

Superior Court of Washington, County of _____
Juvenile Court

State of Washington

v.

 Respondent D.O.B. _____

No: _____

**Order on Adjudication and Disposition
 (ORD)**

Clerk's Action Required.
 Paragraphs 1.3, 4.1, 4.4, 4.6, 4.10, 4.13,
 4.14, 4.15, 4.16, 4.17, 4.18, 4.21

I. Hearing

1.1 Respondent appeared for a disposition hearing on (date) _____

1.2 Persons appearing were:

Respondent _____ Parent _____

Pros. Atty. _____ Parent _____

Prob. Counsel. _____ Other _____

Resp. Atty. _____

1.3 The court heard evidence and argument, reviewed the files, and now enters the following:

II. Findings of Fact

Respondent pled guilty to:

Count ___	Offense:	Committed on or about:
Count ___	Offense:	Committed on or about:
Count ___	Offense:	Committed on or about:

Respondent was found guilty at an adjudicatory hearing of:

Count ___	Offense:	Committed on or about:
Count ___	Offense:	Committed on or about:
Count ___	Offense:	Committed on or about:

The state failed to prove the following offense(s) and count(s) _____

In count(s) _____, **domestic violence – family or household member** was pled and proved.

In count(s) _____, **domestic violence – intimate partner** was pled and proved.

Same Course of Conduct. The conduct in count(s) _____ is the same course of conduct.

Respondent waived the right to counsel, arraignment on amended information, and/or speedy disposition.

Respondent's offender score is _____, which is based upon their criminal history.

The court considered the Respondent's eligibility for the chemical dependency/mental health disposition alternative.

Respondent has declined to enter a *Diversion Agreement*.

Respondent may be ordered to pay restitution pertaining to matters not here adjudicated, and/or count(s), notwithstanding dismissal, because Respondent, with counsel, so agreed and stipulated.

A sentence within the standard range would constitute a manifest injustice (RCW 13.40.020).

The following mitigating factors exist in this case:

The Respondent's conduct neither caused nor threatened serious bodily injury, or the Respondent did not contemplate that their conduct would cause or threaten serious bodily injury.

The Respondent acted under strong and immediate provocation.

The Respondent was suffering from a mental or physical condition that significantly reduced their culpability for the offense through failing to establish a defense.

Prior to their detention, the Respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained.

There has been at least 1 year between the Respondent's current offense and any prior criminal offense.

Other: _____

The following aggravating factors exist in this case:

In the commission of the offense, or in flight therefrom, the Respondent inflicted or attempted to inflict serious bodily injury to another.

The offense was committed in an especially heinous, cruel, or depraved manner.

The victim was particularly vulnerable.

The Respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement.

- The current offense included a finding of sexual motivation pursuant to RCW 13.40.135.
- The Respondent was the leader of a criminal enterprise involving several persons.
- There are other complaints which have resulted in diversion or a finding or plea of guilty which are not included as criminal history.
- The standard range disposition is clearly too lenient considering the seriousness of the juvenile's prior adjudications.
- Other: _____

- The Respondent committed a felony firearm offense as defined in RCW 9.41.010, and:
 - The Respondent should register as a felony firearm offender. The court considered the following factors in making this determination:
 - The Respondent's criminal history.
 - Whether the Respondent has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 - Evidence of the Respondent's propensity for violence that would likely endanger persons.
 - Other: _____

 - The Respondent must register as a felony firearm offender because the offense was committed in conjunction with an offense committed against a person under the age of 18, or a serious violent offense, or offense involving sexual motivation as defined in RCW 9.94A.030.

- This case was transferred from exclusive adult court jurisdiction by:
 - agreement.
 - reduced charge.
 - jury verdict.
 - other: _____

III. Conclusions of Law

- Respondent is guilty of the offense(s) as stated in the findings.
- Respondent is not guilty of the offense(s) as stated in the findings.
- A sentence within the standard range would constitute a manifest injustice (RCW 13.40.020).
- Respondent is eligible for the chemical dependency/mental health disposition alternative on count _____. A standard range disposition for that count would constitute a manifest injustice.

IV. Order

It is Ordered:

4.1 [] The state's motion [] Respondent's motion to dismiss count(s) _____ is granted, and those count(s) are dismissed.

Range of Disposition:

4.2 [] Count _____: Disposition shall be within the standard range.

4.3 [] Count _____: Disposition within the standard range for this offense would result in a manifest injustice.

4.4 [] Count _____: Disposition shall be within the Special Sex Offender Dispositional Alternative (SSODA - RCW 13.40.162).

[] Respondent is committed to the Department of Children, Youth, and Families Juvenile Rehabilitation (DCYFJR) for a total of _____ weeks. If standard range commitment is ordered under SSODA, the court shall impose a specific number of weeks within the range and not the range itself. See *State v. Linssen*, 131 Wn. App. 292 (2006) (applies to a standard range, not a manifest injustice, SSODA). Disposition is suspended under RCW 13.40.162. The offender shall be placed on supervision for a period of 2 years. If the offender violates any condition of the disposition or if the court finds the Respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition.

[] Respondent is subject to a standard range of local sanctions. Respondent shall serve a total of _____ months of community supervision, _____ hours of community service work, and _____ days of detention. Disposition is suspended under RCW 13.40.162. The offender shall be placed on supervision for a period of 2 years. If the offender violates any condition of the disposition or the court finds the Respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition.

4.5 [] Count _____: Chemical Dependency/Mental Health Disposition Alternative (CMDA - RCW 13.40.165):

[] Respondent is committed to DCYFJR for a total of _____ weeks. Disposition is suspended under RCW 13.40.165. If the Offender violates any condition of the disposition or the court finds that the Respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition.

[] Respondent is subject to a standard range of local sanctions. Respondent shall serve a total of _____ months of community supervision, _____ hours of community service work, and _____ days of detention. Disposition is suspended under RCW 13.40.165. If the Offender violates any condition of the disposition or the court finds the Respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition.

4.6 [] Option B Suspended Disposition Alternatives

Respondent is committed to DCYFJR for a total of _____ weeks.

Days of Confinement _____ Community Service Work _____

Disposition is suspended under RCW 13.40.0357 *OPTION B*. If the offender violates any condition of the disposition or the court finds that the Respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition.

4.7 [] [] **Community Supervision** [] **Minimum Parole Supervision (if required by statute):**

Count: ____	_____ Months	Supervision beginning: _____	Supervision ending: _____
Count: ____	_____ Months	Supervision beginning: _____	Supervision ending: _____
Count: ____	_____ Months	Supervision beginning: _____	Supervision ending: _____

4.8 [] **Community Service Work:**

Count: ____	_____ Hours community service	With _____ hours credited for _____ days served
Count: ____	_____ Hours community service	With _____ hours credited for _____ days served
Count: ____	_____ Hours community service	With _____ hours credited for _____ days served

4.9 [] **Confinement in a Private Residence.** (If required by RCW 13.40.308.)

The Respondent shall remain at home, confined in a private residence. If the Respondent is enrolled in school, the confinement shall be served on non-school days.

Count: ____	_____ Days confinement in a private residence
Count: ____	_____ Days confinement in a private residence
Count: ____	_____ Days confinement in a private residence

[] The Respondent is subject to electronic monitoring.

4.10 [] **Confinement:**

Count: ____	_____ Days	With credit for _____ days served
Count: ____	_____ Days	With credit for _____ days served
Count: ____	_____ Days	With credit for _____ days served

[] Yes

[] No temporary releases from confinement for school, work, medical appointments, etc., are authorized at the discretion of the probation counselor.

4.11 **Commitment** to the custody of DCYFJR for placement in a rehabilitation facility:

Count: ____	_____ Weeks to _____ weeks	With credit for _____ days served
Count: ____	_____ Weeks to _____ weeks	With credit for _____ days served
Count: ____	_____ Weeks to _____ weeks	With credit for _____ days served

Respondent shall be held in a detention facility pending transportation.

4.12 Statutory Firearms Enhancements:

Unlawful Possession of a Firearm in the 2nd Degree Under 18: The court finds that Respondent possessed a firearm in violation of RCW 9.41.040(2)(a)(v). The mandatory minimum disposition is 10 days confinement. If the total period of confinement ordered exceeds 30 days, Respondent is committed to the custody of DCYFJR to serve the ordered confinement.

Unlawful Possession of a Firearm in the 1st or 2nd Degree: Respondent has been adjudicated for Unlawful Possession of a Firearm in the First or Second Degree.

Under RCW 13.40.193(2), Respondent must participate in a qualifying program of Aggression Replacement Training (ART), Functional Family Therapy (FFT), or another cost-beneficial, evidence or research-based program as directed by their supervising probation counselor.

Based upon the juvenile court risk assessment, the court determines that participation in a qualifying program would not be appropriate.

Armed During Commission of A Felony: The court finds that Respondent or an accomplice was armed with a firearm while committing a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony) and imposes the following confinement in addition to any other sentence imposed, and Respondent is committed to the custody of DCYFJR to serve confinement:

6 months (Class A felony) 4 months (Class B felony)

2 months (Class C felony) 12 months (violent offense committed at age 16 or 17)

Armed During Violent Offense at Age 16 or 17 with Gang Involvement: The court finds that: (a) Respondent was 16 or 17 years old during the commission of a robbery in the first degree, drive-by shooting, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030; (b) during commission of the offense Respondent was armed with a firearm, and (c) Respondent's participation in the offense is related to membership in a criminal street gang, or advanced a benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang. Therefore, an additional 3 months of confinement is imposed in addition to any other sentence imposed, and Respondent is committed to the custody of DCYFJR to serve confinement consecutively with any other sentencing enhancement.

4.13 Conditions of Supervision:

- A. The Respondent is ordered to refrain from committing new offenses.
- B. Respondent is further ordered to comply with the **mandatory school attendance** provisions of RCW 28A.225, and to inform Respondent's school of the existence of this requirement.
- C. Respondent shall report, regularly and on time, to the assigned probation counselor (or probation counselor's designee) as the probation counselor shall schedule or direct.
- D. Respondent shall keep the probation counselor informed of Respondent's current address and telephone number and shall notify the probation counselor before moving to a different address.
- E. Respondent shall attend information classes and/or other educational programs as directed by the probation counselor.

(Items F through Q apply only if the corresponding box is checked)

- F. **Curfew** to be set at the discretion of the probation counselor.
- G. Respondent shall **not use or possess firearms, ammunition, or other dangerous weapons** during this period of community supervision. The probation counselor is authorized to search Respondent and items carried or controlled by Respondent at scheduled appointments and other reasonable times, and may specify in writing further details of this prohibition.
- H. Respondent shall participate in counseling, outpatient substance abuse treatment programs, outpatient mental health programs, sex offender, and/or anger management classes as directed by the probation officer. Respondent shall cooperate fully.
- I. Respondent shall be **evaluated for alcohol or other drug dependency** at the direction of the probation counselor and shall comply with all treatment recommendations.
- J. Respondent shall refrain from using illegal drugs and alcohol and is subject to **random urinalysis** as directed by the probation counselor and shall fully cooperate.
- K. Respondent is ordered not to go upon the following premises or geographic areas:

- L. Respondent shall not contact, except through counsel or a probation counselor, the following person(s):

- M. Respondent shall reside in a placement approved by the supervising probation counselor or approved by court order.
- N. Respondent shall not knowingly associate with any person, adult or juvenile, who is under the supervision of any court of this or any other state for any juvenile offense or crime.

- O. Respondent shall obtain a mental health evaluation and shall comply with treatment recommendations unless otherwise ordered by the court.
- P. Respondent shall attend all mental health appointments and take medications as prescribed.
- Q. Other conditions: _____

DCYFJR may consent to necessary medical, surgical, dental, or psychiatric care for Respondent, including immunization required for public school students.

4.14 Respondent is Ordered to Pay:

- Restitution** in the total sum of \$ _____ for victim(s) (include name and address):

- A hearing to confirm restitution discovery is set for _____

- A restitution hearing is set for _____

- DCYFJR is ordered to provide transportation of Respondent to and from the above-ordered restitution hearing.

- The Respondent waives their right to be present at the restitution hearing.

- Restitution liability ordered: is joint and several with: _____
 has been equally divided and the amount ordered is the separate obligation of this offender only.

- The Respondent is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pre-adjudication electronic monitoring in the amount of \$ _____.

- The court finds the Respondent has insufficient funds to pay the full monetary restitution. The victim/s: _____, agreed that the restitution owed to the victim/s may be converted to community service hours. It was was not practicable and appropriate to let the victim/s determine the nature of the community service. \$ _____ of restitution is converted to community service hours at a 1:1 hourly state minimum wage rate. The Respondent shall perform _____ hours of community service at any appropriate court-approved venue a venue consistent with the nature of the community service recommended by the victim/s which is _____.

Monetary amounts ordered shall be paid at the rate of at least \$ _____ per month. The probation officer may revise this schedule in writing.

All payments shall be paid as follows: _____

Respondent shall remain under the court's jurisdiction for a maximum term of 10 years after Respondent's 18th birthday or disposition, whichever is earlier (unless extended for an additional 10 years) for the collection of ordered restitution and penalty assessment, unless these amounts have been converted to a civil judgment pursuant to RCW 13.40.192 and/or 13.40.198. While under the court's jurisdiction, the court may modify the amount, terms, and conditions of restitution for good cause, including inability to pay. The court's jurisdiction over the collection of restitution will terminate if the court grants the Respondent's petition to seal the records of this case. RCW 13.40.190.

- 4.15 **DNA Testing.** Under RCW 43.43.754, the Respondent shall have a biological sample collected for purposes of DNA identification analysis. The Respondent shall fully cooperate in the collection and testing. Failure to provide a sample, as ordered, is a gross misdemeanor offense.
- Confinement at DCYFJR:** The juvenile has been ordered to serve a term of confinement at a facility operated by DCYFJR. The facility shall collect a biological sample to comply with this order either during the intake process or as soon as practical thereafter.
- No DCYFJR Confinement:** The juvenile has not been ordered to serve a term of confinement at a facility operated by DCYFJR. The collection of a biological sample will be taken as follows:
- The test shall be done immediately prior to Respondent leaving the courtroom.
- No in court protocol exists. Respondent is ordered to report to the following local police department/sheriff's office (law enforcement agency) _____ within ____ days from today for collection of a biological sample to comply with this order. If no agency is indicated above, the Respondent shall immediately contact the juvenile department for direction on how to provide a sample to comply with this order and provide a sample as directed.
- Sample Already Taken:** Respondent has already provided a biological sample as verified by the prosecuting attorney and court.

If Respondent has already had a biological sample collected, the collecting agency may choose not to collect another sample. RCW 43.43.754.

- 4.16 **Jurisdiction is transferred to** _____ County for supervision and enforcement of this order. This court retains venue over restitution. When a restitution order is entered, venue will be transferred to the above-named county.

It is Further Ordered that the clerk of this court shall transfer the case file in this matter to the clerk of _____ County Superior Court and the juvenile probation department of this court shall transfer only those legal and social documents pertaining to this matter to the juvenile probation department of _____ County Superior Court.

- 4.17 **Suspension/Revocation of Driving Privilege:** Department of Licensing notification is required because:
- Over 13 and Alcohol, Drugs, UPFA <18, or Armed with F/A (not first offense)** – (1) Respondent was 13 years or older at the time Respondent

committed the following offense: Alcohol under chapter 66.44 RCW; VUCSA under chapter 69.50 RCW; Legend drug under chapter 69.41 RCW; Imitation drugs under chapter 69.52 RCW; UPFA < 18 RCW 9.41.040(2)(a)(v); and/or, an offense while Armed with a Firearm RCW 13.40.196; AND, (2) Respondent has a prior offense for the same offense. See RCW 13.40.265.

- [] **UPFA or Armed During Offense In Which Vehicle was Used (with priors)** – (1) Respondent committed the following offense: UPFA 1 or 2 under RCW 9.41.040; and/or, an offense while Armed with a Firearm RCW 13.40.196 during which the court found a motor vehicle served an integral function during the offense; AND (2) Respondent previously committed one or more of the following offenses: Alcohol under chapter 66.44 RCW; VUCSA under chapter 69.50 RCW; Legend drug under chapter 69.41 RCW; Imitation drugs under chapter 69.52 RCW; UPFA under RCW 9.41.040; and/or, an offense while Armed with a Firearm RCW 13.40.196. See RCW 9.41.040(5).
- [] **Certain Motor Vehicle Offenses** – Respondent committed the following offense: DUI; Physical Control; DWLS 1& 2; Vehicular Assault/Homicide; Hit & Run Attended; Reckless Driving; any felony in which a vehicle was used in commission (except TMVWOP2 where the court finds the Respondent was a passenger only in committing the offense); False Statements under Title 46 RCW; Felony Elude; Unattended Child in Running Vehicle (2nd or subsequent conviction); Reckless Endangerment of Road Workers; and/or Theft of Motor Vehicle Fuel. See RCW 46.20.270, .285, .342(2); RCW 46.52.020(6); RCW 46.61.024(3), .500(2), .524, .527(5), .685(2), .740(2), .5055(9).

Court Clerk: The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must suspend/revoke the defendant's driver's license.

- 4.18** [] ***Firearm Prohibition:*** As a result of the adjudication of guilt as to: (1) a felony; or, (2) one or more of the following crimes committed by one family or household member against another, or by one intimate partner against another: Fourth Degree Assault, Coercion, Stalking, Reckless Endangerment, Criminal Trespass in the First Degree, Violation of the provisions of a Protection Order, or No-Contact Order restraining the person or excluding the person from a residence; or, (3) Harassment committed by one family or household member against another or by one intimate partner against another Respondent shall not use or possess a firearm and under federal law any firearm or ammunition, until their right to do so is restored by the court in which the Respondent was adjudicated or the superior court in Washington state where the Respondent lives, and by a federal court, if required. The court clerk is directed to immediately forward a copy of the Respondent's driver's license or identicard, or comparable information, along with the date of conviction, to the Department of Licensing and the Washington State Patrol Firearms Background Check Program. Title RCW 9.41.
- 4.19** [] ***Felony Firearm Offender Registration:*** The Respondent must register as a felony firearm offender. The specific registration requirements are located in the "Felony Firearm Offender Registration" Attachment.

- 4.20 [] Offender Registration for Sex Offense or Kidnapping Offense:** This crime involves a sex offense, or a kidnapping offense involving a non-adult and meets the requirements of RCW 9A.44.130 for registration. The specific registration requirements are located in the “Offender Registration” Attachment and for the following:
- [] **Kidnapping Offense requiring immediate registration.** RCW 9A.44.130 (b)(vi). – The person committed Kidnapping in the First or Second Degree, or, Unlawful Imprisonment, as defined in RCW Title 9A.40, where the victim is a minor and the person is not the minor’s parent, or, any criminal attempt, solicitation, or conspiracy to commit the same under RCW Title 9A.28.
 - [] **Sex Offense requiring immediate registration.** RCW 9A.44.130 (b)(i –v):
 - [] **Class A or B Sex Offense when 16 or 17 (No SSODA):** The person was 16 or 17 years old when they committed a Class A or B sex offense and did not receive a Special Sexual Offender Disposition Alternative (SSODA) under RCW 13.40.162.
 - [] **Rape in the First Degree when 14 or 15:** The person was 14 or 15 years old when they committed Rape in the First Degree (not SSODA eligible).
 - [] **Rape in the Second Degree when 14 or 15 (No SSODA):** The person was 14 or 15 years old when they committed Rape in the Second Degree and did not receive a SSODA under RCW 13.40.162.
 - [] **Prior Sex Offense:** The person committed any sex offense and at the time of the offense they had a prior conviction for a sex offense (not SSODA eligible) or a deferred disposition for a sex offense, including any out of state, tribal, or federal conviction for a sex offense.
 - [] **Sex offense with SSODA Disposition Only Upon Revocation -** The person committed a sex offense but qualified for and was granted a Special Sexual Offender Disposition Alternative (SSODA) under RCW 13.40.162. The person is not required to register unless the SSODA is revoked. Anytime the SSODA is revoked, then the offender will be required to register as the case involves:
 - [] **Class A or B Sex Offense when 16 or 17 -** The person was 16 or 17 years old when they committed a Class A or B sex offense;
 - [] **Rape in the Second Degree when 14 or 15 -** The person was 14 or 15 years old when they committed Rape in the Second Degree.

4.21 Notice Concerning Ability to Administratively Seal This Case Later

- [] **No Sealing Hearing Set Due to Offense:** One or more offenses in Section II involve - (a) a *most serious offense* as defined in RCW 9.94A.030; (b) a sex offense as defined in chapter 9A.44 RCW; or, (c) a felony drug offense (other than possession under RCW 69.50.4013 and forged prescription under RCW 69.50.403). Therefore, the juvenile is not entitled to an administrative sealing. Nothing prevents the juvenile from asking the court to seal this case pursuant to chapter 13.50 RCW or GR 15 at a later date, when and if qualified.
- [] **Hearing Set to Consider Sealing:** The offenses in Section II qualify for administrative sealing. An administrative sealing hearing shall be set for the latest of either the

Respondent's 18th birthday, the anticipated end of community supervision, or if commitment to a juvenile rehabilitation facility is imposed, the anticipated end of the commitment and any parole.

The administrative sealing hearing in this case is set for:

On: (date) _____ at (time) _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address:

The Respondent is not required to appear at the administrative sealing hearing.

At the sealing hearing the court will review the case and seal the records, unless the court finds at the time of the sealing hearing:

- (1) Respondent owes an amount of restitution to an individual victim, excluding any public or private entity providing insurance coverage or health care coverage; or,
- (2) Respondent remains on supervision or DCYFJR commitment/parole in this case. However, in the event the court finds the Respondent remains on supervision/parole, the administrative sealing hearing will be continued to a date within 30 days of the anticipated end of supervision/parole. At the next hearing, the court will determine eligibility for administrative sealing.

Warning: A sealing hearing does not guarantee the case will be sealed at the hearing.

Nothing prevents Respondent from asking the court to seal this case pursuant to chapter 13.50 RCW or GR 15.

4.22 [] **Bail:** Bail in the amount of \$ _____ is [] exonerated [] forfeited.

4.23 [] **Other Orders:** _____

Dated: _____

Judge/Commissioner

Print Name:

Presented by:

Deputy Prosecuting Attorney

Print Name

WSBA No.

Administrative Memorandum

Does conviction require license or permit markup? [] Yes [] No

License or permit marked in manner authorized by Department of Licensing?

[] Yes [] No

RCW 46.20.270

