

1 **Rule 16 Transfer of delinquency case ~~for preliminary inquiry~~.**

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

3 ~~(a)(1)~~ (1) When a minor resides in a county within the state other than the county in which
4 the alleged delinquency occurred, and it appears that the minor qualifies for a
5 nonjudicial adjustment pursuant to statute, the intake probation officer of the county of
6 occurrence shall, unless otherwise directed by court order, transfer the referral to the
7 county of residence for a preliminary inquiry to be conducted in accordance with Rule
8 15. If any of the following circumstances are found to exist at the time of preliminary
9 inquiry, the referral shall be transferred back to the county of occurrence for filing of a
10 petition and further proceedings:

11 ~~(a)(1)(A)~~ (A) ~~if~~ a minor, the child or the child's parent, guardian or custodian
12 cannot be located or failed to appear after notice for the preliminary inquiry;

13 ~~(a)(1)(B)~~ (B) ~~if~~ a minor, the child or the child's parent, guardian or custodian declines
14 an offer for a nonjudicial adjustment;

15 ~~(a)(1)(C)~~ (C) ~~if~~ a minor or the minor's custodian cannot be located or fails to appear
16 after notice for the preliminary inquiry or the minor declines an offer for a
17 nonjudicial adjustment;

18 ~~(a)(1)(D)~~ (D) there are circumstances in the case that require adjudication in the
19 county of occurrence in the interest of justice; or

20 ~~(a)(1)(E)~~ (E) there are multiple minors involved who live in different counties.

21 (b) If the referral is not returned to the county of occurrence, a petition may be filed in the
22 county of residence, and the arraignment and all further proceedings may be conducted in that
23 county if the petition is admitted.

24 (c) After the filing of a petition alleging a delinquency or criminal action, the court may
25 transfer the case to the district where the minor resides or the district where the violation of
26 law or ordinance is alleged to have occurred. The court may, in its discretion, after

27 adjudication certify the case for disposition to the court of the district in which the minor
28 resides.

29 (d) The transferring or certifying court shall notify the receiving court and transmit all
30 documents and legal and social records, or certified copies thereof, to the receiving court. The
31 receiving court shall proceed with the case as if the petition had been originally filed or the
32 adjudication had been originally made in that court.

33 (e) The dismissal of a petition in one district where the dismissal is without prejudice and
34 where there has been no adjudication upon the merits shall not preclude refiling within the
35 same district or another district where venue is proper.

36 *Effective September 1, 2021*