

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

2 (a) When a minor resides in a county within the state other than the county in which the
3 alleged delinquency occurred, and it appears that the minor qualifies for a nonjudicial adjustment
4 pursuant to statute, the intake probation officer of the county of occurrence shall, ~~make a~~
5 ~~preliminary determination in accordance with Rule 14 and shall~~, unless otherwise directed by
6 court order, transfer the referral to the county of residence for a preliminary inquiry to be
7 conducted in accordance with Rule 15. If any of the following circumstances are found to exist at
8 the time of preliminary inquiry, the referral shall be transferred back to the county of occurrence
9 for filing of a petition and further proceedings:

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

12 (a)(2) if a ~~child~~ minor, the child or the child's parent, guardian or custodian ~~indicate that they~~
13 ~~plan to deny the offense alleged in the referral or request an evidentiary hearing~~ declines an offer
14 for a nonjudicial adjustment;

15 (a)(3) if a minor or the minor's custodian cannot be located or fails to appear after notice for
16 the preliminary inquiry or ~~indicates they plan to deny the offense alleged in the referral or~~
17 ~~requests an evidentiary hearing~~ the minor declines an offer for a nonjudicial adjustment;

18 (a)(4) there are circumstances in the case ~~which~~ that require adjudication in the county of
19 occurrence in the interest of justice; or

20 (a)(5) 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.