

June 19, 2014

TO: Judges, Commissioners, County Clerks, Superior Court Administrators, Juvenile Court Administrators, Law Libraries, Attorneys, and Public

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: 2014 SUMMARY OF CHANGES TO JUVENILE COURT FORMS

The Washington Pattern Forms Committee updated the Juvenile Court Forms listed below to implement:

- Laws of 2014, Ch. 122, Relating to Extended Foster Care
- Laws of 2014, Ch. 108, Relating to Children/Dependency matters
- Laws of 2014, Ch. 175, Relating to Juvenile Records Access
- Laws of 2014, Ch. 117, Relating to Juvenile Firearm Offenders
- Recommended changes requested by the legal community

Detailed Descriptions of the changes follow:

Deper	Dependency Proceedings - 03			
1.	JU 03.0300	Order Appointing Guardian ad Litem		
		 In the footer change the RCW citation as follows "RCW 13.34.<u>100,</u> 105." 		
		In paragraph 2.6 and 2.7, change "counsel" to "attorney," "an attorney," or "attorneys" as appropriate.		
		Also, in paragraph 2.7, change "RCW 13.34.100(6)" to RCW 13.34.100(7)."		
2.	JU 03.0400	Order of Dependency		
		In the footer, in the RCW citation, insert <u>.046,</u> between .030 and .110		

		In paragraph 1.3, change "RCW 13.34.100(6)" to "RCW 13.34.100(7)."		
		In paragraph 4.6 delete Laws of 2013, ch. 182, §5 and replace it with RCW 13.34.046.		
3.	JU 03.0410	Order of Disposition on Dependency		
		In the footer, change the RCW citation to "RCW 13.34.046, .110130, .132."		
		In paragraph 1.4, change "RCW 13.34.100(6)" to "RCW 13.34.100(7)."		
		In paragraph 3.3 delete Laws of 2013, ch. 182, §5 and replace it with <u>RCW 13.34.046</u> .		
4.	JU 03.0500	Order after Hearing First Dependency Review/Dependency Review/Permanency Planning		
		In the footer, change the RCW citation to "RCW 13.34. <u>046</u> , .130, .136, .138, .145."		
		In paragraph 1.3, change "RCW 13.34.100(6)" to "RCW 13.34.100(7)."		
		After 2.21, below the heading "Other", insert a new paragraph 2.22 as follows:		
		The child is legally free and it has been six months or more since all parental rights were terminated. The court shall appoint an attorney by separate order.		
		Change the current 2.22 Other to 2.23 Other.		
		In paragraph 3.13 delete Laws of 2013, ch. 182, §5 and replace it with <u>RCW 13.34.046</u> .		
5.	JU 03.0510	Interim Review Hearing		
		In the footer, change the RCW citation to "RCW 13.34. <u>046</u> , .130, .136, .138, .145."		
		In paragraph 1.4, in the second check box option, change "RCW 13.34.100(6)" to "RCW 13.34.100(7)."		
		Insert a new paragraph 2.5 as follows:		
		The child is legally free and it has been six months or more since all parental rights were terminated. The court shall appoint an attorney by separate order.		
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		Then change the current 2.5 Other to 2.6 Other. In paragraph 3.3 delete Laws of 2013, ch. 182, §5 and replace it with <u>RCW 13.34.046</u> .
6.	JU 03.0520	Extended Foster Care Dependency Review Hearing Order/Permanency Planning Hearing Order In the footer delete Laws of 2011, ch. 330, §7 and replace it with RCW 13.34.267. In paragraph 2.2, insert the following as the fourth check box option: " (beginning March 1, 2015) [is not employed for 80 hours or more per month."
7.	JU 03.0540	Findings and Order on Post 18 Extended Foster Care (Extending Dependency) In paragraph 2.1, Agreed extended foster care, in the third major check box option, "on the youth's 18 th birthday," add the following criteria as the fourth sub-check box option: "
8.	JU 03.0700	Notice that the Child is Legally Free This form is deleted.
9.	JU 03.0930	Consent by Indian Child's Parent for Termination of Parental Rights and for Adoption In 1.3 the third sentence and 1.7 the first sentence and the end of the paragraph, change Paragraphs 2.8 to 1.8, 2.9 to 1.9 and 2.10 to 1.10. In 1.7 at the end of the second sentence insert "adoptive parents as if born to such adoptive parents." At the beginning of the third sentence, insert " <u>I further understand that after my parental rights are</u> terminated, I am not thereafter entitled to" notice of proceedings Under the heading <u>Court Certification</u> and in the footer delete Laws of 2011, ch. 309, §15 and replace it with <u>RCW 13.38.150</u> .

10.	JU 03.1200	Order Appointing Attorney		
		In the footer delete Laws of 2013, ch. 332, §6 and replace it with <u>RCW 13.34.100(6), (7), RCW 13.34.268</u>		
		In the caption, delete "(Extended Foster Care)."		
		In section "I. Basis," delete the text and replace it with:		
		The court makes this appointment on its own initiative because:		
		The child is legally free and it has been six months or more since all parental rights were terminated. The court is required to appoint an attorney to represent the child in this dependency.		
		The youth filed a Notice of Intent to file a Dependency Petition – Extended Foster Care. The court is required to appoint an attorney to represent the youth at no cost.		
		Other:		
		la postion "II. Findings" delete the findings and real-op them with		
		In section "II. Findings," delete the findings and replace them with:		
		The court finds that:		
		the child is in need of an attorney.		
		the child is entitled by statute to an attorney.		
		In section "III. Order," in paragraph 3.1 change "youth" to "child/youth."		
		In paragraph 3.2 change the text as follows:		
		The attorney shall be notified of this appointment by the 🗌 clerk of the court 🗍		
		In paragraph 3.3, add a check box before the beginning of the paragraph, so it is an optional paragraph.		
		In the "cc" section, change "Youth" to "Child/Youth."		
11.	JU 03.1210	Motion for an Order Appointing Attorney		
		This is a new form.		

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12.	JU 03.1300	Dependency Petition – Extended Foster Care	
		In paragraph 1.4, "The youth's eligibility," in the second check box option, delete Laws of 2013, ch. 332, §6(1)(a) and replace it with <u>RCW 13.34.268(1)(a)</u> .	
		In the footer, delete Laws of 2013, ch. 332, §5 and 6 and replace it with <u>RCW 13.34.267, .268</u> .	
		In paragraph 1.5, delete Laws of 2013, ch. 332, §6 and replace it with <u>RCW 13.34.268</u> .	
		In section "II. Allegations," insert the following as the fourth check box option:	
		" (beginning March 1, 2015) employed for 80 hours or more per month:	
		" 	
13.	JU 03.1400	Order of Dependency – Extended Foster Care	
		In the footer, delete Laws of 2013, ch. 332, §5 and 6 and replace it with <u>RCW 13.34.267, .268</u> .	
		In paragraph 2.4, delete Laws of 2013, ch. 332, §6(1)(a) and replace it with <u>RCW 13.34.268(1)(a)</u> .	
		In paragraph 2.5, delete Laws of 2013, ch. 332, §6 and replace it with <u>RCW 13.34.268</u> .	
		In paragraph 2.6, add the following as the fourth sub-check box option:	
		"(beginning March 1, 2015) is is is not employed for 80 hours or more per month."	
Termi	nation of Parent-	Child Relationship - 04	
1.	JU 04.0110	Hearing, Findings, and Order Regarding Termination of Parent- Child Relationship	
		On the first page, immediately below the caption, insert a text box with the following text:	
		[] The child is legally free. An attorney must be appointed for the child in dependency case number no later than six months from today's date. (NCLF)	

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		On page 4, below the judge's signature, delete the box with the following text: Legally Free: If this order results in the child being legally free, counsel for DSHS is directed to file form WPF JU 03.0700, Notice that the Child is Legally Free, under the dependency cause number.			
Juver	nile Offender Pro	oceedings - 07			
1.	JU 07.080	Order on Ad	ljudication and Disposition		
		In the caption paragraphs.	In the caption, after "Clerk's Action Required," add <u>, 4.23</u> to the list of paragraphs.		
		Modify parag	graph 4.13 as follows:		
		4.13 Statu	itory 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(1)(e)(2)(a)(iv). The <u>mandatory</u> minimum disposition is 10 days confinement. If the total period of confinement ordered exceeds 30 days, respondent is committed to the custody of JRA 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 his or her supervising probation counselor. ☐ Based upon the juvenile court risk assessment, the court determines that participation in a qualifying program would not be appropriate. 		
			Armed With A Firearm : The court finds that respondent or an accomplice was armed with a firearm while committing a felony, and thus hereby imposes:		
			\Box 6 months (Class A felony) \Box 4 months (Class B felony) \Box 2 months (Class C felony) confinement in addition to any other sentence imposed herein and respondent is committed to the custody of JRA to serve said confinement.		
			Any term of confinement ordered in this paragraph 4.12 shall run consecutively to any other term of confinement ordered.		

		Insert a new paragraph 4.23:		
		"4.23 Administrative Sealing Required: The Respondent is eligible for administrative sealing of the court records in this case. The administrative sealing hearing in this case is set for:		
		The respondent is not required to appear at the administrative sealing hearing. At the administrative sealing hearing, the juvenile court will seal the case unless the court finds: (1) respondent failed to comply with the terms of the disposition; or, (2) there is an objection to the sealing or a compelling reason not to seal. If there is an objection or compelling reason, the court will set a contested hearing. The respondent and counsel will be given at least 18 days notice of the contested hearing, At the contested hearing, the court decides whether or not to seal the court record. Nothing prevents respondent from asking the court to seal this case pursuant to RCW Title 13.50 or GR15.		
2.	JU 07.0820	Advice of Rights Regarding Juvenile Records		
		In the footer after RCW add <u>Title</u> and delete .050		
		In section I. Sealing of Records, insert the following new paragraph 1.2, as follows:		
		1.2 Administrative Sealing:		
		The Respondent is eligible for administrative sealing of the court records in the case if none of the offenses is a "Most Serious Offense" (as defined in RCW 9.94A.030), a "Sex offense" (as defined in RCW 9.44), or a felony drug offense under RCW 69.50 (except Possession of Controlled Substance and/or Forged Prescription). An administrative sealing hearing must be set for the next administrative sealing hearing after the latest of either the respondent's 18 th birthday, the anticipated end of community supervision, or, if JRA is imposed, the anticipated end of the commitment and any anticipated parole.		
		The respondent is not required to appear at the administrative sealing hearing. At the administrative sealing hearing, the juvenile court will seal the case unless the court finds: (1) respondent failed to comply with the terms of the disposition; or, (2) there is an objection to the sealing or a compelling reason not to seal. If there is an objection or compelling reason, the court will set a contested hearing. The respondent and counsel will be given at least 18 days notice of the contested hearing.		

3.	JU 07.1310	Statement of Juvenile for Deferred Disposition At the beginning of paragraph 1.1, insert STIPULATION OF JUVENILE: before Pursuant Delete paragraph 1.1(k), except for the last line: The maximum possible punishment that can be imposed by Juvenile Court is years or commitment to JRA to age 21, whichever is less. which is moved to paragraph 1.2 as indicated below.	
		At the beginning of paragraph 1.1, insert <u>STIPULATION OF</u>	

Change paragraph number 1.1(I) to 1.1(k).		
Insert a new paragraph 1.2 as indicated below:		
1.2 STANDARD RANGE SENTENCE: I understand if I do not comply with any of the terms of my community supervision, the court will revoke the deferred disposition and shall enter an Order of Disposition, after which the court may impose any sentence authorized by law, including the following (check applicable):		
OFFENSES SUBJECT TO LOCAL SANCTIONS: I am stipulating to one or more offenses which carry a standard range of local sanctions in the event my deferred disposition is revoked. Local sanctions are as follows:		
 0 to 12 months of community supervision 0 to 150 hours of community restitution (community service) 0 to \$500 fine 0 to 30 days of detention Crime Victim's Compensation payment of \$75 or \$100 Payment of restitution 		
OFFENSES WITH STANDARD RANGE JJ&RA SENTENCE: I am stipulating to one or more of the following offenses which carry a standard range commitment to the Juvenile Justice and Rehabilitation Administration (JJ&RA) in the event my deferred disposition is revoked:		
 103 to 129 week commitment to JJ&RA for the following offenses: 		
 Possession of Incendiary Device; or, BAIL JUMP from a charge of Murder in the First Degree. 		
 15 to 36 week commitment to JJ&RA for the following offenses: 		
 Delivery of Narcotic Drug or Methamphetamine (or attempt/conspiracy/solicitation); Attempt, Conspiracy, or Solicitation to commit Possession of Incendiary Device; Intimidating a Public Servant or Witness; Promoting Prostitution First Degree; Hit and Run with Death; Felony DUI or Physical Control; or, BAIL JUMP from any of the following offenses - Murder Second Degree, Assault First Degree, Arson First Degree, Kidnapping First Degree, Robbery First Degree, Rape First Degree, Rape Second Degree, Rape of a Child First Degree, Child Molestation First Degree, Possession of Incendiary Device, Delivery of Narcotic Drug or Methamphetamine, and/or any "Other Class A Felony" under RCW 13.40.0357. 		

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	The maximum possible punishment that can be imposed by Juvenile Court is years or commitment to JJ&RA to age 21, whichever is less.		
	Insert new paragraph 1.3 and 1.4 as follows:		
	1.3 COUNTS AS CRIMINAL HISTORY: The judge's acceptance of my motion for deferred and the resulting conviction will become part of my criminal history, and will remain part of my criminal history even when I become an adult, unless and until I successfully complete my deferred disposition, the conviction is vacated, and the charge(s) against me dismissed. My criminal history can affect my ability to remain in the Juvenile Justice System should I re-offend and would be considered for sentencing on any future offenses I may commit as a juvenile or adult.		
	1.4 GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, the court's finding of guilt herein to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.		
	Insert new paragraph 1.5 relating to notification of Direct Consequences, and delete prior paragraphs that have been moved, as indicated below:		
	1.5 NOTIFICATION OF DIRECT CONSEQUENCES: If any of the following paragraphs do not apply, they should be stricken and initialed by the juvenile and judge -		
	(a) SUSPENSION/REVOCATION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed if the court finds me guilty of an offense as well as a finding I was armed with a firearm when I committed the offense, or, if the offense was a violation of RCW 9.41.040(2)(a)(iv),or of chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, the court's finding of guilt will result in suspension or revocation of my privilege to drive.		
	(b) SUSPENSION/REVOCATION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed if the court finds me guilty of an offense involving any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault (disregard for safety of others), hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the court's finding of guilt will result in the suspension or revocation of my privilege to drive.		

	(c)	OFFENDER REGISTRATION FOR KIDNAPPING AND UNLAWFUL IMPRISONMENT: I have been informed if the court finds me guilty of a kidnapping offense as defined in RCW 9A.44.128 [Attempted Second Degree Kidnapping, Unlawful Imprisonment, or any anticipatory form of those crimes], I will be required to register as a kidnapping offender where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
	(d)	DNA TESTING: Pursuant to RCW 43.43.754, I have been informed if the court finds me guilty of a felony, or an offense which requires kidnapping offender registration [Attempted Second Degree Kidnapping, Unlawful Imprisonment, or any anticipatory form of those crimes], or any of the following offenses: Stalking, Harassment, Assault in the Fourth Degree with Sexual Motivation, Custodial Sexual Misconduct in the Second Degree, Failure to Register as a Sex or Kidnapping Offender, Patronizing a Prostitute, or Violation of a Sexual Assault Protection Order, I will be required to have a biological sample collected for purposes of DNA identification analysis. This paragraph does not apply if it is established the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.
	(e)	HIV TESTING: I have been informed if the court finds me guilty of a prostitution offense, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.
	(f)	DOMESTIC VIOLENCE ASSESSMENT: I have been informed if the court finds me guilty of domestic violence, I may be required to pay a domestic violence assessment of up to \$100.
	(g)	CRIME LAB FEES: I have been informed if the court finds me guilty of an offense involving a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance. The court may waive this assessment if the court finds I am not able to pay.
	(h)	MANDATORY INDECENT EXPOSURE & PROSTITUTION ASSESSMENTS: I have been informed if the court finds me guilty of Indecent Exposure, Prostitution, Permitting Prostitution, Patronizing a Prostitute, and/or Promoting Prostitution, I will be ordered to pay a mandatory assessment as required under RCW 9A.88.120. The court may reduce up to two-thirds of this assessment if the court finds I am not able to pay it.
	(i)	SCHOOL NOTIFICATION: I have been informed if I am enrolled in a common school, the court will notify the

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		principal of my school if the offense for which the court finds me guilty involves 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 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155.
	(j)	FEDERAL BENEFITS: I have been informed if the court finds me guilty of a felony drug offense, my eligibility for state and federal food stamps and welfare will be affected. 21 U.S.C. § 862a.
	(k)	RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed if the court finds me guilty of any offense classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so has been restored by the court in which I am adjudicated or the superior court in Washington State where I live, and by a federal court if required.
	(1)	UNLAWFUL POSSESSION OF A FIREARM IN THE 1ST OR 2 ND DEGREE: I understand that if the court finds me guilty of Unlawful Possession of a Firearm in the 1 st or 2 nd degree, I must participate in a "qualifying program" unless there is no such program available or the court makes a written finding based on the juvenile court risk assessment that participation in the program would not be appropriate. A qualifying program means an aggression replacement training program, a functional family therapy program, or another cost-beneficial, evidence or research based approved program applicable to the juvenile firearm offender population.
	(m)	FELONY FIREARM REGISTRATION: I have been informed if the court finds me guilty of a felony firearm offense as defined by RCW 9.41.010 [Any felony offense under RCW 9.41, Theft of a Firearm under RCW 9.56.300, Possession of a Stolen Firearm under RCW 9.41.310, or any felony in which I am alleged to have been armed with a firearm under RCW 13.40.196], the court will make a determination as to whether or not I have to register as a felony firearm offender. The court could decide that I have to register as a felony firearm offender in which case I will be mandated to register in any county in which I reside. I have read the "Felony Firearm Registration" attachment and have no further questions.

		Based upon the juvenile court risk assessment, the court determines that participation in a qualifying program would not be appropriate.		
5.	JU 07.1380	Order Sealing Record of Previously Vacated Deferred Disposition Pursuant to RCW 13.40.127.		
		Delete this form. It has been combined with form JU 10.0320 (see below).		
Assignment of Lawyer – 09 – Entire set of forms deleted				
1.	JU 09.0100	Motion for Assignment of Lawyer		
		Delete this form.		
2.	JU 09.0120	Order Assigning Lawyer		
		Delete this form.		
3.	JU 09.0200	Waiver of Lawyer by Parent/Guardian/Custodian		
		Delete this form.		
4.	JU 09.0210	Waiver of Lawyer (Juvenile/Child)		
		Delete this form.		
Juvenile Court Records - 10				
1.	JU 10.0300	Motion for Order to Seal Records of Juvenile Offender		
		In the footer delete RCW 13.50.050(11) (12) and replace with Laws of 2014, ch. 175, § 4		
		In the first paragraph, at the first check box delete RCW 13.50.050(11) and (12) and replace it with <u>RCW Title 13.50</u> .		
		In paragraph 2.2, in the heading, delete RCW 13.50.050 and replace it with <u>RCW Title 13.50</u> .		
		In the sentence just above paragraph 2.3, delete RCW 13.50.050(11) and (12) and replace it with <u>RCW Title 13.50</u> .		
		In paragraph 2.3 in the heading, delete RCW 13.50.050(12)(c) and replace it with <u>RCW Title 13.50</u> .		

2.	JU 10.0320	Order on Motion to <u>Re:</u> Seal<u>ing</u> Records of Juvenile Offender
		Change the title of the forms as indicated above. Below the form title, add a second docket code as indicated:
		(ORSF <u>, ORSFD</u>)
		This form was substantially revised. The revised Order is for use with all sealing under RCW Title 13.50 and RCW 13.40.127.
		Please delete your existing order and replace it with the new version.