

**PROBATION DEPARTMENT
JUVENILE MANUAL**

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Issue Date:	03/01/83
Revised:	12/02/19

**Notes and
References**

JURISDICTIONAL TRANSFERS

I. Transfer of Wardship

- A. Whenever the parents of a ward of the Court, or a youth under Section §790 WIC (Deferred Entry of Judgment) and/or §725(a) WIC (Probation without Wardship) appears to have residence in another county, verification of residence will be requested of the other county via the Intercounty Residence Verification request form.

Chapter 2103

- 1. Upon receipt of verification, procedures will be completed to transfer the case.

Pro-35

II. Purpose of Jurisdictional (Court) Transfer

- A. Since the youth's parents/guardians would normally be living in the receiving county, the purpose of the transfer is to more readily maintain family ties, provide closer supervision, and give the Court and Probation the ability to plan for the youth's future. It is the Santa Barbara County Probation Department's policy to transfer to the youth's county of residence.
- B. If payment for out-of-home placement is being made or will have to be made, the county of residence will be responsible for such payment upon acceptance by their Court in a hearing.

III. Payment for Transfer Expense and Maintenance Expense

751 WIC

- A. The expense of the transfer and all expenses in connection with the transfer and for the support and maintenance of such person shall be paid by the County Treasury of the Court ordering the transfer until the acceptance of the transfer by the Juvenile Court of the receiving county.
- B. The judge shall inquire into the financial condition of such person and of the parent, parents, guardian, or other person charged with the support and maintenance of the youth, and if the judge finds such person, parent, parents, guardian, or other person, able, in whole or in part, to pay the expense of such transfer, the judge shall make a further order requiring

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such person, parent, parents, guardian, or other person to repay to the county such part, or all, of such expense of transfer as, in the opinion of the court, is proper.

- C. An account will be established with the Revenue Recovery Unit via a Pro-129 form and payment will be made directly to a cashier.

IV. Transfer to Another County

The following procedure is used when a petition is pending on a ward of the Court, or a youth who is pending adjudication on a new petition.

- A. Request county of legal residence to verify residence.
 - 1. County of legal residence should notify this county by verbal, electronic or written communication.
- B. If Santa Barbara County Juvenile Court finds that the petition is true, the recommendation should include:
 - 1. That the Court make a finding that the youth’s legal residence is in (list the name of the other county) County.
 - 2. That the case should be transferred to the county of legal residence for disposition.
 - 3. Determination of place where the youth is to remain pending acceptance of transfer by the other Court, i.e., parental custody or Juvenile Hall.
 - 4. Provide the Court with a copy of the Juvenile Court transfer order, JV-550.
- C. Probation documents to be sent to the receiving Probation Department (cover letter, police report, petition and, if appropriate on ward, fine balances, programs ordered, prior probation reports, custody log sheet, photo and any pertinent information not already listed).

Juvenile Court Rule (JCR) 5.610(b)

JCR 5.610(c)

JCR 5.610(h)

JCR 5.610(f)

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- V. Transfer of Ward Who Is Not Pending Any Court Proceedings to Another County**
- A. Request verification of residence in writing or via email from the receiving County.
 - B. Appearance
 - 1. Upon verification in writing or via email, set matter for hearing.
 - a. No petition is required if the youth is a ward.
 - C. Non-Appearance
 - 1. Upon proper notice of proposed change, the transfer can be effected by ex-parte procedures.
 - 2. Court report and Juvenile Court transfer order (JV-550) may be ex-parte if no county expense is involved.
 - D. Court recommendations should include
 - 1. Order to transfer case and wardship.
 - 2. Any of the items mentioned in Article IV above where the situation requires it.
 - E. Probation documents to be sent to receiving agency (cover letter, including restitution/fine balances, program requirements, police report, custody log sheets, Court order and any other pertinent information not included in the Court file).
- VI. Transfer of Court Files by the Juvenile Court Clerk to another County**
- A. Whenever a case is transferred to another county, the order of transfer prepared by the Juvenile Court Clerk will list all the findings, orders or modifications of orders made in the case.

JCR 5.610(b)

JCR 5.570

778 WIC

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1. Certified copies of all documents contained in the Court file will be transferred to the county where the youth resides by the Court Clerk, and may be sent with the youth if the youth is in custody.
 - a. A copy of the order of transfer is kept in the transferring Court's file.
2. When it is not necessary to transport a youth, the Juvenile Court Clerk forwards the file.
3. When the youth is being transported in custody, arrangements must be made with the Court Clerk for taking the transfer documents.

NOTE: The receiving county will not take the youth unless they have already received the files, or the files are delivered with the youth.

752 WIC

JCR 5.610

VII. Case Closing After Transfer

- A. A case may be closed upon notice that the case has been accepted for transfer by the Juvenile Court in the receiving county.
 1. However, if the youth remains in placement, and payments are being made, then the case will remain open until the receiving Court holds its hearing, and makes its order of payment.
 2. The officer will then discontinue making payments by notifying the Placement Administrative Office Professional (AOP) in writing immediately.
 3. The probation officer then proceeds with the regular closing of the files.

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VIII. Procedure for Transfer In from Another County

- A. The Court Services unit will receive a request for transfer in and all documents pertaining to the case and verify that the youth is a resident of Santa Barbara County.
 - 1. The Case is assigned to an intake officer or designee who prepares the case for the Acceptance of Transfer hearing.
 - 2. Upon direction from the SPO, the assigned officer will advise the transferring county of verification and acceptance of the case.

- B. A youth transferred in custody to this county must be accompanied by the transfer papers, at the time the youth is booked into Juvenile Hall, or the Court transfer papers have been received by the Court clerk.

- C. If a youth is placed in detention upon arrival, transfer documents must be filed as soon as possible.
 - 1. A detention hearing must be held on the date set by the sending county, which is noted on the JV-550. This date is to be within five (5) judicial days of the transfer out order being made.
 - 2. Parents are to be notified that the youth is detained, and the date of the detention hearing – the same as in any detention process.

- D. The probation officer will make a recommendation for acceptance or rejection of transfer. A written report may be ordered; a written report is not required when wardship is being transferred in and there are no pending petitions.
 - 1. Terms and conditions of probation from the sending county should be placed on a Santa Barbara County Terms and Conditions order.

Judicial Rule
5.610
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Judicial Rule
5.612(a)(1)

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5.612

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2. If the disposition order has already been made in the transferring county, a more restrictive level of physical custody shall not be ordered in the receiving county except after a hearing upon a supplemental petition.
3. The Court Services officer will be sure that all required paperwork is completed, including the Positive Achievement Change Tool (PACT) and Title IV-E requirements such as the Pro-555.

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