



**YOUTHFUL OFFENDER
TRANSFER HEARING ORDER**

Case No. _____
Court [] District [] Family
County _____
Division _____

IN THE INTEREST OF: _____, A CHILD

WHEREAS, on motion of the County Attorney a hearing has been held at which the above-named child was represented by counsel, _____ retained privately by the child or if the child has not retained counsel, appointed by the Court from the Department of Public Advocacy, **and** the court finds that the child was advised of his/her rights pursuant to KRS 610.060, **and** the court determines that there:

1. **is not** probable cause to believe that an offense was committed and that the child committed an offense falling within the purview of KRS 635.020(2),(3),(5),(6),(7), or (8).

OR

2. **is** probable cause to believe that an offense was committed, that the child committed the offense, **AND**, the child:
 - is charged with a **capital offense, Class A felony, or Class B felony** and had attained **age fourteen (14)** at the time of the alleged commission of the offense. KRS 635.020(2)
 - is charged with a **Class C or Class D felony** and had attained **age sixteen (16)** at the time of the alleged commission of the offense and has on one (1) prior separate occasion been adjudicated a public offender for a felony offense. KRS 635.020(3),(6)
 - has been **previously convicted as a youthful offender** under the provisions of KRS Chapter 640 and is charged with a felony allegedly committed prior to his eighteenth birthday. KRS 635.020(5)
 - is **eighteen (18) years or older** and before the court and is charged with a felony that occurred prior to his eighteenth birthday. KRS 635.020(7)

AND

Having considered the following factors the court **finds** **does not find** that **two or more** favor transfer:

- the seriousness of the alleged offense; whether the offense was against persons or property; the maturity of the child as determined by his environment; the child's prior record; the best interest of the child and community;
- the prospects of adequate protection of the public; the likelihood of reasonable rehabilitation of the child by the use of procedures, services and facilities currently available to the juvenile justice system; evidence of the child's participation in a gang.

OR

3. **is** probable cause to believe that the child committed a **felony**, that a **firearm** was used in the commission of that felony, and that the child was **fourteen (14) years of age or older** at the time of the commission of the alleged felony. KRS 635.020(4)

IT IS HEREBY ORDERED:

1. That the child be transferred to Circuit Court to be tried as a youthful offender, the Court having found that the Commonwealth met its burden of proof and that there are reasons which the Court finds sufficient to transfer. The specific reasons for transfer are:

2. That the child be transferred to Circuit Court to be tried as a youthful offender as required by KRS 635.020(4).
3. *(Must complete if child is transferred)* Bail shall be set at \$_____ pursuant to KRS 640.020.
4. That the child's case be dealt with in the juvenile division of District Court in accordance with the provisions of KRS Chapter 635 in that:
 - the Court has found that the Commonwealth failed to sustain its burden of proof, **OR**
 - the Court has determined that the child's case should not be transferred.

Date

Judge

DISTRIBUTION:

Original to Court File

- Child
- Child's Attorney
- Child's Parent/Guardian
- County Attorney
- Commonwealth Attorney