

FILED

2013 DEC 10 P 1:06

SUPERIOR COURT, STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

Dezli Connelly
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Section 707.1, subdivision (b)(2) of the Welfare and Institutions Code provides that upon the attainment of the age of 18 a person detained in juvenile hall who has been either found unfit or directly filed upon in adult court shall be delivered to the custody of the sheriff unless the court finds that it is in the best interests of the person and the public that he or she be retained in juvenile hall. If a hearing is requested the transfer shall not take place until after the court has made its findings.

Section 707.1 is part of California's juvenile court law, and juvenile courts are charged with enforcing, interpreting and administering the juvenile court law. (Welf. & Inst. Code & 202(d). As such, it is reasonable to assume and consistent with statutory construction that any reference to "the court" in a juvenile court law would mean the juvenile court as opposed to the adult court.

Therefore, it is ordered that any Petition pursuant to Welf.& Inst. Code 707.1(b)(2) shall be transferred to the Supervising Judge of the Juvenile Justice Court, or his or her designee, for a determination as to the best interest of the Petitioner and the public.

The Criminal Court shall order the matter heard the following calendar day in Juvenile Justice Court and immediately transfer the Criminal Court file to Juvenile Justice Court.

IT IS SO ORDERED:

November 18th, 2013

Rise Pichon

The Honorable Rise Pichon,
Supervising Judge, Criminal Division

Patrick Tondreau

The Honorable Patrick Tondreau
Supervising Judge, Juvenile Justice Division