

STEPS IN FILING AN AT RISK YOUTH OR CHILD IN NEED OF SERVICES PETITION

Taking your child to court is a serious process and should not be entered into lightly. The law, **RCW 13.32A**, requires that court intervention is to be a last resort in your efforts to maintain control and custody of your child. The intent of the At Risk Youth Petition and the Child in Need of Services Petition is to protect your child from serious and destructive behaviors. It is not intended to "punish" you or your child, although sanctions can be imposed if the court order is not followed by all parties. The following will outline what you can expect to occur:

1) **GETTING STARTED**

Read through this entire sheet. If you have any questions please contact the Juvenile Court Facilitator, Julie Curtis, at 477-2459. If you decide to file a petition please contact the Facilitator for the appropriate paperwork. She can either send it by mail or you may pick it up **by appointment** at Juvenile Court. The Juvenile Court is located just west of the adult jail and Public Safety Building at 1208 W Mallon.

2) **LEGAL DEFINITION OF AN AT RISK YOUTH/CHILD IN NEED OF SERVICES**

To file an At Risk Youth Petition you must be the legal, custodial parent or guardian. The court will order the child to live in your home, attend school and participate in services. At the fact finding hearing you must be able to prove that your child meets at least one of the following criteria:

- a) Has been a runaway for at least 72 consecutive hours without permission.
- b) Displays behavior that is a danger to him/herself or others.
- c) Has a substance abuse problem.

A Child in Need of Services Petition (CHINS) can be filed by a parent/guardian, a minor on his/her own behalf, or the Department of Social and Health Services. The purpose of a CHINS petition is to request that the child reside in out of home placement on a temporary basis only. The petitioner must propose an appropriate placement at the hearing. Placement cannot be with a non-custodial parent. A CHINS Order authorizes placement for a maximum of 9 months. During that time the parent and child will be ordered to participate in services that include counseling, treatment, visitation, etc. All parties are expected to participate in services or risk being in violation of the court's order.

3) **FILING AND SERVING YOUR PETITION**

Once you have completed the COURT PETITION please call the Juvenile Court Facilitator at 477-2459, to make an **appointment** to process your paperwork. The petition must be filed in person at Juvenile Court. It cannot be processed by mail. When you meet with the Facilitator, she will set up a court date and provide you with two copies. One copy is for you and the other copy needs to be served on the opposing party. You cannot serve the opposing party yourself. Service must be done by a disinterested 3rd party over the age of 18. This can be a neighbor, relative, friend or process server.

4) **FAMILY ASSESSMENT**

A family assessment will be completed by a state social worker from the local DSHS office. You will need to call intake at 363-3333, and request the family assessment. Once the

assessment is completed you need to file the original at Juvenile Court. Failure to file the assessment will result in a continuance of your court hearing.

5) COURT APPOINTED ATTORNEY

Your child will be assigned a court appointed attorney at no expense to you. If you are filing an At Risk Youth Petition and you would like an attorney to represent you, you must hire your own attorney. If you do not hire an attorney you will be representing yourself. If you are the subject of a CHINS Petition, you may apply for a court appointed attorney. This is done through the Court Facilitator at 477-2459.

6) FACT FINDING HEARING

This will be your first court hearing. Your child's attorney will meet with your child prior to the hearing either by phone or in person. The attorney will report to the court that the petition is either agreed or contested. If it is contested, it will be continued to another date where more time is available to hear the case. If it is agreed, you will move to disposition.

7) DISPOSITION

If the Judicial Officer finds that your child meets the legal definition of an At Risk Youth or Child in Need of Services either by agreement or the result of a contested hearing, the process will proceed to a court order. Once an order is in place, you and your child are required to follow it. If a violation occurs, either side can file contempt charges. At Risk Youth Disposition Orders are valid for a maximum of one year. Child in Need of Services Orders are valid for a maximum of 9 months.

8) CONTEMPT FILING

Once a court order is in place, if you feel it has been violated you need to contact the Court Facilitator at 477-2459, to file contempt charges. You will need to make an appointment with the Facilitator to fill out a Motion for Contempt and get another court hearing. You will receive 2 copies of the paperwork. One copy is for you and the other copy needs to be served on the opposing party at least 5 days prior to the hearing by a disinterested 3rd party.

9) CONTEMPT HEARING

The Judge will hear from the child, parent, child's attorney and probation officer. Based on the information before the Court, the Judge will determine if an intentional violation of the Court Order occurred and, if so, what sanctions should be imposed.

10) SANCTIONS FOR CONTEMPT

Sanctions begin as community service on work crew, sitting in a holding cell writing a paper, or Saturday Programs. If contempt violations continue sanctions progress to home confinement and eventually jail time. Home and/or jail confinement cannot exceed 7days. Confinement is only used as a last resort.

11) REVIEW HEARING(S)

Your court order will be reviewed periodically as required by law. It is very important that you and your child attend all court hearings. **FAILURE TO APPEAR AT THE REVIEW HEARINGS MAY RESULT IN DISMISSAL OF YOUR ORDER.**

12) PURPOSE

The entire petition process is focused on family preservation and short term intervention to help a family help itself. This process is designed to hold family members accountable. The purpose is not to punish children who are at risk, but rather to focus on the cause of the risk behaviors and point the family toward ways and means to heal itself. The Court Order is only a temporary measure toward that end, and is not the solution itself.