



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27–28, 2016

Title

Juvenile Law: Intercounty Transfer

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected
Adopt Cal. Rules of Court, rule 5.613; amend
rules 5.610 and 5.612; adopt forms JV-548
and JV-552; revise form JV-550

Effective Date

January 1, 2017

Date of Report

September 14, 2016

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting one new rule and two new mandatory Judicial Council forms to implement the transfer provisions for nonminor dependents in Assembly Bill 1712. The committee further recommends amending the current intercounty transfer rules and revising a mandatory form to include provisions that have streamlined the transfer process for counties involved in two transfer protocol pilot programs. Lastly, the committee recommends amending two of the California Rules of Court to require mandatory use of the forms.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2017:

1. Adopt rule 5.613 of the California Rules of Court, which mandates transfer-out and transfer-in procedures for the transfer of nonminor dependent cases.
2. Adopt form JV-552, *Juvenile Court Transfer-Out Orders—Nonminor Dependent*, which serves to alert the receiving court of the new case and allows the sending court to set a transfer-in hearing in the receiving court.
3. Amend rules 5.610 and 5.612 of the California Rules of Court to require the transfer-out court to set a date certain for the transfer-in hearing and mandate use of form JV-548, *Motion for Transfer Out*.
4. Adopt form JV-548, *Motion for Transfer Out*, which provides the receiving court with a synopsis of the pertinent facts and procedural history of the case being transferred.
5. Revise form JV-550, *Juvenile Court Transfer-Out Orders*, to mandate inclusion of important case details that will insure the receiving court has the information it needs to conduct the transfer-in hearing and set appropriate future hearings.

The text of the proposed rules is attached at pages 7–12. A copy of the proposed new and revised forms is attached at pages 13–22.

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 5.610¹ that allows counties to request to use a modified version of form JV-550 if there is a formalized collaboration that will expedite the processing of intercounty transfer cases. The amended rule delegated responsibility for reviewing requests to use a modified version of form JV-550 to the “Judicial Council, Administrative Office of the Courts.” Simultaneously, the Judicial Council recognized alternative forms created by a collaboration of courts in several Northern California counties to create a joint intercounty transfer protocol called the SacJoaquin protocol.

On December 11, 2015, the Judicial Council approved use of another modified form JV-550 by a collaboration of courts in Southern California, known as the Southern California protocol.

¹ All further rule references are to the California Rules of Court unless otherwise indicated.

Rationale for Recommendation

Intercounty transfer of nonminor cases

Legislation effective January 1, 2013² revised Welfare and Institutions Code sections 17.1 and 375 to provide that a nonminor dependent who has been placed in a planned permanent living arrangement and has continuously resided as a nonminor dependent in a county other than the county of jurisdiction for at least 12 months with the intent to continue to reside in that county may have his or her case transferred to that county of residence. Currently, however, the California Rules of Court and the Judicial Council forms do not establish a process for the intercounty transfer of nonminor dependent cases.

The committee originally circulated for public comment proposed rules and forms for the intercounty transfer of nonminor dependent cases in 2014 as part of a proposal to implement AB 1712 and other legislation creating extended foster care.³ When the original proposal circulated for comment, several Southern California courts were in the process of piloting the use of a modified form JV-550. In addition to the modified form, the Southern California courts were following a specific protocol that included use of a mandatory transfer-out motion. Three of the Southern California courts involved in the pilot project—the Superior Courts of Los Angeles, Riverside, and San Diego Counties—and the Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees requested, and the Family and Juvenile Law Committee agreed, to defer the proposal pending the conclusion of the Southern California pilot project. The Southern California pilot project has concluded, and, in light of the success of the Southern California and SacJoaquin protocols, the committee reviewed the elements of those two protocols and is recommending that certain provisions of those protocols be incorporated into a new rule and forms for intercounty transfer of nonminor dependent cases.

The adoption of rule 5.613 and form JV-552 will ensure conformance with the mandate stated in AB 1712. Rule 5.613 largely tracks the procedural requirements for transfer of minor cases as they apply to minors who are not detained; it, however, includes transfer-out and transfer-in requirements in one rule rather than two. Furthermore, one additional requirement not present for the transfer of a minor ward or dependent but proposed for a nonminor dependent is that the nonminor support the transfer. Prioritizing the nonminor dependent's wishes regarding the transfer not only highlights that extended foster care is a voluntary status but acknowledges that the nonminor may have formed bonds to the community and people involved in his or her case that would be severed if the case were transferred. The Family and Juvenile Law Advisory Committee believes that to allow a court to transfer the jurisdiction of a nonminor over his or her objection would be inconsistent with the goal of building and maintaining a network of supportive adults for the nonminor dependent, which is the intent of the California Fostering Connections to Success Act.

² AB 1712 (Beall; Stats. 2012, ch. 846)

Rule 5.613 also contains language requiring use of the proposed mandatory *Motion for Transfer Out* (form JV-548). In addition, rule 5.613 establishes that of the underlying juvenile file, only those documents associated with the final status review hearing held before the nonminor reaches the age of majority need be transmitted. Transmitting the entire juvenile file is not prohibited, but neither is it mandated. Likewise, the file may be transmitted electronically but it is not required.

Proposed new mandatory form JV-552 is the companion to rule 5.613 and serves to alert the receiving court to the existence of the transfer. Form JV-552 also allows the sending court to set a transfer-in hearing within 10 days of the transfer-out hearing.

Revisions to rules and forms governing intercounty transfer of minor cases

When it reviewed the Southern California and SacJoaquin protocols in connection with nonminor transfers, the committee concluded that including elements of these protocols in the existing juvenile transfer procedure would also be beneficial. Specifically, the committee recommends adding a section that states whether the transfer request was granted or denied, as well as a section that documents the delinquency disposition imposed. It is further recommended that form JV-550 include additional details about the case, such as ICWA information, special education issues, educational rights holder details, visitation, parentage, and 241.1 status. Including these details in form JV-550 will provide the transfer-in court with a snapshot of all the important case details, insuring that the transfer-in court has all the information it needs to conduct the transfer-in hearing and set appropriate future hearings.

Amending rules 5.610 and 5.612, revising form JV-550, and adopting the *Motion for Transfer Out* (form JV-548) as a mandatory form will enhance efficiency for courts and parties in the intercounty transfer of juvenile and nonminor cases. Revising form JV-550 to include pertinent factual and procedural information and mandating use of form JV-548 will benefit both the sending and receiving court by providing information necessary to rule on the requested transfer, highlighting the procedural steps that still need to be taken, and enabling the court to easily identify the posture of the case. Revised rules 5.610 and 5.612 will mandate use of both forms JV-548 and JV-550. Moreover, the revised rules will mandate that the sending court schedule, and notice the parties for, the transfer-in hearing. This method of scheduling the transfer-in hearing will curtail lengthy delays typically associated with transfer cases.

Comments, Alternatives Considered, and Policy Implications

This proposal circulated for comment as part of the spring 2016 invitation-to-comment cycle, from April 15, 2016, to June 14, 2016, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals. Six comments were received including a comment from the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives

Advisory Committees. Out of six comments received, five commentators agreed with the proposal if modified and one commentator agreed with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 23–33.

The Invitation to Comment requested input on whether the entirety of forms JV-548⁴ and JV-550 should be mandatory, rather than making some items optional. Two of the five commentators responded to this question, stating that all information on the forms should be mandatory. Since completing all the information included on these two forms would be beneficial for both the sending and receiving courts, the committee concluded that the benefit of mandating all the information included on these two forms would outweigh any burden associated with completing all the information. The committee is therefore recommending that all the items on the forms be mandatory.

The Invitation to Comment also sought input on whether the shortened timelines for transfer of the case file would be difficult for those counties who are not using electronic case filing. One commentator responded to this query and expressed concern about the impact shortened timelines would have on nonelectronic filing counties. The two-day timeline only applies to children who are in custody; in other words, it only applies to children who are detained in a juvenile hall, ranch, or camp. In those situations, rule 5.610 states that the file will be transferred with the child. In other words, overnight mail would not be required. Since the shortened timeline does not require the file to be mailed and because it leads to quicker processing of children who are in custody, the committee recommends that the two-day timeline set forth in rule 5.610 be maintained.

Another issue the Invitation to Comment raised pertained to what portion of the underlying juvenile file should be transferred when a nonminor case is transferred. As sent out for comment, rule 5.613 required transmission of only those documents associated with the last status review hearing before the nonminor turns 18. One commentator suggested that rule 5.613 require transfer of the entire underlying juvenile file. After much discussion, the committee decided not to revise proposed rule 5.613 to require transmission of the entire underlying juvenile file. In small counties, as well as counties that do not utilize electronic filing, such a requirement would drain time and resources that are already stretched thin. Rule 5.613 does not prohibit transmission of the entire underlying file, so counties that wish to transmit the entire file may do so.

One commentator raised concerns about the proposal's deletion of the requirement that the transfer-out court notice the parties of the transfer-in hearing by first class mail. The commentator's point is a valid one; however, rules 5.610 and 5.613 now require the sending court to give notice of the date and time of the transfer-in hearing on the record during the transfer-out hearing. Consequently, notice of the hearing is effectuated in person and notice by mail is not necessary. As is the common practice currently, the transfer-out hearing would be

⁴ Originally circulated as form JV-448.

continued if the parties failed to appear; thus, notice would be given in court at the continued hearing. For these reasons, the committee does not recommend including notice provisions in rules 5.610, 5.612 or 5.613.

Another commentator raised concerns about the provision in rule 5.613 that states that the court may not transfer the case unless it determines that the nonminor supports the transfer. As the commentator correctly points out, there is no statutory section that requires that the nonminor support the transfer before the court can grant the request to transfer. However, this provision acknowledges the fact that extended foster care is a voluntary status intended to assist the nonminor in achieving independence. The committee believes that to allow a court to transfer the jurisdiction of a nonminor over his or her objection would be inconsistent with the intent of the California Fostering Connections to Success Act and does not recommend revising rule 5.613 to delete the provision requiring the nonminor to support transfer.

Finally, two commentators noted that it will be difficult for transfer-out courts that do not participate in one of the intercounty collaborations to schedule transfer-in hearings because calendaring information is not readily available. One commentator recommended that there be a central repository where calendaring information, along with contact information for the dependency or delinquency court clerk, is maintained. The committee believes it would be more efficient for courts to update their websites to include contact information and calendaring dates/times related to transfer-in hearings. As such, the committee recommends revising rules 5.610 and 5.613 to include a requirement that courts maintain transfer-in calendaring information, as well as contact information for the appropriate clerk, on their court websites.

Implementation Requirements, Costs, and Operational Impacts

This proposal may result in minimal additional record keeping related to filing proposed new forms JV-548 and JV-552, as well as additional data entry and website maintenance to implement the portion of the rule that requires calendaring and contact information be made available. The proposal will also result in additional data entry for the transfer-out social worker or probation officer, who will now be tasked with completing form JV-548 and providing the additional information required on form JV-550. This additional work during the transfer-out process will result in much less work for the transfer-in court, which should result in a net savings across the state. It also means that the outlay of time for the sending county will be recouped when it receives a transfer case as the receiving county.

Attachments and Links

1. Cal. Rules of Court, rules 5.610, 5.612, and 5.613, at pages 7–12
2. Forms JV-548, JV-550, and JV-552, at pages 13–22
3. Chart of comments, at pages 23–32
4. Attachment A, at pages 33–41

Rule 5.613 of the California Rules of Court is adopted, and rules 5.610 and 5.612 are amended, effective January 1, 2017, to read:

Rule 5.610. Transfer-out hearing

(a) * * *

(b) Verification of residence

The residence of the person entitled to physical custody may be verified ~~by that person in court or~~ by declaration of a social worker or probation officer in the transferring or receiving county.

(c)–(d) * * *

(e) Conduct of hearing

(1) The request for transfer must be made on *Motion for Transfer Out* (form JV-548), which must include all required information.

(2) After the court determines the identity and residence of the child's custodian, the court must consider whether transfer of the case would be in the child's best interest. The court may not transfer the case unless it determines that the transfer will protect or further the child's best interest.

(f) Date of transfer-in hearing

(1) If the transfer-out motion is granted, the sending court must set a date certain for the transfer-in hearing in the receiving court: within 5 court days of the transfer-out order if the child is in custody, and within 10 court days of the transfer-out order if the child is out of custody. The sending court must state on the record the date, time, and location of the hearing in the receiving court.

(2) The website for every court must include up-to-date contact information for the court clerks handling dependency and delinquency matters, as well as up-to-date information on when and where transfer-in hearings are held.

~~(f)~~ (g) Order of transfer (§§ 377, 752)

The order of transfer must be entered on *Juvenile Court Transfer-Out Orders* (form JV-550), which must include all required information and findings.

~~(g)~~ (h) * * *

~~(h)~~ (i) Transport of child and transmittal of documents (§§ 377, 752)

(1) If the child is ordered transported in custody to the receiving county, the child must be delivered to the receiving county ~~within 7 court days~~ at least two business days before the transfer-in hearing, and the clerk of the court of the

transferring county must prepare a certified copy of the complete case file so that it may be transported with the child to the court of the receiving county.

(2) If the child is not ordered transported in custody, the clerk of the transferring court must transmit to the clerk of the court of the receiving county within ~~10~~ five court days a certified copy of the complete case file.

(3) The file may be transferred electronically, if possible. A certified copy of the complete case file is deemed an original.

~~(i)~~ **(j)** * * *

Rule 5.612. Transfer-in hearing

(a) Procedure on transfer (§§ 378, 753)

~~(1)~~ On receipt and filing of a certified copy of a transfer order, the receiving court must accept jurisdiction of the case. The receiving court may not reject the case. The clerk of the receiving court must ~~immediately place the transferred case on the court calendar for a transfer in hearing~~ confirm the transfer-in hearing date scheduled by the sending court and ensure that date is on the receiving court's calendar. The receiving court must notify the transferring court on receipt and filing of the certified copies of the transfer order and complete case file.

~~(A) Within two court days after the transfer out order and documents are received if the child has been transported in custody and remains detained; or~~

~~(B) Within 10 court days after the transfer out order and documents are received if the child is not detained in custody.~~

~~(2) No requests for additional time for the transfer in hearing may be approved. The clerk must immediately cause notice to be given to the child and the parent or guardian, orally or in writing, of the time and place of the transfer in hearing. The receiving court must notify the transferring court on receipt and filing of the certified copies of the transfer order and complete case file.~~

(b)–(f) * * *

Rule 5.613. Transfer of nonminor dependents

(a) Purpose

This rule applies to requests to transfer the county of jurisdiction of a nonminor dependent as allowed by Welfare and Institutions Code section 375. This rule sets forth the procedures that a court is to follow when it seeks to order a transfer of a

1 nonminor dependent and those to be followed by the court receiving the transfer.
2 All other intercounty transfers of juveniles are subject to rules 5.610 and 5.612.
3

4 **(b) Transfer-out hearing**
5

6 (1) Determination of residence—special rule on intercounty transfers (§§
7 17.1, 375)
8

9 (A) For purposes of this rule, the residence of a nonminor dependent who is
10 placed in a planned permanent living arrangement may be either the
11 county in which the court that has jurisdiction over the nonminor is
12 located or the county in which the nonminor has resided continuously
13 for at least one year as a nonminor dependent and the nonminor
14 dependent has expressed his or her intent to remain.
15

16 (B) If a nonminor dependent's dependency jurisdiction has been resumed,
17 or if transition jurisdiction has been assumed or resumed by the
18 juvenile court that retained general jurisdiction over the nonminor
19 under section 303, the county that the nonminor dependent is residing
20 in may be deemed the county of residence of the nonminor dependent.
21 The court may make this determination if the nonminor has established
22 a continuous physical presence in the county for one year as a
23 nonminor and has expressed his or her intent to remain in that county
24 after the court grants the petition to resume jurisdiction. The period of
25 continuous physical presence includes any period of continuous
26 residence immediately before filing the petition.
27

28 (2) Verification of residence
29

30 The residence of a nonminor may be verified by declaration of a social
31 worker or probation officer in the transferring or receiving county.
32

33 (3) Transfer to county of nonminor's residence (§ 375)
34

35 If the court is resuming dependency jurisdiction or assuming or resuming
36 transition jurisdiction of a nonminor for whom the court has retained general
37 jurisdiction under section 303(b) as a result of a petition filed under section
38 388(e), after granting the petition, the court may order the transfer of the case
39 to the juvenile court of the county in which the nonminor is living if the
40 nonminor establishes residency in that county as provided in (b)(1) and the
41 court finds that the transfer is in the minor's best interest.
42

43 (4) Transfer on change in nonminor's residence (§ 375)
44

45 If a nonminor dependent under the dependency or transition jurisdiction of
46 the court is placed in a planned permanent living arrangement in a county

1 other than the county with jurisdiction over the nonminor, the court may, on
2 an application for modification under rule 5.570, transfer the case to the
3 juvenile court of the county in which the nonminor is living if the nonminor
4 establishes residency in that county as provided in (b)(1).

5
6 (5) Conduct of hearing

7
8 (A) The request for transfer must be made on *Motion for Transfer Out*
9 (form JV-548), which must include all required information.

10
11 (B) After the court determines whether a nonminor has established
12 residency in another county as required in (b)(1), the court must
13 consider whether transfer of the case would be in the nonminor's best
14 interest. The court may not transfer the case unless it determines that
15 the nonminor supports the transfer and that the transfer will protect or
16 further the nonminor's best interest.

17
18 (C) If the transfer-out motion is granted, the sending court must set a date
19 certain for the transfer-in hearing in the receiving court, which must be
20 within 10 court days of the transfer-out order. The sending court must
21 state on the record the date, time, and location of the hearing in the
22 receiving court.

23
24 (6) Order of transfer (§ 377)

25
26 The order of transfer must be entered on *Juvenile Court Transfer-Out*
27 Orders—Nonminor Dependent (form JV-552), which must include all
28 required information and findings.

29
30 (7) Modification of form JV-552

31
32 *Juvenile Court Transfer-Out Orders—Nonminor Dependent* (form JV-552)
33 may be modified as follows:

34
35 (A) Notwithstanding the mandatory use of form JV-552, the form may be
36 modified for use by a formalized regional collaboration of courts to
37 facilitate the efficient processing of transfer cases among those courts if
38 the modification has been approved by the Judicial Council.

39
40 (B) The mandatory form must be used by a regional collaboration when
41 transferring a case to a court outside the collaboration or when
42 accepting a transfer from a court outside the collaboration.

43
44 (8) Transmittal of documents (§ 377)

45
46 The clerk of the transferring court must transmit to the clerk of the court of

1 the receiving county no later than five court days from the date of the
2 transfer-out order a certified copy of the entire nonminor file and, at a
3 minimum, all documents associated with the last status review hearing held
4 before the nonminor reached majority, including the court report and all
5 findings and orders. The files may be transferred electronically, if possible. A
6 certified copy of the complete case file is deemed an original.

7
8 (9) *Appeal of transfer order (§ 379)*
9

10 The order of transfer may be appealed by the transferring or receiving county,
11 and notice of appeal must be filed in the transferring county, under rule
12 8.400. Notwithstanding the filing of a notice of appeal, the receiving county
13 must assume jurisdiction of the case on receipt and filing of the order of
14 transfer.

15
16 (c) **Transfer-in hearing**
17

18 (1) *Procedure on transfer (§ 378)*
19

20 On receipt and filing of a certified copy of a transfer order, the receiving
21 court must accept jurisdiction of the case. The receiving court may not reject
22 the case. The receiving court must notify the transferring court on receipt and
23 filing of the certified copies of the transfer order and complete case file. The
24 clerk of the receiving court must confirm the transfer-in hearing date
25 scheduled by the sending court and ensure that date is on the receiving
26 court's calendar.

27
28 (2) *Conduct of hearing*
29

30 At the transfer-in hearing, the court must:

31
32 (A) Advise the nonminor of the purpose and scope of the hearing; and

33
34 (B) Provide for the appointment of counsel, if appropriate.
35

36 (3) *Subsequent proceedings*
37

38 The proceedings in the receiving court must commence at the same phase as
39 when the case was transferred. The court may continue the hearing for an
40 investigation and a report to a date not to exceed 15 court days.

41
42 (4) *Setting six-month review (§ 366.31)*
43

44 When an order of transfer is received and filed relating to a nonminor
45 dependent, the court must set a date for a six-month review within six months
46 of the most recent review hearing or, if the sending court transferred the case

1 immediately after assuming or resuming jurisdiction, within six months of the
2 date a voluntary reentry agreement was signed.

3
4 (5) *Change of circumstances or additional facts (§§ 388, 778)*

5
6 If the receiving court believes that a change of circumstances or additional
7 facts indicate that the nonminor does not reside in the receiving county, a
8 transfer-out hearing must be held under this rule and rule 5.570. The court
9 may direct the department of social services or the probation department to
10 seek a modification of orders under section 388 or section 778 and under rule
11 5.570.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT - Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD/NONMINOR'S NAME: _____	CASE NUMBER: _____
HEARING DATE: _____	TIME: _____
DEPARTMENT: _____	
MOTION FOR TRANSFER OUT	

☐ _____ 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.

The motion is brought under Welfare and Institutions Code Section ☐ 375 ☐ 750 ☐ Other: _____

1. Facts of Case

a. Type of Case

☐ Delinquency ☐ Dependency ☐ Nonminor Dependent

b. Disposition

☐ Disposition not yet imposed/deferred ☐ Disposition imposed from sending county on (date): _____

 c. ☐ Confinement time/custody credit (*Delinquency cases only*)

i. As of (date): _____, the overall term of confinement time in the sending county was: _____

ii. Overall Custody Credits: _____

2. Best Interests (*State why the proposed transfer is in the best interests of the child/nonminor.*)

3. Verification of Residence

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

Name: _____

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

3. b. The ☐ probation officer ☐ social worker in the ☐ receiving county ☐ sending county has conducted an address check and verified the address.

c. Verification completed by:

Date verified:

- d. Documentation establishing residency in the proposed receiving county is attached to this motion. The following documentation is attached:

4. Education Information

- a. Name of last school attended:
- b. Name of school district:
- c. ☐ Name of current Educational Rights Holder or Surrogate Parent:
- d. ☐ Name of proposed Educational Rights Holder or Surrogate Parent:
- e. ☐ There is an Individual Education Plan (IEP) for the child/nonminor.

5. Services

- a. The level of services required by the child/nonminor ☐ can ☐ cannot be met in the proposed receiving county.
- b. ☐ The level of services required by ☐ parent or legal guardian ☐ can ☐ cannot be met in the proposed receiving county.
- c. The type and level of services or supervision required by the child/nonminor and/or parent or legal guardian (*e.g., drug treatment, residential, outpatient, NA only, etc.*) are ☐ documented in the attached case plan or ☐ described as:

- d. ☐ Probation has not previously supervised the child/nonminor.

6. Other

- a. ☐ The current status of the Indian Child Welfare Act (ICWA) is (*specify*):

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

6. b. ☐ Parentage has been determined as indicated in minute order dated:
- c. ☐ A WIC §241.1 determination has been made as indicated in the minute order dated:
- d. ☐ Restitution has been determined in the amount of \$:
See minute order dated:
- e. ☐ The child/nonminor has exceptional medical needs (*specify*):

- f. ☐ The child/nonminor qualifies for regional center services.
- g. ☐ There are pending Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) issues in this case.
- h. ☐ A Special Juvenile Immigrant Status (SJIS) application is pending.
- i. ☐ A Social Security Income (SSI) application is pending.
- j. ☐ There are active orders regarding psychotropic medications. The last order is dated:
- k. ☐ If applicable, in the below box, please list all dependency and delinquency cases for the child/nonminor.

Case Number	County	Case Type

- l. ☐ 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:
---------------	--------------

PROOF OF SERVICE

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. ☐ Social worker ☐ Probation officer ☐ Attorney
a. Name and address: _____
b. Date of service: _____
c. Method of service: _____
 2. ☐ Mother ☐ Father ☐ Legal Guardian ☐ Attorney
a. Name and address: _____
b. Date of service: _____
c. Method of service: _____
 3. ☐ Mother ☐ Father ☐ Legal Guardian ☐ Attorney
a. Name and address: _____
b. Date of service: _____
c. Method of service: _____
 4. ☐ Child/nonminor (*if 10 years of age or older*) ☐ Attorney
a. Name and address: _____
b. Date of service: _____
c. Method of service: _____
- ☐ Additional parties served. Additional Proof of Service form attached.
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

1. Child's name: _____ Date of birth: _____

2. a. Date of hearing: _____ Dept.: _____ Room: _____

b. Judicial officer (*name*): _____

c. Persons present:

<input type="checkbox"/> Child	<input type="checkbox"/> Child's attorney	<input type="checkbox"/> Mother	<input type="checkbox"/> Mother's attorney
<input type="checkbox"/> Father	<input type="checkbox"/> Father's attorney	<input type="checkbox"/> Legal Guardian	<input type="checkbox"/> Social Worker
<input type="checkbox"/> Probation officer	<input type="checkbox"/> District Attorney	<input type="checkbox"/> County Counsel	<input type="checkbox"/> CASA Advocate
<input type="checkbox"/> Other:			

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.

a. ☐ GRANTED

b. ☐ DENIED

☐ The child's address has not been verified, and accompanying documentation is not attached.

☐ Other:

5. The court finds and orders under Welfare and Institutions Code Section 375 750 and Cal. Rules of Court, rule 5.610

- a. The legal residence of the child is with the following person who resides in the county specified in item 5e and has the legal right to physical custody of the child (*indicate name and relationship*):

Name: ☐ Mother ☐ Father

Address: ☐ Legal Guardian
☐ Other with whom the child resides with approval of the court

City: State: Zip:

☐ Confidential Address

- Form Adopted for Mandatory Use
Judicial Council of California
JV-550 [Rev. January 1, 2017]

CHILD'S NAME:	CASE NUMBER:
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- c. The child currently resides with: ☐ Parents ☐ Mother ☐ Father
☐ Guardian ☐ Relative (*relationship*):

Name(s) (*if different from 5a above*):

- ☐ Foster home (*name*):
☐ Group home (*name*):
☐ Residential facility (*name*):
☐ Other (*name*):

The address of the child's parent(s) (*other than listed in 5a or 5c above*):

Name:

Address:

State: Zip:

Name:

Address:

State: Zip:

- d. The child is ☐ detained ☐ placed ☐ out-of-custody.
- e. The child's case is ordered transferred to the county of (*specify*): Zip:
- f. (1) ☐ The child shall remain at the present address.
- (2) ☐ The child must be transported in custody to the receiving county at least two business days before the transfer-in hearing date.
- (3) ☐ Under prior orders of this court
- (i) the child was detained on (*date*):
- (ii) ☐ the child was found to be described by section 300, subdivision:
- ☐ (a) ☐ (b)(1) ☐ (b)(2) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g)
☐ (h) ☐ (i) ☐ (j) on (*date*):
- (iii) ☐ dependency was declared on (*date*):
- (iv) ☐ the child was found to be described by section ☐ 601 ☐ 602 on (*date*):
- (v) ☐ Delinquency Disposition
- ☐ Wardship was declared on (*date*):
- ☐ Section 725 was imposed on (*date*):
- ☐ Section 790 deferred entry of judgment was deferred on (*date*):
- ☐ Out-of-home placement order was made on (*date*):
- (vi) The last hearing was on (*date*):
- (iv) On (*date*): the court ordered the ☐ mother ☐ father
☐ child to appear at the transfer-in hearing.

- g. A transfer-in hearing has been set

in receiving court for (*date*):

at (*time*): in dept.:

at the following address:

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

- ☐ Disposition hearing
- ☐ has been scheduled for (*date*):
- ☐ needs to be scheduled.
- ☐ other (*identify*):
- ☐ Review hearing (*type*):
- ☐ has been scheduled for (*date*):
- ☐ needs to be scheduled.

CHILD'S NAME:	CASE NUMBER:
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6. The court further finds

a. Regarding the Indian Child Welfare Act (ICWA)

- ☐ ICWA does apply; see minute order dated: _____
- ☐ ICWA does not apply; see minute order dated: _____
- ☐ The court has not yet determined whether ICWA is applicable.

b. Jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act

- ☐ has been established. ☐ is not applicable.
- ☐ has not been established.

c. ☐ An application for special immigrant juvenile status is pending.

d. ☐ An application for SSI is pending.

e. (1) ☐ This child has special education needs. An Individual Education Plan has been created by (school district)

☐ The child does not have special education needs.

☐ The child has other education issues (specify): _____

(2) ☐ The court has limited the rights of the parent or guardian to make educational or developmental-services decisions for the child (optional).

☐ The court has appointed an educational rights holder under JV-535 (dated): _____

☐ The local educational agency has appointed a surrogate parent under JV-536 (dated): _____

Name of the educational rights holder or surrogate parent: _____

(3) ☐ Name of child's last school and/or school district attended

f. ☐ The child has the following juvenile cases

Case Number	County	Case Type

g. ☐ Visitation has been determined as indicated on minute order dated:

h. ☐ Reunification services were ordered for the parent(s)/legal guardian(s) on minute order dated:

i. ☐ Parentage has been determined as indicated on minute order dated:

j. ☐ A WIC § 241.1 determination that (check one, or both if a dual-status county)

☐ dependency

☐ delinquency serves the best interest of the child and protection of the public is indicated in the minute order dated: _____

☐ If a dual status county, the lead court/agency

☐ was identified as: _____ or ☐ was deferred.

k. ☐ The child has the following extraordinary medical needs:

l. ☐ Orders regarding psychotropic medication were made on:

m. ☐ Confinement time/custody credit (Delinquency Cases Only)

i. As of _____ the overall term of confinement time in the sending county was:

ii. Overall custody credits: _____

n. ☐ Other:

CHILD'S NAME:	CASE NUMBER:
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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

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT - Not approved by Judicial Council
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: _____	Language: _____
---------------------------	-----------------

2. a. Date of hearing: _____ Dept.: _____ Room: _____

b. Judicial officer (name): _____

c. Persons present

☐ Nonminor dependent

☐ Social Worker

☐ Other:

☐ Other:

☐ Nonminor Attorney (name): _____

☐ Probation Officer

☐ CASA

3. The court has read and considered the motion for transfer and

☐ the report of the social worker.
☐ the report of the probation officer.
☐ other relevant evidence.

4. Case History

a. ☐ Findings and orders for nonminor dependent were 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 transfer-in hearing has been set

in the receiving court for (date): _____

at (time): _____ in dept.: _____

at the following address: _____

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

☐ A Nonminor Dependent Status Review Hearing

☐ has been scheduled for (date): _____

☐ needs to be scheduled.

☐ Other:

☐ has been scheduled for (date): _____

☐ needs to be scheduled.

NONMINOR'S NAME:	CASE NUMBER:
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5. The court finds and orders under Welfare and Institutions Code Section 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 5.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

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
1.	Family Law and Juvenile Court Managers, Orange County Superior Court	AM	<p>The judicial officer signature line should only be on the order and not on both the motion and the order to transfer. If the judicial officer's signature is going to be kept on the motion, the placement for the signature is oddly located (right after the clerk's certificate of service) and should be relocated.</p> <p>If the outgoing court will not be responsible for setting the hearings within the amount of days specified, there should be a requirement for a calendar grid with phone numbers, dates/times of transfer hearings and locations made available to all participating courts to provide efficiency in setting hearings for the receiving court. There should be a point of contact for each court to ensure that nothing is missing.</p> <p>Proposed rules 5.613 contemplates that courts will send only those documents related to the last court hearing held before the minor reached the age of majority. Should rule 5.613 instead require that the entire underlying juvenile file be sent to the court receiving the nonminor dependent case?</p> <p>No, it should not be a requirement; however, the court receiving the nonminor case file may request for additional information if needed.</p> <p>Proposed rule 5.613 and amended rules 5.610 and 5.612 include shortened timelines for</p>	<p>The committee agrees that proposed form JV-548 (circulated as JV-448) should be revised to remove the judge's signature line.</p> <p>The committee acknowledges that access to information about transfer-in courts' calendars would be useful to the transfer-out court and has revised rules 5.610 and 5.613 to require courts to update their websites to include the court calendar and contact information for the juvenile clerk.</p> <p>No response required.</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<p>scheduling the transfer-in hearing, transmission of documents and transportation of youth in custody. These shortened timelines have proven effective in courts that participate in electronic transfer of case files between counties. Will the shortened time frames work in counties that do not use electronic file transfer to transmit case files?</p> <p>More consideration needs to be given to the counties not participating in electronic file transfer to transmit case files. There should be less strict timelines given for these counties. Otherwise, it may be costly to overnight mail in order to meet these shortened timelines. The shortened timelines does not seem feasible for those counties not participating in electronic file transfer.</p>	<p>The committee appreciates the concern about the shortened timelines; however, the two day timeline only applies to children who are detained in probation custody. In those situations, the rule states that the file will be transferred with the child. In other words, overnight mail would not be required.</p>
2.	Orange County Bar Association Todd G. Friedland, President	AM	<p>As to proposed Rule 5.613, subdivision (b)(1) should contain a citation to Welfare and Institutions Code § 17.1 which outlines the residency requirements of minors and nonminor dependents. In addition, subdivision (b)(5) contains a requirement not present in the Welfare and Institutions Code for the case transfer of a nonminor dependent or ward, namely that the court may not transfer the case unless the nonminor supports the transfer. This added requirement could potentially create situations in which a nonminor does not support a transfer due to factors unrelated to case management or service provision. Under the proposed rule, the court would be prohibited</p>	<p>The committee agrees with the recommendation that subdivision (b)(1) in rule 5.613 be revised to include a citation to Welfare and Institutions Code § 17.1 Rule 5.610 will be similarly revised.</p> <p>The committee appreciates the commentator's concern with prioritizing the nonminor's support; however, in recognition of the fact that extended foster care is a voluntary status intended to assist the nonminor in achieving independence, the committee believes that to allow a court to transfer the jurisdiction of a nonminor over his or her objection would be inconsistent with the intent of the California Fostering Connections to Success Act.</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			from transferring the case to the county where the nonminor dependent has established residency. Finally, as to the proposed forms, both JV-448 and JV-550 have fields that may be left blank for counties that cannot provide the information contained in the fields (educational information, services information, and information on other juvenile cases). The forms would be more user friendly if these fields appeared consecutively next to one another and the forms indicated that there was an option to leave the fields blank.	After discussion, the committee has decided to recommend that all the information on forms JV-548 (circulated as JV-448) and JV-550 be mandatory. As none of the sections on the forms will be optional, it will not be necessary to move the fields or identify them as optional.
3.	Superior Court of Los Angeles County	A	<p>There will be some additional staff time required to complete/process the additional forms (for NMDs). However, our judges, and the judges of the neighboring counties, have found the additional information beneficial for Dependency/Delinquency and that, too, would apply to NMDs. Agree that the requirement that the minor <i>supports</i> the transfer is essential.</p> <p>Implementation of the proposal will require some system modifications, but those shouldn't be too extensive.</p> <p>The one area that might be difficult is the scheduling of date-certain transfer-in hearings. Parties to the SICTP use a regional website</p>	<p>No response required.</p> <p>The committee acknowledges that this proposal will require courts to implement procedural changes to the transfer hearing process. In light of the efficiencies experienced by courts piloting this procedure, the committee believes that the benefits will outweigh the cons.</p> <p>The committee acknowledges that it may initially be difficult for transfer-out courts to schedule the transfer-in hearing date; consequently, rules 5.610</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			where each court makes available their basic calendars (e.g., Delinquency : M-F, 8am; Dependency : M-F 8:30am) and directions to their courthouses. Without that information, there's no real way to know when matters should be set – which could create some problems/could result in hearings being set incorrectly. That said, it's <i>extremely</i> beneficial for the courts (has dramatically reduced workload) and parties to set/use date-certain hearings. We will just need to find some mechanism by which courts can share their scheduling information with other courts above and beyond the regional websites.	and 5.613 were revised to require courts to maintain contact information and transfer-in calendaring information on their websites.
4.	Superior Court of Riverside County	AM	<p>Riverside Superior Court would prefer that all sections of the JV-448 and JV-550 forms should be mandatory.</p> <p>Riverside agrees with the proposed rule 5.613 that courts should only send those documents related to the last court hearing held before the minor reached the age of majority versus the entire underlying juvenile file. By sending the entire underlying juvenile case file, depending on the court's practice, two separate cases may need to be created in the court's case management system – the original dependency case and the non-minor dependent case. Once</p>	<p>The committee agrees that the benefit of requiring completion of all the information included on forms JV-550 and JV-548 (circulated as JV-448) outweighs any burden associated with providing the information. Consequently, the committee is recommending that the entirety of forms JV-548 and JV-550 be mandatory.</p> <p>No response required.</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<p>the minor becomes a non-minor dependent, the original case is no longer active; by transferring a closed case, the receiving court will need to create a new file in the case management system. This would have an operational impact on clerk's offices. Conversely, by sending the underlying juvenile case file, if the non-minor needed access to their file, it would be more convenient if it was in the county they were residing in.</p> <p>Under rule 5.610(i)(3), language should be added that the file may be transferred electronically, if possible.</p> <p><i>(j)(i) Transport of child and transmittal of Documents (§§ 377, 752)</i></p> <p><i>(1)-(2)</i></p> <p><i>(3) The file may be transferred electronically, if possible. A certified copy of the complete case file is deemed an original.</i></p> <p>Judicial Council form JV-448 should be modified to add a confidential box under number 3 – Verification of Address (see example)</p>	<p>The committee agrees with this recommendation and will make the suggested modification.</p> <p>The committee agrees with this recommendation and will make the suggested modification to form JV-548 (CIRCULATED AS JV-448).</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<p>The <input type="checkbox"/> parent's/legal guardian's address <input type="checkbox"/> nonminor's address in the proposed receiving county was confirmed by the sending county's agency as:</p> <p>Name: _____</p> <p>Address: [Confidential Address]</p> <p>City: _____ State: _____ Zip: _____</p> <p>Phone: _____</p>	
5.	Superior Court of San Diego County	AM	<p>Rather than allowing courts to leave certain sections of forms JV-448 and JV-550 blank, should all the information included on these forms be mandatory? Some, but not all, of the “optional” items should be mandatory because the information requested is very important and should not be difficult to obtain—i.e., on form JV-448, items 4.a., 4.b., 4.e., and 5.d. (last school attended, school district, whether the child has an IEP, most recent case plan, previous supervision by probation) and on form JV-550, both items 6(e) and 6(m).</p> <p>Should rule 5.613 instead require that the entire underlying juvenile file be sent to the court receiving the nonminor dependent case? Yes. To fulfill its duty to act in the best interests of the nonminor dependent, the receiving court should have all the information available on that individual.</p> <p>*Need to add provisions: Who is to serve notice of the transfer-in hearing to parties who are not present in court? Who must be</p>	<p>The committee agrees that the benefit of requiring completion of all the information included on forms JV-550 and JV-548 (circulated as JV-448) outweighs any burden associated with providing the information. Consequently, the committee is recommending that the entirety of forms JV-548 and JV-550 be mandatory.</p> <p>The committee appreciates the desire to possess the entire underlying file; however, such a requirement would be unduly burdensome for counties not participating in e-filing or one of the intercounty collaborations.</p> <p>Rules 5.610 and 5.613 now require the sending court to give notice of the date and time of the transfer-in hearing on the record during the</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<p>served with notice? What manner of service is required? This task has been deleted from CRC 5.613(c)(1)(B) [“The clerk must immediately cause notice to be given ...”].</p> <p>Currently, there is already a form numbered JV-448: “Order Granting Authority to Consent to Medical, Surgical and Dental Care.” Logically speaking, the new form for a “Motion to Transfer Out” should be numbered JV-548, which would immediately precede JV-550, “Juvenile Court Transfer Orders.” If this change is made, all references to JV-448 in CRC 5.610, 5.612, and 5.613 would need to be changed accordingly.</p> <p>Also, the JV-448 primarily uses “minor,” and the JV-550 primarily uses “child.”</p> <p>Consideration might be given to using the same term for both forms.</p> <p>*[This commentator then went on to list numerous modifications to be made for consistency and clarity that can be viewed in Attachment A.]</p>	<p>transfer-out hearing. Consequently, notice of the hearing is effectuated in person and notice by mail is not necessary. As is the common practice currently, the transfer-out hearing would be continued if the parties failed to appear; thus, notice would be given in court at the continued hearing.</p> <p>The committee agrees with this recommendation and will renumber the <i>Motion for Transfer</i> form as JV-548, and will convert references to “minor” to “child.”</p> <p>The committee has adopted many of the suggested modifications to the rules and forms suggested by this commentator as they will enhance the clarity and accuracy of the underlying rules and forms.</p>
6.	TCPJAC/CEAC Joint Rules Subcommittee	AM	This proposal should be implemented because the provisions can lead to a reduction in the number of transfer cases that are bounced back	No response required.

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			and forth between counties. In addition, the provisions will allow transfer cases to be heard in a more timely fashion allowing families to receive services promptly in the receiving county.	
			Regarding additional training for judges and/or court staff, and impact on local or statewide justice partners: For counties that do not currently participate in an intercounty transfer protocol, there will be judicial and staff training required on scheduling transfer-in hearings in receiving counties. Courts may want to coordinate with their surrounding counties to develop communication protocols in order for the accurate scheduling of transfer in hearing dates in receiving counties.	No response required.
			A commitment of some staff resources will be required in order to complete transfer forms and to meet the transmittal of documents time frames that are outlined in the proposed rules of court.	No response required.
			For counties that do not currently participate in an intercounty transfer protocol, there will be a change in practice for local justice partners.	No response required.

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

Commentator	Position	Comment	Committee Response
		<p>Depending on the county's local culture, if local justice partners complete transfer orders, there will be some impact to agencies. Local justice partners will also need training and a commitment of resources in order to meet the timeframes that are outlined in the proposed rules of court.</p> <p>Suggested Modifications:</p> <ol style="list-style-type: none">1. Regarding rule 5.610(i)(3), the JRS recommends that the following italicized language be added so that the file may be transferred electronically: “(3) <i>The file may be transferred electronically, if possible.</i> A certified copy of the complete case file is deemed an original.”2. Regarding form JV-448, the JRS recommends that the form be modified to add a confidential address box under number 3 “Verification of Residence.” (See example below.)	<p>The committee agrees with this recommendation and will make the suggested modification.</p> <p>The committee agrees with this recommendation and will make the suggested modification to form JV-548 (circulated as JV-448).</p>

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Juvenile Law: Intercounty Transfers (adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-548 (circulated as JV-448) and JV-552; revise form JV-550)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<div>The <input type="checkbox"/> parent's/legal guardian's address <input type="checkbox"/> nonminor's address in the proposed receiving county was confirmed by the sending county's agency as: Name: Address: <div><input type="checkbox"/> Confidential Address</div> City: State: Zip: Phone:</div>	

Item SPR16-21 Response Form

Title: Juvenile Law: Intercounty Transfers

- ☐ **Agree** with proposed changes
- ☒ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments:

- Does the proposal appropriately address the stated purpose? *Yes.*
- Rather than allowing courts to leave certain sections of forms JV-448 and JV-550 blank, should all the information included on these forms be mandatory? *Some, but not all, of the “optional” items should be mandatory because the information requested is very important and should not be difficult to obtain—i.e., on form JV-448, items 4.a., 4.b., 4.e., and 5.d. (last school attended, school district, whether the child has an IEP, most recent case plan, previous supervision by probation) and on form JV-550, both items 6(e) and 6(m). Suggested changes:*

JV-448, items 4 & 5

4. Education Information

- a. Name of last school attended: _____
- b. Name of school district: _____
- c. ☐ Name of current Educational Rights Holder or Surrogate Parent, if known: _____
- d. ☐ Name of proposed Educational Rights Holder or Surrogate Parent, if known: _____
- e. ☐ There is an Individual Education Plan (IEP) for the minor.

5. Services

- a. (If known:) The level of services required by the minor ☐ can ☐ cannot be met in the proposed receiving county.
- b. (If known:) The level of services required by the ~~the~~ parent or legal guardian ☐ can ☐ cannot be met in the proposed receiving county.
- c. (If known:) 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.): _____
- d. ☐ A copy of the most recent case plan is attached.
- e. ~~It~~ Probation ☐ ~~has~~ has not previously supervised the minor.

JV-550, item 6(e)

- e. (1) ☐ This child has special education needs. An Individual Education Plan has been created by (school district): _____
- ☐ The child does not have special education needs.
- ☐ It is not known whether the child has special education needs.

☐ The child has other education issues (*specify*): _____

(2) ☐ The court has limited the rights of the parent or guardian to make educational or developmental-services decisions for the child.

☐ The court has appointed an educational rights holder under on the form JV-535 (*dated*): _____

☐ The local educational agency has appointed a surrogate parent under on the form JV-536 (*dated*): _____

(3) ☐ Name of minor/child's last school and/or school district attended: _____

JV-550, item 6(m)

m. The minor child has the following juvenile cases:

• Should rule 5.613 instead require that the entire underlying juvenile file be sent to the court receiving the nonminor dependent case? *Yes. To fulfill its duty to act in the best interests of the nonminor dependent, the receiving court should have all the information available on that individual.*

• Other questions asked: *Unknown.*

• Additional comments:

CRC 5.610(f) p. 7	<p>If the transfer-out motion is granted, the sending court must set a date certain for the transfer-in hearing in the receiving court; within 5 court days of the transfer-out order if the child is in custody <u>and or</u> within 10 court days of the transfer-out order if the child is out of custody. The sending court must state on the record the date, time, and location of the hearing in the receiving court.*</p> <p>*Need to add provisions: Who is to serve notice of the transfer-in hearing to parties who are not present in court? Who must be served with notice? What manner of service is required? This task has been deleted from CRC 5.612(a)(2) ["The clerk must immediately cause notice to be given ..."].)</p>
CRC 5.610(g) p. 7	<p>JV-550 item 6(m) states, "The minor has the following juvenile cases:" -- information which is required on the JV-448 by CRC 5.610(f). CRC 5.610(f) allows JV-448 items 4 (education) and 5 (level of services required) to be left blank. There is nothing in JV-550 item 6 about the level of services required.</p> <p>The order of transfer must be entered on <i>Juvenile Court Transfer-Out Orders</i> (form JV-550), which must include all required information and findings. Counties that are unable to provide the information in items 6(e) <u>and (m)</u> of the form may leave those items blank. <u>The remainder of the required information and findings</u> <u>All other items</u> must be completed.</p>
CRC 5.610(i)(1) p. 8	<p>For consistency with par. (2):</p> <p>If the child is ordered transported in custody to the receiving county, the child must be delivered to the receiving county at least two <u>business court</u> days before the transfer-in hearing, 1 and the clerk of the court</p>
CRC 5.612(a) p. 8	<p>... The clerk of the receiving court must confirm the transfer-in hearing date <u>scheduled set</u> by the <u>sending transferring</u> court and ensure that date is on the</p>

	receiving court's calendar. The receiving court must notify the transferring court on <u>of the</u> receipt and filing of the certified copies of the transfer order and complete case file.
CRC 5.612(c) (not changed by proposal)	The proceedings in the receiving court must commence at the same phase as when the case was in when it was transferred. The court may continue the hearing up to 10 court days if the child is in custody or 15 court days if the child is not detained in custody for an investigation and a report to a date not to exceed 10 court days if the child is in custody or 15 court days if the child is not detained in custody.
CRC 5.613(a) p. 8	<p>(a) Purpose (§ 375(b))</p> <p>This rule applies to requests to transfer the county of jurisdiction of a nonminor dependent as allowed by Welfare and Institutions Code section 375. This rule and sets forth the procedures to be followed by that a court is to follow when it seeks to ordering a transfer of a nonminor dependent and those to be followed by the court receiving the transfer. All other intercounty transfers of juveniles are subject to rules 5.610 and 5.612.</p> <p>Alternatively (for consistency with other CRCs):</p> <p>This rule applies to requests to transfer the county of jurisdiction of a nonminor dependent as allowed by Welfare and Institutions Code section 375. ...</p>
CRC 5.613(b)(1) p. 9	<p>(1) Determination of residence—special rule on intercounty transfers (§§ 17.1, 375)</p> <p>(A) For purposes of this rule, the residence of a nonminor dependent who is placed in a planned permanent living arrangement may be either the county in which the court that has jurisdiction over the nonminor is located or the county in which the nonminor has resided continuously for at least one year as a nonminor dependent and the nonminor dependent has expressed his or her intent to remain.</p> <p>(B) If a nonminor dependent's dependency jurisdiction has been resumed, or if transition jurisdiction has been assumed or resumed by the a juvenile court that retained general jurisdiction over the a nonminor under section 303, the county that in which the nonminor dependent is residing in may be deemed the his or her county of residence of the nonminor dependent. The court may make this determination if the nonminor has established a continuous physical presence in the county for one year as a nonminor and has expressed his or her intent to remain in that county after the court grants the petition to resume or assume jurisdiction. The period of continuous physical presence includes any period of continuous residence immediately before the filing of the petition.</p>
CRC 5.613(b)(2) p. 9	The residence of a nonminor may be verified by a declaration of a social worker or probation officer in the transferring or receiving county.
CRC 5.613(b)(3) p. 9	If After the court grants a petition filed under section 388(e) is resuming dependency jurisdiction or assuming or resuming transition jurisdiction of a nonminor for whom the court has retained general jurisdiction under section 303(b)

	as a result of a petition filed under section 388(e), after granting the petition, the court may order the transfer of the <u>case nonminor dependent or transition dependent</u> to the juvenile court of the county in which the nonminor is living if the nonminor establishes residency in that county as provided in (b)(1) and the court finds that the transfer is in the <u>non</u> minor's best interest.
CRC 5.613(b)(4) pp. 9-10	If a nonminor dependent under the dependency or transition <u>dependent</u> jurisdiction of the court is placed in a planned permanent living arrangement <u>in a county other than outside of</u> the county with jurisdiction over the nonminor, the court may, on an application for modification under <u>rule 5.570 section 388</u> , transfer the case to the juvenile court of the county in which the nonminor is living if the nonminor establishes residency in that county as provided in (b)(1).
CRC 5.613(b)(5) pp. 10, 11	<p>The request for transfer must be made on <i>Motion for Transfer Out</i> (form JV-448). Counties that are unable to provide the information in items 4 and 5 of the form may leave those items blank. <u>The information requested in a</u> All other items must be <u>includ</u> completed.</p> <p>...</p> <p>If the transfer-out motion is granted, the sending court must set a date certain for the transfer-in hearing in the receiving court, which must be within 10 court days of the transfer-out order. The sending court must state on the record the date, time, and location of the hearing in the receiving court.*</p> <p>*Need to add provisions: Who is to serve notice of the transfer-in hearing to parties who are not present in court? Who must be served with notice? What manner of service is required? This task has been deleted from CRC 5.613(c)(1)(B) ["The clerk must immediately cause notice to be given ..."].</p>
CRC 5.613(b)(6) p. 10	<p>Per title of form JV-552 as printed in proposal SPR16-21:</p> <p>The order of transfer must be entered on <u>Juvenile Court Transfer-Out Orders—Nonminor Dependent Transfer Orders</u> (form JV-552), which and must include all required information and findings.</p>
CRC 5.613(b)(7)(A) p. 10	<p><u>Nonminor Dependent Transfer Orders</u> (f Form JV-552) may be modified as follows:</p> <p>(A) Notwithstanding the its mandatory use, <u>of</u> form JV-552, the form may be modified for use by a formalized regional collaboration of courts</p>
CRC 5.613(b)(8) p. 11	<p>Query: If a file is transferred electronically, should this rule require any measures to be taken to ensure the confidentiality of the information being transferred?</p> <p><u>No later than five court days after the transfer-out order, t</u> The clerk of the transferring court must transmit to the clerk of the court of the receiving county no later than five court days from date of the transfer-out order a certified copy of, at a minimum, all documents associated with the last hearing held before the nonminor reached <u>majority 18 years of age</u>, including the court report and all findings and</p>

	orders. The file may be transferred electronically, if possible. A certified copy of the complete case file is deemed an original.
CRC 5.613(c)(1) p. 11	<p>For consistency with CRC 5.612(a):</p> <p>(A) On receipt and filing of a certified copy of a transfer order, the receiving court must accept jurisdiction of the case. The receiving court may not reject the case. The receiving court must notify the transferring court on receipt and filing of the certified copies of the transfer order and complete case file. The clerk of the receiving court must confirm the transfer-in hearing date scheduled set by the sending transferring court and ensure that date is on the receiving court's calendar. The receiving court must notify the transferring court of the receipt and filing of the certified copies of the transfer order and complete case file.</p> <p>(B) ... [deleted by proposal]</p>
CRC 5.613(c)(2) pp. 11-12	<p>At the transfer-in hearing, the court must:</p> <p>(A) Advise the nonminor of the purpose and scope of the hearing; and</p> <p>(B) Provide for the appointment of counsel, if appropriate.</p>
CRC 5.613(c)(3) p. 12	<p>The proceedings in the receiving court must commence at the same phase as when the case was in when it was transferred. The court may continue the hearing up to 15 court days for an investigation and a report to a date not to exceed 15 court days.</p>
CRC 5.684(g) p. 24	<p>When an order of transfer is received and filed relating to a nonminor or transition dependent, the court must set a date for a six-month review within six months of the most recent review hearing or, if the sending court transferred the case was transferred immediately after jurisdiction was assumed or resumed assuming or resuming jurisdiction, within six months of the date after a voluntary reentry agreement was signed.</p>
JV-448 – Should be JV-548	<p><i>Currently, there is already a form numbered JV-448: "Order Granting Authority to Consent to Medical, Surgical and Dental Care." Logically speaking, the new form for a "Motion to Transfer Out" should be numbered JV-548, which would immediately precede JV-550, "Juvenile Court Transfer Orders." If this change is made, all references to JV-448 in CRC 5.610, 5.612, and 5.613 would need to be changed accordingly. Also, the JV-448 primarily uses "minor," and the JV-550 primarily uses "child." Consideration might be given to using the same term for both forms.</i></p>
JV-448, 3d box from top	CHILD'S OR NONMINOR'S NAME:
JV-448, first two sentences and items 1.c.i., 1.c.ii., 2, 3.a., 3.c., 3.d., 4.a., 4.b., 4.c., 4.d., 5.c., 6.b., 6.c., 6.d., 6.e., 6.j.	<p>Replace blank spaces with blank lines, e.g.:</p> <p><input type="checkbox"/> _____ County <input type="checkbox"/> Child Welfare Department, by and through counsel, or <input type="checkbox"/> Probation Department, requests an order transferring the above-referenced case to _____ County.</p> <p><input type="checkbox"/> _____, attorney for _____, requests an order transferring the above-referenced case to _____ County.</p>

	The motion is brought under Welfare and Institutions Code Section <input type="checkbox"/> 375 <input type="checkbox"/> 750 <input type="checkbox"/> Other: _____
JV-448: item 1	Add check box for "Transition Dependent."
JV-448: item 1.b., 1.c.i., 3.a., 3.b.,	Note: CRCs use "transferring county." This form uses "sending county." OK to use either one?
JV-448: items 4.c., 4.d.	Use lower case, i.e.: Name of ... educational rights holder or surrogate parent: _____
JV-448: items 4.e., 5.a., 5.c., 5.d., 6.e., 6.f., 6.i., 6.k.	minor <u>or nonminor</u>
JV-448: item 5.a.	Close up space between "be" and "met." (See spacing in 5.b.)
JV-448: item 5.c.	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.): <input type="checkbox"/> Minor or nonminor: _____ <input type="checkbox"/> Parent(s) or legal guardian: _____
JV-448: item 6.a.	As in item 6 on the JV-550, provide choices with check boxes, e.g.: <input type="checkbox"/> The current status of the Indian Child Welfare Act (ICWA) is (specify) : <input type="checkbox"/> The court has determined that ICWA applies. <input type="checkbox"/> The court has determined that ICWA does not apply. <input type="checkbox"/> The court has not yet determined whether ICWA applies.
JV-448: item 6.b.	Parentage has been determined as indicated in <u>the</u> minute order dated: _____
JV-448: item 6.c.	A WIC §241.1 dual jurisdiction or dual status determination (WIC § 241.1) has been made as indicated in the minute order dated: _____
JV-448: item 6.e.	For consistency with JV-550 (see also SCTP form JUVICT-002): The minor has exceptional <u>the following extraordinary</u> medical needs (specify) : _____
JV-448: item 6.f.	... <u>R</u> egional <u>C</u> enter ...
JV-448: item 6.h.	A Special <u>Juvenile</u> Immigrant <u>Juvenile</u> Status (SJSSIJS) application is pending.
JV-448: item 6.i.	A <u>Social Supplemental</u> Security Income (SSI) application is pending.
JV-448: item 6.j.	There are active An orders regarding psychotropic medications <u>is in effect</u> . The last order is dated: _____
JV-448: item 6.k.	If applicable, in the below box, please list <u>below</u> all <u>known</u> dependency and delinquency cases for the minor <u>or nonminor</u> .
JV-448, p. 3	Insert space between "PROBATION" and "OFFICER": TYPE OR PRINT NAME OF PROBATION <u>O</u> FFICER
JV-448 Proof of Service, item 4	Child (if 10 years of age or older) <u>or Nonminor</u>

JV-448 Proof of Service, item 5	<p>Per paragraph at top of page, service may be by methods other than mailing. Insert open parenthesis. <i>Italicize "specify."</i></p> <p>I am a resident of, or employed in, the county where the <u>mailing service</u> occurred. My residence or business address is (<u>specify</u>): _____</p>
JV-448 Proof of Service, signature line at bottom	<p>Unlikely the proof of service will be signed by a judge.</p> <p><u>JUDICIAL OFFICER OF THE JUVENILE COURT SIGNATURE</u></p>
JV-550	<p>Query: Should changes be made to accommodate minors who are under the court's transition jurisdiction? (E.g., adding "§ 450" to the 4th box from the top on page 1, adding to item 5.f.(3)(iv) a check box with "450," etc.)</p>
JV-550, p. 1, right footer	<p>Welfare and Institutions Code, §§ 300, 375, <u>377</u>, 601, 602, 750;</p>
JV-550, items 1, 2.a., 2.b., 5.a., 5.c., 5.e., 5.f.(3), 5.g., 5.h., 6.e.-6.i.	<p>Replace blank spaces with blank lines, e.g.:</p> <p>Child's name: _____ Date of birth: _____</p>
JV-550, item 2.c.	<p>Legal <u>g</u>uardian Social <u>w</u>orker</p>
JV-550, item 3	<p>The court has read and considered the motion for transfer <u>out</u> and ...</p>
JV-550, item 5.a.	<p>Legal <u>g</u>uardian</p> <p>Other with whom the child resides with approval of the court</p> <p>Redundant due to the language "the following person who ... has the legal right to physical custody of the child."</p>
JV-550, item 5.c.	<p><u>Legal g</u>uardian Relative (relationship): _____</p> <p>Insert spaces for "City:"</p> <p>Name: _____</p> <p>Address: _____</p> <p><u>City</u>: _____</p> <p>State: _____ Zip: _____</p>
JV-550, item 5.c.	<p>The child must be transported in custody to the receiving county at least two <u>business court</u> days before the transfer-in hearing date.</p>
JV-550, item 5.f.(3)(v)	<p>Section 725 <u>probation</u> was imposed on (date): _____</p> <p>Section 790 deferred entry of judgment was <u>deferred granted</u> on (date): _____</p>
JV-550, item 5.g.	<p>in <u>the</u> receiving court for (date): _____</p> <p>at (time): _____ in dept.: _____</p>
JV-550, item 6.c.	<p>An application for <u>S</u>pecial <u>I</u>mmigrant <u>J</u>uvenile status is pending.</p>
JV-550, item 6.d.	<p>An application for <u>SSI Supplemental Security Income</u> is pending.</p>
JV-550, item 6.e.(1)	<p>For consistency with the rest of the form:</p> <p>This <u>se</u> child has special education needs. ...</p>

Attachment A

JV-550, item 6.e.(2)	The court has appointed an educational rights holder <u>under on the form</u> JV-535 (dated): <u> </u> The local educational agency has appointed a surrogate parent <u>under on the form</u> JV-536 (dated): <u> </u>
JV-550, item 6.e.(3)	For consistency with the rest of the form: Name of <u>minor</u> child's last school and/or school district attended: <u> </u>
JV-550, item 6.f.-h.	f. Visitation has been determined as indicated on <u>the</u> minute order dated: <u> </u> g. Reunification services were ordered for the parent(s)/legal guardian(s) on <u>the</u> minute order dated: <u> </u> h. Parentage has been determined as indicated on <u>the</u> minute order dated: <u> </u>
JV-550, item 6.i.	i. A WIC § 241.1 determination that (check one, or both if a dual-status county) <input type="checkbox"/> dependency <input type="checkbox"/> delinquency serves the best interest of the child and protection of the public is indicated <u>in on the</u> minute order dated: <u> </u> <input type="checkbox"/> If a dual-status county, the lead court/agency <input type="checkbox"/> was identified as: <u> </u> or <input type="checkbox"/> <u>was deferred has not been identified.</u>
JV-550, item 6.k.	Orders regarding psychotropic medication were made on <u>(date):</u> <u> </u>
JV-550, item 6.l.	As of <u>(date):</u> <u> </u> , the overall term of confinement time in the sending county was: <u> </u>
JV-550, item 6.m.	For consistency with the rest of the form: The <u>minor child</u> has the following juvenile cases:

JV-550, item 7.a.	The court clerk has permission to open and access <u>the any</u> documents placed under seal in this case for the purpose of transferring the matter to the <u>new county receiving court</u> . Once the receiving court has taken delivery of the sealed documents, <u>the receiving county it</u> shall re-seal the documents.
JV-552, p. 1, right footer	Welfare and Institutions Code, §§ 17.1, 303, 375, <u>377</u> , 388(e);
JV-552, items 1, 2.a., 2.b., 4.a., 4.b., 4.c., 4.d., 4.e., 4.f., 5.c., 5.d.	<p>Replace blank spaces with blank lines, e.g.:</p> <p>a. Date of hearing: _____ Dept.: _____ Room: _____</p> <p>b. Judicial officer (name): _____</p>
JV-552, 3d box from top	NONMINOR'S NAME:
JV-552, item 1	<i>Is item 1 necessary? The nonminor's name will be in the 3d box from the top of the form. (If deleted, the subsequent items will need to be renumbered.)</i>
JV-552, item 2.c.	<p>Nonminor's attorney (name): _____</p> <p>For consistency with JV-550:</p> <p>Social worker Probation officer CASA Advocate</p>
JV-552, item 4.a.	Findings and orders for <u>the</u> nonminor dependent were made on (date): _____
JV-552, item 4.d.	<i>For consistency with other forms, italicize "(date)."</i>
JV-552: item 4.f.	A <u>nonminor</u> <u>dependent</u> <u>status</u> <u>review</u> <u>hearing</u>

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DEADLINE FOR COMMENT: 5:00 p.m., Tuesday, June 14, 2016.