SUPERIOR COURT OF CALIFORNIA

SOUTHERN CALIFORNIA INTER-COUNTY TRANSFER PROTOCOL

Developed for Juvenile Dependency and Delinquency Courts

Participating Counties:

Imperial

Los Angeles

Orange

Riverside

San Bernardino

San Diego



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CONTENTS

Introduction and Background **3**

Chapter One: Communication **5**

Chapter Two: Appropriateness of Transfer (Delinquency And Dependency) **8**

Chapter Three: Procedure to be Completed Prior to Requesting a Court Order for a Delinquency Transfer **11**

Chapter Four: Procedure to be Completed Prior to Requesting a Court Order for a Dependency Transfer **14**

Chapter Five: Nonminor Dependent Cases **17**

Chapter Six: Transfer-Out Hearings **19**

Chapter Seven: Preparation of the Court File to Send to the Receiving Court **22**

Chapter Eight: Preparation of the Agency File to Send to the Receiving County Agency and Transportation **26**

Chapter Nine: Transfer-In Hearing **28**

Chapter Ten: Rehearings and Appeals **30**

Chapter Eleven: Courtesy Supervision **32**

Chapter Twelve: Judicial Communication **32**

Forms **33**

ATTACHMENT 1 33

ATTACHMENT 2 38

ATTACHMENT 3 42

Appendix **44**

AMENDMENT LOG 44

INTRODUCTION AND BACKGROUND

From time to time, a variety of difficult issues arise when it is necessary to transfer the authority over juvenile delinquency, dependency, and nonminor cases from one county to another. Working collaboratively, the court can make it easier for court staff, probation officers, social workers, attorneys and litigants to understand the transfer process and administer these cases efficiently. The Southern California Inter-County Transfer Protocol was developed to further the administration of justice and effectively serve the youth within the jurisdictions of the Southern California counties. While there may be slight inconsistencies with the California Rules of Court, the protocol establishes practices for substantive hearings on requests for transfer. The intended purpose of the protocol is to complete hearings earlier than outlined in the California Rules of Court thereby expediting the transfer process.

On April 8, 2013, Riverside County hosted a meeting to discuss the potential enactment of an Inter-county Transfer Protocol for the Southern California counties. Present at the meeting were Juvenile Presiding Judges and administrative staff from Orange, San Bernardino, Los Angeles, Riverside and San Diego; all present unanimously agreed to develop a protocol. After the initial meeting in April, Imperial County joined the group in support of the transfer protocol. A second meeting was held on October 2, 2013 to discuss the various aspects of the Southern California Inter-county Transfer Protocol.

At the October 2, 2013 and November 20, 2013 meetings, led by Judge Douglas Hatchimonji from Orange County, a substantial number of issues were addressed, including: identifying key contact persons in each county; uniform forms and orders; advance confirmation of hearing dates in the transfer-in county; and timing of the transfer before and after disposition. On February 5, 2014, a joint meeting of child welfare agencies, probation departments, juvenile court judges, and court personnel was held to review and discuss the Southern California Inter-county Transfer Protocol.

Orange County has agreed to host a secured regional website. The website page will contain the protocol and corresponding forms, contact information, schedule of hearing dates and times of each jurisdiction and links to each jurisdiction's website for quick access to court locations and driving directions.

Additionally, the transfer of juvenile case files between counties has always required a great deal of court resources in the processing, copying and distribution of the files. Therefore, a new system for the electronic transfer of case files was developed by Riverside Superior Court called eCase eXchange. This program allows authorized staff to upload and encrypt PDF versions of case files, generates electronic certifications and receipts for record automatically, and automates other functionality that will reduce, if not eliminate, manual processing, thus yielding considerable time and cost savings.

The Presiding Judges of the Juvenile Courts for the counties of Los Angeles, San Diego, San Bernardino, Riverside, Imperial and Orange are committed to making the Inter-county Transfer Protocol a permanent procedure for the Southern California counties. The protocol shall first be enacted as a pilot project for six months commencing on August 4, 2014. The purpose of the pilot is to refine the provisions of the protocol, as needed, based on the application of the protocol procedures.

Towards the end of the successful pilot phase, the Presiding Judges (or their designee) of the participating Juvenile Courts met in Orange County in February, 2015, and telephonically conferred in March, 2015, to review feedback and comments from the courts and juvenile stakeholders regarding the Inter-County Transfer Protocol. After careful consideration of all comments some modifications, additions and deletions to the original protocol and protocol court forms were agreed upon and circulated to juvenile stakeholders in anticipation of a joint meeting in April, 2015.

On April 13, 2015, a joint meeting was held of child welfare agencies, probation departments, juvenile court judges, and other juvenile stakeholders to debrief the pilot and address any outstanding concerns. On September 8, 2015, the Southern California Inter-county Transfer Protocol was officially approved and enacted.

CHAPTER ONE: COMMUNICATION

A. LEAD COURT

1. Every two years[1], one court shall be designated as the lead court to be responsible for disseminating ongoing information and changes related to the protocol. In addition, each court shall maintain its own contact list of participating courts and ancillary agencies.

2. The lead court shall maintain the protocol and other relevant information on a regional website specifically designed for access by the participating counties.

3. Each court shall maintain its own contact list and notify each county's point of contact of any changes.

B. POINT OF CONTACT FOR THE COURT

1. Each court shall identify two court staff persons to serve as the points of contact for delinquency, dependency, and nonminor dependent cases. One staff person will be designated as the primary point of contact, and the other staff person designated as the secondary point of contact.

2. Each court shall post the following information on the regional website for its designated court contacts: name, title, mailing address, phone number and email address.

3. Each court shall provide the names and contact information for staff in the respective probation and child welfare departments that will be identified as the designated contact for those county entities.

4. Each court's primary point of contact shall immediately notify the lead court when contact information for the court, probation department or child welfare department changes.

5. Each court's primary point of contact shall receive and disseminate relevant information regarding the protocol to other agencies in its jurisdiction.

C. REGIONAL SECURE WEBSITE AND INDIVIDUAL COURT INTERNET WEB PAGES

Orange County Superior Court shall host the regional secure website for posting the following information:

1. Designated hearing days, times and court location(s) for transfer-in hearings.

2. Driving directions and maps to each county's court(s).

3. A list of each jurisdiction's contacts (court, probation and child welfare, juvenile presiding judge or designee).

[1] The order in which each court will rotate the lead court responsibilities are as follows: Riverside, Orange, San Bernardino, San Diego, Los Angeles, and Imperial.

4. In addition, each court shall provide contact information for CASA and the regional offices for any of the following attorney groups as appropriate: district attorney, delinquency defense counsel, county counsel, dependency children's attorneys and dependency parents' attorneys.

Each court shall ensure the information on the regional secure website for its court is accurate and current.

Each court shall maintain an individual web page on its court internet website dedicated to the Inter-county Transfer Protocol that is accessible to the public. The individual website will contain overview information, the protocol and forms needed by the public. Riverside Superior Court shall post the protocol and forms on its court internet website, and the other participating courts will link to the protocol and forms from their respective web pages.

D. CHANGES TO PROTOCOL

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

1. The requesting jurisdiction shall email the lead court's single point of contact with their proposed correction and/or amendment.

2. The lead court shall be responsible for coordinating a consensus through a two-step process:

   a) Court Review
   Non-substantive proposed corrections and/or amendments (e.g. clerical processing, etc.) will be reviewed by court administration.

   The Juvenile Presiding Judges will review substantive proposed corrections and/or amendments. The Juvenile Presiding Judges will determine if stakeholder comment is required.

   The proposed corrections and/or amendments, along with a proposed solution, will be sent via email to each participating court for comment. The comment period will be open for 30-days.

   b) Agency Review of Substantive Correction
   Once a consensus is reached at the court level, the proposed corrections and/or amendments and solution will be sent to the agencies for comment. The comment period will be open for 45-days. Agency comments and/or objections should be referred back to the lead court's single point of contact.

3. The point of contact for the lead court shall be responsible for compiling agency comments and emailing the courts.

4. The court shall review the agency comments. If necessary, the lead court shall arrange a date and time for a telephone conference in order to address the comments.

5. Once a resolution has been reached on proposed correction and/or amendment, the lead court shall make the change(s) to the protocol and note the change(s) on the "Amendment Log" located in the appendix.

E. NON-COMPLIANCE WITH PROTOCOL

When general issues of non-compliance occur, agencies may contact their respective juvenile presiding judge. The juvenile presiding judges will then communicate with each other to resolve the concern.

CHAPTER TWO: APPROPRIATENESS OF TRANSFER (DELINQUENCY AND DEPENDENCY)

A. STANDARD FOR DETERMINING IF A CASE SHOULD BE TRANSFERRED

Delinquency and dependency cases shall be transferred only if the sending court determines all of the following pursuant to California Rules of Court, rule 5.610(a):[2]

1. The minor's parent or legal guardian resides in the proposed receiving county;[3]

2. The transfer is in the minor's best interest; and

3. The level of services required by the minor and family can be met in the proposed receiving county.

B. TIMING OF TRANSFER OF DELINQUENCY CASES

1. The court shall not transfer a delinquency court case[4] until after making jurisdictional findings as established in Rule 5.610(c)(2) (i.e., an admission is entered or one or more charges are found true at trial).

   a) If at the time of the jurisdiction hearing, the minor's parent or legal guardian is known to reside in another county, the sending court shall not conduct the disposition hearing and shall thereafter transfer the case out to the other county.

   b) If the minor does not waive time for disposition, the sending court may find good cause to schedule the matter beyond the statutory 10-day period pursuant to WIC § 682[5]. [Rule 5.610(c)(2) and (e)]

   c) If the sending court determines, based on the information provided, the minor subject to the proceedings is currently a ward or a dependent in the receiving county, the sending county may hold an immediate transfer-out hearing to transfer the case to the receiving county.

2. On WIC §§ 725, 790 and wardship cases, the court may transfer the case after the court has issued 725, 790 or wardship disposition orders. The receiving county will honor the WIC §§ 725 and 790 case disposition. If WIC §§ 725 and 790 is not being

[2] All further 'Rule' references are to the California Rules of Court.

[3] See WIC §§ 375, 750, and Rule 5.610(a), (b) and (c) regarding residency guidelines for intercounty transfer. Pursuant to WIC §§ 375 and 750, no case shall be transferred to the county of residence of an adult (including relatives) who has custody of the child either on a voluntary basis or as a result of a court-ordered placement unless that person is a parent or legal guardian.

[4] WIC § 654 cases are not part of the protocol and generally should not be transferred. The case will remain in the county where the petition was filed since jurisdiction has not been established. If the 654 is unsuccessful, the case could proceed to trial in the county where the petition was filed.

[5] Rule 5.612(c) - The proceedings in the receiving court must commence at the same phase as when the case was transferred. The court may continue the hearing for an investigation and 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.

considered, the sending court will comply with 1 above.

3. Absent extraordinary circumstances, cases shall not be transferred post 725, 790 or wardship order if there are fewer than 60-days before the next scheduled review hearing.

C. TIMING OF TRANSFER OF DEPENDENCY CASES

1. Except under unusual circumstances, the court shall not transfer a dependency case until after jurisdictional findings are made and the petition is sustained. The sending court may conduct the disposition hearing and may transfer the case prior to disposition being imposed. [Rule 5.610(c)(3)]

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

2. If the child or parent/guardian refuses to waive time for disposition, the sending court may find good cause to schedule the matter beyond the statutory 60-day period pursuant to WIC § 352. [Rule 5.610(e)]

3. No case shall be transferred absent the appropriate findings by the sending county for good cause to continue and findings for exceptional circumstances causing the disposition hearing to be scheduled more than 60-days after the minor was ordered removed or detained.

4. A case shall not be transferred prior to disposition if more than 120 days has transpired from the date of the minor's removal.

5. Absent extraordinary circumstances, a case shall not be transferred out less than 90 days prior to the next scheduled review hearing. Review hearings include those under WIC §§ 366.21(e), 366.21(f), 366.22, 366.25, and 366.3.

D. OUT-OF-HOME PLACEMENT CASES (DELINQUENCY AND DEPENDENCY)

This section addresses the inter-county transfer of out-of-home placement cases and does not prohibit out-of-county placements.

1. The following rules apply before the termination of family reunification services.

   a) Cases **may** be transferred out only to the county of residence of the parent/legal guardian. Residency is defined as the parent/legal guardian being domiciled in the county for a minimum of 30 days and having communicated an intent to remain in that county.

   b) Cases shall not be transferred out based on the physical location of the child.

c) Cases shall not be transferred out based on the county of residence of a relative who has not achieved the status of court-appointed legal guardian. The provision of achieving legal guardian status is intended to promote permanency for the child. This provision does not impact out-of-county placement for courtesy supervision purposes; only the transfer of jurisdiction. [WIC § 755]

2. The following rules apply after the termination of family reunification services and/or the setting of a selection and implementation hearing pursuant to WIC § 366.26.

   a) There is a presumption that no case in this phase shall be transferred.

   b) A transfer-out motion shall not be filed by the probation officer or social worker unless the chief probation officers or child welfare directors (or designees) in the sending and receiving counties confer and agree that it is in the best interests of the child to do so, and that there are available and appropriate services in the proposed receiving county. Absent a joint recommendation, the position of each agency shall be reflected in the probation officer's or social worker's transfer-out motion.

   c) If the transfer-out motion is filed by a child's or parent's attorney, the probation officer or social worker shall file a report with the court prior to the hearing on the transfer-out motion. The report shall include the communication information and agreements described in paragraph b above.

E. DELINQUENCY MATTERS REGARDING CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DIVISION OF JUVENILE JUSTICE	Except under unusual circumstances, for any crimes committed in a facility of the California Department of the Corrections and Rehabilitation, Division of Juvenile Justice, the county in which the crimes occurred shall conduct both the jurisdiction and disposition hearings. Otherwise, the matter shall not be transferred back to the originating committing county.[6]

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

CHAPTER THREE: PROCEDURE TO BE COMPLETED PRIOR TO REQUESTING A COURT ORDER FOR A DELINQUENCY TRANSFER

A. BEST INTEREST OF THE MINOR

A motion for transfer shall include an express statement why the transfer is in the best interest of the minor and that the level of services required by the minor and family can be met in the proposed receiving county. This statement shall be included as part of the transfer-out motion.

The mandatory Motion for Transfer form can be found in Attachment 1.

B. INFORMATION FOR TRANSFER-OUT MOTION

Except as authorized by the presiding judge of the juvenile court, and considering the best interest of the minor, ex parte applications for transfer will not be entertained.

The probation officer in the sending county where delinquency jurisdiction has been established is responsible for verifying residency, school information and the eligibility for and availability of services before submitting a recommendation to the court to transfer the case.

Before the transfer-out motion is made, the following shall be completed:

1. Verification of Residence
   Documents establishing residency shall be obtained and included as part of the transfer-out motion. Acceptable documents include, but are not limited to:

   a) A signed lease/rental agreement, utility bill and/or school registration; or

   b) If none of the above is available, a signed declaration or affidavit from the adult with whom the minor and parent/legal guardian will be residing.

2. Address/Phone Check
   a) If residency cannot be verified, the probation officer in the sending county is encouraged to utilize the Protocol Contact List maintained on the regional website to determine the contact person in the probation department of the proposed receiving county to request an address check. If the officer does not receive an email confirmation, he or she shall follow up with a phone call to the receiving county's probation contact.

   b) Upon receiving the request, the probation officer in the proposed receiving county shall, within one business day, reply to the email to confirm receipt of the request.

   c) After receiving the request for an address check, the probation officer shall then conduct a home visit to: (1) verify residence in the county; (2) verify the address of the minor's parent or legal guardian; and (3) obtain a telephone number if available. The

probation officer shall make every effort to complete the request within five business days.

3. School Information
   The assigned probation officer in the sending county shall determine the following if the department has previously supervised the minor:

   a) The name of the last school and school district attended by the minor;
   b) Whether there is an Individual Education Plan (IEP) on file for the minor in that district or any other district; and
   c) The current and proposed educational rights holder.

4. Eligibility and Availability of Services
   The probation officer in the receiving county shall work with the probation officer in the sending county to assess and address the critical needs of the minor and family and the availability of and eligibility for needed services.

   NOTE: The probation department of the sending county does not have to address services if it has not previously supervised the minor.

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

C. WIC § 241.1 DETERMINATION

If a delinquency petition is transferred regarding a minor who is already a dependent minor or a dual status minor in the receiving county, the receiving court shall make the WIC § 241.1 determination after the delinquency case has been transferred following its written protocol for the preparation of joint assessment reports.

1. Within two (2) business days after setting the WIC § 241.1 hearing, the social worker in the receiving county shall email the designated probation officer in the sending county to obtain the name of the assigned probation officer to begin the joint assessment. If the social worker does not receive a reply within one court day, he or she shall follow up with a phone call to the probation officer in the sending county.

2. Within two (2) business days after setting the WIC § 241.1 hearing, the social worker in the receiving county shall contact the dependency attorneys to notify them of the court date and time and obtain information from them for the assessment.

3. Prior to the date set for the WIC § 241.1 hearing, the probation officer and social worker shall complete their assessment and attempt to reach a joint recommendation pursuant to WIC § 241.1.

   a) If the case-carrying probation officer and case-carrying social worker do not agree as to which discipline serves the

minor's best interest and protection of society,7 they shall refer the matter to their respective supervisors who shall complete the assessment and reach a joint recommendation.

b) If the two supervisors do not agree, they shall refer the matter to the chief probation officer and director of the child welfare agency (or their designees) to complete the assessment and reach a joint recommendation.

c) If the chief probation officer and director of child welfare or their designees do not agree, each agency shall file a separate assessment with the court in which the petition is pending.

If a minor appears to fall under WIC § 300, the judicial officer in the sending county may recommend to the judicial officer in the receiving county that a WIC § 329 investigation be conducted.

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[7] Rule 5.512(d).

CHAPTER FOUR: PROCEDURE TO BE COMPLETED PRIOR TO REQUESTING A COURT ORDER FOR A DEPENDENCY TRANSFER

A. BEST INTEREST OF THE MINOR

A motion for transfer shall include an express statement why the transfer is in the best interest of the minor and that the level of services required by the minor and family can be met in the proposed receiving county. This statement shall be included as part of the transfer-out motion.

The mandatory Motion for Transfer form can be found in Attachment 1.

B. INFORMATION FOR TRANSFER-OUT MOTION

Except as authorized by the presiding judge of the juvenile court, ex parte applications for transfer-out will not be entertained.

The social worker in the sending county where dependency jurisdiction has been established is responsible for verifying residency, school information and the eligibility for and availability of services in the proposed receiving county before submitting a recommendation to the court to transfer the case.

Before the transfer-out motion is made, the following shall be completed:

1. Verification of Residence
   Documents establishing residency shall be obtained and included as part of the transfer-out motion. Acceptable documents include, but are not limited to:

   a) A signed lease/rental agreement, utility bill and/or school registration; or

   b) If none of the above is available, a signed declaration or affidavit from the adult with whom the minor and parent/legal guardian will be residing.

2. Address/Phone Check
   a) If residency cannot be verified, the social worker in the sending county is encouraged to utilize the Protocol Contact List maintained on the regional website to determine the contact person in the child welfare agency in the proposed receiving county to request an address check. If the social worker does not receive an email confirmation, he or she shall follow up with a phone call to the receiving county's social worker.

   b) Upon receiving the request, the social worker in the proposed receiving county shall, within one business day, reply to the email to confirm receipt of the request.

   c) Upon a receipt of the request for an address check, the social worker shall then conduct a home visit to: (1) verify the residence in the county; (2) verify the address of the child's parent or legal guardian; and (3) obtain a telephone number if available. The

social worker shall make every effort to complete the request within seven days.

3. School Information
   The assigned social worker in the sending county shall determine the following:

   a) The name of the last school and school district attended by the child;
   b) Whether there is an Individual Education Plan (IEP) on file for the child in that district or any other district.; and
   c) The current and proposed educational rights holder.

4. Eligibility and Availability of Specialized Services
   The social worker in the receiving county shall inform the social worker in the sending county what specialized services would be available to address the critical needs of the minor and family and the availability of and eligibility for needed services.

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

C. WIC § 241.1 DETERMINATION

If a dependency petition is transferred regarding a minor who is already a delinquent child or a dual status child in the receiving county, the receiving court shall make the WIC § 241.1 determination after the case has been transferred following its written protocol for the preparation of joint assessment reports.

1. Within two (2) business days after setting the WIC § 241.1 hearing, the probation officer in the receiving county shall email the designated social worker in the sending county to obtain the name of the assigned social worker to begin the joint assessment. If the probation officer does not receive a reply within one court day, he or she shall follow up with a phone call to the social worker in the sending county.

2. Within two (2) business days after setting the WIC § 241.1 hearing, the probation officer in the receiving county shall contact the delinquency attorneys to notify them of the court date and time and obtain information from them for the assessment.

3. Prior to the date set for the WIC § 241.1 hearing, the probation officer and social worker shall complete their assessment and reach a joint recommendation pursuant to WIC § 241.1.

   a) If the case-carrying probation officer and case-carrying social worker do not agree as to which discipline serves the child's best interest and protection of society,[8] they shall refer the

[8] Rule 5.512(d).

matter to their respective supervisors who shall complete the assessment and reach a joint recommendation.

b) If the two supervisors do not agree, they shall refer the matter to the chief probation officer and director of the child welfare agency (or their designees) to complete the assessment and reach a joint recommendation.

c) If the chief probation officer and director of child welfare or their designees do not agree, each agency shall file a separate assessment with the court in which the petition is pending.

CHAPTER FIVE: NONMINOR DEPENDENT CASES

A. STANDARD FOR DETERMINING IF A CASE SHOULD BE TRANSFERRED

A. Nonminor dependent cases shall be transferred only if the sending court determines the following pursuant to WIC § 375:

1. The transfer is in the nonminor's best interest; and either

   a) The nonminor dependent, under the dependency or transition jurisdiction of the court, has been placed in a planned permanent living arrangement, has had a continuous physical presence in the proposed receiving county for one year as a nonminor dependent, and has expressed his or her intent to remain in that county [WIC § 17.1(f)]; OR

   b) The nonminor dependent, after dependency jurisdiction has been resumed, or after transition jurisdiction has been assumed or resumed by the juvenile court that retained general jurisdiction over minor under WIC § 303, has established that he or she has had a continuous physical presence for one year in the proposed receiving county where the petition pursuant to WIC § 388(e) was filed and has expressed his or her intent to remain in that county. [WIC § 17.1(g)]

B. TIMING OF TRANSFER OF NONMINOR DEPENDENT CASES

Absent extraordinary circumstances, a nonminor dependent case shall not be transferred out less than 90 days prior to the next scheduled nonminor dependent status review hearing. [WIC 366.31]

C. OUT-OF-HOME PLACEMENT CASES

This section addresses the inter-county transfer of out-of-home placement cases and does not prohibit out-of-county placements.

1. There is a presumption that a nonminor dependent case will not be transferred if the nonminor dependent is receiving voluntary family reunification services.

2. After the termination of voluntary family reunification services, cases may be transferred out only to the county of residence of the nonminor dependent pursuant to WIC §375. [See Chapter Five, Section A]

D. BEST INTEREST OF THE NONMINOR

Except as authorized by the presiding judge of the juvenile court, ex parte applications for transfer will not be entertained.

A motion for transfer shall include an express statement why the transfer is in the best interest of the nonminor and that the nonminor will be able to achieve independence in the proposed receiving county. This statement shall be included as part of the transfer-out motion.

The mandatory Motion for Transfer form can be found in Attachment 1.

E. INFORMATION FOR TRANSFER-OUT MOTION

The agency in the sending county where the nonminor case is pending is responsible for verifying residency in the proposed receiving county before submitting a recommendation to the court to transfer the case.

Before the transfer-out motion is made, the following shall be completed:

1. Verification of Residence
   Documents establishing residency shall be obtained and included as part of the transfer out motion. Acceptable documents include, but are not limited to:

   a) A signed lease/rental agreement, utility bill and/or school registration; or

   b) If none of the above is available, a declaration or affidavit from the person with whom the nonminor will be residing; or

   c) A declaration or affidavit from the social worker or probation officer in the sending county verifying the nonminor's residence. The declaration or affidavit shall convey when and the manner in which the residence was verified.

The information elicited pursuant to paragraph 1 above shall be included in the motion to the sending court prior to the transfer-out hearing.

CHAPTER SIX: TRANSFER-OUT HEARINGS

A. HEARING PROCEDURE

This section applies to delinquency, dependency, and nonminor dependent cases.

1. Delinquency cases: the parties and court shall apply the standard and timing outlined in Chapter Two, Section A, B, D and E of this protocol.

2. Dependency cases: the parties and court shall apply the standard and timing outlined in Chapter Two, Section A, C and D of this protocol.

3. Nonminor Dependent cases: the parties and court shall apply the standard and timing outlined in Chapter Five, Section A, B and C of this protocol.

B. APPEARANCE AT TRANSFER-OUT HEARING AND NOTICE OF TRANSFER-IN HEARING DATE

A. Delinquency Cases:

1. The minor should be personally present at the transfer-out hearing in delinquency cases in order to have a meaningful hearing and to be ordered to attend the transfer-in hearing in the receiving county.

2. During the transfer-out hearing, the sending court shall order the minor and the parent/legal guardian to be personally present at the transfer-in hearing at the date, time, and location specified.

3. The sending court shall provide the minor(s) and family with a map and driving directions to the receiving court location along with instructions on the receiving court's check-in process. Staff shall utilize the regional website outlined in Chapter One, Section C to obtain that information.

4. If a party is not present at the transfer-out hearing, the clerk of the sending court shall provide written notice of the information in paragraphs 2 and 3 above to the party by first class mail at the verified address.

5. In delinquency cases where the minor is detained, the court shall determine whether the minor waives time for the transfer-in hearing. If the minor does not waive time, the court shall order the sending county's probation department to transport the minor to the receiving county at least two (2) business days before the transfer-in hearing is scheduled to be heard.

6. If, before the scheduled transfer-in hearing date, good cause arises to reschedule the transfer-in hearing date that was set by the sending court, the receiving court shall be responsible for noticing the parties of the new date.

B. Dependency Cases:

1. Parents/legal guardians should either be 1) personally present or 2) telephonically appear or 3) appear via video conferencing (if available) at the transfer-out hearing in dependency cases in order to have a meaningful hearing and to be ordered to attend the transfer-in hearing in the receiving county.

2. During the transfer-out hearing, the sending court shall order the parent/legal guardian and, at the court's discretion, the minor to be personally present at the transfer-in hearing at the date, time, and location specified.

3. The sending court shall provide the minor and parent/legal guardian with a map and driving directions to the receiving court location along with instructions on the receiving court's check-in process. Staff shall utilize the regional website outlined in Chapter One, Section C to obtain that information.

4. If a party is not present at the transfer-out hearing, the clerk of the sending court shall provide written notice of the information in paragraphs 2 and 3 above to the party by first class mail at the verified address.

5. If, before the scheduled transfer-in hearing date, good cause arises to reschedule the transfer-in hearing date that was set by the sending court, the receiving court shall be responsible for noticing the parties of the new date.

C. Nonminor Dependent Cases:

1. The nonminor dependent should either be 1) personally present or 2) telephonically appear or 3) appear via video conferencing (if available) at the transfer-out hearing in nonminor dependent cases in order to have a meaningful hearing and to be ordered to attend the transfer-in hearing in the receiving county.

2. During the transfer-out hearing, the sending court shall order the nonminor to be personally present at the transfer-in hearing at the date, time, and location specified.

3. The sending court shall provide the nonminor with a map and driving directions to the receiving court location along with instructions on the receiving court's check-in process. Staff shall utilize the regional website outlined in Chapter One, Section C to obtain that information.

4. If the nonminor is not present at the transfer-out hearing, the clerk of the sending court shall provide written notice of the information in paragraphs 2 and 3 above to the nonminor by first class mail at the verified address.

5. If, before the scheduled transfer-in hearing date, good cause arises to reschedule the transfer-in hearing date that was set by the sending court, the receiving court shall be responsible for noticing the nonminor of the new date.

C. DATE CERTAIN FOR THE TRANSFER-IN HEARING

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

1. The sending court staff shall determine the appropriate location and time for the transfer-in hearing by utilizing the regional website information described in Chapter One, Section C.

2. The transfer-in hearing date shall be set in compliance with Rules 5.610 and 5.612 as follows:

   a) In-custody delinquency matters: the transfer-in hearing date shall be within five (5) court days from the date of the transfer-out order.

   b) Out-of-custody delinquency matters: the transfer-in hearing date shall be within ten (10) court days from the date of the transfer-out order.

   c) All dependency matters: the transfer-in hearing date shall be ten (10) court days from the date of the transfer-out order.

   d) All nonminor dependent matters: the transfer-in hearing date shall be set within ten (10) court days from the date of the transfer-out order.

CHAPTER SEVEN: PREPARATION OF THE COURT FILE TO SEND TO THE RECEIVING COURT

A. PREPARATION OF COURT FILE BY SENDING COURT

This section applies to delinquency, dependency, and nonminor dependent case files.

The court file is inclusive of all filed papers and documents in the case folder. If a case folder is not created by the court, the file is inclusive of all filed papers and documents that would have been in the case folder if one had been created.

When a case is ordered transferred, all active and disposed petitions will be transmitted absent other orders from the court. Sealed petitions and documents will be included as part of the transfer if they are readily available to the sending court.

If there are multiple siblings under a single case number and not all siblings are being transferred, only the documents pertaining to the sibling(s) who is being transferred will be transmitted to the receiving court. The sending court will not redact information for the other siblings prior to transfer.

When a nonminor dependent case is being transferred, both the nonminor dependent case file and the underlying juvenile file will be transmitted to the receiving court.

The clerk of the sending court shall:

1. Prepare and complete a minute order recording the transfer-out hearing.

2. Confirm that a separate transfer order has been completed for each minor being transferred.

    a. Use the *Juvenile Court Transfer-Out Orders* form (Attachment 2) on delinquency or dependency cases.

    b. Use the *Juvenile Court Transfer-Out Orders – Nonminor Dependent* form (Attachment 3) on nonminor dependent cases.

3. Check the case file to confirm that all documents and minute orders listed on the register of actions (or docket) are included.

    a) Disposition Reports 8716/8717
    For delinquency cases only, the court clerk shall include copies of the Department of Juvenile Justice detention disposition report forms (JUS8716 and JUS8717).

4. Place copies[9] of all documents and minute orders from the court file in reverse chronological order (the newest document on top; the oldest document on the bottom) with the JV-550 as the top document. The documents may be grouped together in reverse chronological order as follows:

   a) Petitions
   Group the petitions together in reverse chronological order from newest to oldest.

   b) Reports
   Group the reports together in reverse chronological order from newest to oldest.

   c) Minute Orders
   Group the minute orders together in reverse chronological order from newest to oldest.

   d) Confidential Documents
   Group the confidential documents together *(separate from the non-confidential documents)* in reverse chronological order from newest to oldest.

   Examples of confidential documents include, but are not limited to: blood test results; victim address information; addresses for parents, guardians, de facto parents, foster homes and group homes; medication orders; and psychological evaluations.

   e) Sealed Petitions/Documents
   Group the sealed documents together in reverse chronological order from newest to oldest.

   Examples of sealed documents include, but are not limited to: deferred entry of judgment petitions and associated documents, petitions sealed pursuant to WIC § 781, and any other document ordered sealed by the court.

5. Prepare the documents to be scanned as a Portable Document Format (PDF) document. Depending on how the documents have been grouped, the clerk may have more than one PDF file to scan.

[9] The sending court will keep the original court file through the destruction period outlined in the Government Code.

B. SENDING FILE VIA ECASE EXCHANGE

The clerk of the sending court shall send the transfer electronically using the eCase eXchange program.

1. The clerk will upload the Portable Document Format (PDF) documents prepared in Section A to the program following the eCase eXchange Transfer-Out Procedure located on the regional secure website outlined in Chapter One, Section C.

2. The clerk from the sending court will reference in the 'comment' section of the program the hearing date, time, and location scheduled by the sending court for the transfer-in hearing.

3. The program prepares the Certification of Transfer of Documents certifying the documents are true and correct copies of the originals.

4. Time Frames
   a) In-custody Delinquency Cases:
      The court file should be transferred within three (3) court days of the transfer-out order.

   b) All Dependency Cases and Out-of-Custody Delinquency Cases:
      The court file should be transferred within three (3) court days of the transfer-out order.

   c) All Nonminor Dependent Cases:
      The court file should be transferred within three (3) court days of the transfer-out order.

C. DISTRIBUTION OF COURT FILE TO AGENCY – MINOR DETAINED

The clerk of the sending court shall send a copy of the court file to the probation department that is transporting the minor if detained.

The court clerk will use the eCase eXchange program to transmit a certified copy of the file following the eCase eXchange Transfer-Out Procedure located on the regional website.

D. EXHIBITS

1. Unless requested by the receiving court, the sending court shall not transfer any hearing or trial exhibits to the receiving court.

2. The sending court shall retain the exhibits until notified by the receiving court that the matter is concluded and that the exhibits can be returned to their rightful owners and/or destroyed.

3. If the receiving court needs the exhibits, the receiving court shall contact the sending court to make arrangements for the delivery of the exhibits.

a) If exhibits are needed by the receiving court, an email requesting the exhibits shall be sent to the designated contact for the sending court.

b) The receiving court shall then retain custody of the exhibits until it is appropriate to return them to their rightful owners and/or destroy them, in accordance with statute.

E. ERRORS MADE BY THE SENDING COURT

Errors by the sending court shall be corrected as follows:

1. If a case is ordered transferred to one county, but is inadvertently electronically sent to another county (e.g., the case is ordered transferred to San Diego, but the court record is received by San Bernardino), the court receiving the documents shall automatically electronically forward the documents to the proper court without further court order using the eCase eXchange program.

2. If a case is ordered transferred to one county, but the clerk inadvertently types the wrong county name on the order (e.g., the case is ordered transferred to Riverside County, but the courtroom clerk inadvertently types Orange County on the order), the court receiving the documents shall:

    a) Automatically electronically forward them to the proper court without further court order; and

    b) Contact the sending court to advise them of the error so that an amended transfer order can be prepared and sent electronically to the proper county.

CHAPTER EIGHT: PREPARATION OF THE AGENCY FILE TO SEND TO THE RECEIVING COUNTY AGENCY AND TRANSPORTATION

A. PROBATION FILE

Within four (4) business days of the transfer-out hearing if the minor is detained, and seven (7) business days if the minor is not detained, the probation department in the sending county shall prepare and transmit a copy of all documents in the original probation file to the probation department in the receiving county.

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

B. SOCIAL WORKER FILE AND RELEASING CWS/CMS DATA

1. Within one business day of the transfer-out court order, the social worker shall modify the child welfare system/case management system (CWS/CMS) to add the receiving county's code to allow access to the system by both the sending county and the receiving county. After the acceptance of the transfer, the receiving county shall be designated as "primary" and the sending county will retain access and be designated as the "secondary."

2. Within seven (7) business days of the transfer-out hearing, the social worker in the sending county shall prepare and transmit a copy of all documents in the original social worker file that are not contained in CWS/CMS, other than court minute orders, to the child welfare agency in the receiving county. The copies in the file need not be certified.

3. The sending county shall retain the original documents. The following documents, if not accessible via CWS/CMS, shall be placed in reverse chronological order (the newest document on top; the oldest document on the bottom):

    a) Individual education plan (IEP) possessed by the child welfare agency and/or the name and address of the school district where the most current IEP is on file;
    b) Home study reports;
    c) Correspondence from counselors;
    d) Treatment provider reports;
    e) Health and education passport information; and
    f) Confidential address information.

C. TRANSPORTATION OF MINOR OR CHILD

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

1. For delinquency in-custody matters, the probation department of the sending county shall be responsible for transportation of the minor to the receiving county detention facility. [See Chapter Six, Section B for transportation timeframe]

2. For delinquency out-of-custody matters, the minor's parent, legal guardian or foster care provider shall arrange for transportation of the minor to the receiving court.

3. For dependency matters, if the child or the child's attorney in the receiving county requests that the child attend the initial hearing, the sending and receiving county's child welfare office shall discuss and coordinate transportation.

D. CONTINUATION OF RESPONSIBILITY

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

The child welfare agency or probation department in the receiving county shall notify the child welfare agency or probation department in the sending county that the transfer was accepted by sending a copy of the court's minute order that the transfer was accepted.

CHAPTER NINE: TRANSFER-IN HEARING

A. RECEIVING TRANSFER DOCUMENTS

The clerk of the receiving court shall:

1. Access the eCase eXchange program to receive the transfer electronically.

2. The receiving clerk will electronically sign and date the receipt of record acknowledging receipt of the transfer. A copy of the receipt of record will be sent back electronically to the sending county with the receiving county's case number.

3. The receiving clerk will process the transfer in the receiving court's case management system according to its local practices.

4. The receiving clerk will confirm the transfer-in hearing date scheduled by the sending court and ensure that date is on the receiving court's calendar.

B. DISTRIBUTION OF TRANSFER-IN TO AGENCY

The clerk of the receiving court shall send a copy of the court file to the appropriate agency.

The court clerk will use the eCase eXchange program to transmit a copy of the file to the agency following the eCase eXchange Transfer-In procedure located on the regional website.

C. RECEIVING IN-CUSTODY MINORS FOR HEARING

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

D. BEFORE ACCEPTANCE

The sending court may vacate a transfer order due to a change in circumstances prior to the receiving court accepting the transfer. The transfer order may be vacated only upon good cause based on new or different facts that have been presented to the court.

The sending court will give notice to the parties and, if necessary, the proposed receiving court, that the transfer order has been vacated.

E. MANDATORY ACCEPTANCE

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

F. PROCEDURE AFTER ACCEPTANCE

This section applies to delinquency, dependency, and nonminor dependent cases.

1. After formally accepting the transfer-in case, if the receiving court believes that a change of circumstances or additional facts indicate that the child does not reside in the receiving county, that court may:

    a) Direct the child welfare agency or the probation department to seek a modification of orders under WIC § 388 or § 778 and, pursuant to this protocol, conduct a transfer-out hearing to another county if there is sufficient proof that the child's parent or legal guardian lives in another identified county; [Rule 5.612(f)] or

    b) File a formal appeal in the sending county, seeking review by the District Court of Appeal.

CHAPTER TEN: REHEARINGS AND APPEALS

A. PROCEEDINGS IN THE SENDING COURT AFTER ORDERING TRANSFER

1. Any application pursuant to WIC § 252 for rehearing by a judge of any decision by a referee of the sending court shall be filed in, and decided by, the sending court.

2. Absent further order of the court, the filing of such an application, including an application to rehear a transfer-out order, shall not stay the transfer-out order or the scheduled transfer-in hearing date.

3. A copy of the application for rehearing filed in the sending court shall be sent to the receiving court for informational purposes.

4. After the sending court issues its ruling on the application for rehearing, a copy of the order granting or denying the rehearing shall be sent to the receiving court.

5. If the application for rehearing is granted by the sending court, the receiving county shall vacate its order accepting the transfer-in and order the case returned to the originating county to conduct the rehearing. The case shall not be returned to the receiving county unless a subsequent transfer-out order is made.

B. THIRD COUNTY TRANSFER-OUT

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

a) Formally accept the transfer-in from the sending county; and then

b) Conduct a separate transfer-out hearing to determine if transfer of the case to the third county resolves the court's concern. [See Chapter Nine, Section F]

C. APPEALS

1. If an appeal to the District Court of Appeal is filed by any party concerning the transfer-out order:

   a) The receiving court shall first formally accept the transfer.

   b) Absent further order from the District Court of Appeal or trial court, the filing of an appeal shall not stay the original transfer-out order.

   c) The notice of appeal shall be filed in the sending court, but the clerk of that court shall send a copy of the notice to the receiving court.

   d) The costs of preparing the court reporter's transcript of the proceedings in the sending court shall be borne by the sending county.

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

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

   a) The notice of appeal shall be filed in the receiving court after the disposition hearing has been held. The clerk of that court shall send a copy of the notice to the sending court so that the court reporter can be notified if there is a need to prepare the transcript of any pre-disposition proceeding.

   b) The costs of preparing the court reporter's transcript of the proceedings in the sending court shall be borne by the sending county.

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

CHAPTER ELEVEN: COURTESY SUPERVISION

A. COURTESY SUPERVISION AUTHORIZATION

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

CHAPTER TWELVE: JUDICIAL COMMUNICATION

A. JUDGE TO JUDGE COMMUNICATION

Keeping in mind Canon 3(b)(7) of the California Code of Judicial Ethics, Judge-to-Judge communication may occur with the consent of the parties regarding the following:

1. Transfers during pending appeals;
2. WIC § 329 investigations;
3. Special needs of the minor and family;
4. Transfer-out order vacated by sending court before receiving court accepts transfer-in; or
5. Potentially ill-advised transfers.

ATTACHMENT 1

JUVICT-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, State Bar number, and address*)	*FOR COURT USE ONLY*
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:	
CHILD'S NAME: *one motion per child*	CASE NUMBER:
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:

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:

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)

Form Adopted for Mandatory Use
JUVICT-001 [Rev. July 17, 2015]
Southern Calif. Transfer Protocol

MOTION FOR TRANSFER

Welfare and Institutions Code, §§ 17.1, 375 , 750

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

   ☐ Probation officer

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

2. ☐ Mother ☐ Father
   a. Name and address:
   b. Date of service:
   c. Method of service:

   ☐ Legal Guardian

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

3. ☐ Mother ☐ Father
   a. Name and address:
   b. Date of service:
   c. Method of service:

   ☐ Legal Guardian

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

4. ☐ Child *(if 10 years of age or older)*
   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:

☐ 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)

Form Adopted for Mandatory Use
JUVICT-001 [Rev. July 17, 2015]
Southern Calif. Transfer Protocol

MOTION FOR TRANSFER

Welfare and Institutions Code, §§ 17.1, 375 , 750

CHILD'S NAME:	CASE NUMBER:

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)

Form Adopted for Optional Use
JUVICT-001A [Rev. July 17, 2015]
Southern Calif. Transfer Protocol

ADDITIONAL PROOF OF SERVICE - ATTACHMENT

JUVICT-002

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:	
CHILD'S NAME: *one transfer order per child*	
JUVENILE COURT TRANSFER-OUT ORDERS ☐ **§ 300** ☐ **For Disposition** ☐ **§ 601** ☐ **§ 602** ☐ **For Disposition**	CASE NUMBER:

1. Child's name: Date of Birth:

2. a. Date of hearing: Dept. Room:
   b. Judicial Officer (name):
   c. Persons present:
   ☐ Child ☐ Child's Attorney ☐ Mother ☐ Mother's Attorney
   ☐ Father ☐ Father's Attorney ☐ Legal Guardian ☐ Social Worker
   ☐ Probation Officer ☐ District Attorney ☐ County Counsel ☐ CASA Advocate
   ☐ Other: ☐ Other:

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. **The court orders the transfer:**
   ☐ GRANTED
   ☐ DENIED ☐ The minor's address has not been verified and accompanying documentation is not attached.
   ☐ Other: _____

5. **The court finds and orders under Welfare and Institutions Code** ☐ **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 ☐ Legal Guardian
   Address: ☐ Other with whom the child resides with approval of the court.
   City: State: Zip:
   ☐ Confidential Address

   b. **Transfer of the child's case is in the child's best interests.**

CHILD'S NAME:	CASE NUMBER:

c. The child currently resides with: ☐ Parents ☐ Mother ☐ Father ☐ Guardian ☐ Relative *(relationship)*:

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

Address:
State: Zip:

☐ 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: Name:
Address: Address:
State: Zip: 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 shall be transported in custody to the receiving county at least two business days before the transfer-in hearing date.
(3) ☐ Under the prior order of the court:
(i) The child was detained on (date): _____ .
(ii) ☐ The child was found to be declared a dependent 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 declared a ward by section ☐ 601 ☐ 602 on (date): _____ .
(v) ☐ Delinquency Disposition: ☐ Wardship was declared on *(date)*: _____ .
☐ Section 725 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): _____ .
(vii) On (date): _____ the court ☐ mother ☐ father ordered the
☐ child were ordered to appear at the transfer-in hearing.

g. **A Transfer-In 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:

Form Adopted for Mandatory Use
JUVICT-002 [Rev. July 17, 2015]
Modified JV-550 for Southern Calif. Transfer Protocol

JUVENILE COURT TRANSFER-OUT ORDERS

Welfare and Institutions Code, §§ 300, 375, 601, 602, 750

CHILD'S NAME:	CASE NUMBER:

h. The following hearings have been scheduled or need to be scheduled:
- ☐ Disposition Hearing
  - ☐ has been scheduled for *(date)*: _____ .
  - ☐ Needs to be scheduled.
- ☐ Review Hearing Type of Review Hearing:
  - ☐ has been scheduled for *(date)*: _____ .
  - ☐ Needs to be scheduled.

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. (1) ☐ This child does have 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.
   - ☐ The court has appointed an educational rights holder pursuant to the JV-535 *(dated)*:
   - ☐ The local educational agency has appointed a surrogate parent pursuant to the JV-536 *(dated)*:

   Provide the name of the educational rights holder or surrogate parent: _____

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

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

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

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

   f. ☐ A WIC § 241.1 determination that ☐ dependency ☐ delinquency serves the best interest of the child and protection of the public is indicated in the minute order dated: _____

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

   h. ☐ Orders regarding psychotropic medication were made on :

   i. ☐ 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:

CHILD'S NAME:	CASE NUMBER:

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.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*	*FOR COURT USE ONLY*
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:	
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: Dept. Room:
   b. Judicial officer:
   c. Persons present:

   ☐ Nonminor ☐ Nonminor Attorney *(name)*:
   ☐ Social Worker ☐ Probation Officer ☐ CASA
   ☐ Other *(specify)*:
   ☐ Other *(specify)*:

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 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
   ☐ has been scheduled for *(date)*:
   ☐ needs to be scheduled.

   ☐ Other:
   ☐ has been scheduled for *(date)*:
   ☐ needs to be scheduled.

NONMINOR DEPENDENT NAME:	CASE NUMBER:

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.

APPENDIX

AMENDMENT LOG

The amendment log notates the changes that have been made to the Southern California Inter-County Transfer Protocol.