

SENATE BILL REPORT

SHB 1661

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to transfer of juvenile proceedings.

Brief Description: Specifying procedures for transfer of juvenile proceedings.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Moeller, Hasegawa, Appleton, Hunt, Ericks, Chase, Curtis, Lovick, McCune and Cody).

Brief History: Passed House: 3/08/05, 97-0.

Committee Activity: Human Services & Corrections: 3/21/05, 3/31/05 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: In general, juvenile adjudications are commenced and tried in the county where any element of the offense was committed.

The juvenile court has the discretion to transfer the case and relevant files to the county in which the juvenile resides for supervision and enforcement of the disposition order. The receiving court has jurisdiction to modify and enforce the disposition order.

Summary of Bill: A court may transfer a proceeding to another juvenile court following disposition for the purposes of supervision and enforcement of the disposition order. In that situation, the court must transfer the legal and social documents pertaining to the case to the county in which the juvenile resides, whether or not his or her custodial parent resides there.

If, at the time the originating court prepares to transfer the case, restitution has yet to be determined, then the originating court retains authority over the restitution in order to establish a restitution order. Once the restitution is determined, the originating court must transfer authority over modification and enforcement of the restitution to the new county. The clerk of the originating county maintains the account receivable for the restitution, and all payments go to the clerk of the originating county.

Any collection of the offender legal financial obligation must be managed by the juvenile probation department of the new county while the offender is under juvenile probation supervision, or by the clerk of the original county at the conclusion of supervision by juvenile probation. The probation department of the new county must notify the clerk of the originating county when they end supervision of the offender.

The court of the receiving county may modify and enforce the disposition order, including restitution.

In cases in which civil judgment has already been established, the case may not be transferred to another county.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Under current law, the originating court can't transfer the case until it enters a restitution order. Until it receives a restitution order, the receiving court only does a courtesy supervision of the youth and does not have the ability to violate the youth's probation, if necessary. There may be several months' delay before the case is transferred. There has also been some inconsistency on where the court has transferred the case, with some courts transferring to the county where the custodial parent resides and others transferring to the county where the youth resides. The terminology should used in the statute should indicate that venue is being transferred, rather than jurisdiction.

Testimony Against: None.

Who Testified: PRO: Representative Jim Moeller, prime sponsor; Phil Jans, Washington Association of Juvenile Court Administrators.