



Judicial Council of California

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Subject Text

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File #: 22-176, Version: 1

Title

Rules and Forms | Appellate Procedure and Juvenile Law: Transfer of Jurisdiction to Criminal Court and Appeal From Transfer Orders (Action Required)

Summary

In 2018, the Legislature passed Senate Bill 1391 (Lara; Stats. 2018, ch. 1012), which amended Welfare and Institutions Code section 707 to provide that a minor must be at least 16 years of age to be considered for transfer of jurisdiction to criminal court unless the individual for whom transfer is sought was 14 or 15 at the time of the offense, the offense is listed in section 707(b), and the individual was not apprehended until after the end of juvenile court jurisdiction. The Judicial Council took action to implement these age-related changes in the jurisdiction of the juvenile court in 2019 but revoked that action when a split of authority within the California Courts of Appeal arose as to whether these changes were enacted in a constitutional manner. That split was resolved by the California Supreme Court in 2021 in favor of the constitutionality of the legislation. Additionally, legislation was enacted in 2021 to provide an expedited review on the merits from an order granting a motion to transfer. The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee propose adopting a new rule of court, amending several other rules, and revising two forms pertaining to the transfer-of-jurisdiction process and juvenile appeals to reflect both legislative changes to the transfer statutes.

Recommendation

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2023:

1. Adopt California Rules of Court, rule 8.417 to govern the appeal of orders transferring jurisdiction from juvenile to criminal court;
2. Amend California Rules of Court, rules 5.766, 5.768, and 5.770 to implement statutory and recent case law changes pertaining to the transfer-of-jurisdiction process and update terminology;
3. Amend California Rules of Court, rules 5.770, 8.50, 8.60, 8.63, 8.404, 8.406, 8.409, and 8.412 to clarify and implement new statutory provisions pertaining to appeals of orders transferring jurisdiction from juvenile to criminal court;
4. Revise *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to reflect recent changes in the transfer statute and case law, and update terminology; and
5. Revise *Notice of Appeal--Juvenile* (form JV-800) to include specific provisions concerning appeals of transfer of jurisdiction orders.