

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**SPR16-21**

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Title	Action Requested
Juvenile Law: Intercounty Transfers	Thursday, April 14, 2016
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 5.613; amend rules 5.610 and 5.612; adopt forms JV-448 and JV-552; revise form JV-550	January 1, 2017
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Nicole Giacinti, 415-865-7598
Hon. Jerilyn L. Borack, Cochair	<a href="mailto:nicole.giacinti@jud.ca.gov">nicole.giacinti@jud.ca.gov</a>
Hon. Mark A. Juhas, Cochair	

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends adopting one new rule and one new mandatory Judicial Council form to implement the transfer provisions for nonminor dependents in Assembly Bill 1712. The committee further recommends amending the current intercounty transfer rules and revising a mandatory form to include provisions that have streamlined the transfer process for counties involved in the SacJoaquin and Southern California transfer protocols. Specifically, the committee recommends incorporating the modifications Southern California courts made to a mandatory form and approving the motion for transfer used by those same courts as a mandatory form. These forms provide a synopsis of pertinent procedural and factual information of the case being transferred. Lastly, the committee recommends amending two rules of the California Rules of Court to require mandatory use of the forms.<sup>1</sup>

### Background

The original proposal to create rules and forms for the intercounty transfer of nonminor dependent cases circulated during the winter 2014 comment cycle. The proposal was

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

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

necessitated by the implementation of legislation creating extended foster care.<sup>2</sup> Although most of the changes needed to implement these various bills have been made by the Judicial Council, no action has been taken to clarify the procedure to transfer the case of a nonminor dependent from one county to another.

When the original proposal circulated for comment, several Southern California courts were in the process of piloting the use of a modified form JV-550. In addition to the modified form, the Southern California courts were following a specific protocol that included use of a mandatory transfer-out motion. Three of the Southern California courts involved in the pilot project (The Superior Courts of Los Angeles, Riverside, and San Diego Counties) and the Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees requested, and the Family and Juvenile Law Committee agreed, to defer the proposal pending the conclusion of the Southern California pilot project. The Southern California pilot project has concluded, and on December 11, 2015, the Judicial Council approved use of the modified JV-550 by the courts involved in the Southern California protocol.

The nonminor dependent transfer rule and form are based on the juvenile transfer rules and form. In light of the success of the Southern California and SacJoaquin protocols, the committee reviewed the elements of those two protocols to determine whether to include certain provisions in the nonminor dependent rule and form. Review of the two protocols confirmed that including elements of these protocols would enhance the efficacy of the nonminor dependent transfer rule, as well as the juvenile transfer rule. Consequently, the committee decided to propose statewide changes to the juvenile transfer rules and form, in addition to proposing the new rule and form for transfer of nonminor dependent cases.

### **Prior Circulation**

The proposal to create rules and forms for the intercounty transfer of nonminor dependent cases previously circulated during the winter 2014 comment cycle. Based on the comments received, that proposal was deferred pending the conclusion of the Southern California intercounty transfer pilot project.

### **The Proposal**

Currently the California Rules of Court and the Judicial Council forms do not establish a process for the intercounty transfer of nonminor dependent cases. The adoption of rule 5.613 and form JV-552 will ensure conformance with the legislation implementing extended foster care, which necessitate that a process for the intercounty transfer of nonminor cases be established.

Amending rules 5.610 and 5.612, revising form JV-550, and adopting the *Motion for Transfer Out* (form JV-448) as a mandatory form will enhance efficiency for courts and parties in the intercounty transfer of juvenile and nonminor cases.

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<sup>2</sup> Assembly Bill 12 (Beall; Stats 2010, ch. 559), Assembly Bill 212 (Beall; Stats 2012, ch. 459), Assembly Bill 1712 (Beall; Stats 2012, ch. 846), and Assembly Bill 787 (Stone; Stats 2014, ch. 487).

### **Intercounty transfer of nonminor cases**

The Family and Juvenile Law Advisory Committee proposes adopting rule 5.613 and form JV-552. Rule 5.613 mandates transfer-out and transfer-in procedures for the transfer of nonminor dependent cases, in conformance with the mandate stated in AB 1712, which revised Welfare and Institutions Code sections 17.1 and 375 to provide that a nonminor dependent who has been placed in a planned permanent living arrangement and has continuously resided as a nonminor dependent in a county other than the county of jurisdiction for at least 12 months with the intent to continue to reside in that county may have his or her case transferred to that county of residence.

The procedures to transfer the cases of minor wards and dependents are currently governed by rule 5.610, which states the requirements for a hearing to transfer a case out, and rule 5.612, which governs transfer-in proceedings. Rule 5.613 largely tracks the procedural requirements for transfer of minor cases as they apply to minors who are not detained; it, however, includes transfer-out and transfer-in requirements in one rule rather than two.

Furthermore, one additional requirement not present for the transfer of a minor ward or dependent but proposed for a nonminor dependent is that the nonminor support the transfer. Comments questioning the inclusion of this requirement were received during the winter 2014 cycle comment period, but the committee recommends maintaining the requirement. Because extended foster care is a voluntary status intended to assist the nonminor in achieving independence, the committee believes that to allow a court to transfer the jurisdiction of a nonminor over his or her objection would be inconsistent with the intent of the California Fostering Connections to Success Act.

The version of rule 5.613 currently being circulated contains language requiring use of the proposed mandatory *Motion for Transfer Out* (form JV-448). Recognizing that not all courts may have the resources to complete every section of form JV-448, rule 5.613(b)(5) makes items 4 and 5 on form JV-448 optional.

Another difference between the version of rule 5.613 circulated during the winter 2014 cycle and the current version appears in paragraph (8) of subdivision (b). Paragraph (8) concerns transmittal of documents and provides that in nonminor cases, the entire underlying juvenile case file need not be transmitted. Rather, only those documents associated with the final hearing held before the nonminor reaches the age of majority need be transmitted. Transmitting the entire juvenile file is not prohibited, but neither is it mandated.

The proposed new mandatory form JV-552 relates to the transfer of nonminor cases from one county to another. Form JV-552 will alert the new court to the existence of the transfer and allow the sending court to set a transfer-in hearing within 10 days of the transfer-out hearing. Although largely based on the form proposed during the winter 2014 cycle, various sections of the version of form JV-552 have been rearranged and a new section that allows the transfer-out court to schedule the transfer-in hearing has been added.

### **Revisions to rules and forms governing intercounty transfer of minor cases**

The Family and Juvenile Law Advisory Committee recommends revising form JV-550, adopting form JV-448, *Motion for Transfer Out*, and amending rules 5.610 and 5.612.

The proposed amendments to form JV-550 would incorporate the modifications tested during Southern California's intercounty transfer pilot project. Specifically, the committee proposes adding a section that states whether the transfer request was granted or denied, as well as a section that documents the delinquency disposition imposed. It is further recommended that form JV-550 include additional details about the case, such as ICWA information, special education issues, educational rights holder details, visitation, parentage, and 241.1 status. Including these details in form JV-550 will provide the transfer-in court with a snapshot of all the important case details, insuring that the transfer-in court has all the information it needs to conduct the transfer-in hearing and set appropriate future hearings.

Lastly, form JV-550 would include a section that allows the transfer-out court to schedule, and notice the parties for, the transfer-in hearing. Currently, the transfer-in hearing is scheduled by the transfer-in court after that court receives notice of the transfer. The parties receive notice of the transfer-in hearing by mail. This method of scheduling the transfer-in hearing can lead to delays. The courts involved in both the SacJoaquin and the Southern California protocols have successfully implemented this method of scheduling transfer-in hearings and have noted a decrease in delays typically associated with transfer-in cases.

In addition to revising form JV-550, the committee recommends adopting for mandatory use *Motion for Transfer Out* (form JV-448). Form JV-448 includes the case type, documentation of verification of residence, education information, and other important case details. Form JV-448, like form JV-550, provides a synopsis of the pertinent facts and procedural history of the case. This level of detail ensures that the transfer-out court has the information necessary to rule on the requested transfer. The additional details provided in the transfer-out motion benefit the transfer-in court as well, highlighting procedural steps that still need to be taken and enabling the court to easily identify the procedural posture of the case.

The committee also recommends revising rules 5.610 and 5.612 to require the transfer-out court to set the transfer-in hearing and mandate use of *Motion for Transfer Out*, form JV-448. Form JV-550 is a mandatory form and has been since its inception. Courts have expressed their appreciation for the consistency created by using this mandatory form to unify transfer, which is a statewide process.

The revisions to rule 5.610 also make some of the items in the *Motion for Transfer Out* (form JV-448) and *Juvenile Court Transfer-Out Orders* (form JV-550) optional. The committee recognizes that some courts may not have the resources to provide all the information requested in forms JV-448 and JV-550; thus, rule 5.610 specifies that some of the sections requiring detailed case information may be left blank. Structuring the rule this way ensures that courts with

limited resources will not be overburdened, while still encouraging all courts to provide the requested information.

### **Alternatives Considered**

The committee considered proposing only the rule and form related to the transfer of nonminor dependent cases; however, based on the proven gains in efficiency achieved by the SacJoaquin and Southern California protocols, the committee decided to propose revisions to the process for intercounty transfer of minor cases.

### **Implementation Requirements, Costs, and Operational Impacts**

This proposal may result in minimal additional record keeping related to filing proposed new forms JV-448 and JV-552. The proposal will also result in additional data entry for the transfer-out social worker or probation officer, who will now be tasked with completing form JV-448 and providing the additional information required on form JV-550. This additional work during the transfer-out process will result in much less work for the transfer-in court, which should result in a net savings across the state. It also means that the outlay of time for the sending county will be recouped when it receives a transfer case as the receiving county.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Rather than allowing courts to leave certain sections of forms JV-448 and JV-550 blank, should all the information included on these forms be mandatory?
- Proposed rule 5.613 contemplates that courts will send only those documents related to the last court hearing held before the minor reached the age of majority. Should rule 5.613 instead require that the entire underlying juvenile file be sent to the court receiving the nonminor dependent case?
- Proposed rule 5.613 and amended rules 5.610 and 5.612 include shortened timelines for scheduling the transfer-in hearing, transmission of documents, and transportation of youth in custody. These shortened timelines have proven effective in courts that participate in electronic transfer of case files between counties. Will the shortened time frames work in counties that do not use electronic file transfer to transmit case files?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Proposed Cal. Rules of Court, rules 5.610, 5.612, and 5.613, at pages 7–12
2. Proposed forms JV-448, JV-550, and JV-552, at pages 13–22

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

1 **Rule 5.610. Transfer-out hearing**

2  
3 (a) \* \* \*

4  
5 (b) **Verification of residence**

6  
7 The residence of the person entitled to physical custody may be verified ~~by that~~  
8 ~~person in court or~~ by declaration of a social worker or probation officer in the  
9 transferring or receiving county.

10  
11 (c)-(d) \* \* \*

12  
13 (e) **Conduct of hearing**

14  
15 The request for transfer must be made on *Motion for Transfer Out* (form JV-448).  
16 Counties that are unable to provide the information in items 4 and 5 of the form  
17 may leave those items blank. The information requested in all other items must be  
18 included.

19  
20 After the court determines the identity and residence of the child's custodian, the  
21 court must consider whether transfer of the case would be in the child's best  
22 interest. The court may not transfer the case unless it determines that the transfer  
23 will protect or further the child's best interest.

24  
25 (f) **Date of transfer-in hearing**

26  
27 If the transfer-out motion is granted, the sending court must set a date certain for the  
28 transfer-in hearing in the receiving court: within 5 court days of the transfer-out  
29 order if the child is in custody and within 10 court days of the transfer-out order if  
30 the child is out of custody. The sending court must state on the record the date,  
31 time, and location of the hearing in the receiving court.

32  
33 ~~(g)~~ (g) **Order of transfer (§§ 377, 752)**

34  
35 The order of transfer must be entered on *Juvenile Court Transfer-Out Orders* (form  
36 JV-550), which must include all required information and findings. Counties that  
37 are unable to provide the information in items 6(e) and (m) of the form may leave  
38 those items blank. The remainder of the required information and findings must be  
39 completed.

40  
41 ~~(g)~~ (h) \* \* \*

42  
43 ~~(h)~~ (i) **Transport of child and transmittal of documents (§§ 377, 752)**

44  
45 (1) If the child is ordered transported in custody to the receiving county, the child  
46 must be delivered to the receiving county ~~within 7 court days~~ at least two

1 business days before the transfer-in hearing, and the clerk of the court of the  
2 transferring county must prepare a certified copy of the complete case file so  
3 that it may be transported with the child to the court of the receiving county.  
4

5 (2) If the child is not ordered transported in custody, the clerk of the transferring  
6 court must transmit to the clerk of the court of the receiving county within ~~10~~  
7 five court days a certified copy of the complete case file.  
8

9 (3) A certified copy of the complete case file is deemed an original.  
10

11 ~~(i)~~ **(j)** \* \* \*

12  
13 **Rule 5.612. Transfer-in hearing**  
14

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

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

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

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

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

34 **(b)-(f)** \* \* \*

35  
36 **Rule 5.613. Transfer of nonminor dependents**  
37

38 **(a) Purpose**  
39

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

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

3  
4 **(b) Transfer-out hearing**

5  
6 (1) Determination of residence—special rule on intercounty transfers (§ 375)

7  
8 (A) For purposes of this rule, the residence of a nonminor dependent who is  
9 placed in a planned permanent living arrangement may be either the  
10 county in which the court that has jurisdiction over the nonminor is  
11 located or the county in which the nonminor has resided continuously  
12 for at least one year as a nonminor dependent and the nonminor  
13 dependent has expressed his or her intent to remain.

14  
15 (B) If a nonminor dependent’s dependency jurisdiction has been resumed, or  
16 if transition jurisdiction has been assumed or resumed by the juvenile  
17 court that retained general jurisdiction over the nonminor under section  
18 303, the county that the nonminor dependent is residing in may be  
19 deemed the county of residence of the nonminor dependent. The court  
20 may make this determination if the nonminor has established a  
21 continuous physical presence in the county for one year as a nonminor  
22 and has expressed his or her intent to remain in that county after the  
23 court grants the petition to resume jurisdiction. The period of continuous  
24 physical presence includes any period of continuous residence  
25 immediately before filing the petition.

26  
27 (2) Verification of residence

28  
29 The residence of a nonminor may be verified by declaration of a social worker  
30 or probation officer in the transferring or receiving county.

31  
32 (3) Transfer to county of nonminor’s residence (§ 375)

33  
34 If the court is resuming dependency jurisdiction or assuming or resuming  
35 transition jurisdiction of a nonminor for whom the court has retained general  
36 jurisdiction under section 303(b) as a result of a petition filed under section  
37 388(e), after granting the petition, the court may order the transfer of the case  
38 to the juvenile court of the county in which the nonminor is living if the  
39 nonminor establishes residency in that county as provided in (b)(1) and the  
40 court finds that the transfer is in the minor’s best interest.

41  
42 (4) Transfer on change in nonminor’s residence (§ 375)

1 If a nonminor dependent under the dependency or transition jurisdiction of the  
2 court is placed in a planned permanent living arrangement in a county other  
3 than the county with jurisdiction over the nonminor, the court may, on an  
4 application for modification under rule 5.570, transfer the case to the juvenile  
5 court of the county in which the nonminor is living if the nonminor establishes  
6 residency in that county as provided in (b)(1).

7  
8 (5) Conduct of hearing

9  
10 The request for transfer must be made on *Motion for Transfer Out* (form JV-  
11 448). Counties that are unable to provide the information in items 4 and 5 of  
12 the form may leave those items blank. The information requested in all other  
13 items must be included.

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

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

25  
26 (6) Order of transfer (§ 377)

27  
28 The order of transfer must be entered on *Nonminor Dependent Transfer*  
29 *Orders* (form JV-552), which must include all required information and  
30 findings.

31  
32 (7) Modification of form JV-552

33  
34 *Nonminor Dependent Transfer Orders* (form JV-552) may be modified as  
35 follows:

36  
37 (A) Notwithstanding the mandatory use of form JV-552, the form may be  
38 modified for use by a formalized regional collaboration of courts to  
39 facilitate the efficient processing of transfer cases among those courts if  
40 the modification has been approved by the Judicial Council.  
41

1           (B) The mandatory form must be used by a regional collaboration when  
2           transferring a case to a court outside the collaboration or when accepting  
3           a transfer from a court outside the collaboration.

4  
5           (8) Transmittal of documents (§ 377)

6  
7           The clerk of the transferring court must transmit to the clerk of the court of the  
8           receiving county no later than five court days from date of the transfer-out  
9           order a certified copy of, at a minimum, all documents associated with the last  
10           hearing held before the nonminor reached majority, including the court report  
11           and all findings and orders. The file may be transferred electronically, if  
12           possible. A certified copy of the complete case file is deemed an original.

13  
14           (9) Appeal of transfer order (§ 379)

15  
16           The order of transfer may be appealed by the transferring or receiving county,  
17           and notice of appeal must be filed in the transferring county, under rule 8.400.  
18           Notwithstanding the filing of a notice of appeal, the receiving county must  
19           assume jurisdiction of the case on receipt and filing of the order of transfer.

20  
21           (c) **Transfer-in hearing**

22  
23           (1) Procedure on transfer (§ 378)

24  
25           (A) On receipt and filing of a certified copy of a transfer order, the receiving  
26           court must accept jurisdiction of the case. The receiving court may not  
27           reject the case. The receiving court must notify the transferring court on  
28           receipt and filing of the certified copies of the transfer order and  
29           complete case file. The clerk of the receiving court must confirm the  
30           transfer-in hearing date scheduled by the sending court and ensure that  
31           date is on the receiving court's calendar.

32  
33           (B) No requests for additional time for the transfer-in hearing may be  
34           approved. The clerk must immediately cause notice to be given to the  
35           nonminor, orally or in writing, of the time and place of the transfer-in  
36           hearing. The receiving court must notify the transferring court on receipt  
37           and filing of the certified copies of the transfer order and complete case  
38           file.

39  
40           (2) Conduct of hearing

41  
42           At the transfer-in hearing, the court must:  
43

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

2  
3           (B) Provide for the appointment of counsel, if appropriate.

4  
5       (3) Subsequent proceedings

6  
7           The proceedings in the receiving court must commence at the same phase as  
8           when the case was transferred. The court may continue the hearing for an  
9           investigation and a report to a date not to exceed 15 court days.

10  
11       (4) Setting six-month review (§ 366.31)

12  
13           When an order of transfer is received and filed relating to a nonminor  
14           dependent, the court must set a date for a six-month review within six months  
15           of the most recent review hearing or, if the sending court transferred the case  
16           immediately after assuming or resuming jurisdiction, within six months of the  
17           date a voluntary reentry agreement was signed.

18  
19       (5) Change of circumstances or additional facts (§§ 388, 778)

20  
21           If the receiving court believes that a change of circumstances or additional  
22           facts indicate that the nonminor does not reside in the receiving county, a  
23           transfer-out hearing must be held under this rule and rule 5.570. The court  
24           may direct the department of social services or the probation department to  
25           seek a modification of orders under section 388 or section 778 and under rule  
26           5.570.



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

#### 4. Education Information

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

#### 5. Services

- a. The level of services required by the minor  can  cannot be met in the proposed receiving county.
- b. The level of services required by  parent or legal guardian  can  cannot be met in the proposed receiving county.
- c. Describe the type and level of service or supervision required by the minor and/or parent or legal guardian (e.g., *drug treatment, residential, outpatient, NA only, etc.*):
- d.  A copy of the most recent case plan is attached.  
 Probation has not previously supervised the minor.

#### 6. Other

- a.  The current status of the Indian Child Welfare Act (ICWA) is (*specify*):
- b.  Parentage has been determined as indicated in minute order dated:
- c.  A WIC §241.1 determination has been made as indicated in the minute order dated:
- d.  Restitution has been determined in the amount of \$:  
See minute order dated:
- e.  The minor has exceptional medical needs (*specify*):
- f.  The minor qualifies for regional center services.
- g.  There are pending Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) issues in this case.
- h.  A Special Juvenile Immigrant Status (SJIS) application is pending.
- i.  A Social Security Income (SSI) application is pending.
- j.  There are active orders regarding psychotropic medications. The last order is dated:

CHILD'S NAME:	CASE NUMBER:
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k.  If applicable, in the below box, please list all dependency and delinquency cases for the minor.

Case Number	County	Case Type

l.  Other:

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF  PROBATION OFFICER  SOCIAL WORKER)

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF  PARTY  ATTORNEY FOR PARTY)

\_\_\_\_\_  
 SIGNATURE

CHILD'S NAME:	CASE NUMBER:
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**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. <input type="checkbox"/> Social worker<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:  | <input type="checkbox"/> Probation officer<br><br><br><br><input type="checkbox"/> Legal Guardian<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
| 2. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal Guardian<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:   |   |
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal Guardian<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:   |   |
| 4. <input type="checkbox"/> Child (if 10 years of age or older)<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:  | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>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		_____ JUDICIAL OFFICER OF THE JUVENILE COURT
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ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT - Not approved by Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
<b>JUVENILE COURT TRANSFER-OUT ORDERS</b> <input type="checkbox"/> § 300 <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:
- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Child             | <input type="checkbox"/> Child's attorney  | <input type="checkbox"/> Mother         | <input type="checkbox"/> Mother's attorney |
| <input type="checkbox"/> Father            | <input type="checkbox"/> Father's attorney | <input type="checkbox"/> Legal Guardian | <input type="checkbox"/> Social Worker     |
| <input type="checkbox"/> Probation officer | <input type="checkbox"/> District Attorney | <input type="checkbox"/> County Counsel | <input type="checkbox"/> CASA Advocate     |
| <input type="checkbox"/> Other:            |  |   |  |
3. The court has read and considered the motion for transfer and
- |   |
|---|
| <input type="checkbox"/> the report of the social worker.     |
| <input type="checkbox"/> the report of the probation officer. |
| <input type="checkbox"/> other relevant evidence.             |

**4. The court orders the transfer:**

a.  GRANTED

b.  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 Section**  375  750 and  Cal. Rules of Court, rule 5.610
- a. The legal residence of the child is with the following person who resides in the county specified in item 5e and has the legal right to physical custody of the child (indicate name and relationship):
- Name: \_\_\_\_\_  Mother  Father
- Address: \_\_\_\_\_  Legal Guardian
- \_\_\_\_\_  Other with whom the child resides with approval of the court
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- Confidential Address
- b. **Transfer of the child's case is in the child's best interests.**

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

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

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

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

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

g. A transfer-in hearing has been set

in receiving court for (*date*): \_\_\_\_\_

at (*time*): \_\_\_\_\_ in dept.: \_\_\_\_\_

at the following address: \_\_\_\_\_

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

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

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

a. Regarding the Indian Child Welfare Act (ICWA)

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

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

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

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

d.  An application for SSI is pending.

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

- The child does not have special education needs.
- The child has other education issues (specify): \_\_\_\_\_

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

- The court has appointed an educational rights holder under JV-535 (dated): \_\_\_\_\_
- The local educational agency has appointed a surrogate parent under JV-536 (dated): \_\_\_\_\_

Name of the educational rights holder or surrogate parent: \_\_\_\_\_

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

f.  Visitation has been determined as indicated on minute order dated: \_\_\_\_\_

g.  Reunification services were ordered for the parent(s)/legal guardian(s) on minute order dated: \_\_\_\_\_

h.  Parentage has been determined as indicated on minute order dated: \_\_\_\_\_

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

- dependency
- delinquency serves the best interest of the child and protection of the public is indicated in the minute order dated: \_\_\_\_\_
- If a dual status county, the lead court/agency \_\_\_\_\_  
 was identified as: \_\_\_\_\_ or  was deferred.

j.  The child has the following extraordinary medical needs: \_\_\_\_\_

k.  Orders regarding psychotropic medication were made on: \_\_\_\_\_

l.  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: \_\_\_\_\_

m.  The minor has the following juvenile cases:

Case Number	County	Case Type

n.  Other:

CHILD'S NAME:	CASE NUMBER:
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7. The court further orders that:

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

b. Other:

Date:

\_\_\_\_\_  
JUDICIAL OFFICER OF THE JUVENILE COURT



