865-7598 nicole.giacinti@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends, pursuant to California Rules of Court, rule 5.610(g), permitting the juvenile courts in the counties included in the Southern California Inter-County Transfer Protocol to use a modified version of *Juvenile Court Transfer Orders* (form JV-550). Rule 5.610(g) authorizes the Judicial Council to approve modifications to form JV-550 if the modification is used in a formalized regional collaboration and will facilitate the efficient process of transfer cases. The courts in San Diego, Los Angeles, Riverside, San Bernardino, Imperial, and Orange counties established the Southern California Inter-County Transfer Protocol through a written protocol that streamlines the inter-county transfer process between these courts.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council allow the members of the Southern California Inter-County Transfer Protocol to use a modified version of form JV-550, effective December 11, 2015.

Previous Council Action

The Judicial Council approved the JV-550 as a mandatory form, effective January 1, 1993. In 2006 the Judicial Council approved an amendment to rule 5.610 that allows counties to request use of a modified version of form JV-550 if there is a formalized collaboration that will expedite the processing of inter-county transfer cases. Simultaneously, the Judicial Council recognized alternative forms created by a collaboration of courts in several Northern California counties to create a joint inter-county transfer protocol called the SacJoaquin protocol.

Rationale for Recommendation

The Family and Juvenile Law Advisory Committee recommends allowing members of the Southern California Inter-County Transfer Protocol to use a modified version of form JV-550¹ because rule 5.610 provides for modifications in appropriate circumstances. The factors to consider, as set forth in rule 5.610, are whether there is a formalized regional collaboration and whether that collaboration will facilitate the efficient processing of transfer cases. The Southern California Inter-County Transfer Protocol is a formalized regional collaboration, which is set forth in a written document signed by the participating counties. The counties worked for several years to craft the protocol, as it involved electronic transfer of files and coordination of court websites. After the protocol was finalized, the counties implemented a pilot program that tested the efficiency and efficacy of the protocol. The pilot program was successful and illustrated that the protocol did expedite and facilitate the transfer of cases inter-county.

Moreover, there are other counties that use a modified version of form JV-550 to facilitate the inter-county transfer of cases.² The juvenile courts in the counties of Amador, El Dorado, Napa, Placer, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Yolo, and Yuba are members of the SacJoaquin Valley/Foothills protocol, which uses a modified version of form JV-550.

Comments, Alternatives Considered, and Policy Implications

The Judicial Council could choose not to allow the members of the Southern California Inter-County Transfer protocol to use a modified version of form JV-550; however, the Family and Juvenile Law Advisory Committee believes that allowing modification of form JV-550 would increase efficient and expeditious processing of inter-county transfer cases.

¹ The attached documents also include other forms that have been created for use by the members of the Southern California protocol. These forms are the Motion for Transfer and Juvenile Court Transfer-Out Orders - Nonminor Dependent.

² Please see the attached document entitled "Inter-County Transfer Protocols."

Implementation Requirements, Costs, and Operational Impacts

There are no costs associated with this recommendation; the costs to create and implement the protocol have already been expended by the member courts.

Attachments and Links

1. Attachment A: Letter from Hon. Carolyn M. Caietti, dated September 23, 2015
2. Attachment B: Southern California Inter-County Transfer Protocol's modified version of form JV-550
3. Attachment C: Chart comparing transfer protocols, titled *Inter-County Transfer Protocols*

Inter-County Transfer Protocols

Information Sharing & Communication Procedure

Southern California Protocol

Orange County will host a secured regional website that contains protocol forms, contact information, a schedule of hearing dates and times for each jurisdiction, and links to each jurisdiction's website. Counties will use eCase eXchange to upload and encrypt PDF versions of case files, generate electronic certifications, and record receipts automatically.

Lead courts rotate every two years. The lead court is responsible for disseminating information about changes to the protocol and maintaining the protocol on the regional website. Each county is responsible for maintaining its own contact list and notifying other counties to changes in point of contacts. Each court must have an Internet page on its website that contains protocol information needed by the public. That page links to Riverside's website, which has all the protocol forms.

Each county must identify two points of contact (a lead and a secondary contact) for delinquency, dependency, and nonminor cases. The points of contact must notify the lead court when there are changes in contact information for the court, probation and/or child welfare. They must also disseminate information about the protocol to other agencies in their jurisdiction. Contact information for points of contact must be listed on the regional website. Each county must also provide contact information for the Court Appointed Special Advocate (CASA) program, the district attorney, delinquency defense counsel, county counsel, and dependency attorneys.

SacJoaquin Protocol

The lead court will be designated on an annual basis. The lead court disseminates information and changes related to the protocol, and keeps the contact list of participating courts and ancillary agencies. The lead court maintains the regional Intranet website that is provided by the Judicial Council and notices points of contact of any changes.

There is only one point of contact for delinquency cases and one for dependency cases. They have the same responsibilities as stated in the Southern California Protocol.

Each court must maintain, on the Judicial Council Intranet page, their own Internet page that sets forth the designated hearing days, times, and departments for transfer-in hearings, as well as driving directions, a map to the

courthouse, a list of contacts, contact information for the CASA program, the district attorney, delinquency defense counsel, county counsel, and dependency attorneys.

Changes to the Protocol

Southern California Protocol

The lead court is responsible for facilitating communication regarding requests to change or amend the protocol. The requesting jurisdiction will e-mail the lead court's point of contact with the suggestion. If the proposed amendment is nonsubstantive, the court administration will review it. If it is a substantive change, the juvenile presiding judges will review it and decide if stakeholder comment is required. The proposal, along with the proposed solution, will be e-mailed to each court for comment. The comment period is 30 days. After consensus is achieved at the court level, the proposal and the solution will be sent to the agencies for comment. The agency comment period is 45 days. The comments/objections go to the lead court's point of contact, and the lead court will compile all the comments and e-mail the courts. If it is necessary, there will be a phone call to address the comments. Once there is a resolution, the lead court will make the changes to the protocol and update the amendment log.

SacJoaquin Protocol

The lead court is responsible for facilitating communication regarding requests to change or amend the protocol. The requesting jurisdiction will e-mail the lead court's point of contact with the suggestion. The lead court will review the proposal, craft a solution, and e-mail it to the point of contact of each jurisdiction with a request for comments. The lead court will review the comments. If there is an agreement, the lead court will make the change and note it on the protocol. If there is no agreement, then the lead court will arrange a conference call. If a majority of the counties agree with the proposal, the protocol will be updated.

Appropriateness of Transfer

Rule 5.610 – Transfer-Out Hearing

After making a jurisdictional finding, the court may order the case transferred if the petition was filed in a county other than that of the child's residence or the child's residence was changed to another county after the petition was filed.

Delinquency cases must be transferred before the disposition hearing, while dependency cases may be transferred before or after the disposition hearing.

Cases will only be transferred if transfer of the case is in the child's best interests.

Southern California Protocol

California Rules of Court, rule 5.610 requirements must be met. For delinquency cases, the transfer must occur after jurisdiction but before disposition. If time is not waived, the sending court can find good cause to schedule the hearing beyond the 10-day period. The transfer-out hearing can be immediate if the child appears to be a ward or dependent in the receiving county. Unless there are extraordinary circumstances, cases will not be transferred when there are fewer than 60 days before the next hearing. After termination of services, there is a presumption that no case shall be transferred. The chief probation officer of each county can agree it is in the best interests of the child. If there is no agreement, then the transfer-out motion must contain the probation officer's recommendation.

If a child commits a crime at the Division of Juvenile Facilities, the county in which the crimes occurred shall adjudicate both the jurisdiction and disposition. The child will not be transferred back to the originating county.

Unless there are unusual circumstances, dependency cases should be transferred after jurisdictional findings are made and the petition is sustained. The sending court may conduct the disposition hearing or can transfer the case prior to disposition. If a party refuses to waive time, the court may find good cause to schedule the matter past the 60-day period prescribed in Welfare and Institutions Code section 352. Cases may not be transferred if more than 120 days have passed from the date of the minor's removal. Nor shall cases be transferred out less than 90 days before the next review hearing. After termination of services, there is a presumption that no case shall be transferred. However, the child welfare director of each county can agree it is in the best interests of the child. If there is no agreement, then the transfer-out motion must contain the social worker's recommendation.

SacJoaquin Protocol

The SacJoaquin protocol parallels the Southern California protocol, except in the ways discussed herein. There are no specifications about how far in advance of the next hearing a case must be transferred. There are specifications about the procedure to be followed if a county makes dispositional orders in a delinquency case where the parents live out of county. In that situation, the court must either keep the case, give the receiving county the opportunity to determine the appropriate disposition, or keep the case and request courtesy supervision.

Procedure to Request Delinquency or Dependency Court Transfer-Out Order

Southern California Protocol

The mandatory Motion for Transfer form must expressly state why transfer is in the minor's best interest and that the receiving county can meet the child's needs. Except as authorized by the presiding juvenile judge, ex parte requests for transfer will not be entertained.

The social worker or probation officer in the sending county must verify residency and school information: name of last school and school district attended, whether there is an Individualized Education Program (IEP), and the name of the current and proposed educational rights holder. The social worker or probation officer in the receiving county does the address check and tries to do it within five days. The counties work together to address the critical needs of the family and availability of needed services.

The information gathered by the social worker and/or probation officers must be included in the motion requesting the transfer-out order.

If the petition being transferred relates to a minor who is already a dependent or a dual status youth in the receiving county, the receiving court shall make its Welfare and Institutions Code section 241.1 determination following its protocol for the preparation of joint assessment reports. The social worker or probation officer in the receiving county is responsible for gathering information from the social worker or probation officer in the sending county, and the child's attorney in the receiving county. The receiving county and sending county shall prepare a joint assessment and if they cannot agree on a recommendation, the matter will be sent up the chain of command.

SacJoaquin Protocol

The SacJoaquin protocol parallels the Southern California protocol in large part, with some distinctions related to dual status children. In cases involving a child who may be dual status, the sending court makes the dual status determination prior to the jurisdiction hearing.

The social worker or probation officer in the sending county contacts the probation officer or social worker in the receiving county and initiates a joint assessment. If an agreement on the appropriate designation cannot be reached it will be sent up the chain of command, with the last step in the process being resolution by the court where the petition is pending.

Procedure to Request Nonminor Court Transfer-Out Order

Southern California Protocol

Nonminor cases shall be transferred only if the sending court finds it is in the nonminor's best interest—and the nonminor has lived in the receiving county for one year as a nonminor and intends to stay there—or the nonminor can establish that he has had continuous presence in the county where the petition for reentry was filed for a year or more and intends to remain in that county.

Unless there are extraordinary circumstances, the case will not be transferred less than 90 days prior to the next scheduled nonminor status review. As with dependency and delinquency cases, a transfer motion must be submitted that states why transfer is in the best interests of the nonminor and that the nonminor will be able to achieve independence in the receiving county.

The sending county is responsible for verification of residence. Residence is verified by a signed lease/rental agreement, utility bill and/or school registration; a declaration or affidavit from the person who the nonminor will be living with; or, a declaration from the social worker or probation officer in the sending county verifying the nonminor's residence. This information must be included in the transfer-out report.

SacJoaquin Protocol

Same as above.

Procedure for Transfer-Out Hearing

Southern California Protocol

For all case types, the sending court is responsible for setting the transfer-in hearing date based on the information on the regional court website. The sending court must state the date and time of the transfer-in hearing on the record.

Delinquency Cases: The child should be present at the transfer-out hearing and will be ordered to attend, with his parents, the transfer-in hearing. The sending court shall provide a map, driving directions, and instructions on the court's check-in process. If the minor is not present at the transfer-out hearing, written notice of the information will be provided by first-class mail.

If the child is in custody and does not waive time, the transfer-in hearing will be within five court days from the transfer-out order and the probation department will be ordered to transport the minor to the receiving county at least two business days before the transfer-in hearing. If the child is out of custody, the transfer-in hearing will be scheduled within 10 court days of the

transfer-out order. If the transfer-in hearing date has to be changed, the receiving court is responsible for noticing the parties.

Dependency Cases: The parent/legal guardian should be present, or appear by phone, and ordered to attend the transfer-in hearing. The transfer-in hearing will be scheduled within 10 court days of the transfer-out order. The sending court shall provide a map, driving directions, and information on the court's check-in process. Written notice by first-class mail will be provided if the parties are not present. If the transfer-in hearing date is changed, the receiving court is responsible for noticing parties of the new date.

Nonminor Cases: The nonminor must be present at the transfer-out hearing. If the nonminor cannot be personally present he/she may appear by phone or video conference. During the transfer-out hearing, the court must order the nonminor to be personally present at the transfer-in hearing. The transfer-in hearing will be scheduled within 10 court days of the transfer-out order. The sending court will provide the nonminor with a map and driving directions. If the transfer-in hearing is rescheduled, the receiving court is responsible for re-noticing.

SacJoaquin Protocol

Same as above.

Procedure for Sending the File to the Receiving Court

Southern California Protocol

When a case is transferred, all active and disposed petitions will be transmitted unless the court orders otherwise. Sealed petitions and documents should be included with the file if they are available to the sending court. If there are multiple siblings under one case number, only the documents related to the sibling(s) who is being transferred should be sent to the receiving court. The sending court need not redact information for the other siblings prior to transfer. When transferring nonminor case files, both the nonminor case file and the underlying juvenile file should be transmitted to the receiving court.

The clerk of the sending court will prepare a minute order recording the transfer-out hearing; prepare separate transfer orders for each minor being transferred using the *Juvenile Court Transfer-Out* orders; make sure all documents and minute orders are included, such as the DJJ detention disposition report and forms in a delinquency case; organize documents in reverse chronological order with the JV-550 as the top document; scan the documents as a PDF; and, send them electronically using the eCase eXchange program. The sending court will not transfer exhibits unless requested by the receiving court.

In the comment section of the eCase program, the sending clerk will note the date and time selected for the transfer-in hearing. The eCase program prepares a certification of transfer of documents that certifies the documents are true and correct copies of the originals.

The timing of the file transfer is as follows: in-custody delinquency court files will be transferred within three court days of the transfer-out order; and dependency court files, out-of-custody delinquency court files, and nonminor court files will be transferred within seven court days of the transfer-out order.

SacJoaquin Protocol

When a case is transferred, the clerk of the sending court prepares a minute order for the transfer-out hearing, completes the JV-550, copies the court file, certifies the copy, and mails the copy to the receiving court. The sending court retains the original copy of the file. The sending county sends a second, noncertified copy to the receiving court that will be given to the social worker or probation department.

The court file should be organized in reverse chronological order; the Certification/Return Receipt cover page should note the number of pages in the file. Confidential documents must be placed in sealed envelopes. The sending court will not send exhibits unless they are requested by the receiving court.

The timing of the file transfer is as follows: within 48 hours of a transfer-out order in any case type, the clerk of the sending court will e-mail the receiving county contact person with the transfer form and the date of the transfer-in hearing; delinquency court files for in-custody children must be completed within five court days of the transfer-out order and will be sent with the minor to the receiving county; and a certified copy of out-of-custody delinquency cases, dependency cases, and nonminor cases must be mailed by first-class mail within 10 court days of the transfer-out order.

Sending the File to the Agency

Southern California Protocol

If the child is detained, the clerk will send a copy of the court file to the probation department that is transporting the child, if he/she is detained. The clerk in the sending court will use the eCase eXchange program to transmit a certified copy of the file in accordance with the procedure on the regional website.

SacJoaquin Protocol

The sending county sends a noncertified copy of the court file to the receiving court to be delivered to the social worker or probation.

Errors Made by the Sending Court

Southern California Protocol

If the case file is electronically sent to the wrong county, that county will automatically forward the documents to the correct court, using the eCase eXchange program, without further court order.

If the wrong county is named on the transfer order, the court receiving the documents must automatically electronically forward them to the correct court without further court order and contact the sending court to advise them of the error.

SacJoaquin Protocol

Same as above, except that the files are transferred by regular mail rather than electronically.

Preparing the Agency File to Send to the Receiving County Agency

Southern California Protocol

The probation department in the sending county must prepare and send a copy of all documents in the original probation file to the receiving county probation department, within four business days of the transfer-out hearing if the child is detained and seven business days if the minor is not detained. The sending county probation department will retain the original documents and the copies need not be certified.

The social worker, within one day of the transfer-out order, must modify the child welfare system/case management system (CWS/CMS) to add the receiving county's code to allow them access to the file. After the transfer is accepted, the receiving county will be designated as "primary." The sending county will retain access and be designated as "secondary." All documents that are not in the CWS/CMS, other than court minute orders, must be copied and sent to the receiving county within seven business days of the transfer-out order. The copies need not be certified and should be placed in reverse chronological order.

SacJoaquin Protocol

Same as above, except that the probation file must be transmitted within 10 business days if the child is in-custody and 10 business days if the child is out of custody. Similarly, documents not contained in CWS/CMS must be transmitted to the receiving county within 10 business days, rather than seven, of the transfer-out order.

Transfer of the Child to the Transfer-In Hearing

Rule 5.610 – Transfer-Out Hearing

If the child is in custody, he/she must be taken to the receiving county within seven court days of the transfer-out order. The clerk of the sending court must also prepare a certified copy of the complete case file that should be transported with the child to the receiving county.

If the child is not in custody, the clerk of the sending court must send a certified copy of the complete case file within 10 days to the court clerk in the receiving county.

Southern California Protocol

For in-custody delinquency matters, the sending county probation department shall be responsible for transporting the child to the receiving county detention facility. For dependency matters, the sending county and receiving county shall coordinate transportation if the child or the child's attorney in the receiving county requests the child be present.

SacJoaquin Protocol

Same as above, except that if the dependent child or the dependency attorney in the receiving county requests the child's presence, it is the receiving county's responsibility to arrange transportation.

Continuation of Responsibility

Southern California Protocol

The sending county retains responsibility for the case until the receiving court accepts the case at the transfer-in hearing. The receiving county's probation officer or social worker will forward the minute order to the sending county to confirm the transfer was accepted.

SacJoaquin Protocol

Same as above, except that the clerk of the receiving court will send an e-mail to the contact person in the sending county to inform him/her that the transfer has been accepted. It is then the responsibility of the contact person in the sending county to inform the parties that the transfer has been accepted.

Transfer-In Procedure

Rule 5.610 – Transfer-Out Hearing

The receiving county must accept the transfer. The transfer order may be appealed by either the sending or the receiving county. The notice of appeal must be filed in the sending county, pursuant to rule 8.400.

Rule 5.612 – Transfer-In Hearing

The receiving court must accept the transfer and immediately put the case on the court calendar for a transfer-in hearing within two court days of the transfer-out order and receipt of documents if the child is detained, or within 10 court days after the transfer-out order and receipt of documents if the child is not detained.

The clerk of the receiving court must immediately notice the child and parent/guardian orally or in writing of the time and place of the transfer-in hearing. The receiving court must acknowledge receipt of the transfer order and case file.

The proceedings in the receiving court must pick-up at the same phase as when the case was transferred. If a disposition order has already been entered, a more restrictive level of placement may only be ordered by the receiving county after a hearing on a supplemental petition under rule 5.565.

If the receiving court believes there has been a change of circumstances, it may hold a transfer-out hearing.

Southern California Protocol

The clerk in the receiving county will access the electronic file and send an acknowledgment of receipt of the transfer. The clerk will confirm the transfer-in date and make sure it is on the court's calendar. The receiving court will send a copy of the court file to the appropriate agency. At the transfer-in hearing the court must accept the transfer. If the receiving county believes there has been a change of circumstances, it can hold a transfer-out hearing or file an appeal in the sending county to get a review by the Court of Appeal.

SacJoaquin Protocol

The clerk in the receiving court will calendar the matter for hearing on the date indicated in the advanced notice. The transfer-in hearing will go forward whether or not the court record has arrived. If the court file has not been received by the date of the transfer-in hearing, the court must accept the transfer and continue the matter for further proceedings. After the court record

is received, the clerk in the receiving court will mail back a signed and dated acknowledgement of receipt.

The court must accept the transfer. If the receiving court believes circumstances have changed, it can conduct a transfer-out hearing, file an informal appeal, or file a formal appeal in the sending county seeking review by the Court of Appeal. Pursuant to the informal appeal process, the presiding juvenile court judge in the receiving county speaks with the presiding juvenile judge in the sending county about the propriety of the transfer. If both judges agree that the matter should not have been transferred, the case will be returned to the sending court. If the judges do not agree, the receiving county will continue to have jurisdiction over the case.

Courtesy Supervision

Rule 5.614 – Courtesy Supervision

The court may authorize a child to live in another county and, with the agency's consent, be under the supervision of the probation officer or social worker in that county. The court authorizing this arrangement retains jurisdiction.

Southern California Protocol

Same as above.

SacJoaquin Protocol

Same as above.

The Superior Court

OF THE

State of California

SAN DIEGO

Chambers of
CAROLYN M. CAIETTI
Judge of the Superior Court

Mailing Address
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September 23, 2015

Hon. Jerilyn L. Borack, Co-Chair
Hon. Mark A. Juhas, Co-Chair
Judicial Council of California
Family and Juvenile Law Advisory Committee
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Approval of Modified JV-550 Form

Dear Family and Juvenile Law Advisory Committee:

On behalf of the Southern California Inter-County Transfer Judicial Committee, I am requesting approval to utilize a modified version of Judicial Council form *Juvenile Court Transfer Orders* (form JV-550) pursuant to the California Rules of Court, rule 5.610(g). Enclosed with this correspondence is the modified version *Juvenile Court Transfer-Out Orders* (form JUVICT-002) that has been developed as part of the Southern California Inter-County Transfer Protocol (see pages 33-43). Our protocol calls for separate forms to be utilized including Motion for Transfer, Juvenile Court Transfer-Out Orders and Juvenile Court Transfer-Out Orders Nonminor Dependent.

Pursuant to the mandate of subdivision (d), section 202, Welfare and Institutions Code, "to improve system performance in a vigorous and ongoing manner", the Presiding Judges of the Juvenile Courts, of the Superior Courts, for the counties of Los Angeles, San Diego, San Bernardino, Riverside, Imperial and Orange, have collaborated and developed a protocol for the transfer of juvenile dependency, delinquency, and nonminor dependent cases from one county to another in Southern California.

The protocol was developed to further the administration of justice and effectively serve the youth within the jurisdictions of the Southern California counties. The pilot program has been in effect since August 4, 2014. I am happy to report that the participating counties have seen a reduction in the number of transfer cases that are being bounced back and forth between counties. In addition, due to the efficiencies created by the protocol provisions, transfer cases are being heard in a more timely fashion allowing families to receive services promptly in the receiving county. The Southern California Inter-County Transfer Protocol was officially approved and enacted on September 8, 2015.

Hon. Jerilyn L. Borack, Co-Chair

Hon. Mark A. Juhas, Co-Chair

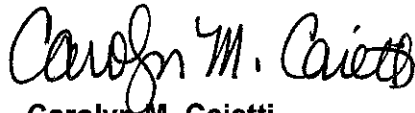
RE: Adoption of the Southern California Inter-County Transfer Protocol

September 23, 2015

Page 2

I respectfully request that the Judicial Council of California approved the modified version of the *Juvenile Court Transfer Orders* (form JV-550) being utilized in the protocol. The committee has found that the modified version of the JV-550 facilitates the efficient processing of transfer cases between our courts.

Sincerely,



Carolyn M. Caietti

Presiding Judge

San Diego Juvenile Court

cc: Hon. Laura J. Birkmeyer, San Diego Superior Court
Hon. Margaret S. Henry, Los Angeles Superior Court
Hon. Maria D. Hernandez, Orange County Superior Court
Hon. Jacqueline C. Jackson, Riverside Superior Court
Hon. Christopher B. Marshall, San Bernardino Superior Court
Hon. William D. Quan, Imperial Superior Court

FORMS

ATTACHMENT 1

JUVICT-001	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: _____	FOR COURT USE ONLY CASE NUMBER: _____
CHILD'S NAME: _____	HEARING DATE: _____ TIME: _____ DEPARTMENT: _____
MOTION FOR TRANSFER	

_____ County Child Welfare Department, by and through counsel, or
 Probation Department, requests an order transferring the above-referenced case to
 _____ County.

_____, attorney for _____
 requests an order transferring the above-referenced case to _____ County.

This motion is brought pursuant to Welfare and Institutions Code §375 §750 Other:

A. Facts of Case

1. Type of Case
 Delinquency Dependency Nonminor Dependent
2. Disposition
 Disposition not yet imposed/deferred Disposition imposed from sending county on: _____
3. Confinement Time/Custody Credit (Delinquency Cases Only)
 - a. As of _____ the overall term of confinement time in the sending county was:
 - b. Overall Custody Credits:

B. Best Interests (State why the proposed transfer is in the best interest of the minor or nonminor.)

C. Verification of Residence

1. The parent's/legal guardian's address nonminor's address in the proposed receiving county was confirmed by the sending county's agency as:

Name:
 Address:
 City: _____ State _____ Zip _____
 Phone: _____

CHILD'S NAME:	CASE NUMBER:
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2. The probation officer social worker in the receiving county sending county has conducted an address check and verified the address.
3. Verification completed by: _____ Date verified: _____
4. Documentation establishing residency in the proposed receiving county is attached to this motion. The following documentation is attached:

D. Education Information

1. Name of last school attended: _____
2. Name of school district: _____
3. Name of current Educational Rights Holder or Surrogate Parent: _____
4. Name of proposed Educational Rights Holder or Surrogate Parent: _____
5. There is an Individual Education Plan (IEP) for the minor.

E. Services

1. The level of services required by the minor can cannot be met in the proposed receiving county.
2. The level of services required by parent or legal guardian can cannot be met in the proposed receiving county.
3. Describe the type and level of service or supervision required by the minor and/or parent or legal guardian (e.g., drug treatment, residential, outpatient, NA only, etc.).

4. A copy of the most recent case plan is attached.
 Probation did not previously supervise the minor. [ICT Protocol, Chp. 3, Section B(4).]

F. Other

1. The current status of the Indian Child Welfare Act (ICWA) is (specify): _____
2. Parentage has been determined as indicated in minute order dated: _____
3. A WIC §241.1 determination has been made as indicated in the minute order dated: _____
4. Restitution has been determined in the amount of \$ _____
See minute order dated: _____
5. The minor has exceptional medical needs (specify): _____

CHILD'S NAME:	CASE NUMBER:
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- 6. There are pending Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) issues in this case.
- 7. A Special Juvenile Immigrant Status (SJIS) application is pending.
- 8. A Social Security Income (SSI) application is pending.
- 9. There are active orders regarding psychotropic medications. The last order is dated: _____
- 10. If applicable, in the below box, please list all dependency and delinquency cases for the minor.

Case Number	County	Case Type

- 11. Other:

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

Date:

(TYPE OR PRINT NAME OF PROBATION OFFICER SOCIAL WORKER) (SIGNATURE)

(TYPE OR PRINT NAME OF PARTY ATTORNEY FOR PARTY) (SIGNATURE)

CHILD'S NAME:	CASE NUMBER:
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ADDITIONAL PROOF OF SERVICE - ATTACHMENT

I served a copy of the Motion for Transfer on the following persons or entities by personally delivering a copy to the person served, OR by emailing the document to an agreed upon email address of the person served, OR by faxing the document to the fax number provided by the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar:

1.
 - a. Name and address:
 - b. Date of service:
 - c. Method of service: Attorney
 - a. Name and address:
 - b. Date of service:
 - c. Method of service:

2.
 - a. Name and address:
 - b. Date of service:
 - c. Method of service: Attorney
 - a. Name and address:
 - b. Date of service:
 - c. Method of service:

3.
 - a. Name and address:
 - b. Date of service:
 - c. Method of service: Attorney
 - a. Name and address:
 - b. Date of service:
 - c. Method of service:

4.
 - a. Name and address:
 - b. Date of service:
 - c. Method of service: Attorney
 - a. Name and address:
 - b. Date of service:
 - c. Method of service:

5. At the time of service, I was at least 18 years of age and not a party to this cause. I am a resident of, or employed in, the county where the mailing occurred. My residence or business address is (*specify*):

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

Page of

CHILD'S NAME:	CASE NUMBER:
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j. The minor has the following juvenile cases:

Case Number	County	Case Type

k. Other:

7. The court further orders that:

- a. The court clerk has permission to open and access the documents placed under seal in this case for the purpose of transferring the matter to the new county. Once the receiving court has taken delivery of the sealed documents, the receiving county shall re-seal the documents.
- b. Other:

Date: _____

(JUDICIAL OFFICER OF THE JUVENILE COURT)

NOTICE

Pursuant to the Southern California Inter-county Transfer Protocol:

- (1) A child who is ordered transferred in custody must be delivered to the receiving county at least two business days before the transfer-in hearing date. The court files and other documents shall be sent to the receiving court within three court days of the transfer-out order.
- (2) The court files and other documents for a child whose case is transferred, but who is not transported in custody, must be sent to the receiving county within three court days of the transfer-out order.
- (3) For a child who is transported in custody, the receiving court must conduct a transfer-in hearing within five court days from the date of the transfer-out order. The transfer-in hearing date will be set by the sending court.
- (4) For a child who is not detained in custody, the receiving court must conduct a transfer-in hearing within ten court days from the date of the transfer-out order. The transfer-in hearing date will be set by the sending court.

ATTACHMENT 3

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address)</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR NAME:	
JUVENILE COURT TRANSFER-OUT ORDERS – NONMINOR DEPENDENT	NMD CASE NUMBER:
	UNDERLYING JUVENILE CASE NUMBER:

1. Nonminor's Name:

2. a. Date of hearing:
 b. Judicial officer:
 c. Persons present:

Dept.

Room:

- | | | |
|---|--|-------------------------------|
| <input type="checkbox"/> Nonminor | <input type="checkbox"/> Nonminor Attorney <i>(name)</i> : | <input type="checkbox"/> CASA |
| <input type="checkbox"/> Social Worker | <input type="checkbox"/> Probation Officer | |
| <input type="checkbox"/> Other <i>(specify)</i> : | | |
| <input type="checkbox"/> Other <i>(specify)</i> : | | |

3. The court has read and considered the motion for transfer and
- | |
|--|
| <input type="checkbox"/> the report of the social worker |
| <input type="checkbox"/> the report of the probation officer |
| <input type="checkbox"/> other relevant evidence. |

4. Case History

- a. Findings and orders for nonminor dependent made on *(date)*:
 b. The court resumed jurisdiction over the individual as a nonminor dependent on *(date)*:
 c. The last hearing was on *(date)*:
 d. On *(date)*: _____, the nonminor was personally ordered to appear at the transfer-in hearing.
 e. A hearing has been set for:

Transfer-In Hearing in receiving court is scheduled for *(date)*: _____ at *(time)*: _____
 In Dept.: _____

Transfer-In Hearing will be held at the following address:

h. The following hearings have been scheduled or need to be scheduled:

- A Nonminor Dependent Status Review Hearing
- | |
|---|
| <input type="checkbox"/> has been scheduled for <i>(date)</i> : |
| <input type="checkbox"/> needs to be scheduled. |
- Other:
- | |
|---|
| <input type="checkbox"/> has been scheduled for <i>(date)</i> : |
| <input type="checkbox"/> needs to be scheduled. |

NONMINOR DEPENDENT NAME:	CASE NUMBER:
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5. The court finds and orders under Welfare and Institutions Code § 375 the following:

- a. The nonminor dependent has been placed in a planned permanent living arrangement and has maintained a continuous residence in the county listed in subparagraph d for at least one year as a nonminor dependent and has expressed his or her intent to remain in that county.
- b. Transfer of the case is in the nonminor dependent's best interests.
- c. The nonminor dependent currently resides at:

Address:

City:

State:

Zip:

- d. The nonminor dependent's case is ordered transferred to the county of *(specify)*: _____

Zip Code: _____

- e. Other Orders:

Date: _____

(JUDICIAL OFFICER OF THE JUVENILE COURT)

NOTICE

Pursuant to the Southern California Inter-county Transfer Protocol:

- (1) The court files and other documents for a nonminor dependent whose case is transferred must be transmitted to the receiving county within three court days of the transfer-out order.
- (2) For a nonminor dependent whose case is transferred, the receiving court must conduct a transfer-in hearing within 10 court days from the date of the transfer-out order. The transfer-in hearing date will be set by the sending court.