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RULE 1.1
SCOPE OF RULES

These rules relate to procedure in the juvenile court.

RULE 1.2

JURISDICTION OF JUVENILE COURT

(a) Generally. The jurisdiction of the juvenile court is defined by RCW 13.04.030.

(b) Indian Children. In the case of an Indian child, as defined by the federal Indian Child Welfare Act of 1978, jurisdiction and proceedings under these rules shall be in accordance with that act.

RULE 1.3
DEFINITIONS

The definitions in RCW 13.04.011, RCW 13.32A.030, RCW 13.34.030, RCW 9A.76.010 and RCW 13.40.020 shall apply to these rules. For the purposes of these rules:

"Guardian" means a person appointed by court order under RCW 11.88 or RCW 13.34.230, but does not mean a person appointed a guardian ad litem under RCW 11.88.090, RCW 13.34.100, or RCW 26.44.053.

RULE 1.4

APPLICABILITY OF OTHER RULES

(a) Civil Rules. The Superior Court Civil Rules shall apply in proceedings other than those involving a juvenile offense when not inconsistent with these rules and applicable statutes.

(b) Criminal Rules. The Superior Court Criminal Rules shall apply in juvenile offense proceedings when not inconsistent with these rules and applicable statutes.

(c) Evidence Rules. The Rules of Evidence shall apply in juvenile court proceedings to the extent and with the exceptions stated in ER 1101.

(d) Local Rules. The local rules of a juvenile court shall apply when not inconsistent with these rules and applicable statutes. Local rules for juvenile court proceedings must be adopted in accordance with GR 7.

JuCR

RULE 1.5
CONTINUATION OF ACTIONS

(a) Dependency and Termination Proceedings.

(1) Actions filed on or after May 1, 1978, alleging dependency or seeking the termination of the parent-child relationship, in which the court has not entered a final order of dependency or termination prior to July 1, 1978, shall, after July 1, 1978, be governed by RCW 13.34 and these rules.

(2) The status of all juveniles found to be dependent prior to July 1, 1978, shall be reviewed as provided in RCW 13.34.130.

(3) Any proceeding to modify a disposition order in a case involving a juvenile found, prior to July 1, 1978, to be dependent shall be governed by RCW 13.34 and these rules.

(4) The court may modify the application of this section to a particular case when, in the opinion of the court, that application would work injustice.

(b) Juvenile Offense Proceedings. Juvenile offense proceedings shall be governed by the law in effect on the date the offense is found to have taken place.

Correction of inaccurate statutory reference.

JuCR

RULE 2.1
PLACEMENT OF JUVENILE IN SHELTER CARE GENERALLY

(a) Without Court Order. A juvenile may be placed in shelter care without court order if the juvenile has been taken into custody pursuant to RCW 13.34.055 or RCW 26.44.050.

(b) With Court Order. A juvenile may be placed in shelter care with a court order if:

(1) A dependency petition has been filed pursuant to rule 3.2 and a motion has been made pursuant to section (c); or

(2) The juvenile has previously been found to be

dependent, is the subject of a disposition order still in effect, and a motion has been made pursuant to section (c).

(c) Obtaining an Order to Take Child into Custody - Supporting Affidavit or Declaration Filed. A request for an order pursuant to RCW 13.34.050 shall be by motion supported by an affidavit or declaration filed by the department in support of the petition setting forth specific factual information pursuant to RCW 13.34.050 and demonstrating a risk of imminent harm for the child.

(d) Obtaining an Order to Take Child into Custody - No Supporting Affidavit or Declaration Filed. A request for an order pursuant to RCW 13.34.050 in which the department has not filed with the court a supporting affidavit or declaration shall not be approved until the parents have been provided notice and the opportunity to be heard.

Pursuant to 1998 C328 sec 1, amending RCW 13.34.050.

RULE 2.2
RELEASE OF JUVENILE FROM SHELTER CARE WITHOUT HEARING

(a) If Shelter Care Is Without Court Order. If a juvenile is taken into shelter care without a court order pursuant to RCW 13.34.055 or RCW 26.44.050, the juvenile shall be released unless a petition alleging dependency is filed within 72 hours (excluding Sundays and holidays) after taking the juvenile into custody.

(b) If Shelter Care Is With Court Order. If a juvenile is taken into shelter care pursuant to a court order, the juvenile shall be released unless an order authorizing continued shelter care is entered within 72 hours (excluding Sundays and holidays) after the juvenile is taken into custody.

RULE JuCR 2.3
RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Notice of Right to Shelter Care Hearing. The notice of the right to request a shelter care hearing required by RCW 13.34.060 shall be given to the child, his or her parents, guardian, or custodian as soon as possible and in no event longer than 24 hours of the taking into custody of the child, and in accordance with rule 11.2.

(b) Shelter Care Hearing Required. The court shall hold a shelter care hearing within 72 hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, that such waiver is knowing and voluntary.

(c) Notice of Shelter Care Hearing. The notice required by RCW 13.34.060(2) shall be given in accordance with rule 11.2. The notice shall inform the parents, guardian, or custodian of their right to a lawyer as provided in Title 9 of these rules.

(d) Indian Children. If the petitioner knows or has reason to know that the juvenile is an Indian child as defined by the federal Indian Child Welfare Act, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(10) and 25 U.S.C. 1912.

[Amended effective September 1, 1987; September 1, 1993; September 1, 1997.]

JuCR

RULE 2.4
PROCEDURE AT SHELTER CARE HEARING

(a) Inform Parties of Rights. The court shall inform the parties of their rights as set forth in RCW 13.34.090 and in Titles 2, 3, and 9 of these rules. The court may continue the hearing if the parties have been unable to retain a lawyer or have been unable to have a lawyer appointed for them.

(b) Hearing and Decision. The court shall hold the hearing on the question of shelter care in accordance with RCW 13.34.060 and RCW 13.34.090. The court shall make its decision in accordance with RCW 13.34.060.

(c) Release of Juvenile on Conditions. The court may release the juvenile on those conditions it deems appropriate. As provided in RCW 13.34.060, the conditions may be modified upon notice to the parties given in accordance with rule 11.2 and after a hearing.

Statutory references are broadened to streamline the need for updating.

(Effective September 1, 1999.)

RULE 2.5
AMENDMENT OF SHELTER CARE ORDER

The court may amend a shelter care order as provided in RCW 13.34.060(10) at a hearing held after notice to the parties given in accordance with rule 11.2. Any party may move to amend a shelter care order.

RULE 3.1
INVOKING JURISDICTION OF JUVENILE COURT

Juvenile court jurisdiction is invoked over dependency proceedings by filing a petition.

RULE 3.2
WHO MAY FILE PETITION--VENUE

(a) Who May File. Any person may file a petition alleging dependency.
(b) Venue. The petition shall be filed in the county where the juvenile is located or where the juvenile resides.

RULE 3.3
CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a) Identification of the Juvenile. The name, age, sex, and residence of the juvenile so far as known to the petitioner.

(b) Identification of Parent, Guardian, or Custodian. The name, marital status, and residence of the parent, guardian, or custodian, or person with whom the juvenile is residing, so far as known to the petitioner. If not known, the petition shall so state.

(c) Indian Children. If the petitioner knows or has reason to know that the juvenile is an Indian child as defined by the federal Indian Child Welfare Act, the petition shall so state and shall name the tribe, if known, to which the juvenile belongs.

(d) Jurisdictional Statement. A statement of the statutory provisions which give the court jurisdiction over the proceeding.

(e) Statement of Facts. A statement of the facts which give the court jurisdiction over the juvenile and over the subject matter of the proceedings, stated in plain language and with reasonable definiteness and particularity.

(f) Request for Inquiry. A request that the court inquire into the matter and enter an order that the court shall find to be in the best interests of the juvenile and justice.

(g) Other. Any other information required by court rule or statute.

RULE JuCR 3.4
NOTICE AND SUMMONS--SCHEDULING OF FACTFINDING HEARING

(a) Notice and Summons. After the petition has been filed, notice and summons shall be issued and served pursuant to RCW 13.34.070 or published pursuant to RCW 13.34.080. The notice shall state that the petition begins a process which, if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.

(b) Advice To Be Contained in Notice. A notice directed to

the juvenile or the juvenile's parent, custodian, or guardian shall contain the following advisement:

Right to Lawyer

(1) You have the right to talk to a lawyer if you desire and, if you cannot afford a lawyer, one will be appointed for you.

(2) A lawyer can look at the social and legal files in your case, talk to the caseworker, tell you about the law, help you understand your rights, and help you at trial.

(c) Scheduling Factfinding Hearing. The court shall schedule a factfinding hearing to be held within 75 days of the filing of the petition alleging dependency, giving preference to those cases where the juvenile is held in shelter care. The court may, for good cause shown, continue the hearing to a later time at the request of a party.

(d) Indian Children. If the petitioner knows or has reason to know that the juvenile is an Indian child as defined by the federal Indian Child Welfare Act, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(10) and 25 U.S.C. 1912.

[Amended effective September 1, 1987; September 1, 1993; September 1, 1997.]

RULE 3.5
AMENDMENT OF PETITION

A petition may be amended at any time. The court shall grant additional time if necessary to insure a full and fair hearing on any new allegations in an amended petition.

RULE 3.6
ANSWER TO PETITION

Any party may file a written answer to a petition. An answer is not required unless ordered by the court or required by local rule.

RULE 3.7
FACTFINDING HEARING

(a) Procedure at Hearing. The court shall hold a factfinding hearing on the petition in accordance with RCW 13.34.110.

(b) Evidence. The Rules of Evidence shall apply to the hearing.

(c) Burden of Proof. In a factfinding hearing on a

petition alleging dependency pursuant to RCW 13.34.030(4), the facts alleged in the petition must be proven by a preponderance of the evidence.

(d) Findings of Fact. In any dependency action in which the court makes specific findings of physical or sexual abuse or exploitation of a child the court shall direct the court clerk to notify the state patrol of the findings pursuant to RCW 43.43.840.

RULE 3.8
DISPOSITION HEARING

(a) Time. If a juvenile has been found to be dependent, the court shall hold a disposition hearing. If the disposition hearing does not immediately follow the factfinding hearing, notice of the continued hearing shall be given to all parties in accordance with RCW 13.34.110.

(b) Informing Parties of Purpose of Hearing. The court shall inform the parties of the purpose of the hearing. The court shall inform the parties of the new status of the juvenile as a result of the finding of dependency.

(c) Evidence. The court shall consider the social file, social study, and other appropriate predisposition studies, in addition to information produced at the factfinding and disposition hearings. Any party shall have the right to be heard at the disposition hearing. Any social file, social study, or predisposition study shall be made available for inspection by a party or his or her lawyer for a reasonable time prior to the disposition hearing.

(d) Submission of Agency Plan. If the agency plan referred to in RCW 13.34.130(3) is not submitted to the court at the time of the disposition hearing, it shall be filed with the court and distributed to all parties within 30 days after the disposition hearing.

(e) Transferring Legal Custody. A disposition which orders removal of the juvenile from his or her home shall have the effect of transferring legal custody to the agency or custodian charged with the juvenile's care. The transfer of legal custody shall give the legal custodian the following rights and duties:

(1) To maintain the physical custody of the juvenile;

(2) To protect, train, and discipline the juvenile;

(3) To provide food, clothing, shelter, education as required by law, and routine medical care for a juvenile; and

(4) To consent to emergency medical and surgical care and to sign a release of medical information to appropriate authorities, pursuant to law.

The court may, in its disposition order, modify the rights and duties granted to the legal custodian as a result of the transfer of legal custody.

RULE 3.9
REVIEW HEARING

The status of all juveniles found to be dependent shall be reviewed by the court at least every 6 months, in accordance with RCW 13.34.130, except when a guardianship has been established under RCW 13.34.231 and 13.34.232. The parties shall be given notice of the review hearing in accordance with rule 11.2. All parties shall have the right to be present at the review hearing and to be heard. Notice of a review hearing concerning a juvenile who has been found dependent under RCW 13.34.030(4) and who has been removed from the parental home shall include an advisement that a petition to terminate the parent-child relationship may be filed.

Correction of inaccurate statutory reference.

RULE 3.10
MODIFICATION OF ORDER

Any party may move to change, modify, or set aside an order pursuant to RCW 13.34.150. The motion shall be in writing and must state the basis for the motion and the relief requested. No order shall be changed, modified, or set aside except after notice to all parties and a hearing, unless the court waives the hearing on its own motion or upon motion of one of the parties, for good cause shown.

RULE 3.11
GUARDIANSHIP IN JUVENILE COURT

(a) Petition for Guardianship for Dependent Child. Any party to a dependency proceeding, including the supervising agency, may file a petition requesting that a guardianship be created for a dependent child. The court may, on its own motion, order the supervising agency to file such a petition.

(b) Scheduling and Notice. A guardianship hearing may be held in connection with a review hearing under rule 3.9, or it may be otherwise regularly scheduled. Notice of the time and place of the guardianship hearing may be given in open court. If notice is not given to a party in open court, the party shall be given notice in accordance with rule 11.2. Notice must be given to the Department of Social and Health Services, and the Department may intervene in the proceedings.

(c) Procedure; Evidence; Burden of Proof. The court shall hold a hearing on the petition in accordance with RCW 13.34.231. The Rules of Evidence apply, and the burden of proof is by a preponderance of the evidence.

RULE 4.1
INVOKING JURISDICTION OF JUVENILE COURT

Juvenile court jurisdiction is invoked over a proceeding to terminate a parent-child relationship by filing a petition.

RULE 4.2
PLEADINGS

(a) Petition. A petition requesting the termination of a parent-child relationship may be filed in the juvenile court. The petition shall conform to the requirements of rule 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) Amendment of Petition. A petition may be amended as provided in rule 3.5.

(c) Answer. A party may answer a petition as provided in rule 3.6.

RULE JuCR 4.3
NOTICE OF TERMINATION HEARING

(a) Generally. Notice of the termination hearing and a copy of the petition shall be served on all parties in the manner defined by RCW 13.34.070(8) or published in the manner defined by RCW 13.34.080.

(b) Indian Children. If the petitioner knows or has reason to know that the juvenile is an Indian child as defined by the federal Indian Child Welfare Act, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(10) and 25 U.S.C. 1912.

[Amended effective September 1, 1987; September 1, 1997,]

RULE 5.1
INVOKING JURISDICTION OF JUVENILE COURT

Juvenile court jurisdiction is invoked over a proceeding for a child in need of services by filing a petition.

RULE 5.2
PLEADINGS

(a) Petition. A petition requesting an out-of-home placement, conforming to the requirements of rule 3.3, may be filed by a child or a child's custodial parent, legal custodian, or guardian pursuant to RCW 13.32A.030(13), RCW 13.32A.120(2) or (3), RCW 13.32A.150, or by the Department of Social and Health Services pursuant to RCW 13.32A.140.

(b) Venue. The petition shall be filed in the county where the custodial parent, legal custodian, or guardian resides.

(c) Amendment of Petition. A petition may be amended as provided in rule 3.5.

(d) Answer. A party may answer a petition as provided in rule 3.6.

JuCR RULE 5.3
SCHEDULING OF FACT-FINDING HEARING

When a proper petition has been filed, pursuant to RCW 13.32A.160 the court shall schedule a fact-finding hearing upon the question of out-of-home placement. For a child who resides in a place other than his or her parent's home and other than an out-of-home placement as defined in RCW 13.32A.030, a hearing shall be held within 5 calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day. For a child living at home or in an out-of-home placement, a hearing shall be held within 10 days.

Pursuant to 1997 C146 §6 amending RCW 13.32A.160.

[Amended effective September 1, 1987; September 1, 1997; September 1, 1999.]

RULE 5.4
NOTICE OF FACT-FINDING HEARING

The notice required by RCW 13.32A.160 shall be given in accordance with rule 11.2. The notice shall also include the following:

(1) Right to Lawyer. A statement advising the parents of their right to be represented by a lawyer at the hearing and, if the parents are indigent, that one will be appointed for them in accordance with rule 9.2;

(2) Consequences of Petition Approval. A statement advising the parties that if the court approves the petition, the child will be placed in a residence outside the parental home as determined by the court or by the Department of Social and Health Services, and that the parents will not be relieved of financial responsibility for the child unless the parents oppose placement and continuously seek reconciliation with and return of the child;

(3) Consequences of Petition Disapproval. A statement advising the parties that if the court disapproves the petition, the court will order the child to remain at or return to the home of his or her parent;

(4) Right To Present Evidence. A statement advising the parties that they will be allowed to present evidence at the hearing on the petition.

RULE 5.5
PROCEDURE AT FACT-FINDING HEARING

The fact-finding hearing to consider a proper child in need of services petition shall be held in accordance with RCW 13.32A.170.

RULE 5.6
DISPOSITION HEARING

(a) Time. A disposition hearing shall be held within 14 days after approval of a temporary out-of-home placement.

(b) Notice. The notice of the disposition hearing required by RCW 13.32A.179(1) shall be given to the parties and to the Department of Social and Health Services in accordance with rule 11.2.

(c) Hearing. The hearing to consider the disposition plan shall be held in accordance with RCW 13.32A.179.

RULE 5.7
REVIEW HEARING

The court shall schedule a review of a dispositional order of an out-of-home placement within 3 months of the placement. The notice of the review hearing required by RCW 13.32A.190 may be given to the parties at the placement hearing, or they may be notified in accordance with rule 11.2. The hearing shall be conducted in accordance with RCW 13.32A.190.

Rule 5A.1
Invoking Jurisdiction of Juvenile Court

Juvenile court jurisdiction is invoked over an At-Risk Youth by filing a petition.

JuCR
Rule 5A.2
Scheduling of Fact-Finding Hearing

When a proper petition has been filed, pursuant to RCW 13.32A.192 the court shall schedule a fact-finding hearing. For a child who resides in a place other than his or her parent's home

and other than an out-of-home placement as defined in RCW 13.32A.030, a hearing shall be held within 5 calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day. For a child living at home or in an out-of-home placement, a hearing shall be held within 10 days.

Pursuant to 1997 C146 sec 8 amending RCW 13.32A.192.

Rule 5A.3
Notice of Fact-Finding Hearing

The notice required by RCW 13.32A.192 shall be given in accordance with rule 11.2. The notice shall also include the following:

(1) Right to Lawyer. A statement advising the parent of their right to be represented by an attorney at their own expense;

(2) Consequences of Petition Approval. A statement advising the parties of the legal consequences should the court find the child to be an at-risk youth;

(3) Right to Present Evidence. A statement advising the parties that they will be allowed to present evidence at the hearing on the petition.

Rule 5A.4
Procedure at Fact-Finding Hearing

The fact-finding hearing to consider a proper at-risk youth petition shall be held in accordance with RCW 13.32A.194.

Rule 5A.5
Disposition Hearing

(a) Time. The hearing to consider a disposition plan shall be held within 14 days after the fact-finding hearing of an at-risk youth petition.

(b) Notice. The notice of the disposition hearing required by RCW 13.32A.194 shall be given to the parties and may be given to the Department of Social and Health Services in accordance with rule 11.2.

(c) Hearing. The hearing to consider the disposition plan shall be held in accordance with RCW 13.32A.196.

Rule 5A.6

Review Hearing

Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter for review with 3 months. The notice of the review hearing required by RCW 13.32A.198(1) may be given to the parties at the disposition hearing, or they may be notified in accordance with rule 11.2. The Hearing shall be conducted in accordance with RCW 13.32A.198.

RULE 6.1
ELIGIBILITY FOR DIVERSION

A juvenile's eligibility for diversion shall be determined pursuant to RCW 13.40.070 and .080.

RULE 6.2
RIGHT TO CONSULT WITH A LAWYER

(a) Advice of Right to Representation by Lawyer. A juvenile found eligible for diversion shall, prior to the initial interview with the diversion unit, be advised of his or her right to consult with a lawyer concerning the juvenile's decision to enter into a diversion agreement or to appear in juvenile court.

(b) Appointment of Lawyer. The court shall appoint a lawyer for any juvenile who is financially unable to obtain a lawyer for the consultation if the juvenile does not waive that right pursuant to rule 6.3.

(c) Retained Lawyer During Diversion Process. A juvenile may be represented by a retained lawyer during the diversion process in accordance with RCW 13.40.080(6).

RULE 6.3
WAIVER OF RIGHT TO LAWYER

A waiver containing the following statements and in substantially the following form shall be read by, signed by, and a copy given to a juvenile who waives the right to consult with a lawyer before an initial interview with a diversion unit:

Waiver of Lawyer

1. I know that I can talk to a lawyer about whether I should enter into a diversion process and will not have to pay for one if I cannot afford it.

2. I know that a lawyer can look at my police reports, tell me about the law, help me understand my rights, and help me decide whether I should enter into a diversion process or go to juvenile court.

Dated _____ Dated _____

_____ _____

Parent or Guardian (optional) Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

_____
Representative of Diversion Unit

JuCR
RULE 6.4
ADVICE ABOUT DIVERSION PROCESS

(a) Advice When Confinement Possible. A juvenile alleged to have committed an offense for which an adult could be confined shall be given a copy of a statement in substantially the following form during the initial interview with a diversion unit. The statement shall also be read by, or read to, the juvenile before the juvenile signs the statement.

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with an offense. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. A diversion agreement may require you to do certain things, such as community service, attend a counseling, informational, or educational interview, or make restitution, but you cannot be sent to jail. Under certain circumstances you may be counseled and released, which means no further action will be required of you.

3. If you sign a diversion agreement, or if you are counseled and released, the offense with which you are charged and any diversion agreement will be part of your criminal history. When you have a criminal history, (A) you may not necessarily be permitted to participate in diversion for other offenses you have committed or may commit in the future, and (B) you may be given a longer sentence for other offenses you have committed or may commit in the future.

4. Your criminal history for this offense will show whether or not you have completed the terms of this diversion agreement.

5. Your criminal history may be available to the police, the prosecutor, the court, and the diversion unit.

6. If you do not follow the diversion agreement, the prosecutor may bring you to a hearing for the offenses with which you are charged. If you do not appear at the court hearing, the court may order that you be arrested.

7. When you are 18 years old, you may ask the court to destroy all records on this offense if your criminal history consists of only one diversion and 2 years have passed since you completed the diversion agreement.

8. You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. If you do not believe you committed this offense, you should talk to a lawyer.

9. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement, but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

10. You do not have to participate in diversion. If you do not participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can have a lawyer to represent you, and you will not have to pay for the lawyer if you cannot afford it. If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.

11. I have been informed and fully understand that if the offense for which I have entered into a diversion agreement is a violation of RCW 66.44, 69.41, 69.50, or 69.52, and I was 13 years of age or older when the offense was committed, the diversion agreement will result in the suspension or revocation of my privilege to drive. (If not applicable, this paragraph should be crossed out and initialed by the offender.)

12. I have been informed and fully understand that if I am enrolled in a common school, the court will notify the principal of my diversion agreement if the offense for which I am entering into a diversion agreement is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.84A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW. (If not applicable, this paragraph should be crossed out and initialed by the offender.)

13. I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____

_____ _____
Parent or Guardian (optional) Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

_____
Representative of Diversion Unit

If applicable:

I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the

foregoing is true and correct.

Dated this _____ day of _____, 19___, at _____, Washington.

_____
Interpreter

(b) Advice When No Confinement Possible. A juvenile alleged to have committed a traffic infraction or an offense for which an adult could not be confined shall be given a copy of a statement in substantially the following form during the initial interview with a diversion unit. The statement shall also be read by, or read to, the juvenile before the juvenile signs the statement.

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with an offense. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. If you are alleged to have committed a traffic infraction, a diversion agreement requires you to do community service or attend educational or counseling sessions. If you are alleged to have committed some other offense, a diversion agreement may require you to do certain things, such as community service, attend a counseling, informational, or educational interview, or make restitution, but you cannot be sent to jail. Under certain circumstances you may be counseled and released, which means no further action will be required of you.

3. If you do not follow the diversion agreement, the prosecutor may bring you to a hearing for the offenses with which you are charged. If you do not appear at the court hearing, the court may order that you be arrested.

4. When you are 18 years old, you may ask the court to destroy all records on this offense if your criminal history consists of only one diversion and 2 years have passed since you completed the diversion agreement.

5. You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. If you do not believe you committed this offense, you should talk to a lawyer.

6. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

7. You do not have to participate in diversion. If you do not participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can talk to a lawyer but you may have to pay for it. If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.

8. If you are charged with a traffic infraction and agree to diversion, the diversion unit may notify the Department of Licensing. This may affect your driving privileges.

9. I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____

_____ _____
Parent or Guardian (optional) Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

_____
Representative of Diversion Unit

If applicable:

I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19___, at _____, Washington.

_____
Interpreter

In addition to amendments proposed for grammatical purposes, under "Advise when confinement is possible.": #7 and #9 are deleted pursuant to 1997 C338 ' 40, amending RCW 13.050.050; #11 is added pursuant to 1988 C148 ' 2, and #12 is added pursuant to 1997 C266 ' 7, amending RCW 13.04.155. Under "Advise when no confinement possible": #4 and #6 are deleted pursuant to 1997 C338 ' 40, amending RCW 13.050.050.

(Amended September 1, 1999)

RULE 6.5
ADVICE OF RIGHTS AND EFFECT OF DIVERSION

(RESCINDED)

RULE 6.6
TERMINATION OF DIVERSION AGREEMENT

(a) Petition. The procedure to seek termination of a diversion agreement is to file a petition in juvenile court alleging that the juvenile has substantially violated the terms of the diversion agreement. The petition shall include a statement of:

(1) The offense which the juvenile was alleged to have committed;

(2) The terms of the diversion agreement; and

(3) The alleged violation of the diversion agreement.

(b) Preliminary Hearing if Juvenile Is in Detention. A juvenile may not be taken into custody and held in detention solely for an alleged violation of a diversion agreement. RCW 13.40.040 and 13.40.050 are the only

authority for taking a juvenile into custody and holding the juvenile in detention. If a juvenile alleged to have violated a diversion agreement is held in detention on some other basis, a preliminary hearing on the petition for termination shall be held within 72 hours after taking the juvenile into custody, excluding Saturdays, Sundays, and holidays. Notice of the hearing shall be given in accordance with rule 11.2. At the hearing the court shall determine whether probable cause exists to believe the allegations in the petition, whether the petition is contested, and, in accordance with rule 7.4, whether continued detention is necessary. If the petition is contested and the juvenile is held in detention, the hearing on the petition shall be held within 14 days of the date of the preliminary hearing. If the petition is uncontested, the court may proceed immediately with the hearing on the petition to terminate the diversion agreement.

(c) Scheduling and Notice of Hearing. The court shall schedule a hearing on the allegations in the petition with reasonable speed, except that when a juvenile is held in detention, the hearing shall be scheduled in accordance with section (b) of this rule. A copy of the petition and written notice of the hearing, containing the date, time, and other information required by RCW 13.40.080(6), shall be given the juvenile in accordance with rule 11.2. The notice shall also state that an information may be filed on the original offense.

(d) Disclosure of Evidence. All evidence to be offered against the juvenile shall be disclosed to the juvenile a reasonable time prior to the hearing.

(e) Procedure at Hearing. The court shall hold a hearing on the allegations made in the petition. At the hearing the juvenile shall have the opportunity to be heard in person, to present evidence, and to confront and cross-examine all adverse witnesses.

(f) Burden of Proof and Order Terminating Diversion Agreement. The petitioner must prove by a preponderance of the evidence that the allegations in the petition are true and that they are a substantial violation of the diversion agreement. If the court finds that the petitioner has met this burden of proof, it may order the termination of the diversion agreement. An order terminating a diversion agreement shall include a written statement of the evidence relied upon by the court and the reasons for the termination.

(g) Consolidation of Termination Hearing With Adjudication of Offense. When the diversion unit has referred the case to the prosecuting attorney, and the prosecutor has filed an information, the court may schedule the hearing on the allegations in the petition to terminate the diversion agreement for the same time and place as the adjudicatory hearing on the allegations in the information. In that case, the court shall hold a hearing in accordance with this rule and make a finding with respect to the allegations in the petition before conducting the adjudicatory hearing on the allegations in the information.

RULE 7.1
INVOKING JUVENILE COURT JURISDICTION

Juvenile court jurisdiction is invoked over a juvenile offense proceeding by filing an information.

RULE 7.2
INFORMATION

(a) Content. (Reserved. See RCW 13.40.070.)

(b) Amendment. An information may be amended at any time. The court shall grant additional time if necessary to insure a full and fair hearing on any new allegations in the amended information.

RULE JuCR 7.3
DETENTION AND RELEASE

(a) Time for First Appearance Generally. A juvenile who has been taken into custody without a warrant and who is to be detained or released on any conditions other than the promise to appear in court at subsequent hearings must receive a judicial determination on the issues of probable cause no later than 48 hours following the juvenile's arrest.

(b) Determination of Probable Cause. The court shall determine probable cause based on an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony. The sworn testimony shall be electronically or stenographically recorded. The evidence shall be preserved. The evidence shall be subject to constitutional limitations for probable cause determinations and may be hearsay in whole or in part.

(c) If No Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody before an information is filed, the court shall make every reasonable effort to conduct a hearing on the issue of detention by the end of the next judicial day. The juvenile shall be released unless an information is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. In the absence of any prior determination, a juvenile held in detention after the filing of an information shall be given a hearing to determine whether continued detention is necessary. The juvenile shall be released unless this determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the information has been filed.

(d) If Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody after an information has been filed and is held in detention, the juvenile shall be given a hearing to determine whether continued detention is necessary. The court shall make every reasonable effort to conduct the hearing by the end of the next judicial day. The juvenile shall be released unless this determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

(e) If Motion Not Filed Before Custody. If a juvenile alleged to have violated a diversion agreement, a conditional release order, a disposition order, or a deferred adjudication or deferred disposition order is taken into custody and held in detention before a petition to terminate the diversion agreement, a motion to modify the conditional release order or the disposition order, or a motion to revoke the deferred adjudication or deferred disposition order is filed, the court shall make every reasonable effort to conduct a hearing on the issue of detention by the end of the next judicial day. The juvenile shall be released unless a motion is filed within 72

hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. In the absence of any prior determination, a juvenile held in detention after the filing of a motion shall be given a hearing to determine whether continued detention is necessary. The juvenile shall be released unless t his determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

(f) If Petition or Motion Filed Before Custody. If a juvenile alleged to have violated a diversion agreement, a conditional release order, a disposition order, or a deferred adjudication or deferred disposition order is taken into custody and held in detention after a petition to terminate the diversion agreement, a motion to modify the conditional release order or the disposition order, or a motion to revoke the deferred adjudication or deferred disposition order is filed, the juvenile shall be given a hearing within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody, or the juvenile shall be released.

[Amended effective September 1, 1987; December 16, 1988; September 1, 1993; September 1, 1995; July 29, 1997; September 1, 1997.]

RULE 7.4
DETENTION HEARING

(a) Notice. The notice required by RCW 13.40.050(2) for a detention hearing shall be given in accordance with rule 11.2.

(b) Procedure at Hearing. The detention hearing shall be held in accordance with RCW 13.40.050(3) and (4). All parties shall have an opportunity to present evidence and to be heard on the issue of continued detention.

(c) Determination by Court Generally. At the hearing the court shall determine whether continued detention is necessary under RCW 13.40.040.

(d) Determination That Detention Necessary. If the court finds that continued detention is necessary, the court shall state on the record the specific statutory provision and the facts on which the court based its order for continued detention. The juvenile may nevertheless be released upon posting of a bond and the imposition of conditions upon such release pursuant to RCW 13.40.040(4).

(e) Determination That Detention Not Necessary. If the court at the detention hearing determines that continued detention is not necessary, the juvenile shall be ordered released on personal recognizance. The court may impose conditions on the release pursuant to RCW 13.40.050(6).

RULE 7.5
ISSUANCE OF SUMMONS OR WARRANT

(a) Generally. When an information is filed, the court may direct the clerk to command the juvenile and others to appear at a specified time and place by the issuance of a summons, or the court may direct the clerk to issue a warrant for the arrest of the juvenile, or the court may direct the clerk to notify the juvenile and others by other methods approved by local

court rule.

(b) Summons Preferred; Warrant Used Only Upon Showing of Probable Cause. If the information charges only the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to command the presence of the juvenile by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the juvenile would not appear in response to the command or probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, or serious loss of or harm to property, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which shall be recorded electronically or stenographically, establishing the grounds for issuing the warrant. The finding of probable cause may be based on evidence that is hearsay in whole or in part.

(c) Requirements of a Summons.

(1) Generally. (Reserved. See RCW 13.40.100.)

(2) Additional Contents of a Summons Directed to Juvenile. A summons directed to a juvenile shall contain the following advisement:

Right to Lawyer

1. You have the right to talk to a lawyer, and if you cannot afford a lawyer, one will be appointed for you.

2. A lawyer can look at the social and legal files in your case, talk to the people involved in the offense proceeding, tell you about the law, help you understand your rights and the possible consequences of being found to be a juvenile offender, prepare any defense that you may have, and present to the court possible sentences should you be found guilty.

(d) Service and Return of Summons.

(1) Service. A summons may be served as provided in RCW 13.40.100, or it may be served by mailing the summons, postage prepaid, to the person named in the summons.

(2) Return. The person to whom a summons has been delivered shall, on or before the return date, file a return thereof with the judge before whom the summons is returnable.

(e) Failure To Appear in Response to Summons. (Reserved. See RCW 13.40.100.)

(f) Requirements of a Warrant. The warrant shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of his or her office, and shall state when issued and the county where issued. It shall specify the name of the juvenile, or if his or her name is unknown, any name or description by which the juvenile can be identified with reasonable certainty. The warrant shall specify the offense charged and shall command that the juvenile be arrested and brought forthwith before the court issuing the warrant. The court issuing the warrant shall set forth on the warrant the conditions for release, including bail, pursuant to RCW 13.40.040.

(g) Execution and Return of Warrant.

(1) Execution. The warrant shall be directed to all peace officers in the state or to probation counselors authorized to serve process pursuant to RCW 13.04.040. The warrant shall be executed only by a peace officer or probation counselor.

(2) Return. The officer executing a warrant shall make a return thereof to the court before whom the juvenile is brought pursuant to these rules. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the juvenile court and canceled. For reasonable cause, the court itself may order that the warrant be returned to the court.

(h) Defective Summons or Warrant.

(1) Amendment. No juvenile appearing in response to a summons or arrested under a warrant shall be discharged from custody or dismissed because of any irregularity in the summons or warrant, but the summons or warrant may be amended to remedy any such irregularity.

(2) Issuance of New Summons or Warrant. If, during the preliminary examination of any juvenile appearing in response to the summons or arrested under a warrant, it appears that the warrant or summons does not

properly name or describe the juvenile or the offense charged, or that although not guilty of the offense specified in the summons or warrant, there is reasonable ground to believe that the juvenile is guilty of some other offense, the judge shall not discharge or dismiss the juvenile but may allow a new information to be filed and shall thereupon issue a new summons or warrant.

JuCR
RULE 7.6
ARRAIGNMENT AND PLEAS

(a) Time and Procedure for Arraignment. A juvenile who is detained or subject to conditions of release must be arraigned within 14 days after the information or indictment is filed. The procedure for the arraignment of an alleged juvenile offender is governed by CrR 4.1.

(b) Plea. The taking of a plea of an alleged juvenile offender is governed by CrR 4.2.

(c) Advice of Standard Sentence. Before entering a plea, the juvenile should be advised of the standard sentence for the offense charged, and should be advised of the criminal history upon which the standard sentence is based.

(d) Effect of Motion To Decline Jurisdiction. If a decline hearing is requested or required, then the juvenile court has no jurisdiction to accept a plea until a decline hearing is held and an order is entered retaining jurisdiction in the juvenile court. The time limit for the adjudicatory hearing under rule 7.8 does not begin to run until the day after the entry of the order retaining jurisdiction.

(e) Determination of Capacity. When a determination of capacity is required pursuant to RCW 9A.04.050, a hearing to determine the juvenile's capacity shall be held within 14 days from the juvenile's first court appearance, separate from and prior to arraignment. Notice of the hearing to determine capacity and its purpose shall be given in accordance with rule 11.2.

The revision provides clarification with regard to applicability and addresses implementation problems caused by linking the time for the capacity hearing to the filing of the information.

(Amended September 1, 1999)

7.7 STATEMENT OF JUVENILE ON PLEA OF GUILTY (IN WORD FORMAT)

The contents of this item are only available on-line.

RULE JuCR 7.8
TIME FOR ADJUDICATORY HEARING

(a) General Provisions.

(1) Responsibility of Court. It shall be the responsibility of the court to ensure an adjudicatory hearing in accordance with the provisions of this rule to each person charged with a juvenile offense.

(2) Definitions. For purpose of this rule:

(i) "Pending charge" means the charge for which the allowable time for trial is being computed.

(ii) "Related charge" means a charge based on the same conduct as the pending charge that is ultimately filed in juvenile court.

(iii) "Appearance" means the juvenile's physical presence in the court where the pending charge was filed. Such presence constitutes appearance only if (A) the prosecutor was notified of the presence and (B) the presence is contemporaneously noted on the record under the cause number of the pending charge.

(iv) "Arraignment" means the date determined under JuCR 7.6 and CrR 4.1(b)

(v) "Held in detention" means held in the custody of a detention facility pursuant to the pending charge. Such detention excludes any period in which a juvenile is on electronic home monitoring, is being held on an unrelated charge or hold, or is serving a sentence of confinement.

(3) Construction. The allowable time for the adjudicatory hearing shall be computed in accordance with this rule. If a hearing is timely under the language of this rule but was delayed by circumstances not addressed in this rule or JuCR 7.6, the pending charge shall not be dismissed unless the juvenile's constitutional right to a speedy trial was violated.

(4) Related Charges. The computation of the allowable time for the adjudicatory hearing on a pending charge shall apply equally to all related charges.

(5) Reporting of Dismissals and Untimely Hearings. The court shall report to the administrative Office of the Courts, on a form determined by that office, any case in which

(i) the court dismissed a charge on determination pursuant to section (h) that the charge had not been brought to hearing within the time limit required by this rule, or

(ii) the time limits would have been violated absent the cure period authorized by section (g).

(b) Time for Adjudicatory Hearing.

(1) Juvenile Held in Detention. A juvenile who is held in detention shall be brought to hearing within the longer of

(i) 30 days after the commencement date specified in this rule, or

(ii) the time specified in subsection (b)(5).

(2) Juvenile Not Held in Detention. A juvenile who is not held in detention shall be brought to hearing within the longer of

(i) 60 days after the commencement date specified in this rule, or

(ii) the time specified in subsection (b)(5)

(3) Release of Juvenile. If a juvenile is released from detention before

the 30 day time limit has expired, the limit shall be extended to 60 days.

(4) Return to Detention following Release. If a juvenile was not held in detention at the time the hearing date was set but is subsequently returned to detention on the same or related charge, the 60-day limit shall continue to apply. If the juvenile is held in detention when the hearing is reset following a new commencement date, the 30-day limit shall apply.

(5) Allowable Time after Excluded Period. If any period of time is excluded pursuant to section (e), the allowable time for the adjudicatory hearing shall not expire earlier than 15 days after the end of that excluded period.

(c) Commencement date.

(1) Initial Commencement Date. The initial commencement date shall be the date of arraignment as determined under JuCR 7.6 and CrR 4.1

(2) Resetting of Commencement Date. On occurrence of one of the following events, a new commencement date shall be established, and the elapsed time shall be reset to zero. If more than one of these events occurs, the commencement date shall be the latest of the dates specified in this subsection.

(i) Waiver. The filing of a written waiver of the juvenile's rights under this rule signed by the juvenile. The new commencement date shall be the date specified in the waiver, which shall not be earlier than the date on which the waiver was filed. If no date is specified, the commencement date shall be the date of the hearing contemporaneously or subsequently set by the court.

(ii) Failure to Appear. The failure of the juvenile to appear for any proceeding at which the juvenile's appearance was required. The new commencement date shall be the date of the juvenile's next appearance.

(iii) New Adjudicatory Hearing. The entry of an order granting a mistrial or new adjudicatory hearing or allowing the juvenile to withdraw a plea of guilty. The new commencement date shall be the date the order is entered.

(iv) Appellate Review or Stay. The acceptance of review or grant of a stay by an appellate court. The new commencement date shall be the date of the juvenile's appearance that next follows the receipt by the clerk of the juvenile court of the mandate or written order terminating review or stay.

(v) Collateral Proceeding. The entry of an order granting a new adjudicatory hearing pursuant to a person restraint petition, a habeas corpus proceeding, or a motion to vacate judgment. The new commencement date shall be the date of the juvenile's appearance that next follows either the expiration of the time to appeal such order or the receipt by the clerk of the juvenile court of notice of action terminating the collateral proceeding, whichever comes later.

(vi) Change of Venue. The entry of an order granting a change of venue. The new commencement date shall be the date of the order.

(vii) Disqualification of Counsel. The disqualification of the defense attorney or prosecuting attorney. The new commencement date shall be the date of the disqualification.

(d) Setting of Hearing Date---Notice---Objections---Loss of Right to Object.

(1) Initial Setting of Hearing Date. The court shall, within 15 days of the juvenile's actual arraignment in juvenile court, set a date for the adjudicatory hearing which is within the time limits prescribed by this rule and notify counsel for each party of the date set. If a juvenile is not represented by counsel, the notice shall be given to the juvenile and may be mailed to the juvenile's last known address. The notice shall set forth the proper date of the juvenile's arraignment and the date set for the hearing.

(2) Resetting of Hearing Date. When the court determines that the hearing date should be reset for any reason, including but not limited to the applicability of a new commencement date pursuant to subsection (c)(2) or a period of exclusion pursuant to section (e), the court shall set a new date for the hearing which is within the time limits prescribed and notify each party of the date set.

(3) Objection to Hearing Date. A party who objects to the date set upon the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set an adjudicatory hearing within those time limits. Such motion shall be promptly noted for hearing by the moving party in accordance with local procedures. A party who fails, for any reason, to make such a motin shall lose the right to object that an adjudicatory hearing commenced on such a date is not within the time limits prescribed by this rule.

(4) Loss of Right to Object. If a hearing date is set outside the time allowed by this rule, but the defendant lost the right to object to that date pursuant to subsection (d)(3), that date shall be treated as the last allowable date for the adjudicatory hearing, subject to section (g). A later hearing date shall be timely only if the commencement date is reset pursuant to subsection (c)(2) or there is a subsequent excluded period pursuant to section (e) and subsection (b)(5).

(e) Excluded Periods. The following periods shall be excluded in computing the time for the adjudicatory hearing:

(1) Competency Proceedings. All proceedings related to the competency of the juvenile to participate in the hearing on the pending charge, beginning on the date when the competency examination is ordered and terminating when the court enters a written order finding the juvenile to be competent.

(2) Proceedings on Unrelated Charges. Arraignment, pre-adjudicatory hearing proceedings, adjudicatory hearing, and disposition hearing on an unrelated charge.

(3) Continuances. Delay granted by the court pursuant to section (f).

(4) Period between Dismissal and Refiling. The time between the dismissal of a charge and the refilling of the same or related charge.

(5) Disposition of Related Charge. The period between the commencement of an adjudicatory hearing or the entry of a plea of guilty on one charge and the juvenile's arraignment in superior court on a related charge.

(6) Juvenile Subject to foreign or Federal Custody or Conditions. The time during which a juvenile is detained outside the state of Washington or in a federal facility and the time during which a juvenile is subject to conditions of release not

imposed by a court of the State of Washington.

(7) Unavoidable or Unforseen Circumstances. Unavoidable or unforeseen circumstances affecting the time for the adjudicatory hearing beyond the control of the court or the parties. This exclusion also applies to the cure period of section (g).

(8) Motion for Revision. When amotion for revision of a court commissioner's ruling is filed, the time between the court commissioner's ruling and an order deciding the motion.

(9) Disqualification of Judge. A five-day period of time commencing with the disqualification of the judge to whom the case is assigned for the adjudicatory hearing.

(f) Continuances. Continuances or other delays may be granted as follows:

(1) Written Agreement. Upon written agreement of the parties, which must be signed by the alleged juvenile offender or all the alleged offenders, the court may continue the hearing date to a specified date.

(2) Motion by the Court or a Party. On motion of the court or a party, the court may continue the hearing to a specified date when such continuance is required in the administration of justice and the juvenile will not be prejudiced in the presentation of his or her defense. The motion must be made before the time for the adjudicatory hearing has expired. The court must state on the record or in writing the reasons for the continuance. The bringing of such motion by or on behalf of any party waives that party's objection to the requested delay.

(g) Cure Period. The court may continue the case beyond the limits specified in section (b) on motion of the court or a party made within five days after the time for the adjudicatory hearing has expired. Such a continuance may be granted only once in the case upon a finding on the record or in writing that the juvenile will not be substantially prejudiced in the presentation of his or her defense. The period of delay shall be for no more than 7 days for a juvenile who is held in detention, or 28 days for a juvenile not held in detention, from the date that the continuance is granted. The court may direct the parties to remain in attendance or be on-call for hearing assignment during the cure period.

(h) Dismissal With Prejudice. A charge not brought to adjudicatory hearing within the time limit determined under this rule shall be dismissed with prejudice. The State shall provide notice of dismissal to the victim and at the court's discretion shall allow the victim to address the court regarding the impact of the crime. No case shall be dismissed for time-to-hearing reasons except as expressly required by this rule, a statute, or the state or federal constitution.

[Amended effective September 1, 1987; July 29, 1997; May 29, 2001; September 1, 2003.]

RULE 7.9
JOINDER OF OFFENSES AND CONSOLIDATION

OF ADJUDICATORY HEARINGS

(a) Joinder of Offenses. The joinder of offenses in an information is governed by CrR 4.3(a) and (c), where applicable.

(b) Consolidation of Adjudicatory Hearing. On motion of the prosecutor or the alleged juvenile offender, or on its own motion, the court may, for purposes of conducting the adjudicatory hearing, order that two or more informations naming different juveniles be consolidated and heard at the same time when two or more defendants could be joined in the same charge pursuant to CrR 4.3(b).

RULE 7.10
SEVERANCE OF OFFENSES AND CONSOLIDATED HEARINGS

The severance of offenses and severance of consolidated hearings is governed by CrR 4.4, where applicable.

RULE 7.11
ADJUDICATORY HEARING

(a) Burden of Proof. The court shall hold an adjudicatory hearing on the allegations in the information. The prosecution must prove the allegations in the information beyond a reasonable doubt.

(b) Evidence. The Rules of Evidence shall apply to the hearing, except to the extent modified by RCW 13.40.140(7) and (8). All parties to the hearing shall have the rights enumerated in RCW 13.40.140(7).

(c) Decision on the Record. The juvenile shall be found guilty or not guilty. The court shall state its findings of fact and enter its decision on the record. The findings shall include the evidence relied upon by the court in reaching its decision.

(d) Written Findings and Conclusions on Appeal. The court shall enter written findings and conclusions in a case that is appealed. The findings shall state the ultimate facts as to each element of the crime and the evidence upon which the court relied in reaching its decision. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such findings and conclusions within 21 days after receiving the juvenile's notice of appeal.

JuCR
RULE 7.12
DISPOSITION HEARING

(a) Time. A disposition hearing shall be held if the juvenile has pleaded guilty or has been found guilty by the court. The hearing may be held immediately following the juvenile's plea of guilty or immediately following the adjudicatory hearing if found guilty by the court. The disposition hearing may be continued for a period of up to 14 days after the plea or the conclusion of the hearing if the juvenile is held in detention, or 21 days after the plea or the

conclusion of the hearing if the juvenile is not held in detention. Either time may be extended by the court for good cause shown. Notice of a continued hearing shall be given to all parties in accordance with rule 11.2.

(b) Conduct of Hearing. The court shall conduct the hearing in accordance with RCW 13.40.150. At the conclusion of the disposition hearing, the court shall, in accordance with CrR 7.2(b), advise the juvenile of the right to appeal, including when applicable the right to appeal a sentence based upon a finding of manifest injustice.

(c) Criminal History--Definition. In determining the standard range of disposition for a juvenile, the juvenile's criminal history includes any criminal complaint alleging an offense and resulting in one of the following prior to the commission of the current offense:

(1) A finding made prior to July 1, 1978, that the juvenile committed an offense, if the allegation was required to be proven beyond a reasonable doubt or if the juvenile admitted the allegation; or

(2) A conviction or a plea of guilty on or after July 1, 1978; or

(3) Violations, as defined by RCW 13.40.020, committed on or after July 1, 1998.

(d) Criminal History--Multiple Charges. If the juvenile has been convicted of two or more charges arising out of the same course of conduct, then only the highest charge is counted as criminal history. If the juvenile has been convicted of two or more charges that did not arise out of the same course of conduct, then all of the charges count as criminal history, even though the charges may have consolidated into a single disposition order.

(e) Disposition Based Upon Finding of Manifest Injustice. If the court imposes a sentence based upon a finding of manifest injustice, the disposition order shall set forth those portions of the record material to the disposition.

(f) Disposition Requiring Detention in a State-Operated Juvenile Detention Facility. If the court imposes a sentence requiring commitment to the Division of Juvenile Rehabilitation of the Department of Social and Health Services for detention, the copy of the disposition order sent to the Division shall be accompanied by a statement of the criminal history relied upon by the sentencing court.

(g) Judgment and Sentence. For every disposition order entered pursuant to a juvenile court offense adjudication or deferred adjudication, the court entering the order shall forward to the Sentencing Guidelines Commission the information contained in the order and such criminal history, demographic, and other information as the Office of the Administrator for the Courts may prescribe. The Administrator for the Courts, at the direction of the Supreme Court, and after consulting with the Sentencing Guidelines Commission, shall determine the method for transmitting this information from the court to the Commission.

(Amended July 11, 1996)
Pursuant to 1997 C338 ' 12 amending RCW 13.40.0357.
(Amended September 1, 1999)

JuCR
RULE 7.13
RELEASE PENDING APPELLATE REVIEW

Pending appellate review of an order of adjudication or disposition, the court may impose conditions on release as provided in RCW 13.40.040(4) and 13.40.050(6).

Pursuant to 1997 C338 ' 35 amending RCW 13.40.230(5).

(Amended September 1, 1999)

RULE 7.14
MODIFICATION OF DISPOSITION ORDER

(a) Generally. The procedure for seeking a modification of a disposition order is to file a motion in juvenile court. A disposition order may only be modified in accordance with RCW 13.40.190 and 13.40.200.

(b) Who May File Motion. Any party may file a motion seeking modification of a disposition order. The court may, on its own motion, seek modification of a disposition order.

(c) Contents of Motion. The motion shall state the reason for seeking modification and the nature of the modification sought.

(d) Preliminary Hearing if Juvenile Is in Detention. If a juvenile alleged to have violated the terms of a disposition order is held in detention, a preliminary hearing shall be held in accordance with rule 7.3(c) or (d). Notice of the hearing shall be given in accordance with rule 11.2. At the hearing the court shall determine whether probable cause exists to believe the allegations in the motion, whether the petition is contested, and, in accordance with rule 7.4, whether continued detention is necessary. If the motion is contested and the allegation is not a juvenile offense and the juvenile is held in detention, the hearing on the motion shall be held within 7 days of the date of the preliminary hearing. If the motion is contested, and the allegation is a juvenile offense, and the juvenile is in detention, the hearing on the motion shall be held within 14 days of the date of the preliminary hearing. If the motion is uncontested, the court may proceed immediately with the hearing on the motion.

(e) Scheduling and Notice of Hearing. The court shall schedule a hearing on the allegations in the motion with reasonable speed, except that when the juvenile is held in detention, the hearing shall be scheduled in accordance with section (d) of this rule. Notice of the hearing may be given in accordance with rule 11.2, or the court may issue a summons or a warrant pursuant to rule 7.5.

7.15 WAIVER OF RIGHT TO COUNSEL (IN WORD FORMAT)

The contents of this item are only available on-line.

RULE 8.1
TIME FOR DECLINE HEARING

(a) Initiating Decline Hearing. If required or requested pursuant to RCW 13.40.110, a decline hearing shall be scheduled and held separate from and prior to the adjudicatory hearing.

(b) Time for Hearing in Felony Cases. In any case where declining jurisdiction would allow criminal prosecution for a felony, the decline hearing shall be held within 14 days after the information is filed unless the time is extended by the court for good cause.

(c) Notice. Notice of the decline hearing and its purpose shall be given in accordance with rule 11.2.

RULE 8.2
PROCEDURE AT DECLINE HEARING

The decline hearing shall be conducted in accordance with RCW 13.40.110(2). Any report or study to be presented to the court must be made available to the opposing party for a reasonable period prior to the hearing or reasonable time must be accorded the opposing party to respond.

RULE 9.1
CHILD IN NEED OF SERVICES AND AT RISK YOUTH PETITION - MANDATORYAPPOINTMENT OF LAWYER

The court shall appoint a lawyer for a child in Child In Need of Services or an At Risk Youth proceeding proceeding when required by RCW 13.32A.160(1)(e)(a)(ii)(c) and RCW 13.32A.190(1), or 13.32A.192(1)(c).

RULE JuCR 9.2
ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(a) Retained Lawyer. Any party may be represented by a retained lawyer in any proceedings before the juvenile court.

(b) Child in Need of Services Proceedings. The court shall appoint a lawyer for indigent parents of a juvenile in a child in need of services proceeding.

(c) Dependency and Termination Proceedings. The court shall provide a lawyer at public expense in a dependency or termination proceeding as follows:

(1) Upon request of a party or on the court's own initiative, the court shall appoint a lawyer for a juvenile who has no guardian ad litem and who is financially unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment. A juvenile shall not be deprived of a lawyer because a parent, guardian, or custodian refuses to pay for a lawyer for the juvenile. If the court has appointed a guardian ad litem for the juvenile, the court may, but need not, appoint a lawyer for the juvenile.

(2) Upon request of the parent or parents, the court shall appoint a lawyer for a parent who is unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment.

(d) Juvenile Offense Proceedings. The court shall provide a lawyer at public expense in a juvenile offense proceeding when required by RCW 13.40.080(10), RCW 13.40.140(2) or rule 6.2.

(1) Before appointing a lawyer for an indigent person or at the first appearance of the lawyer in the case, the court shall require the lawyer to

certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

[Amended effective September 1, 1987; September 1, 1997; June 30, 2012].

9.2 STDS STANDARDS FOR INDIGENT DEFENSE (IN WORD FORMAT)

The contents of this item are only available on-line.

RULE 9.3
RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE OFFENSE PROCEEDINGS

(a) Appointment. A juvenile who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense may request that these services be provided at public expense by a motion. Upon finding that the services are necessary and that the juvenile is financially unable to obtain them without substantial hardship to himself or herself or the juvenile's family, the court shall authorize counsel to obtain the services on the behalf of the juvenile. The ability to pay part of the cost of the services shall not preclude the provision of those services by the court. A juvenile shall not be deprived of necessary services because a parent, guardian, or custodian refuses to pay for those services. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, may ratify services after they have been obtained.

(b) Compensation. The court shall determine reasonable compensation for the services and direct payment to the organization or person who rendered them on the filing of a claim for compensation supported by affidavits specifying the time expended and the services, and expenses incurred on behalf of the juvenile, and the compensation received in the same case or for the same services from the juvenile or any other source.

RULE 10.1
SCOPE OF TITLE 10

Rule 10.2 relates to recording of juvenile court proceedings. Rule 10.3 relates to records as defined in RCW 13.50.010.

RULE 10.2
RECORDING JUVENILE COURT PROCEEDINGS

(a) Proceedings Other Than Juvenile Offense Proceedings. All juvenile court proceedings which do not involve a juvenile offense shall be recorded by any means which accurately records the proceedings in accordance with RCW 2.32.200.

(b) Juvenile Offense Proceedings. All juvenile court proceedings

involving a juvenile offense shall be recorded verbatim by means which will provide an accurate record and which can be subsequently reduced to written form.

RULE 10.3
ACCESS OF PARENT TO RECORDS

(Rescinded. See RCW 13.50.010 through .250.)

RULE 10.4
MOTIONS CONCERNING JUVENILE RECORDS

(Rescinded. See RCW 13.50.010 through .250.)

RULE 10.5
ACCESS TO OFFICIAL JUVENILE COURT FILES

(Reserved. See RCW 13.50.010 through .250.)

RULE 10.6
CHALLENGING JUVENILE COURT RECORDS

(Reserved. See RCW 13.50.010 through .250.)

RULE 10.7
SEALING JUVENILE COURT RECORDS

(Reserved. See RCW 13.50.010 through .250.)

RULE 10.8
DESTRUCTION OF JUVENILE COURT RECORDS

(Reserved. See RCW 13.50.010 through .250.)

RULE 10.9
ONLY COMPLETE INFORMATION RELEASED

(Reserved. See RCW 13.50.010 through .250.)

RULE 11.1
COMPUTING TIME

Time shall be computed in accordance with CR 6 unless otherwise provided by law or these rules.

RULE 11.2
NOTICE OF PROCEEDING

(a) Applicability. This rule applies whenever another Juvenile Court Rule states that notice shall be given in accordance with this rule.
(b) Content of the Notice. The notice shall specify the time, place, and purpose of the proceeding.
(c) Method of Giving Notice. Notice may be given by any means reasonably certain of notifying the party, including, but not limited to, notice in open court, mail, personal service, telephone, and telegraph.

Rule 11.3
Notice to Foster Parents, Preadoptive Parents, Nonrelative Caregivers, or Relative Caregivers

(a) Applicability. This rule applies to all proceedings under Chapter 13.34 RCW to be held with respect to a child in foster care under the responsibility of the Washington State Department of Social and Health Services Children's Administration ("the Department"). The Department is responsible for giving notice of such proceedings to the foster parents, preadoptive parents, nonrelative caregivers or relative caregivers who are providing care to the child at the time of the proceeding.

(b) Content of the Notice. The notice shall specify the time, place, and purpose of the proceeding, and shall inform the foster parents, preadoptive parents, nonrelative caregivers or relative caregivers of their right to be heard in such proceedings.

(c) Method of Giving Notice. Notice may be given by any means reasonably certain of notifying the foster parents, preadoptive parents, nonrelative caregivers or relative caregivers, including but not limited to, notice in open court, mail, personal service, telephone, telegraph and email.

(d) Time of Notice. Notice shall be provided at least five court days before such proceedings; in cases where the foster child is placed with the foster parents, preadoptive parents, nonrelative caregivers or relative caregiver less than five court days before the proceeding, the Department shall provide notice as soon as practicable before the proceeding.

(e) Verification of Notice. The Department shall provide the Court with written verification of to whom, where, when, and how notice of the proceeding was provided to the foster parents, preadoptive parents, nonrelative caregivers or relative caregivers.

(f) Party Status Not Conferred. This rule does not confer party status upon any foster parent, preadoptive parent, nonrelative caregivers or relative caregiver solely on the basis of such notice and right to be heard at a proceeding.

RULE 11.21
TITLE AND CITATION OF RULES

These rules are called the Juvenile Court Rules and may be cited as JuCR.

RULE 11.22
RULES SUPERSEDED

Except as provided in rule 1.5, the Juvenile Court Rules originally effective January 10, 1969, are superseded by these rules.

RULES 11.4 through 11.20

(RESERVED)