Rule 16. Transfer of delinquency case and venue.

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

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

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

(b) **Venue.**

(1) **Venue for detention hearings**.

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

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

(C) ~~If a petition is filed in the county where the alleged delinquency occurred, t~~The court in the county of occurrence may hold a detention review hearing if that hearing is held in conjunction with an arraignment or other pretrial hearing and after consulting with the court in the minor's county of residence.

(2) **Venue for arraignment and further proceedings**.

(A) The arraignment will be held in the minor's county of residence. If the petition is adjudicated at arraignment, all further proceedings will be held in the minor's county of residence.

(B) Except as provided in paragraph (b)(~~3~~4), if the ~~matter~~petition is not adjudicated at the arraignment, the court in the minor's county of residence will transfer the ~~matter~~petition to the county of occurrence for pretrial conference and all other hearings up to and including adjudication. The court in the county of occurrence will hold a pretrial conference within 14 days of transfer. If the petition is adjudicated in the county of occurrence, the ~~matter~~petition will be transferred to the minor's county of residence for disposition and further proceedings.

(3) **Multiple county offenses**.

(A) When a petition charges a minor with offenses committed in more than one county of occurrence, the arraignment will take place in the minor's county of residence. If the petition is adjudicated at the arraignment, venue will remain in the minor's county of residence.

(B) If the petition is not adjudicated at the arraignment, the court in the minor's county of residence will transfer the petition to the counties of occurrence for pretrial conference and all other hearings up to and including adjudication. If the petition is adjudicated in the counties of occurrence, the petition will be transferred to the minor's county of residence for disposition and further proceedings.

(4~~3~~) **Venue for competency motions**. Motions for inquiry into competency may be raised in and ruled upon by a court in the minor's county of residence or by a court in the county of occurrence. The court in the county of residence and the court in the county of occurrence will communicate and consult regarding the motion. The objective of that communication is to consider the appropriate venue for a competency ruling and attainment proceedings.

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

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

Effective Date: