

# SENATE BILL REPORT

## SB 5500

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As Reported By Senate Committee On:  
Human Services & Corrections, February 21, 2005

**Title:** An act relating to transfer of juvenile proceedings.

**Brief Description:** Specifying procedures for transfer of juvenile proceedings.

**Sponsors:** Senators Hargrove, Stevens, Delvin and Regala.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/7/05, 2/21/05 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill 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 Substitute Bill:** The court may transfer the case and relevant files if it transfers venue to the county in which the juvenile resides. The court looks to the county in which the juvenile resides, regardless of where the juvenile's custodial parent lives, for purposes of where to transfer the case and files.

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 receiving county or, at the conclusion of the supervision by juvenile probation, by the originating county.

The probation department of the receiving county must notify the clerk of the originating county when they stop supervision of the offender.

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

**Substitute Bill Compared to Original Bill:** References to "venue" are changed to references to "authority" or "the case." Statutory language is restored to grant juvenile courts the discretion to transfer cases to another county, rather than requiring transfer.

**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:** There is currently confusion in this area. Courts do not act consistently in terms of how they transfer cases. This bill would clarify the process for transferring juvenile cases and files when a juvenile lives outside of the county in which the offense was committed. Juvenile courts would only transfer cases after the restitution is established so that the victims can be present for those proceedings and give testimony.

**Testimony Against:** None.

**Who Testified:** PRO: Bruce Knutson, Washington Association of Juvenile Court Administrators; Pete Peterson, Washington Association of Juvenile Court Administrators.