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.