



September 12, 2012

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

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: 2012 LEGISLATIVE CHANGES JUVENILE COURT FORMS

The table, below, describes 2012 legislative changes and suggested changes to the Juvenile Court forms:

3. Dependency Proceedings – JU-3 <i>Mandatory Pattern Forms</i>		
A.	JU 03.0500	<p>First Dependency Review Hearing Order/Dependency Review Hearing Order/Permanency Planning Hearing Order</p> <p>In paragraph 2.5, insert the following as the second check box option:</p> <p style="padding-left: 40px;">“The placement and permanent plan:”</p> <p style="padding-left: 40px;">.....</p> <p style="padding-left: 40px;">“[] _____ are no longer necessary and appropriate and the <u>placement shall be modified as stated in Paragraph 3.2.</u>”</p> <p>In the third check box option, change “not still” to “no longer.”</p> <p>In section “III. Order”, under “<u>Placement</u>,” insert a new paragraph 3.2:</p> <p style="padding-left: 40px;">“3.2 [] An Order Dismissing Dependency shall be entered.”</p> <p>Renumber the remaining paragraphs.</p>
B.	JU 03.0540	<p>Findings and Order on Post-1 Extended Foster Care</p> <p>This is a new form.</p>
C.	JU 03.0600	<p>Motion and Declaration for Order Dismissing Dependency</p> <p>In section “II. Declaration,” below the check box option “<input type="checkbox"/> Dependency was established, and should be dismissed because,” insert the following as the first check box option:</p>

		<p><input type="checkbox"/> The youth is 18 to 18 ½ years of age and is not eligible for extended foster care.”</p> <p>Delete the following check box option:</p> <p><input type="checkbox"/> The youth is in extended foster care and is no longer eligible for services.”</p> <p>In the footer delete the two Session Law citations and replace them with “RCW 13.34.237, 13.34.267.”</p>
D.	JU 03.0650	<p>Order Dismissing Dependency</p> <p>In section “III. Order,” below the check box option “[] Dependency in this cause number is dismissed because,” insert the following as the first check box option:</p> <p><input type="checkbox"/> The youth is 18 to 18 ½ years of age and is not eligible for extended foster care.”</p> <p>Delete the following check box option:</p> <p><input type="checkbox"/> The youth is in extended foster care and is no longer eligible for services.”</p> <p>In the footer delete the two Session Law citations and replace them with “RCW 13.34.237, 13.34.267.”</p>
6. Juvenile Offense Proceedings – Diversion Agreements – JU-6		
A.	JU 06.0100	<p>Advice About Diversion (<i>When Confinement is Possible</i>)</p> <p>In paragraph 2, after “informational” and before “or education sessions,” insert “restorative justice.”</p>
B.	JU 06.0120	<p>Diversion Agreement</p> <p>Change the third check box option as follows:</p> <p><input type="checkbox"/> Educational/Information/<u>Restorative Justice</u> Program”</p> <p>Below the check box options for “Education/Information/Restorative Justice Program,” and for “Counseling,” after “educational” and before “and/or informational session,” insert “restorative justice.”</p>
C.	JU 06.0130	<p>Diversion Agreement/Contract – Sexual Exploitation</p> <p>Change the checkbox option beginning with “Education” as follows:</p>

		<p><input type="checkbox"/> Education/Information/<u>Restorative Justice</u> Program</p> <p>Below the two lines for information about the program, insert:</p> <p>“The Diversion Unit is not responsible for any cost of counseling, educational, restorative justice, and/or informational sessions. All costs incurred are payable by the parent.”</p>
D.	JU 06.0150	<p>Advice About Diversion (<i>When Confinement is not Possible</i>)</p> <p>In paragraph 2, after “informational” and before “or education sessions,” insert “restorative justice.”</p>
7. Juvenile Offense Proceedings in Juvenile Court – JU-7		
A.	JU 07.0800	<p>Order on Adjudication and Disposition</p> <p>In the caption, after “<input type="checkbox"/> Clerk’s Action Required. Paragraphs,” insert “1.3 before “4.1.”</p> <p>In section “II. Findings of Fact,” after the check box beginning with “The state failed,” and before the check box beginning with “Same Court of Conduct,” insert the following new check box option:</p> <p>“GV <input type="checkbox"/> For the offense(s) charged in count(s) _____, domestic violence was pled and proved, RCW 10.99.020.”</p> <p>In paragraph 4.15, “Respondent is ordered to pay,” change the sixth check box option as follows:</p> <p><input type="checkbox"/> Pursuant to RCW 9.68A.105 or 9A.88.120 fee of \$_____ <input type="checkbox"/> Waived (<u>Waiver shall not exceed 2/3 of the maximum amount.</u>)”</p>
B.	JU 07.0820	<p>Advice of Rights Regarding Juvenile Records</p> <p>On page 2, change the section on “Sealing Vacated Deferred Disposition Records under RCW 13.40.127(10)” as follows:</p> <p>1.6 Automatic sealing: If the court vacates a conviction when the person is 18 years of age or older and restitution is paid in full, the court shall enter a written order sealing the case. Records of a deferred disposition case vacated under RCW 13.40.127(9) will be automatically sealed no later than 30 days after the person’s 18th birthday, if he or she does not have any charges pending at that time.</p>

		<p><u>1.7</u> If the court vacates a conviction when the person is not 18 years of age or older and restitution has been paid in full, then the court shall schedule an administrative sealing hearing to take place no later than 30 days after the person's 18th birthday. At that hearing, the court shall enter a written order sealing the case. The person does not have to attend the hearing.</p> <p><u>1.8</u> Records sealed under RCW 13.40.127(10) shall have the same legal status as records sealed under RCW 13.50.050.</p> <p><u>1.79</u> Sealing by motion: <u>If a person's records were vacated prior to June 7, 2012, the case cannot be sealed if a person is already 18 years of age or older on or before June 26, 2009, and the person does not have any charges pending, he or she may file a motion for an order sealing records under RCW 13.40.127(10), and the court shall grant the motion. The person may also file a motion for an order sealing records under RCW 13.50.050. The court shall seal the case if restitution has been paid and the person is 18 years of age or older at the time of the motion. RCW 13.50.050(12)(c).</u></p>
C.	JU 07.1300	<p>Motion for Deferred Disposition</p> <p>In paragraph 2.1, below the sentence in "(a)," insert a check box as indicated below:</p> <p>(a) "This case is not currently set for trial, or this motion is being filed at least fourteen (14) days before commencement of trial.</p> <p><input type="checkbox"/> <u>The motion is being filed less than 14 days before the beginning of the trial, the respondent requests waiver for good cause."</u></p>
D.	JU 07.1310	<p>Statement of Juvenile for Deferred Disposition</p> <p>In paragraph 1.1, below sub-paragraph "(l)," insert the following new sub-check box options:</p> <p><u>"(m) <input type="checkbox"/> RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] If my offense is 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</u></p>

		<p><u>the court in which I am adjudicated or the superior court in Washington State where I live, and by a federal court if required.</u></p> <p>(n) <input type="checkbox"/> <u>DNA TESTING: Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, 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, sexual misconduct with a minor in the second degree, 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 that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.</u></p> <p>(o) <input type="checkbox"/> <u>SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: If my offense involves a finding that 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)(iii) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then my privilege to drive will be suspended or revoked.</u></p> <p>(p) <input type="checkbox"/> <u>SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: If my offense is 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, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, my privilege to drive will be suspended or revoked.”</u></p>
E.	JU 07.1320	<p>Order of Deferred Disposition</p> <p>In paragraph 1.1, add the following check box sentences at the end of the sentence:</p> <p><input type="checkbox"/> The respondent asked the court for deferred disposition at least 14 days prior to the beginning of the trial. <input type="checkbox"/> The court waived the 14 day requirement for good cause.”</p>

Below section "II. Findings," insert the following new paragraph 2.1:

"2.1 The court found the respondent guilty of:

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

GV For the offense(s) charged in count(s) _____, domestic violence was pled and proved, RCW 10.99.020."

In paragraph 4.15, "Respondent is ordered to pay," change the fourth check box option as follows:

Pursuant to RCW 9.68A.105 or 9A.88.120, fee of \$_____ Waived. (Waiver shall not exceed 2/3 of the maximum amount.)"

Below paragraph 4.20, and above the judges' signature, insert the following:

"The Statement of Juvenile for Deferred Disposition was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

- (a) The respondent had previously read the entire statement and that the respondent understood it in full;
- (b) The respondent's lawyer had previously read to him or her the entire statement and that the respondent understood it in full; or
- (c) An interpreter had previously read to the respondent the entire statement and that the defendant understood it in full.

INTERPRETER'S DECLARATION: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the respondent understands. I have interpreted this document and the Statement of Juvenile for Deferred Disposition for the respondent from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

 Interpreter

 Print Name"

		Below the signature line for "JUDGE/COMMISSIONER" insert a signature line for "Respondent."
F.	JU 07.1360	Order Dismissing Deferred Disposition This is a new form.
G.	JU 07.1370	Order on Unpaid Restitution re: Dismissed Deferred Disposition This is a new form.
H.	JU 07.1380	Order Sealing Record of Previously Vacated Deferred Disposition Pursuant to RCW 13.40.127(10) This is a new form.
10. Juvenile Court Records – JU-10		
A.	JU 10.0300	Motion and Declaration to Seal Records of Juvenile Offender In section "I. Motion," delete " <input type="checkbox"/> RCW 13.40.127(10)." In paragraph 2.3, In the first line, delete "RCW 13.40.27(10)" and replace it with "RCW 13.50.050(12)(c)." Change the third sentence as follows: "The court vacated my deferred disposition and dismissed the case with prejudice pursuant to RCW 13.40.127(9) <u>prior to June 7, 2012.</u> " After the sentence "I am over 18 years of age," insert: " <u>I have paid restitution.</u> " Delete: " There are no charges pending against me. " In the footer, delete "RCW 13.40.127(10)."
B.	JU 10.0315	Notice of Respondent's Motion to Seal Records of Juvenile Offender In the footer, change the citations as follows: "RCW 13.50.050(11) (4312), RCW 13.40.127(10) , GR 15(c)"
C.	JU 10.0320	Order on Motion to Seal Records of Juvenile Offender In section "I. Basis," delete " <input type="checkbox"/> RCW 13.40.127(10)."

		petition, sanction the parties for lack of compliance, or take any other such action as the court deems appropriate.” Renumber the remaining check box options.
RR-1 Relief from Offender Registration Requirements – RR-1		
A.	RR 01.0100	Petition for <input type="checkbox"/> Relief from the Duty to Register <input type="checkbox"/> Exemption from Community Notification On page 3, in section C., “I Base my Request on this Information,” change the second to last check box option, as follows: “ <input type="checkbox"/> <u>Any</u> input of the victim.”