

Chapter:	Transfers	Classification:	Public Document
Subject:	Inter-jurisdictional Transfers of Non-Custodial Youth Sentences		
For:	Community Corrections	 Authorized by Executive Director	

1. Policy

1.1 The Attorney General or delegate of the Attorney General, a young person (YP) or the parents/guardian of a YP may apply to the youth justice court to transfer a non-custodial sentence to another province or territory.

2. Authority

2.1 Section 57 of the *Youth Criminal Justice Act* (YCJA) authorizes inter-jurisdictional transfers of non-custodial youth sentences.

2.2 The Executive Director, Director, Manager, Correctional Services and Manager, Policy & Programs are designated as delegates of the Attorney General for the purposes of consenting to transfers under Section 57 YCJA. (See subject number 1.05.01, Provincial Director and other Designations Pursuant to the YCJA & YJA)

3. Pre-conditions

3.1 Prior to initiating a request for interjurisdictional transfer of a non-custodial youth sentence, the supervising probation officer will consult with the local police agency to determine whether any new charges or investigations are pending.

3.2 Conditions of non-custodial sentences involving a fine, compensation, restitution or outstanding community service work order (CSO) conditions should be satisfied before transfer proceedings are initiated. In circumstances where the relocation of the YP may facilitate fulfilment of these obligations, a transfer may be considered.

4. Application Process & Approval Process

4.1 Where a transfer to another jurisdiction is indicated, the probation officer will communicate with the probation officer in the receiving jurisdiction in order to confirm the following

- 4.1.1 the YP has a place of residence
- 4.1.2 the YP has a means of support, e.g., parental support, employment, funds for training purposes

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- 4.1.3 acceptability of a transfer by the receiving jurisdiction
- 4.1.4 address of the court of equivalent jurisdiction
- 4.1.5 name and address of the receiving probation officer and date of the first appointment

- 4.2 Following confirmation of the above, the transferring probation officer will prepare the Inter-Jurisdictional Transfer of a Non-Custodial Youth Sentence form in the approved format ([see form 27.04.00 A](#)).
 - 4.2.1 Part I: a signed application by either the YP, or parent/guardian or the Attorney General
 - 4.2.2 Part II: consent of the Manager, Correctional Services
 - 4.2.3 Part III: order of the Youth Justice Court for transfer of the sentence to the court of equivalent jurisdiction.

- 4.3 Following confirmation, the receiving jurisdiction will accept the transfer of jurisdiction, the transferring probation officer will ensure the YP or parent/guardian completes Part I (application) of the above noted form.

- 4.4 In cases where both the YP and parent are no longer in the Province, the application may be initiated by the Manager, Correctional Services

- 4.5 The transferring probation officer will forward the original transfer form with Part I completed, along with the original probation order, or other non-custodial sentence order to the Manager, Correctional Services. The cover letter from the transferring probation officer to the Manager will include
 - 4.5.1 the reason for the transfer
 - 4.5.2 confirmation that the preconditions have been met, i.e., no pending or outstanding charges, and all fines, compensation, restitution or CSOs have been satisfied or can and should be satisfied in the receiving jurisdiction
 - 4.5.3 the name and office address of the receiving probation officer
 - 4.5.4 the court of equivalent jurisdiction and address
 - 4.5.5 a copy of the sentence order(s)
 - 4.5.6 presentence report

- 4.6 Where the Manager, Correctional Services does not consent to the transfer, the application will not proceed.

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- 4.7 If the application for transfer is approved, the Manager, Correctional Services will complete Part II of the form, consenting to the transfer as the delegate of the Attorney General and forward the signed form and the sentence order to the transferring probation officer for judicial approval (Part III) by the youth justice court judge ([see form 27.04.00 - A](#)) Inter-Jurisdictional Transfer of Non-Custodial Youth Sentences.)
- 4.8 The transferring probation officer will, upon obtaining signed judicial approval,
- 4.8.1 return the completed transfer order form and the original court order(s) to the Manager, Correctional Services
- 4.8.2 record the case as closed on JEIN/Offender Case Management
- 4.9 The Manager, Correctional Services will forward the original court documents and the signed transfer approval to the receiving probation officer requesting that they be filled with the court of equivalent jurisdiction in the receiving jurisdiction. A copy of the transfer notification will be provided to the transferring probation officer.
- 4.10 The probation officer who initiates the transfer will
- 4.10.1 forward to the receiving probation officer all pertinent file documentation which may assist in providing supervision
- 4.10.2 close the case in JEIN

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