

1 **Rule 16. Transfer of delinquency case and venue.**

2 (a) **Transfer of delinquency case for preliminary inquiry.**

3 (1) When a minor resides in a county other than the county where the alleged
4 delinquency occurred and the minor initially qualifies for a nonjudicial adjustment
5 pursuant to statute, the probation officer of the county of occurrence must transfer the
6 referral to the minor's county of residence for a preliminary inquiry to be conducted
7 in accordance with [Rule 15](#).

8 (2) If the minor or the minor's parent, guardian, or custodian cannot be located or fails
9 to appear after notice of the preliminary inquiry, or the minor declines an offer for a
10 nonjudicial adjustment, the probation officer must transfer the referral back to the
11 county of occurrence to determine whether to file a petition.

12 (b) ~~Arrest and pretrial proceedings~~ [Venue](#).

13 (1) [Venue for detention hearings](#).

14 [\(A\) Except as provided in paragraphs \(b\)\(1\)\(B\) and \(b\)\(1\)\(C\), initial detention](#)
15 [hearings and detention review hearings will be heard in a court in the minor's](#)
16 [county of residence.](#)

17 [\(B\) In cases where the minor is being held in a detention facility outside of the](#)
18 [minor's county of residence, a court in the minor's county of residence will hold](#)
19 [the hearings if the court can hear the matter remotely. If a remote hearing is not](#)
20 [available, a court in the county where the minor is being held will hold the](#)
21 [detention hearings.](#)

22 [\(C\) If a petition is filed in the county where the alleged delinquency occurred, the](#)
23 [court in the county of occurrence may hold a detention review hearing if that](#)
24 [hearing is held in conjunction with an arraignment or other pretrial hearing and](#)
25 [after consulting with the court in the minor's county of residence.](#)

26 (2) [Venue for arraignment and further proceedings](#).

27 ~~(A) Upon the filing of a petition, t~~The arraignment ~~and initial pretrial conference~~
28 will be held in the minor's county of residence. If the petition is adjudicated at
29 arraignment, all further proceedings will be held in the minor's county of
30 residence. ~~If the petition is resolved without a trial, venue will remain in the~~
31 ~~minor's county of residence.~~

32 ~~(B2)~~ Except as provided in paragraph (b)(3), if the matter is not adjudicated at the
33 arraignment, the court will transfer the matter to the county of occurrence for
34 pretrial conference and all other hearings up to and including adjudication. If the
35 petition is adjudicated in the county of occurrence, the matter will be transferred
36 to the minor's county of residence for disposition and further
37 proceedings. ~~Prosecutors and defense counsel in both the county of occurrence and~~
38 ~~the county of residence must cooperate with each other both to provide discovery~~
39 ~~to defense counsel and to assist in the resolution or litigation of each case.~~

40 ~~(3) The prosecutor in the minor's county of residence has the authority to resolve any~~
41 ~~out-of-county charge after consultation with the prosecutor in the county or counties~~
42 ~~where the alleged offenses occurred.~~

43 ~~(4) A prosecutor attempting to resolve a petition must respect the rights of any alleged~~
44 ~~victim in the county or counties of occurrence.~~

45 ~~(c) Transfer of venue.~~

46 ~~(1) Once the court in the county of residence determines that the matter cannot be~~
47 ~~resolved, venue will be transferred to the county of occurrence for trial proceedings~~
48 ~~and scheduling.~~

49 ~~(2) Any motion related to the admission, exclusion, or suppression of evidence at trial~~
50 ~~will be filed in and ruled upon by the trial court.~~

51 (3) Venue for competency motions. Motions for inquiry into competency may be
52 raised in and ruled upon by a court in the minor's county of residence or by a court
53 in the county of occurrence ~~in either court.~~ The court in the county of residence and

54 the court in the county of occurrence will communicate and consult regarding the
55 motion. The objective of that communication is to consider the appropriate venue for
56 a competency ruling and attainment proceedings.

57 ~~(4) If the petition is adjudicated, the case will be transferred back to the court in the~~
58 ~~minor's county of residence for disposition and continuing jurisdiction.~~

59 ~~(d)~~ **Notice to and proceedings in the receiving court.** With each transfer, the
60 transferring court will provide notice to the receiving court of any petition or adjudication
61 subject to transfer. The receiving court will proceed with the case as though the petition
62 was filed or the adjudication was made in the receiving court.

63 ~~(e)~~ **Dismissal of petition.** The dismissal of a petition in one district where the dismissal
64 is without prejudice and where there has been no adjudication upon the merits does not
65 preclude refiling within the same district or another district where venue is proper.

66 *Effective Date:*