

Inter-County Transfers

(Revised 04/10/20)

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Forms

The following forms are referenced in this file:

- [JV-548](#) Motion for Transfer Out
- [JV-550](#) Juvenile Court Transfer-Out Order
- [JV-550 \(Spanish\)](#) Juvenile Court Transfer-Out Orders (Spanish)
- [JV-552](#) Juvenile Court Transfer-Out Orders–Nonminor Dependent

Introduction

In Dependency proceedings an Inter-County Transfer (ICT) case in which the Juvenile Court case and the Child Welfare Agency case are transferred to or from a different California county.

Cases are never transferred to other states and all interactions with other states must follow Interstate Compact for the Placement of Children (ICPC) procedures.

Policy

SWs will abide by the Inter-County Transfer criteria and follow the instructions for transferring a case to another county or receiving a case from another county.

Criteria for ICTs

As per California Rules of Court, rule 5.610(a) cases will be transferred only if **both** of the following apply:

- The residence of the person entitled to have physical custody is in a different county and has been verified.
 - The transfer is in the child’s best interest.
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Criteria for NMD ICTs As per WIC 375 Non-minor dependent(NMD) cases will be transferred **only** if the sending court determines that the transfer is in the non-minor’s best interest **and** either:

- The NMD has had a continuous physical presence in the proposed receiving county for **one year** as a non-minor dependent, and has expressed his or her intent to remain in that county [WIC § 17.1(f)];

OR

The NMD, dependency jurisdiction has been resumed, or transition jurisdiction has been assumed or resumed by the juvenile court that retained general jurisdiction over the NMD under WIC § 303 has established that he or she has had a continuous physical presence for **one year** in the proposed receiving county where the petition pursuant to WIC § 388(e) was filed and has expressed his or her intent to remain in that county [WIC § 17.1(g)].

Cases not eligible for transfer The following cases are **not** appropriate for inter-county transfer:

- The jurisdictional findings have not been made
 - There is a court hearing scheduled in less than 90 days
 - A WIC 366.26 or Family Code 7820 hearing has been scheduled
 - An appeal of a WIC 366.26 or Family Code 7820 hearing is pending
 - The child has been declared free from parental care and control
 - A “reasonable efforts” finding has not been made in the sending county at the most recent hearing.
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Determination of residency Prior to recommending a case for transfer, the sending county must determine the residence of the parent or legal guardian with whom the child lived when the court intervened.

Special Situations:

- Abandoned child: the residence is where child is found
 - Incarcerated parent: the residence is the county in which the parent(s) was/were arrested
 - Newborn infant of an incarcerated parent: the infant’s residence is the county the parent resided in prior to arrest
 - Child who is freed from parental care and control: the residence is the county that issued the TPR order.
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Southern counties ICT Protocol In an effort to streamline the ICT process and prevent delays in service provision to families, the Southern Counties developed an Inter-County Transfer Protocol. The six (6) participating counties are **Imperial, Orange, Los Angeles, Riverside, San Bernardino and San Diego**.

The major difference is that the court file is transferred electronically via eCase eXchange. The protocol also requires that the SW provide information about the child’s school situation and that a determination is made as to whether special services needed by the family are available in the receiving county.

ICT transfer-out procedure

To transfer a case to another county, follow the steps below:

Step	Who	Action
1	Assigned SW	<ul style="list-style-type: none">• Determine if case is eligible for transfer by verifying client's residence, by any of the following documents-a copy of a rental agreement, utility bill, cable bill, affidavit from landlord if rental agreement is not available.• Gather the child's school information – special services needed, IEP, current grade, school and school district.• If the clients need specialized services contact receiving county's representative to obtain information on available services.• Prepare JV- 548 Motion for Transfer Out and either the JV-550 (for children) or JV-552 (for NMDs) and an Addendum Report outlining current situation and reason for ICT recommendation.• Send completed documents to the County Counsel Secretary for the Team that handles that Court, with a request for a Special Hearing
2	County Counsel Secretary	<ul style="list-style-type: none">• Contact the court to set Special Hearing.• Notify the SW and all assigned attorneys of the Special Hearing date and time.

ICT transfer-out procedure (cont.)

Step	Who	Action
3	Assigned SW	<ul style="list-style-type: none"> • Notify parents and any other parties of hearing date/time. • Submit the Addendum Report for the Special Hearing. The report must provide evidence that criteria for transfer out have been met (address verification, in child’s best interest, services available to family).
4	Court	<ul style="list-style-type: none"> • Review Addendum Report and approve or deny transfer. • If transfer approved set a Court Hearing date in receiving court that is within 10 court days from the date of the transfer-out order. • Provide the family with a map and driving directions to the receiving court location and instructions on the check-in process. • If family is not at Transfer out Hearing, court clerk will provide written notice of the hearing.
5	Court Staff	<ul style="list-style-type: none"> • If this is a Southern Counties case prepare court file for electronic transfer. • Send court file via eCase eXchange within 3 court days of the of the transfer-out order. • If this is an ICT to a non-southern county copy file and send hard copies to receiving county’s court.
6	SW	<ul style="list-style-type: none"> • Within 1 business day of order, modify CWS/CMS to add receiving county’s SW as secondary. • When verification that receiving county’s Court accepted the transfer is obtained: <ul style="list-style-type: none"> ○ Within 7 business days, make copies of documents in CWS hard file that are not in CWS/CMS or the Court file (includes but is not limited to: IEP’s, letters/ documents from service providers, birth certificates and/or other verifications) and send to receiving county. ○ Request PSS transfer CWS/CMS case to receiving county.
7	Receiving Court	<ul style="list-style-type: none"> • Determine at Transfer in Hearing if case should be accepted. • Accept case and set the next court date.(the court must accept the transfer and then transfer it back to the transferring court if it is not accepted) • If case is accepted, set next hearing based on status and timeline of case.

ICT transfer-in assignment procedure

This table describes the ICT Transfer-in Assignment procedure:

Step	Who	Action
1	ICT Court Clerk	<ul style="list-style-type: none"> • Receive Court file electronically via eCase eXchange or hard file via mail. • Assign case to appropriate Courtroom based on client's zip code. • Send Court file electronically or via County Mail to CWS Hotline ICT clerk.
2	Hotline Clerk	<ul style="list-style-type: none"> • Assign case to appropriate Region based on family's zip code. • Send email to Regional Assignment Clerk via email notification and SharePoint drop box. If it is a hard file send to Region notifying them of ICT case in County Mail. <p style="text-align: center;">NOTE: NMD cases are to be assigned to the EFC section.</p> <ul style="list-style-type: none"> • Send copy of email with case name, court date and regional assignment to Court Unit PSS, HSS PS Maria Martinez, and the CWS Policy Analyst named at the end of this file.
3	Regional Assignment Clerk	If it is an Electronic file, print out court file and assign to Court Intervention unit. If hard file, give to CI PSS.
4	PSS	Assign case to CI SW.
5	SW	<ul style="list-style-type: none"> • Review case. • Arrange for HV with clients to verify residence and conduct an assessment. • Contact assigned SW in sending county and request secondary assignment on CWS/CMS case and obtain any other background information needed. • Write Addendum Report with recommendation as to whether case should be accepted for transfer by the Court. A new or updated Case Plan may be required.
6	Court	<ul style="list-style-type: none"> • Determine at Transfer in Hearing if case should be accepted. • Accept case and set the next Court date or accept and then send case back to Transferring Court. • If case accepted, set next hearing date based on status and timeline of case.

Transportation of child for southern counties cases

If the child or child’s attorney in the receiving county requests that the child attend the initial hearing, the sending and receiving county’s child welfare office will discuss and coordinate transportation.

STRTP/LGH Cases

If the child is in a STRTP/LGH outside San Diego county, the SW will contact the Residential Services Screener immediately.

In addition to the existing policy, if the case has been transferred to San Diego and the child has been residing in a San Diego Licensed Group Home or FFA, the SW will contact any Residential Services Supervisor. The Residential Services Supervisor will:

- Provide assistance to the CI supervisor as to the current status of the child,
- Assist in determining if the transfer to San Diego would be in the child’s best interest, and
- Assist in determining what issues, if any, can be brought up for the Detention (Transfer-In) Hearing.

When a SW receives a case in which a child is already placed in a STRTP/LGH in another county, the SW will follow these steps:

STEP	ACTION
1	Contact the RS Screener or Screener’s PSS immediately to consult about the placement.
2	Find out if the child is placed in a program on the AFDC-FC Approved Institutions List (Ask RS Screener or call IEU). If yes , go to Step 3. If no , complete Procedure #1 on Exceptions to the Approved Institutions List then go to Step 3.
3	Is there an appropriate placement order? If yes , go to Step 4. If no , go to Step 5. 4
4	Request a copy of the screening packet from the sending county or the program the child is placed in and send it to the RS Screener with materials listed on the 04-121 for a review of current placement appropriateness.
5	If the child needs an FFA/LGH and this is a higher level of care than the current sending county court order, then complete procedure, Acceptance and Transfer Criteria for Residential Services .

Procedure for ICT with child in San Diego LGH

When an ICT is pending for a transfer into San Diego and the child has been residing in a San Diego LGH or FFA the SW must contact any RS supervisor who will:

- Provide assistance to the CI supervisor as to the current status of the child,
- Assist in determining if the transfer to SD would be in the child’s best interest, and
- Assist in determining what issues, if any, can be brought up for the Detention

(Transfer-In) Hearing,

Transfer to Residential Services after the court has accepted the case.

Transfer of non-court, non-relative guardian case

These cases are not supervised by the Juvenile Court but are active cases in order to reimburse guardians for the cost of care. When a guardian and the wards move to San Diego County the transferring county notifies Foster Care Eligibility.

Follow steps below to assure that the clients obtain services and payment.

Step	Who	Action
1	Eligibility Intake Worker	<p>Sends following information via email to Hotline PSS, Foster Care Payment PS and CWS PA at the end of this chapter:</p> <ul style="list-style-type: none">• Child’s name, DOB, State ID#• Name and address of legal guardian• Transferring county’s name, contact number and email of HSS and SW in transferring county if known.
2	Hotline PSS or Hotline ICT Clerk	<ul style="list-style-type: none">• Request the transferring county make the SD SW secondary if the case is still open.• If the transferring county has closed the case create a new CWS/CMS case with the Intervention reason of “Guardian requesting FC payment”.• Assign case to Region based on guardian’s Zip Code.

Transfer of non-court, non-relative guardian case (cont.)

Step	Who	Action
3	SW	<ul style="list-style-type: none"> • Make home visit within 7 working days to verify residence of child and guardian. • If family does not reside in San Diego County then go to Step 6. • If residence is verified complete O7-65 and send to Registrar.
4	Registrar	Process O7-65 and send to assigned HSS.
5	HSS	<ul style="list-style-type: none"> • Complete packet to start payment(s) to guardian. • Go to Step 7.
6	SW	<ul style="list-style-type: none"> • Send an email to the Eligibility Worker and CWS SW in transferring county, CWS PA, ICT PSS and provide the following information: <ul style="list-style-type: none"> ○ Name of child and guardian and child's case #. ○ Efforts made to verify guardian and child's residence. ○ Notice that case is being transferred back to the transferring county due to unable residence in San Diego. • Send ICT case to transferring county ICT in-box.
7	SW	<ul style="list-style-type: none"> • Obtain primary assignment of case if not already completed. • Create an updated Case Plan.

Alignment with SET

This policy aligns with the [SET Value 5](#) of maintaining primary focus on the children's best interests and ensuring that all parties have a mutual understanding of, and respect for, one another's roles, the law, and the rights due to children, youth, and families.