

# **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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## INTRODUCTION AND BACKGROUND

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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. The protocol establishes practices for substantive hearings on requests for transfer.

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 was first enacted as a pilot project for six months commencing on August 4, 2014. The purpose of the pilot was 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.

On January 1, 2017, California Rules of Court 5.610, 5.612, and 5.613 were revised to incorporate procedures contained within the protocol, with some minor variances. The protocol is being updated to reflect these changes, including new and revised Judicial Council forms.

## CHAPTER ONE: COMMUNICATION

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### A. LEAD COURT

1. Every two years<sup>1</sup>, 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.

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### 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.

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### 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).

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<sup>1</sup> 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.

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#### **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.

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**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.

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## CHAPTER TWO: APPROPRIATENESS OF TRANSFER (DELINQUENCY AND DEPENDENCY)

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### **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):<sup>2</sup>

1. The minor's parent or legal guardian resides in the proposed receiving county;<sup>3</sup>
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.

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### **B. TIMING OF TRANSFER OF DELINQUENCY CASES**

1. The court shall not transfer a delinquency court case<sup>4</sup> 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<sup>5</sup>. [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 court 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 §§

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<sup>2</sup> All further 'Rule' references are to the California Rules of Court.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

725 and 790 case disposition. If WIC §§ 725 and 790 is not being 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.

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**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)(2)]
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.

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**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.

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**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.<sup>6</sup>

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<sup>6</sup> 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

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### **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 Out (JV-548)* form can be found in Attachment 1.

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### **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 transferring or receiving 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.

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**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,<sup>7</sup> 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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<sup>7</sup> Rule 5.512(d).

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

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### **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 Out (JV-548)* form can be found in Attachment 1.

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### **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 transferring or receiving 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.

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**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,<sup>8</sup> 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.
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<sup>8</sup> Rule 5.512(d).

## CHAPTER FIVE: NONMINOR DEPENDENT CASES

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### **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)]
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### **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]

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### **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]
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**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 court may not transfer a nonminor dependent case unless it determines that the nonminor supports the transfer and that the transfer will protect or further the nonminor's best interests.

The mandatory *Motion for Transfer Out (JV-548)* form can be found in Attachment 1.

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**E. INFORMATION FOR TRANSFER-OUT MOTION**

The agency in the transferring or receiving 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 transferring or receiving 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

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### **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.
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### **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.

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**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

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### **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, the entire nonminor file and all documents associated with the last status review hearing held before the nonminor reached age of majority, including the court report and all findings and orders in the underlying juvenile file will be transmitted to the receiving court no later than five court days from the date of the transfer-out order

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 (JV-550)* form (Attachment 2) on delinquency or dependency cases.
  - b. Use the *Juvenile Court Transfer-Out Orders – Nonminor Dependent (JV-552)* 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<sup>9</sup> 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.

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<sup>9</sup> 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 two (2) court days of the transfer-out order.
  - b) All Dependency Cases and Out-of-Custody Delinquency Cases:  
The court file should be transferred within five (5) court days of the transfer-out order.
  - c) All Nonminor Dependent Cases:  
The court file should be transferred within five (5) court days of the transfer-out order.

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**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.

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**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.

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**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

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**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.

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**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.

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**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.

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**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.

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## CHAPTER NINE: TRANSFER-IN HEARING

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### **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.

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### **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.

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### **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.

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### **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.

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### **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(a) & 5.613(c)(1)]

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**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

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### **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.

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### **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]

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### **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.
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## CHAPTER ELEVEN: COURTESY SUPERVISION

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### **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.

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## CHAPTER TWELVE: JUDICIAL COMMUNICATION

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### **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.
-

# FORMS

## ATTACHMENT 1

|   |       |   |        |
|---|-------|---|--------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY:   |       | STATE BAR NO.:  | JV-548 |
| NAME:   |       | FOR COURT USE ONLY  |        |
| FIRM NAME:  |       |   |        |
| <b>SAMPLE FORM (JV-548)</b>   |       |   |        |
| <i>Current form available at <a href="http://www.courts.ca.gov/forms.htm">http://www.courts.ca.gov/forms.htm</a> or on the Court's website</i>  |       |   |        |
| MAILING ADDRESS:  |       |   |        |
| CITY AND ZIP CODE:  |       |   |        |
| BRANCH NAME:  |       |   |        |
| CHILD/NONMINOR'S NAME:  |       | CASE NUMBER:  |        |
| HEARING DATE:   | TIME: | DEPARTMENT:   |        |
| <b>MOTION FOR TRANSFER OUT</b>  |       |   |        |
| <input type="checkbox"/> County <input type="checkbox"/> Child Welfare Department, by and through counsel, or<br><input type="checkbox"/> Probation Department, requests an order transferring the above-referenced case to<br>County.          |       |   |        |
| <input type="checkbox"/> , attorney for<br>requests an order transferring the above-referenced case to County.  |       |   |        |
| The motion is brought under Welfare and Institutions Code Section <input type="checkbox"/> 375 <input type="checkbox"/> 750 <input type="checkbox"/> Other:   |       |   |        |
| <b>1. Facts of Case</b>   |       |   |        |
| a. Type of Case   |       |   |        |
| <input type="checkbox"/> Delinquency <input type="checkbox"/> Dependency <input type="checkbox"/> Nonminor Dependent  |       |   |        |
| b. Disposition  |       |   |        |
| <input type="checkbox"/> Disposition not yet imposed/deferred <input type="checkbox"/> Disposition imposed from sending county on (date):   |       |   |        |
| c. <input type="checkbox"/> 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:  |       |   |        |
| <b>2. Best Interests (State why the proposed transfer is in the best interests of the child/nonminor.)</b>  |       |   |        |
| <b>3. Verification of Residence</b>   |       |   |        |
| a. The <input type="checkbox"/> parent's/legal guardian's address <input type="checkbox"/> nonminor's address in the proposed receiving county<br>was confirmed by the sending county's agency as <input type="checkbox"/> confidential address |       |   |        |
| Name:   |       |   |        |
| Address:  |       |   |        |
| City: State: Zip:   |       |   |        |
| Phone:  |       |   |        |
| <small>Form Adopted for Mandatory Use<br/>Judicial Council of California<br/>JV-548 (New January 1, 2017)</small>   |       | <b>MOTION FOR TRANSFER OUT</b>  |        |
|   |       | <small>Welfare and Institutions Code, §§ 17.1, 300, 375, 601, 602, 750,<br/>Cal. Rules of Court, rules 5.810, 5.812, 5.813<br/><a href="http://www.courts.ca.gov">www.courts.ca.gov</a></small> |        |

ATTACHMENT 2

|   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
|---|--|---|---|---|--|---|--|---|--|--|--|---|--|---|--|--|--|
| <b>JV-550</b>   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:<br>NAME:<br>FIRM NAME:  | FOR COURT USE ONLY                         |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <b>SAMPLE FORM (JV-550)</b><br>Current form available at <a href="http://www.courts.ca.gov/forms.htm" style="color: white;">http://www.courts.ca.gov/forms.htm</a> or on the Court's website  |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:  |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| CHILD'S NAME:   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <b>JUVENILE COURT TRANSFER-OUT ORDERS</b><br><input type="checkbox"/> § 300<br><input type="checkbox"/> § 601 <input type="checkbox"/> § 602 <input type="checkbox"/> 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: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Child</td> <td><input type="checkbox"/> Child's attorney</td> <td><input type="checkbox"/> Mother</td> <td><input type="checkbox"/> Mother's attorney</td> </tr> <tr> <td><input type="checkbox"/> Father</td> <td><input type="checkbox"/> Father's attorney</td> <td><input type="checkbox"/> Legal Guardian</td> <td><input type="checkbox"/> Social Worker</td> </tr> <tr> <td><input type="checkbox"/> Probation officer</td> <td><input type="checkbox"/> District Attorney</td> <td><input type="checkbox"/> County Counsel</td> <td><input type="checkbox"/> CASA Advocate</td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Other: _____</td> </tr> </table> |  | <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: _____         |  |  |  |
| <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 <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> the report of the social worker.</td> </tr> <tr> <td><input type="checkbox"/> the report of the probation officer.</td> </tr> <tr> <td><input type="checkbox"/> other relevant evidence.</td> </tr> </table>  |  | <input type="checkbox"/> the report of the social worker. | <input type="checkbox"/> the report of the probation officer. | <input type="checkbox"/> other relevant evidence.   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> the report of the social worker.   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> the report of the probation officer.   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> other relevant evidence.   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| 4. The court orders the transfer: <table style="width: 100%; border: none;"> <tr> <td>a. <input type="checkbox"/> GRANTED</td> </tr> <tr> <td>b. <input type="checkbox"/> DENIED</td> </tr> <tr> <td><input type="checkbox"/> The child's address has not been verified, and accompanying documentation is not attached.</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>  |  | a. <input type="checkbox"/> GRANTED                       | b. <input type="checkbox"/> DENIED                            | <input type="checkbox"/> The child's address has not been verified, and accompanying documentation is not attached. | <input type="checkbox"/> Other: _____      |   |  |   |  |  |  |   |  |   |  |  |  |
| a. <input type="checkbox"/> GRANTED   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| b. <input type="checkbox"/> DENIED  |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> The child's address has not been verified, and accompanying documentation is not attached.   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> Other: _____   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| 5. The court finds and orders under Welfare and Institutions Code Section <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> 375</td> <td><input type="checkbox"/> 750 and</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Cal. Rules of Court, rule 5.610</td> </tr> </table>   |  | <input type="checkbox"/> 375                              | <input type="checkbox"/> 750 and                              | <input type="checkbox"/> Cal. Rules of Court, rule 5.610  |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> 375  | <input type="checkbox"/> 750 and           |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> 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): <table style="width: 100%; border: none;"> <tr> <td>Name: _____</td> <td><input type="checkbox"/> Mother</td> <td><input type="checkbox"/> Father</td> </tr> <tr> <td>Address: _____</td> <td><input type="checkbox"/> Legal Guardian</td> <td></td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Other with whom the child resides with approval of the court</td> </tr> <tr> <td>City: _____</td> <td>State: _____</td> <td>Zip: _____</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Confidential Address</td> </tr> </table>                  |  | Name: _____   | <input type="checkbox"/> Mother                               | <input type="checkbox"/> Father   | Address: _____                             | <input type="checkbox"/> Legal Guardian |  | <input type="checkbox"/> Other with whom the child resides with approval of the court |  |  | City: _____                                | State: _____                            | Zip: _____                             | <input type="checkbox"/> Confidential Address |  |  |  |
| Name: _____   | <input type="checkbox"/> Mother            | <input type="checkbox"/> Father                           |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| Address: _____  | <input type="checkbox"/> Legal Guardian    |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> Other with whom the child resides with approval of the court   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| City: _____   | State: _____                               | Zip: _____  |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <input type="checkbox"/> Confidential Address   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| b. Transfer of the child's case is in the child's best interests.   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| Form Adopted for Mandatory Use<br>Judicial Council of California<br>JV-550 (Rev. January 1, 2017)   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| <b>JUVENILE COURT TRANSFER-OUT ORDERS</b>   |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |
| Welfare and Institutions Code, §§ 300, 375, 601, 602, 750;<br>Cal. Rules of Court, rules 5.610, 5.612<br>www.courts.ca.gov  |  |   |   |   |  |   |  |   |  |  |  |   |  |   |  |  |  |

ATTACHMENT 3

|  |   |
|--|---|
| <b>JV-552</b>  |   |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:<br>NAME:<br>FIRM NAME:   | FOR COURT USE ONLY  |
| <b>SAMPLE FORM (JV-552)</b><br>Current form available at <a href="http://www.courts.ca.gov/forms.htm" style="color: white;">http://www.courts.ca.gov/forms.htm</a> or on the Court's website |   |
| MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:   |   |
| NONMINOR NAME:   |   |
| <b>JUVENILE COURT TRANSFER-OUT ORDERS—NONMINOR DEPENDENT</b>   | NMD CASE NUMBER:  |
| 1. Nonminor's name:  | Language:   |
| 2. a. Date of hearing:   | Dept.: Room:  |
| b. Judicial officer (name):  |   |
| c. Persons present<br><input type="checkbox"/> Nonminor dependent<br><input type="checkbox"/> Social Worker<br><input type="checkbox"/> Other:<br><input type="checkbox"/> Other:            | <input type="checkbox"/> Nonminor Attorney (name):<br><input type="checkbox"/> Probation Officer<br><input type="checkbox"/> CASA   |
| 3. The court has read and considered the motion for transfer and   | <input type="checkbox"/> the report of the social worker.<br><input type="checkbox"/> the report of the probation officer.<br><input type="checkbox"/> other relevant evidence. |
| 4. Case History  |   |
| a. <input type="checkbox"/> Findings and orders for nonminor dependent were made on (date):  |   |
| b. <input type="checkbox"/> 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):<br>at (time): in dept.:<br>at the following address:  |   |
| f. The following hearings have been scheduled or need to be scheduled:   |   |
| <input type="checkbox"/> A Nonminor Dependent Status Review Hearing  |   |
| <input type="checkbox"/> has been scheduled for (date): _____<br><input type="checkbox"/> needs to be scheduled.   |   |
| <input type="checkbox"/> Other:  |   |
| <input type="checkbox"/> has been scheduled for (date): _____<br><input type="checkbox"/> needs to be scheduled.   |   |

## APPENDIX

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### AMENDMENT LOG

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

*April 3, 2017- Incorporated changes reflected in new and amended CRC 5.610, 5.612, and 5.613.*