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SENATE BILL 5500

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State of Washington

59th Legislature

2005 Regular Session

By Senators Hargrove, Stevens, Delvin and Regala

Read first time 01/26/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to transfer of juvenile proceedings; and amending  
2 RCW 13.40.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.060 and 1997 c 338 s 16 are each amended to read  
5 as follows:

6 (1) All actions under this chapter shall be commenced and tried in  
7 the county where any element of the offense was committed except as  
8 otherwise specially provided by statute. In cases in which diversion  
9 is provided by statute, venue is in the county in which the juvenile  
10 resides or in the county in which any element of the offense was  
11 committed.

12 (2) If the court orders a transfer of venue, the case and copies of  
13 all legal and social documents pertaining thereto ((may in the  
14 discretion of the court)) shall be transferred to the county in which  
15 the juvenile resides, without regard to whether or not his or her  
16 custodial parent resides there, for supervision and enforcement of the  
17 disposition order. If any restitution is yet to be determined, the  
18 originating court shall transfer the case to the new county with the  
19 exception of the restitution. Venue over restitution shall be retained

1 by the originating court for purposes of establishing a restitution  
2 order. Once restitution is determined, the originating county shall  
3 then transfer venue over modification and enforcement of the  
4 restitution to the new county. The court of the receiving county ((has  
5 jurisdiction to)) may modify and enforce the disposition order,  
6 including restitution. The clerk of the originating county shall  
7 maintain the account receivable in the judicial information system and  
8 all payments shall be made to the clerk of the originating county. Any  
9 collection of the offender legal financial obligation shall be managed  
10 by the juvenile probation department of the new county while the  
11 offender is under juvenile probation supervision, or by the clerk of  
12 the original county at the conclusion of supervision by juvenile  
13 probation. The probation department of the new county shall notify the  
14 clerk of the originating county when they end supervision of the  
15 offender. In cases where a civil judgment has already been  
16 established, venue may not be transferred to another county.

17 (3) The court upon motion of any party or upon its own motion may,  
18 at any time, transfer a proceeding to another juvenile court when there  
19 is reason to believe that an impartial proceeding cannot be held in the  
20 county in which the proceeding was begun.

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