



Judicial Council of California

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INVITATION TO COMMENT

SPR26-31

Title

Juvenile Law: Physical Transfer of a Party in Custody

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 5.770; approve form JV-711; revise form JV-710

Proposed Effective Date

January 1, 2027

Proposed by

Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulse, Cochair

Contact

Eric Divine, 415-865-4903
eric.divine@jud.ca.gov

Executive Summary and Origin

Senate Bill 823 (Stats. 2020, ch. 337) created a new statutory process for physically transferring a party between juvenile and adult facilities if their juvenile case has been transferred to criminal court. *Gabriel M. v. Superior Court* (2024) 107 Cal.App.5th 446 noted that California Rules of Court, rule 5.770¹ and *Order to Transfer Juvenile to Criminal Court Jurisdiction (Welfare and Institutions Code, § 707)* (form JV-710) do not conform to the current statutory scheme. The Family and Juvenile Law Advisory Committee proposes amending rule 5.770 and revising form JV-710 to remove the inapplicable portions and proposes adoption of a new form, *Order Regarding Housing in Adult Facility* (form JV-711) to address the new statutory process.

Background

Senate Bill 823 (see Link A) repealed section 207.6 of the Welfare and Institutions Code² and revised sections 207.1 and 707.1 to eliminate all provisions concerning the transfer of a party

¹ All further rule references are to the California Rules of Court.

² All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

from a juvenile facility to an adult facility. In place of the repealed and revised provisions, SB 823 created section 208.5.

Section 208.5 creates a general presumption that “any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age.” It then proscribes a process by which only a probation department may petition the court to transfer a party who is 19 years of age or older to an adult facility, requires the court to hold a hearing on the petition and make written findings based on consideration of specific criteria, and allows for a motion regarding changed circumstances of a party who has been removed from a juvenile facility to an adult facility.

Prior to Senate Bill 823, the court was permitted to order the physical transfer of a party to an adult facility at the time the juvenile case was transferred to adult court; now, the court is permitted to order a physical transfer only after a separate hearing petitioned for by the probation department, after jurisdiction of the case has been transferred to criminal court

The Proposal

This proposal addresses the statutory changes in SB 823 as outlined in *Gabriel M.*³ Currently, rule 5.770 and form JV-710 conflict with statute, as both provide for an order physically transferring a party to an adult facility at the time their juvenile case is transferred, which is no longer permitted. This proposal amends rule 5.770, revises form JV-710, and proposes a new form, JV-711, to address the new hearing created by statute.

Rule 5.770: Conduct of transfer of jurisdiction hearing under section 707

The committee proposes two amendments to rule 5.770(d)(2) to conform to the current statutory scheme. First, the committee proposes removing the clause related to ordering the physical placement of a party after a hearing on transferring jurisdiction because such transfers are no longer permitted by the statute. Second, the committee proposes inserting a sentence stating that the party will remain housed in a juvenile facility unless moved under section 208.5 to ensure that it is clear that a transfer of jurisdiction to the criminal court does not change the party’s housing.

Order to Transfer Juvenile to Criminal Court Jurisdiction (form JV-710)

The committee proposes two revisions to *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to comply with SB 823. First, the committee proposes deleting the order regarding detention in juvenile hall or county jail (item 4(b)(4) on the current version of the form) to avoid conflicting with the current statutory scheme. Second, the committee proposes deleting the reference to section 207.1 from the footer of the form. That statute was the basis for item 4(b)(4) and is no longer applicable. Removing this reference would avoid potential confusion regarding the legal authorities for this form.

³ *Gabriel M. v. Superior Court*, *supra*, 107 Cal.App.5th at pp. 454–456.

The committee also proposes the following revisions to improve the form:

1. Using consistent terminology to refer to persons involved in the case (i.e., prosecuting agency, party);
2. Adding a place for the party's date of birth in the header;
3. Adding a heading to item 1;
4. Adding a place for the prosecutor in item 1;
5. In item 2, including the party's eligibility for transfer;
6. In item 3, including all findings required by the court;
7. For item 4, simplifying the heading to "Court Order" and providing consistent information regarding future hearing dates (e.g., date, time, department, and reason for hearing); and
8. Removing the reference in the footer to rule 5.504.

Order Regarding Housing in Adult Facility (form JV-711)

The committee also proposes adopting a new optional form *Order Regarding Housing in Adult Facility* (form JV-711) to address the hearing requirements in section 208.5. Specifically, the proposed form allows the court to document its consideration of the statutory factors under section 208.5 and document its written findings as required by the statute. The committee considered, and requests comment on, whether the form should include a finding that the court previously ordered the person detained. This finding would clarify that a hearing cannot occur unless the party is detained, and that the order may need to be directed to a specified person to transport the youth, such as the sheriff, the person in charge of the adult facility, or to the probation officer.

Alternatives Considered

The committee considered not taking any action to address SB 208.5 and the decision of *Gabriel M.* However, changes are needed to ensure rule 5.770 and form JV-710 comply with the law.

The committee considered not proposing form JV-711. However, the committee determined that the new form will provide clarity for courts. Specific comments are requested on the new form.

The committee considered different terms to refer to the juvenile or young adult who is the subject of the forms, and the term party was determined to be the most appropriate.

Fiscal and Operational Impacts

Juvenile courts will need to provide education and training for judicial officers and court staff on the new and revised forms. There may also be costs associated with reproducing the new and revised forms.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should the form have a finding that the court previously ordered the person detained?
- Would it be helpful for form JV-711 to have the orders directed to the person who will be responsible for the party's housing facility to facilitate transportation of the party?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would it be more helpful to the courts if form JV-711, section 2, provided space for the court to fill in information for each of the five criteria or one large space at the end for information on all of the criteria?
- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 5.770, at page 6
2. Forms JV-710 and JV-711, at pages 7–10
3. Link A: Senate Bill 823,
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB823

1 Title 5. Family and Juvenile Rules

2
3 Division 2. Rules Applicable in Family and Juvenile Proceedings

4
5 Chapter 13. Cases Petitioned Under Sections 601 and 602

6
7 Article 2. Hearing on Transfer of Jurisdiction to Criminal Court

8
9 Rule 5.770. Conduct of transfer of jurisdiction hearing under section 707

10
11 (a)–(c) ***

12
13 (d) Procedure following findings

- 14
15 (1) If the court finds the youth should be retained within the jurisdiction of the
16 juvenile court, the court must proceed to jurisdiction hearing under rule
17 5.774.
18
19 (2) If the court finds the youth should be transferred to the jurisdiction of the
20 criminal court, the court must make orders under section 707.1 relating to
21 bail ~~and to the appropriate facility for the custody of the youth~~, or release on
22 own recognizance pending prosecution. If the youth remains in custody, they
23 must be housed in a juvenile facility unless moved to an adult facility under
24 Welfare and Institutions Code section 208.5. The court must set a date for the
25 youth to appear in criminal court and dismiss the petition without prejudice
26 upon the date of that appearance.
27
28 (3) When the court rules on the request to transfer the youth to the jurisdiction of
29 the criminal court, the court must advise all parties present regarding
30 appellate review of the order as provided in subdivision (g) of this rule. The
31 advisement may be given orally or in writing when the court makes the
32 ruling. The advisement must include the time for filing the notice of appeal or
33 the petition for extraordinary writ as set forth in subdivision (g) of this rule.
34 The court must advise the youth of the right to appeal, of the necessary steps
35 and time for taking an appeal, of the right to the appointment of counsel if the
36 youth is unable to retain counsel, and the right to a stay.

37
38 (e)–(h) ***

