Rule 16. Transfer of delinquency case for preliminary inquiry.

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

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

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

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

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

(a)(5) there are multiple minors involved who live in different counties.

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

Effective Date: May 1, 2018