

FINAL BILL REPORT

SHB 1661

C 165 L 05

Synopsis as Enacted

Brief Description: Specifying procedures for transfer of juvenile proceedings.

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

House Committee on Juvenile Justice & Family Law
Senate Committee on Human Services & Corrections

Background:

Venue refers to the particular county, or geographical area, in which a court with jurisdiction may hear and determine a case. It relates only to the question of the geographical location in which a case may be heard. Venue does not refer to jurisdiction, which is the inherent power to hear a case.

In juvenile court, the venue of a juvenile offender matter is in any county in which an element of the offense was committed. A juvenile court has the authority to transfer a case to a different county for supervision and enforcement of the disposition order if the offender is residing in that county. The receiving county has the authority to modify and enforce the disposition order.

The juvenile court may also order a transfer of venue if the court has reason to believe that an impartial proceeding cannot be held in the county in which the proceeding began.

Summary:

If a court orders a case to be transferred to a different county for disposition in a juvenile offender proceeding, the case and copies of legal and social documents pertaining to the case must be transferred to the county in which the juvenile resides, regardless of whether or not the juvenile's custodial parent resides in that county. Once transferred, the receiving county will monitor and enforce the disposition in the case.

If restitution has not been determined in the case, the case may be transferred to the receiving county; however, the restitution must be established by the originating county. Once the restitution order is entered, the originating county will send the restitution order to the receiving county for enforcement.

The juvenile must make payments for the restitution, and other legal financial obligations, to the originating county, which will maintain the account receivable in the judicial information system. The probation officer in the receiving county will manage collection of the payments

while the offender is on probation. Once probation ends, the probation department must notify the clerk of the originating county who will then be responsible for managing the payments.

The receiving county has the authority to modify the disposition and restitution orders.

Votes on Final Passage:

House	97	0
Senate	40	0

Effective: July 24, 2005