



January 1, 2021

TO: Judges, Commissioners, County Clerks, Court Administrators,
Court Facilitators, Libraries, Attorneys, and the Public

FROM: Ashley Tam, AOC Senior Legal Analyst

RE: Summary of Changes to Juvenile Court Forms (January 2021)


The Washington Pattern Forms Committee updated the Juvenile Dependency, Juvenile Offender, and Relief from Offender Registration pattern forms. These forms incorporate changes to the law, specifically:

- [Laws of 2019, ch. 437 \(2SSB 5604\)](#), Uniform Guardianship, Conservatorships, and Other Protective Arrangements Act;
- [Laws of 2020, ch. 184 \(SHB 2794\)](#), Juvenile Record Sealing–Various Provisions; and
- [Laws of 2020, ch. 249 \(ESB 6180\)](#), Special Sexual Offender Disposition Alternatives–Juveniles.

The forms were also updated for other reasons, including to improve form accuracy, change docket/event codes, use more inclusive terms, and increase the clarity of information contained in these forms. The effective date of these updated forms is January 1, 2021.

To provide a timely Summary of Changes for our court form users, we are now creating the Summary of Changes using Adobe Acrobat Pro’s Compare Tool. Depending on your PDF reader and software version, you may have the ability to create customized views of the comparison report to meet your needs.



Some tips on using our Summary of Changes in Adobe Acrobat 2017:

1. Use the Bookmarks in the left pane to locate the form you would like to review. (Look for the  icon.) Click on the name of the form.
2. Hover over icons (e.g., a message bubble or white “x” enclosed in red circle) in the document to see changes appear in a pop-up text box, or click on the icons to see them in the right pane.
3. To filter the types of changes you would like to see:

Summary of Changes to Juvenile Court Forms

January 1, 2021

Page 2 of 2

- a. Select  **Comment** in the right pane. If you don't see the Comment icon to the right, go to View in your menu bar, then select Tools>Comment>Open.
 - b. Click on the upside down triangle next to the filter  icon in the right pane.
 - c. Select Reviewer, and then choose the types of changes you would like to view in the Summary of Changes.
4. If you select the three dots next to the filter icon, you will see an option to “Print with Comment Summary. . .”

To provide feedback about our Summary of Changes or our court forms, please complete our online form at:

<http://www.courts.wa.gov/forms/?fa=forms.comments>.

Compare Results

Old File:

JU03_0100 Dependency Petition.pdf

3 pages (209 KB)

12/21/2020 11:39:26 AM

versus

New File:

JU 03_0100 Dependency Petition_2021 01.pdf

3 pages (210 KB)

12/21/2020 8:56:24 AM

Total Changes

119

Content

18 Replacements
19 Insertions
21 Deletions

Styling and Annotations

61 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

Superior Court of Washington
 County of _____
Juvenile Court

Dependency of:

D.O.B.:

No:

Dependency Petition (DPP)

Clerk's Action Required
 Paragraph 1.5 (DEPABN
 DEPAN DEPMPGC)

I. Basis

I represent to the court the following:

1.1 Petitioner

DSHS/Supervising Agency by (name) _____.

(Name) _____.

1.2 Child alleged to be dependent:

Name		
Date of Birth		Child's Sex:
Home Address		

1.3 Parent(s) or Legal Guardian(s):

	<input type="checkbox"/> Mother	<input type="checkbox"/> Father <input type="checkbox"/> presumed <input type="checkbox"/> alleged
Name	¹	²
Date of Birth		
Marital status	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> other	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> other
Driver's License or Identocard (# and State)		
Home Address		

	<input type="checkbox"/> Father <input type="checkbox"/> presumed <input type="checkbox"/> alleged	<input type="checkbox"/> Custodian/Legal Guardian
Name	³	⁴
Date of Birth		
Marital status	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> other	
Driver's License or Identocard (# and State)		
Home Address		

1.4 Child's Indian Status:

Based upon the following, the Petitioner does not have reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:

Based upon the following, the Petitioner knows or has reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do apply to this proceeding:

The Petitioner has made the following preliminary efforts to provide notice of this proceeding to all tribes to which the Petitioner knows or has reason to know the child may be (1) a member or (2) eligible for membership, if the biological parent is also a member:

1.5 Dependency: The child should be declared dependent according to RCW 13.34.030(6) as follows:

- (DEPABN) (a) the child has been abandoned as defined in RCW 13.34.030;
- (DEPAN) (b) the child is abused or neglected as defined in chapter 26.44 RCW; or
- (DEPNPGC) (c) the child has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

1.6 **Allegations:** The allegation of Dependency is based on the following facts:

1.7 **Educational Liaison**

The child meets the criteria for appointment of an educational liaison. The DSHS/Supervising Agency recommends that the court appoint an educational liaison.

II. Relief Requested

The Petitioner requests that the court find the child dependent, enter an order of dependency, and grant the relief below:

- enter a disposition order that includes placement, parent-child and sibling visitation, and services.
- appoint an educational liaison.
- order a parent to cooperate with the establishment of paternity.
- order a parent to sign releases for information.
- other: _____

Dated: _____

Petitioner

Type or Print Name/Title WSBA No.

III. Certification

I declare under penalty of perjury under the laws of the State of Washington that the foregoing representations are true and correct.

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

Signature

Print Name

Compare Results

Old File:

JU03_0500_Dependency_ReviewPermanency_ Planning_Order_2020 06.pdf

15 pages (337 KB)
6/10/2020 2:44:24 PM

versus

New File:

JU 03_0500 Dependency Review_Permanency Planning Order_2021 01.pdf

15 pages (274 KB)
12/21/2020 9:18:31 AM

Total Changes

102

Content

74 Replacements
12 Insertions
8 Deletions

Styling and Annotations

8 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

Superior Court of Washington
County of _____
Juvenile Court

Dependency of:

D.O.B.: _____

No:

Order after Hearing:

First Dependency Review (FDPRHO)

Dependency Review (DPRHO)

Permanency Planning (ORPP)

Clerk's Action Required:

Paragraphs 2.10 (CPR NSP CRD
 IPM PCT NFA GCF),
3.13 (EDL/WDL), and the boxes below.

The court will hear interim review dependency review permanency planning
 (type of hearing) _____ on (date) _____ at
_____ a.m./p.m. at: _____, Court, Room/Department:
_____, located at: _____.

Additional Clerk's Action Required: Enter the code(s) that apply.

About today's hearing:

Was adequate and timely notice given to the child's caregiver? Yes (CGATN) No (CGNATN)

Did the court receive a caregiver report? Yes (CGRR) No

The caregiver appeared.

Did the court give the caregiver an opportunity to be heard? Yes No

I. Hearing

1.1 The court held a hearing on (date) _____.

1.2 The following persons appeared at the hearing:

<input type="checkbox"/> Child	<input type="checkbox"/> Child's Lawyer
<input type="checkbox"/> Mother	<input type="checkbox"/> Mother's Lawyer
<input type="checkbox"/> Father	<input type="checkbox"/> Father's Lawyer
<input type="checkbox"/> Guardian or Legal Custodian	<input type="checkbox"/> Guardian's or Legal Custodian's Lawyer
<input type="checkbox"/> Child's GAL	<input type="checkbox"/> GAL's Lawyer
<input type="checkbox"/> DCYF Worker	<input type="checkbox"/> DCYF's Lawyer
<input type="checkbox"/> Tribal Representative	<input type="checkbox"/> Current Caregiver

Interpreter for mother father Child's Educational Liaison
 Other _____ Other _____

1.3 The order is agreed contested.

The court heard testimony from: _____.

The child is 12 years old or older, and the court made the inquiry required by RCW 13.34.100(7).

II. Findings

General

2.1 Child's Indian status: On this date On _____, the court asked each participant on the record whether the participant knows or has reason to know the child is an Indian child.

There is no reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), based upon prior findings and order(s). The federal and Washington State Indian Child Welfare Acts do not apply to these proceedings.

There is reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), based upon prior findings and order(s). The federal and Washington State Indian Child Welfare Acts apply to this proceeding. The notice and evidentiary requirements of the federal and Washington State Indian Child Welfare Acts were found in previous hearings and are incorporated here by reference.

DCYF has made active efforts by actively working with the parent(s) or Indian Custodian to engage them in remedial services and rehabilitative programs to prevent the breakup of the Indian family beyond simply providing referrals to such services, but those efforts have been unsuccessful.

This finding is based on the following:

_____.

DCYF has not made active efforts.

This finding is based on the following:

_____.

Other:

_____.

2.2 The child's current caregiver was informed of this proceeding and the right to be heard by the court, as required by chapter 13.34 RCW.

2.3 Under RCW 13.34.030, the child was found to be dependent as to the mother father guardian/legal custodian, and a disposition order was entered.

2.4 In the previous review period, the permanency plan in effect for the child has been:

Primary:

Alternative:

Return of the child to the home of the mother father
 guardian or legal custodian;

Adoption;

Guardianship of a Minor under RCW 11.130.215, or the equivalent laws of another state or a federally recognized Indian tribe;

Title 13 Guardianship;

Long term relative or foster care for children between 16 and 18 years of age with a written agreement;

Responsible living skills program; and/or

Independent living for children age 16 and older.

2.5 The placement and permanent plan:

are still necessary and appropriate for the safety and well-being of the child.

are no longer necessary and appropriate, and the placement shall be modified as stated in Paragraph 3.3.

are no longer necessary and appropriate, and the permanent plan shall be modified as stated in Paragraph 3.19.

have been accomplished because the court entered a parenting plan or residential schedule decree, which is in the child's best interests and implements the permanent plan of care.

long-term foster or relative care has been achieved.

2.6 _____ is the projected date for:

return of the child to his or her home.

placement for adoption.

establishment of a guardianship.

implementation of the following alternate plan of care: _____.

2.7 The child is 16 years old or older and the court has approved a permanency plan other than Return Home, Adoption, Title 13 Guardianship, or Guardianship of a Minor under RCW 11.130.215 for the following compelling reasons:

_____.

2.8 The child is 14 years old or older and the court makes the following findings:

The child was present for today's hearing. The court consulted with the child in an age-appropriate manner regarding ongoing opportunities to engage in age or developmentally appropriate activities.

The child was not present for today's hearing.

The child does does not have regular, ongoing opportunities to engage in age or developmentally appropriate activities.

DCYF has taken the following steps to ensure the child's placement is following the reasonable and prudent parent **standard**, as defined in 42 U.S.C. § 675(10)(A):

2.9 DCYF has has not made reasonable efforts to implement and finalize the permanent plan for the child.

This finding is based upon the following:

2.10 The child has been in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed and:

- A termination petition has already been filed.
- DCYF should file a termination petition pursuant to RCW 13.34.136(3).
- A termination petition should be filed pursuant to RCW 13.34.138(2)(d).
- Good cause not to require the filing of a termination petition exists because of the following:

(CPR) The child has been placed in the care of a relative.

(NSP) DCYF has not provided the child's family with the services that are necessary for the child's safe return home.

(CRD) DCYF has documented a compelling reason as the basis for its determination that filing a termination petition would not be in the best interests of the child.

(IPM) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for 15 of the last 22 months. DCYF has not documented another reason why it would be otherwise appropriate to file a petition, and the parent maintains a meaningful role in the child's life, because:

(PCT) The parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals.

(NFA) The parent was court-ordered to complete services necessary for the child's safe return home. The parent filed a **declaration**, under penalty of **perjury**, that the parent is financially unable to pay for those court-ordered services and that DCYF was unwilling or unable to pay for those services necessary for the child's safe return home.

(GCF) Other: _____

Reports

- 2.11 The DCYF report was was not timely submitted.
- 2.12 The child's guardian ad litem attorney has has not made a report to the court.
 The guardian ad litem has met with or personally observed the child in the past review period.
 The guardian ad litem has not met with or personally observed the child in the past review period because:

_____.
- 2.13 The child's educational liaison, (name) _____
 has has not made a report to the court.
 The current educational liaison should continue.
 It is no longer appropriate for the current educational liaison to continue because:

DCYF recommends that the court appoint (name) _____
to serve as the child's educational liaison.
- 2.14 The following other parties submitted reports to the court:
_____.

Placement

- 2.15 Placement of the child:
 - A. Return Home**
 - The child has been residing in foster care. A reason for removal of the child, as set forth in RCW 13.34.130(2), no longer exists and the child should be placed in the home of the mother father under the supervision of DCYF and the continuing jurisdiction of the court.
 - DCYF has has not identified all adults known to be residing in the home and has has not conducted background checks on those persons.
 - The mother father has identified the following persons as potential caregivers for the child:

_____.
 - B. In Home**
 - The child has been placed in the home of the mother father for a period of six months.
 - The dependency should be dismissed. The permanency plan of return to the mother father has been achieved and court supervision is not needed.

- Court supervision should remain in effect. The placement of the child with the mother father should remain in effect under the supervision of DCYF, subject to further review by the court.

C. Out of Home

- Currently out of the home: The child remains placed out of home. There is a continuing need for out-of-home placement for the child and it would be contrary to the child's welfare to return home. The child should remain in the custody, control, and care of DCYF a relative another suitable person to be placed or remain in:

Relative care with (name) _____.

Relative placement, although preferred, is not in the best interest of the child and the child shall continue to remain in or be placed in:

Foster care (For QRTP also complete section D below).

Placement with a suitable person (name) _____.

Placement with an adoptive parent or other person with whom the child's siblings or half-siblings live.

Other: _____.

- To be removed from the home now: The child was in the home and is now removed from the home. It is currently contrary to the child's welfare to remain in the home. Reasonable efforts have been made to prevent the removal of the child, and those efforts were unsuccessful. The child should be placed in the custody, control, and care of:

DCYF for placement in:

Relative care with (name) _____.

Relative placement, although preferred, is not in the best interest of the child and the child shall continue or be placed in:

Foster care (For QRTP also complete section D below):

pending completion of DCYF investigation of relative placement options.

because there is no relative or other suitable person who is willing, appropriate, and available to care for the child, with whom the child has a relationship and is comfortable.

because there is reasonable cause to believe that relative placement would jeopardize the safety or welfare of the child and/or hinder efforts to reunite the parent(s) and child.

Placement with a suitable person (name) _____.

Placement with an adoptive parent or other person with whom the child's siblings or half-siblings live.

Other: _____.

A relative or other suitable person.

DCYF recommends a change in placement for the following reasons:

- The child is an Indian child, as defined in RCW 13.38.040, and this placement complies with the placement priorities in RCW 13.38.180 and 25 U.S.C. § 1915.

The child is is not in a safe and appropriate placement that adequately meets all of the child's physical, emotional, cultural, and educational needs.

DCYF has has not considered out-of-state placements for the child.

There are no appropriate out-of-state placements at this time.

Other:

_____.

The mother's father's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent.

DCYF should provide housing assistance.

D. Qualified Residential Treatment Program

The child remains placed in a Qualified Residential Treatment Program.

Ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home.

The child's placement provides the most effective and appropriate level of care in the least restrictive environment.

Placement in a Qualified Residential Treatment Program is consistent with the child's short and long term goals as stated in the child's permanency plan.

The Qualified Residential Treatment Facility will meet the treatment or service needs of the child, as follows:

_____.

_____ months days is the expected amount of time the child will need the treatment or services provided by the Qualified Residential Treatment Program.

The Department has made the efforts to prepare the child for return home or placement with a relative, legal guardian, adoptive parent, or foster family home, as follows:

_____.

Compliance and Progress

2.16 DCYF has has not made reasonable efforts to provide services to the family and eliminate the need for out-of-home placement of the child.

This finding is based on the following:

_____.

A. Compliance with Court Order

Agency _____ [] yes [] no [] partial: _____
Mother _____ [] yes [] no [] partial: _____
Father _____ [] yes [] no [] partial: _____
Father _____ [] yes [] no [] partial: _____
Father _____ [] yes [] no [] partial: _____
Child _____ [] yes [] no N/A: _____ [] partial: _____
Other (guardian or intervenor) _____ [] yes [] no [] partial: _____

B. Progress toward correcting the problems that necessitated the child's placement in out-of-home care:

Mother _____ [] yes [] no [] _____
Father _____ [] yes [] no [] _____
Father _____ [] yes [] no [] _____
Father _____ [] yes [] no [] _____
Child _____ [] yes [] no [] _____
Other (guardian or intervenor) _____ [] yes [] no [] _____

C. Other Findings

Visitation

2.17 [] The mother [] has [] has not visited the child on a regular basis.

[] Reasons why visits have not occurred or have been infrequent:

2.18 [] The father [] has [] has not visited the child on a regular basis.

[] Reasons why visits have not occurred or have been infrequent:

2.19 [] The child is placed out of the home, and the court has considered the child's placement, contact, and visits with the child's siblings in accordance with RCW 13.34.130(3).

Placement with, contact, or visits between siblings:

has occurred (specify): _____

has not occurred because:

- there is reasonable cause to believe that the best interests of the child or siblings would be jeopardized,
- the court does not have jurisdiction over the siblings in question and the parents are not willing to agree to a plan, or
- efforts to reunify the parent with the child would be hindered by such placement, contact, or visitation.
- Other: _____

Permanency Planning Findings – Required at Permanency Planning Hearing

2.20 The permanent plan for the child has has not been achieved.

2.21 The court has has not consulted with the child in an age-appropriate manner about the proposed permanency or transition plan.

2.22 Service providers have have not been involved in planning to meet the special needs of the child and the child's parent.

2.23 The child is 14 years old or older and the court makes the following findings:

The child was present for today's hearing. The court asked the child about the child's desired permanency outcome and consulted with the child in an age-appropriate manner about the proposed permanency and transition plan.

The child was not present for today's hearing. DCYF consulted with the child regarding the child's proposed permanency and transition plan.

The following services are needed to assist the child in transitioning to successful adulthood:

2.24 The permanency plan identifies independent living as a goal. Services should be provided to assist the child in making a transition from foster care to independent living and allow the child to manage his or her financial, personal, social, educational, and non-financial affairs.

DCYF has has not identified specific services to be provided to assist the child in making a transition from foster care to independent living.

2.25 The child has been placed in the home of the mother father for a period of at least six months.

The permanent plan of return to the mother father has been achieved and court supervision is not needed.

Court supervision should remain in effect. The placement of the child with the mother father is continued under the supervision of the court until the next review hearing.

The following conditions apply to the continued placement of the child with the mother father:

Other

2.26 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.

2.27 Other:

III. Order

Placement

3.1 The child remains a dependent child pursuant to RCW 13.34.030(6) (a) (b) (c). Court supervision shall continue.

3.2 An Order Dismissing Dependency shall be entered.

3.3 The child shall be in the custody, control, and care of DCYF for placement in:

- Foster care.
- Relative placement with (name) _____.
- The home of a suitable person (name) _____.
- The home of an adoptive parent or other person with whom the child's siblings or half-siblings live.
- The home of the mother father for a trial return home under the continued supervision of the court.
 - Placement of the child in the mother's father's home is contingent upon the parent's compliance with court orders related to the care and supervision of the child, including compliance with the DCYF case plan, and the mother's father's continued participation in substance abuse mental health treatment other services: _____.

DCYF may remove the child from the home, subject to review by the court, if the parent fails to comply with the DCYF plan or court order; is unable, unwilling, or fails to participate in available services or treatment for themselves or the child; or fails to successfully and substantially complete available services or treatment for themselves or the child.

Placement of the child in the mother's father's home is contingent upon (name of caregiver) _____ engaging in and completing additional services as listed in section 3.20 to ensure the safety of the child prior to during the trial placement of the child in the home.

If your child is placed in your care, you have an ongoing duty to notify DCYF of all persons who reside in the home or who may act as a caregiver for the child as long as the court retains jurisdiction of this matter or DCYF is providing or monitoring services to you or any caregiver of the child.

3.4 The child shall be in the custody, control, and care of:

a relative, (name/s) _____, without supervision of this placement by DCYF.

another suitable person, (name/s) _____, without supervision of this placement by DCYF.

General

3.5 DCYF, having custody of the child, shall have full power to authorize and provide all necessary, routine, and emergency medical, dental, or psychological care as recommended by the child's treating doctor or psychologist, subject to review by the court, as needed.

3.6 All service providers shall make all records and all reports available to DCYF, the parent's attorney, and the guardian ad litem or attorney for the child. Parents shall sign releases of information and allow all service providers to make all records available to DCYF and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court, or offered by DCYF, shall be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.7 The report of DCYF for the next review hearing shall be submitted to the court and to the parties at least ten (10) days prior to the hearing.

3.8 A petition seeking termination of the parent-child relationship between the child's mother father and the child shall be filed by DCYF not later than (date) _____.

Services

Any evaluation ordered by the court must comply with RCW 13.34.370.

3.9 Services for the mother are:

as set forth in the attached service plan.

as follows:

3.10 Services for the father(s) are:

as set forth in the attached service plan.

as follows:

_____.

3.11 Additional services for the mother father that shall be initiated or completed are:

as set forth in the attached service plan.

as follows:

_____.

3.12 Services for the child(ren) are:

as set forth in the attached service plan.

as follows:

_____.

SAY evaluation, and the child was notified that he/she may request an attorney.

The child is age 12 or older and agrees to the services was notified of the services was notified that he/she may request an attorney.

3.13 Child's educational liaison

(Name) _____ shall continue as the child's educational liaison.

(Name) _____ is removed as the educational liaison.

The court appoints (name) _____ to serve as the child's educational liaison to carry out the responsibilities described in RCW 13.34.046. The educational liaison must complete criminal background checks required by DCYF.

Visitation

3.14 The specific visitation plan between the child(ren) and mother shall be:

as set forth in the visitation attachment.

as follows:

_____.

_____.

Visitation between the mother and the child may be expanded upon agreement of the parties.

3.15 The specific visitation plan between the child(ren) and father shall be:

as set forth in the visitation attachment.

as follows:

_____.

Visitation between the father and the child may be expanded upon agreement of the parties.

3.16 The specific plan for visitation or contact between the child and child's siblings shall be:

as set forth in the visitation attachment.

as follows:

_____.

Child's Indian Status

3.17 Any party who subsequently receives information that provides a reason to know the child is an Indian child under 25 C.F.R. § 23.107 shall inform the court.

Other

3.18 Other:

_____.

Permanency Planning Order – Required at Permanency Planning Hearing

3.19 The permanency plan for the child is:

Primary:

Alternative:

Return of the child to the home of the:
 mother father guardian or legal custodian;

Adoption;

Guardianship of a Minor under RCW 11.130.215 or the equivalent laws of another state or a federally recognized Indian tribe;

Title 13 Guardianship;

Long term relative or foster care, for children between 16 and 18 years of age, with a written agreement;

Responsible living skills program; and/or

Independent living for children age 16 and older.

3.20 The court orders the following actions to be taken to move the case toward permanency:

3.21 **Release of Information:**

All court-ordered service providers shall make all records and all reports available to DCYF, the attorney for DCYF, the parent’s attorney, the guardian ad litem, and the attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DCYF and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties’ interaction with services ordered by the court or offered by DCYF may be subject to disclosure in open court, unless specifically prohibited by state or federal law or regulation.

DCYF may continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information about the child, as necessary, with potential relative or other suitable person placement resources to determine their suitability and willingness as a placement for the child.

3.22 All parties shall appear at the next scheduled hearing (see page one).

Dated: _____

Judge/Commissioner

Presented by:

Signature

Print Name/Title

WSBA No.

Notice: A petition for permanent termination of the parent-child relationship may be filed if the child is placed out-of-home under an order of dependency. (RCW 13.34.180.)

Copy Received; Approved for Entry; Notice of Presentation Waived:

Signature of **Child**

 Signature of Child’s Lawyer

Print Name

WSBA No.

 Signature of **Mother**

Pro Se, Advised of Right to Counsel

 Signature of Mother’s Lawyer

Print Name

WSBA No.

 Signature of **Father**

Pro Se, Advised of Right to Counsel

 Signature of Father’s Lawyer

Print Name

WSBA No.

 Signature of **Guardian or Legal Custodian**
 Pro Se, Advised of Right to Counsel

 Signature of Guardian or Legal Custodian's Lawyer

Print Name WSBA No.

 Signature of Child's **GAL**

 Signature of Lawyer for the Child's GAL

Print Name

Print Name WSBA No.

 Signature of **DCYF Representative**

 Signature of DCYF Representative's Lawyer

Print Name

Print Name WSBA No.

 Signature of **Tribal Representative**

 Signature

Print Name

Print Name WSBA No.

Lawyer for _____

(If the mother, father, guardian, or other person signs without legal representation, the certification below shall also be signed.)

Certification

I certify under penalty of perjury under the laws of the **State** of Washington that I have read or been told the contents of the Dependency Review Hearing Order/Permanency Planning Hearing and I agree that the order is accurate and should be signed by the court.

Mother Date and Place of Signature

Father Date and Place of Signature

Child's Guardian or Legal Custodian Date and Place of Signature

Other Date and Place of Signature

Compare Results

Old File:

**JU03_0560_Legally Free Order after hearing
Dep Rev Perm Plan
bg_Incorporating_DCYF_2019 10 01.pdf**

7 pages (43 KB)
7/19/2019 4:17:25 PM

versus

New File:

**JU 03_0560 Legally Free Order after hearing
Dep Rev Perm Plan_2021 01.pdf**

7 pages (233 KB)
12/21/2020 9:13:07 AM

Total Changes

259

Content

50 Replacements
23 Insertions
9 Deletions

Styling and Annotations

177 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

Superior Court of Washington
County of _____
Juvenile Court

In re the Dependency of: _____

DOB: _____

NO.

Legally Free - Order after Hearing
 Dependency Review (DPRHO)
 Permanency Planning (ORPP)

Clerk's Action Required. Paragraphs 3.1, 3.2, and the boxes below.

The court will hear interim review dependency review permanency planning:
 (type of hearing) _____ on (date) _____ at _____ a.m./p.m.
at: _____ Court, Room/Department: _____,
located at: _____

Additional Clerk's Action Required: Enter the code(s) that apply.

About today's hearing:
Was adequate and timely notice given to the child's caregiver? Yes (CGATN) No (CGNATN) ✖
Did the court receive a caregiver report? Yes (CGRR) No ✖
 The caregiver appeared.
Did the court give the caregiver an opportunity to be heard? Yes No ✖

I. Hearing

1.1 The court held a hearing on: _____.

1.2 The following persons appeared at the hearing:

- | | |
|--|---|
| <input type="checkbox"/> Child | <input type="checkbox"/> Child's Lawyer |
| <input type="checkbox"/> Child's GAL/CASA | <input type="checkbox"/> GAL/CASA's Lawyer |
| <input type="checkbox"/> Social Worker | <input type="checkbox"/> Assistant Attorney General |
| <input type="checkbox"/> Tribal Representative | <input type="checkbox"/> Current Caregiver |
| <input type="checkbox"/> Other _____ | |

1.3 Testimony was taken. See Clerk's Minutes.

1.4 The court has considered the reports of DCYF CASA/GAL Child Caregiver
 Other _____.

II. Findings

- 2.1 Indian status:
- There is reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), based upon prior findings and orders. The Federal and Washington State Indian Child Welfare Acts apply to this proceeding. All notice requirements and evidentiary requirements under the Federal and Washington State Indian Child Welfare Acts have been satisfied.
- There is no reason to know the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding.
- 2.2 The child's current caregiver was informed of this proceeding and his or her right to be heard by the court as required by chapter 13.34 RCW.
- 2.3 The child is 12 years or older, and the court made the inquiry required by RCW 13.34.100(6).
- 2.4 An order terminating the parent-child relationship was entered on _____ as to the mother and on _____ as to the father. The child has been legally free for _____ months. Child has been legally free for six months or greater and an attorney has been appointed has not been appointed.
- 2.5 In the previous review period, the permanent plan of care in effect for the child has been:
- | Primary: | Alternative: |
|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> Adoption. |
| <input type="checkbox"/> | <input type="checkbox"/> Guardianship of a Minor under RCW 11.130.215 or the equivalent laws of another state or a federally recognized Indian Tribe. |
| <input type="checkbox"/> | <input type="checkbox"/> Title 13 Guardianship. |
| <input type="checkbox"/> | <input type="checkbox"/> Long-term <input type="checkbox"/> relative or <input type="checkbox"/> foster care for children between 16 and 18 years of age with a written agreement. |
| <input type="checkbox"/> | <input type="checkbox"/> Responsible living skills program; and/or |
| <input type="checkbox"/> | <input type="checkbox"/> Independent living for children age 16 and older. |
- 2.6 The placement and permanent plan:
- are still necessary and appropriate for the safety and well-being of the child.
- are no longer necessary and appropriate, and the placement shall be modified as stated in paragraph 3.4.
- are no longer necessary and appropriate, and the permanent plan shall be modified as stated in paragraph 3.6.
- have been accomplished because the court entered an adoption or guardianship decree, which is in the child's best interests and implements the permanent plan of care.
- long-term foster or relative care has been achieved.
- 2.7 The primary permanent plan of care for the child has has not been achieved:
- For the reasons set forth in the agency's report; and/or

Other: _____

2.8 The permanency plan is is not appropriate.

The circumstances that prevent achieving a permanency plan for the child are:

appeal.

as set forth in DCYF's report.

Other: _____

2.9 _____ is the projected date for:

placement for adoption.

establishment of a guardianship.

implementation of the following alternate plan of care: _____.

2.10 The child is 16 years old or older, and the court has approved a permanency plan other than Return Home, Adoption, Title 13 Guardianship, or Guardianship of a Minor under RCW 11.130.215 for the following compelling reasons:

2.11 The child is 14 years old or older and the court makes the following findings:

The child was present for today's hearing. The court consulted with the child in an age-appropriate manner regarding ongoing opportunities to engage in age or developmentally appropriate activities.

The child was not present for today's hearing.

The child does does not have regular, ongoing opportunities to engage in age or developmentally appropriate activities.

DCYF has taken the following steps to ensure the child's placement is following the reasonable and prudent parent standard as defined in 42 U.S.C. § 675(10)(A):

2.12 Reasonable efforts have have not been made by DCYF to implement and finalize the permanent plan of care for the child as detailed in the agency's report.

2.13 The child is presently under the care, custody, and control of DCYF. The child has been residing in out-of-home care since _____. The child has been residing in foster care relative care with a suitable person. There is a continuing need for out-of-home placement because the permanent plan has not been finalized.

- 2.14 The child remains placed in a Qualified Residential Treatment Program.
- Ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home.
 - The child's placement provides the most effective and appropriate level of care in the least restrictive environment.
 - Placement in a Qualified Residential Treatment Program is consistent with the child's short and long term goals as stated in the child's permanency plan.
 - The Qualified Residential Treatment Facility will meet the following treatment or service needs of the child:
 - _____
 - _____
 - _____
 - _____
 - _____ months days is the expected time the child will need the treatment or services provided by the Qualified Residential Treatment Program.
 - The Department has made the following efforts to prepare the child for placement with a fit and willing relative, legal guardian, adoptive parent, or foster family home:
 - _____
 - _____
- 2.15 The child is in an adoptive placement and is expected to remain there until adopted.
- 2.16 The child is is not in a safe and appropriate placement that adequately meets all his or her physical, emotional, cultural, and educational needs.
- 2.17 DCYF has has not considered out-of-state placement for the child.
- There are no appropriate out-of-state placements at this time.
 - Other:
 - _____
 - _____
- 2.18 The agency has has not complied with the court-ordered services and responsibilities.
- 2.19 The child has has not complied with the court-ordered services and responsibilities.
- 2.20 The agency report was was not timely submitted. The agency plan is is not contested.
- 2.21 The youth is 17 years old, and a transition plan meeting has occurred has not occurred.

2.22 The court has considered the child's relationships with the child's siblings in accordance with RCW 13.34.130(3). Reasonable efforts to ensure visits and contact between siblings have have not been made. Reasonable efforts to ensure visits and contact between siblings have not been made because there is reasonable cause to believe that the best interests of the child or siblings would be jeopardized.

2.23 The court has considered the child's relationships with others and visits have been have not been ordered.

2.24 Other: _____

PERMANENCY PLANNING HEARING (to be used only as specified in RCW 13.34.145).

2.25 The court has has not consulted with the child in an age-appropriate manner about the proposed permanency or transition plan.

2.26 The child is 14 years old or older and the court makes the following findings:

The child was present for today's hearing. The court asked the child about the child's desired permanency outcome and consulted with the child in an age-appropriate manner about the proposed permanency and transition plan.

The child was not present for today's hearing. DCYF consulted with the child regarding the child's proposed permanency and transition plan.

The following services are needed to assist the child in transitioning to successful adulthood:

2.27 The permanency plan identifies independent living as a goal. Services should be provided to assist the child in making a transition from foster care to independent living and allow the child to manage his or her financial, personal, social, educational, and non-financial affairs. DCYF has has not identified specific services to be provided to assist the child in making a transition from foster care to independent living.

III. Order

The court orders that:

3.1 Dependency in this cause number has been dismissed by separate order.

3.2 (Name) _____ is appointed as attorney for the child/youth.

3.3 The attorney shall be notified of this appointment by _____.

3.4 The child remains a dependent child pursuant to RCW 13.34.130. Court supervision shall continue and the child shall remain in:
 the care and custody of DCYF for placement of the child in foster care or relative care.
 the home of a suitable person (name) _____.

3.5 Visits or contact between the child and the child's siblings shall be provided:
 as previously ordered;
 as set forth in the attached agency's GAL's report;
 as follows: _____

3.6 PERMANENCY PLANNING HEARING (to be used only as specified in RCW 13.34.145).
The permanency plan for the child shall be:

Primary:	Alternative:	
<input type="checkbox"/>	<input type="checkbox"/>	Adoption: The court shall be notified when an adoption decree is entered.
<input type="checkbox"/>	<input type="checkbox"/>	Guardianship of a Minor under RCW 11.130.215 or the equivalent laws of another state or a federally recognized Indian Tribe. The court shall be notified when a RCW 11.130.215 guardianship order is entered.
<input type="checkbox"/>	<input type="checkbox"/>	Title 13 Guardianship: The court shall be notified when a Title 13 guardianship order is entered.
<input type="checkbox"/>	<input type="checkbox"/>	Long term <input type="checkbox"/> relative or <input type="checkbox"/> foster care for children between 16 and 18 years of age with a written agreement.
<input type="checkbox"/>	<input type="checkbox"/>	Responsible living skills program and/or
<input type="checkbox"/>	<input type="checkbox"/>	Independent living for children age 16 and older.

3.7 The person or agency having custody of the child shall have full power to authorize and provide all necessary, routine, and emergency medical, dental, or psychological care as recommended by the child's treating doctor or psychologist.

3.8 All service providers shall make all records and all reports available to DCYF, the attorney for the child, and the guardian ad litem(s). Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DCYF, shall be subject to disclosure in open court, unless specifically prohibited by state or federal law or regulation.

DCYF may continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and who is authorized to share information about the child, as necessary, with potential relative or other suitable person placement resources to determine their suitability and willingness as a placement for the child.

3.9 **Failure of a party to comply with this court order may be contempt of court, as provided in RCW 13.24.165.**

3.10 Any party who subsequently receives information that provides a reason to know the child is an Indian child under 25 C.F.R. § 23.107 shall inform the court.

3.11 Other: _____



3.12 All parties shall appear at the next scheduled hearing (see page one).

Dated: _____

Judge/Commissioner

Presented by: _____

Signature

Print Name/Title

WSBA No.

Copy Received; Approved for Entry; Notice of Presentation Waived:

Signature of **Child**

Signature of Child's Lawyer

Print Name

WSBA No.

Signature of Child's **GAL**

Signature of Lawyer for the Child's GAL

Print Name

Print Name

WSBA No.

Signature of **DCYF Representative**

Signature of DCYF Representative's Lawyer

Print Name

Print Name

WSBA No.

Signature of **Tribal Representative**

Signature

Print Name

Print Name

WSBA No.

Lawyer for _____

Compare Results

Old File:

JU07_080_Order on Adjudication and Disposition_2020 06.pdf

11 pages (657 KB)
6/10/2020 4:12:07 PM

versus

New File:

JU 07_0800 Order on Adjudication and Disposition_2021 01.pdf

12 pages (493 KB)
12/21/2020 10:59:18 AM

Total Changes

298

Content

169 Replacements
54 Insertions
28 Deletions

Styling and Annotations

47 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

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, 4.11, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.22

I. Hearing

- 1.1 Respondent appeared for a disposition hearing on (date) _____.
- 1.2 Persons appearing were:
 - Respondent Parent _____
 - Pros. Atty. _____ Parent _____
 - Prob. Counsl. _____ 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) _____
_____.

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

GV 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 his/her 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 his/her 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 his/her culpability for the offense through failing to establish a defense.

Prior to his or her 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 one 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 two 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 restitution (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 two 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.

[] NOTICE OF REGISTRATION AND HEARING SET (also paragraph 4.22): Respondent is required to register as a sex offender pursuant to RCW 9A.44.130. At the end of the supervision ordered under this disposition alternative, there will be a presumption that Respondent is sufficiently rehabilitated to warrant removal from the registry of sex offenders, and the court shall relieve Respondent of the duty to register unless the court finds that the offender is not sufficiently rehabilitated to warrant removal after considering the factors in RCW 13.40.162(7). A waiver hearing is set approximately two years from the date of this order as follows:

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

At: _____ Court, Room/Department: _____

Address: _____

At that time, the court will determine if the offender is sufficiently rehabilitated to warrant removal from the registry of sex offenders.

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 restitution (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 (OPTION B - RCW 13.40.0357 - For offenses committed on or after July 27, 2003.)

Respondent is committed to DCYFJR for a total _____ weeks.

Days of Confinement _____ Community Restitution (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 Restitution (Service) Work:**

Count: ____	____ Hours community restitution (service)	With ____ hours credited for ____ days served
Count: ____	____ Hours community restitution (service)	With ____ hours credited for ____ days served
Count: ____	____ Hours community restitution (service)	With ____ hours credited for ____ days served

4.9 [] **Crime Victim's Community Restitution (Service) Work.** The following offenses involved a "victim" as defined in RCW 7.68.020, and are not a most serious offense or a sex offense. Therefore, pursuant to RCW 7.68.035, the court shall order up to seven (7) hours of community restitution (service) per offense unless the court finds such an order not practicable for the offender. This crime victim's community restitution (service) work is consecutive to itself and to any other community restitution (service) work imposed.

Count: ____	____ Hours community restitution (service – 0 to 7 hours)
Count: ____	____ Hours community restitution (service – 0 to 7 hours)
Count: ____	____ Hours community restitution (service – 0 to 7 hours)

4.10 [] **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 nonschool 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.

4.11 [] **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.

4.12 **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.

4.13 **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)(vi). 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 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 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 three (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.

4.14 **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.

4.15 Respondent is ordered to pay:

FFJ/3706 A **fine** of \$ _____, which Respondent shall pay as scheduled by probation officer.

A \$100 CVC Fee for Most Serious and/or Sex Offense - Pursuant to RCW 7.68.035, mandatory Crime Victim's Compensation Fee of \$100 is imposed because one or more of the offenses involve a most serious offense under RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW.

[] Under RCW 43.43.7541 and 43.43.754, a one-time mandatory DNA Fee of \$100 is imposed. [] No DNA fee is imposed as DNA has already been collected as a result of a prior conviction.

[] **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 restitution (service) hours. It [] was [] was not practicable and appropriate to let the victim/s determine the nature of the community restitution (service). \$_____ of restitution is converted to community restitution (service) hours at a 1:1 hourly state minimum wage rate. The Respondent shall perform _____ hours of community restitution (service) at [] any appropriate court-approved venue [] a venue consistent with the nature of the community restitution (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 ten (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.

4.16 [] **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.

Paragraph 4.16 does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the Respondent for a qualifying offense.
RCW 43.43.754.

4.17 [] **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.

4.18 [] **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)(vi); 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.

- 4.19 [] **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, committed on or after June 7, 2018; Respondent shall not use or possess a firearm and under federal law any firearm or ammunition, until his or her 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. RCW 9.41.047.

- 4.20 [] **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.

- 4.21 [] **Offender Registration for Sex Offense or Kidnapping Offense:** Because this crime involves a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128, or an unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, the Respondent must register. The specific registration requirements are located in the "Offender Registration" Attachment. Respondent may only be relieved of the duty to register as provided in RCW 9A.44.142, RCW 9A.44.143, and RCW 13.40.162.

4.22 **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 serious violent 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 _____ 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.

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

4.24 [] **Other Orders:** _____

Dated: _____

Judge/Commissioner

Print Name: _____

Presented by:

Deputy Prosecuting Attorney *

Print Name WSBA No.

Copy Received; Approved for Entry; Notice of Presentation Waived:

Attorney for Respondent

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

Respondent

Print Name

Collateral Attack on Judgment. Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion

to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.090 and 10.73.100.

<i>Fingerprints</i> (If required by RCW 10.64.110)	
I hereby attest that the fingerprint(s) appearing on this Order are the fingerprints of _____, and were affixed in open court on the date below.	
Dated: _____	Clerk _____
	By: _____ Deputy Clerk

Compare Results

Old File:

JU07_082_Advice of Rights re Juvenile records.pdf

3 pages (135 KB)
12/21/2020 12:18:53 PM

versus

New File:

JU 07_0820 Advice of Rights re Juvenile Records_2021 01.pdf

4 pages (138 KB)
12/21/2020 12:48:52 PM

Total Changes

106

Content


37 Replacements
4 Insertions
4 Deletions

Styling and Annotations

61 Styling
0 Annotations

[Go to First Change \(page 1\)](#)



Superior Court of Washington County of _____ <p style="text-align: center;">Juvenile Court</p>	
STATE OF WASHINGTON v. _____ Respondent. D.O.B.: _____	No: Advice of Rights Regarding Juvenile Records (ADR) 

I. Sealing of Records

1.1 The official juvenile court file of any alleged or proven juvenile offender is open to public inspection unless sealed.

1.2 Administrative Sealing:

The Respondent is eligible for administrative sealing of the court records in the case if:

- None of the offenses in this case is: (a) a serious violent 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);
- The Respondent is at least 18 years of age;
- The Respondent is no longer subject to community supervision or, if commitment to a juvenile rehabilitation facility is imposed, the anticipated end of the commitment and any parole in this case; and,
- The Respondent has paid in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage.

An administrative sealing hearing must be set for the first regularly scheduled administrative sealing hearing after the latest of either the Respondent's 18th birthday, the

anticipated end of community supervision, or, if JRA is imposed, the anticipated end of the commitment and any 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:

- (a) One or more of the offenses in this case involve: (a) a serious violent 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);
- (b) Respondent remains on supervision or juvenile rehabilitation 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. The hearing will be continued until the supervision/parole ends.) or,
- (c) Respondent owes an amount of restitution to an individual victim, excluding any public or private entity providing insurance coverage or health care coverage.

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

1.3 Sealing Juvenile Court Records by Motion under RCW 13.50.260.

In any case in which an Information has been filed or a Complaint has been filed with the prosecutor and referred for diversion, the person who is the subject of the Information or Complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. However, no identifying information held by the Washington State Patrol is subject to sealing.

The court shall not grant any motion to seal records unless it finds that:

- (a) For class A felony offenses since the last date of release from confinement, (including full-time residential treatment, if any, or entry of disposition including deferred disposition), the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction or adjudication, and the person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion. For all class B and C felony offenses, gross misdemeanors, misdemeanors, and diversions since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition (including deferred disposition), or completion of diversion, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion.
- (b) No proceeding is pending against the person making the motion to seal records seeking conviction of a juvenile offense or criminal offense;
- (c) No proceeding seeking the formation of a Diversion Agreement is pending against the person making the motion to seal records;

- (d) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143, if the person was convicted of a sex offense; and
- (e) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

If the court grants the motion to seal records, the official juvenile court file, the social file, and other records relating to the case shall be sealed. No identifying information held by the Washington State Patrol, however, is subject to sealing. The case proceedings shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the records which are sealed. However, county clerks may interact or correspond with the Respondent, Respondent's parents, and any holders of potential assets or wages of the Respondent for the purposes of collecting any outstanding legal financial obligations, even after juvenile court records have been sealed.

Any adjudication of a juvenile offense or a crime after the sealing shall have the effect of nullifying the sealing order. Any charging of an adult felony after the sealing shall nullify the sealing order for the purposes of chapter 9.94A RCW.

1.4 Sealing Vacated Deferred Disposition Records under RCW 13.40.127(10):

If the court vacates a conviction when the person is 18 years of age or older and restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW, is paid in full, the court shall enter a written order sealing the case

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.

Records sealed under RCW 13.40.127(10) shall have the same legal status as records sealed under RCW 13.50.050.

Sealing by motion: If a person's records were vacated prior to June 7, 2012, the case cannot be sealed under RCW 13.40.127(10). The person may 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).

II. Destruction of Records

- 2.1 If a person's criminal history includes Diversion Agreements, then upon successful completion, the records in the case will be automatically destroyed within 90 days of becoming eligible for destruction. Records become eligible for destruction when all of the following conditions exist: (a) The person is 18 years or older; (b) The records consist of successfully completed diversion agreements or counsel and release agreements, or both, completed on or after June 7, 2018; and, (c) Restitution is paid in full.

- 2.2 A person 23 years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense. No identifying information held by the Washington State Patrol is subject to destruction.
- 2.3 If the court grants the motion to destroy records, the court shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed. No identifying information held by the Washington State Patrol is subject to destruction.

III. Notice to Prosecutor and Agencies

- 3.1 Any person making a motion to seal records or a motion to destroy records shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be sealed or destroyed.

IV. Receipt of Advice

- 4.1 The above advice of my rights concerning my juvenile offense records was read by me or to me. I understand these rights, and I received a copy of my rights.

Respondent

The undersigned provided to the above-named Respondent a copy of this Advice of Rights Regarding Juvenile Records on (date) _____.

Signature

Type or Print Name/Title

cc: Respondent
Respondent's Lawyer
Deputy Prosecuting Attorney

Compare Results

Old File:

JU10_0320_OR re Sealing Records of Juvenile Offender.pdf

3 pages (123 KB)
12/21/2020 12:19:48 PM

versus

New File:

JU 10_0320 Order re Sealing Records of Juvenile Offender_2021 01.pdf

5 pages (131 KB)
12/21/2020 10:04:26 AM

Total Changes

220

Content

39 Replacements
44 Insertions
41 Deletions

Styling and Annotations

96 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

SUPERIOR COURT OF WASHINGTON
COUNTY OF _____
JUVENILE COURT

STATE OF WASHINGTON

v.

Respondent.

D.O.B.: _____

No:

Order Re: Sealing Records of
Juvenile Offender

Sealing Granted (ORSF)

Sealing Denied (ORSFD)

Clerk's Action: Section III. Order

I. Basis

- 1.1 THIS MATTER came before the court on (choose one):
- Motion to seal records under RCW 13.50.260:** Respondent's motion to vacate and seal records of juvenile offender pursuant to RCW 13.50.260.
 - Administrative Sealing under RCW 13.50.260 or 13.40.127:** Administrative sealing of juvenile records pursuant to regular statutory administrative sealing of a qualified disposition order entered after June 11, 2014 (chapter 13.50 RCW), or vacated deferred disposition dismissed and vacated after June 6, 2012 (RCW 13.40.127).
 - Acquittal or Dismissal of Charges under RCW 13.50.260:** Sealing of juvenile records pursuant to acquittal of charges in the case, or dismissal of charges with prejudice, other than a dismissal of a deferred disposition under RCW 13.40.127, and subject to the state's right, if any, to appeal the dismissal. (RCW 13.50.260).
 - Re-Sealing Post Nullification under RCW 13.50.260:** Sealing of juvenile records previously nullified by subsequent adjudication and disposition in a different case number, but for which the Respondent requests resealing (RCW 13.50.260).
 - Motion to Seal Records under GR 15:** Respondent's motion to seal records of juvenile offender pursuant to GR 15.
- 1.2 The court heard the matter with without oral argument and considered the pleadings submitted on the matter and the relevant court records.

II. Findings

- 2.1 **Motion to seal records pursuant to RCW 13.50.260:**
- Notice of motion:** Adequate notice was was not given to the appropriate parties and agencies; and,
 - Satisfaction of motion requirements:** Respondent has
 - satisfied the requirements of RCW 13.50.260 and is entitled to have sealed the official juvenile court record, the social file, and the records of the court and of any other agency in the case.
 - not satisfied the requirements of RCW 13.50.260 and is not entitled to have sealed the official juvenile court record, the social file, and the records of the court and of any other agency in the case.
- 2.2 **Administrative sealing under RCW 13.50.260 or 13.40.127:**
- Deferred disposition vacated after June 6, 2012:** The deferred disposition was dismissed and vacated after June 6, 2012. The Respondent is entitled to have the files and records in this case sealed under RCW 13.40.127.
 - Regular statutory administrative sealing:** A disposition in this case was entered after June 11, 2014, and at the time of disposition, an administrative sealing hearing was set for today. The court has reviewed and taken judicial notice of the files and records as well as any sworn testimony by a juvenile department representative and finds as follows:
 - Entitled to administratively seal:** All three of the following are established.
 - (1) The disposition in this case did not involve a most serious offense as defined in RCW 9.94A.030, a sex offense under chapter 9A.44 RCW, or a felony drug offense as defined in RCW 9.94A.030 (other than possession under RCW 69.50.3013 and forged prescription under RCW 69.50.403);
 - (2) Respondent is at least 18 years of age at this time and is no longer subject to community supervision, or is at the end of commitment and parole, if commitment to a juvenile rehabilitation facility was imposed in this case; and,
 - (3) Respondent has paid in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage.The case qualifies for administrative sealing at this time and shall be sealed.
 - Not entitled to administratively seal as supervision has not ended (RESET):**

The Respondent is not entitled to have the files and records in this case administratively sealed pursuant to RCW 13.50.260 because the Respondent remains on supervision/parole in this case. The matter shall be continued to a date within 30 days following the anticipated end date of Respondent's supervision/parole. At that time, the case will be eligible for reconsideration of eligibility for administrative sealing unless Respondent

remains on supervision/parole, in which case the matter shall be continued again in anticipation of the end of supervision/parole. The matter shall be reset for another administrative sealing hearing to determine eligibility.

[] Not entitled to administratively seal due to a failure to pay restitution to an individual:

The Respondent is no longer on supervision in this case, however, the Respondent is not entitled to administrative sealing of the files and records in this case because Respondent failed to pay in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage. The administrative sealing shall be denied at this time.


Within five (5) days of entry of this order denying the administrative sealing, the juvenile court department staff shall notify the Respondent of the denial by providing a copy in person or in writing, mailed to Respondent's last known address in the Department of Licensing database or the Respondent's address as provided to the court, whichever is more recent.

THE FOLLOWING NOTICE AND DIRECTIVE IS PROVIDED TO THE RESPONDENT:

(A) At this time, the remaining amount of restitution to the individual victim(s) in this case, not including amounts due to public or private entities providing insurance coverage or health care coverage, is:
\$ _____.

(B) Anytime following entry of this order, the Respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution amount specified in (A) above, and request an administrative sealing of the case. Upon verification of the payment and satisfaction of the amount due, the juvenile court department shall prepare, circulate for signatures, and enter an order with the court clerk sealing the records in this case. The Respondent may request a hearing in the event an order sealing the case is not entered as specified after proof of payment. In addition, nothing shall prevent Respondent from pursuing sealing of this or any other matter by motion under the terms of RCW 13.40.260 or GR 15.

[] Not entitled to administratively seal due to offenses entered at disposition:

One or more of the offenses entered at disposition in this case involved: (i) a most serious offense as defined in RCW 9.94A.030; (ii) a sex offense under chapter 9A.44 RCW; or (iii) a felony drug offense as defined in RCW 9.94A.030 (other than possession under RCW 69.50.3013 and forged prescription under RCW 69.50.403). Pursuant to RCW 13.50.260(1)(c), no administrative sealing shall occur, and the sealing shall be denied at this time. Nothing shall prevent Respondent from pursuing sealing of this or any other matter by motion under the terms of RCW 13.50.260 or GR 15. 

2.3 **Acquittal or dismissal of charges under RCW 13.50.260:**

The Respondent is entitled to sealing of juvenile records based on acquittal of charges in the case or dismissal of charges, other than a dismissal of a deferred disposition under RCW 13.40.127, and subject to the state’s right, if any, to appeal the dismissal.

2.4 **Resealing post nullification under RCW 13.50.260:**

This case was previously sealed and then the sealing order was nullified after adjudication in subsequent case number _____-8-_____. Since nullification, there has been a disposition in _____ subsequent case number. Now, this case does qualify does not qualify for sealing by statute. Resealing in this case is appropriate inappropriate (RCW 13.50.260).

2.5 **Motion to seal records under GR 15:**

Compelling privacy or safety concerns that outweigh the public interest in access to the court records have have not been found. In addition, the court finds as follows:

III. Order

Based on the above findings, it is hereby ordered:

Sealing Denied (ORSFD): The files and records in this case shall not be sealed.

Administrative Sealing Hearing Continued Due to Active Supervision (ORSFD):

Because the Respondent remains on active supervision/parole, the administrative sealing cannot be granted at this time. However, the case shall be continued to a date within 30 days of the anticipated end of supervision/parole. The matter is therefore continued to:

(Date) _____ at _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address _____

for an administrative sealing hearing, at which time the court will consider eligibility for administrative sealing under RCW 13.50.260.

Sealing Granted (ORSF): The files and records in this case shall be sealed as follows:

Pursuant to RCW 13.50.260 or RCW 13.40.127:

The court grants the motion to seal pursuant to RCW 13.50.260 or RCW 13.40.127, as applicable, including any administrative review required by statute. Pursuant to this order:

1. With the exception of identifying information specified in RCW 13.50.050(13), the official juvenile court record, the social file, and other records relating to the case as are named are sealed;

2. The proceedings in the case shall be treated as if they never occurred and the subject of the records may reply accordingly to any inquiry about the events, the records of which are sealed. However, county clerks may interact or correspond with the Respondent, Respondent's parents, restitution recipients, and any holders of potential assets or wages of the Respondent for the purposes of collecting any outstanding legal financial obligations, even after juvenile court records have been sealed;
3. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual;
4. Inspection of the files and records included in this order may only be permitted by order of the court and upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13);
5. Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying this order. However, the court may order this case resealed upon disposition of the subsequent matter if this case meets the sealing criteria under RCW 13.50.260 and this case has not previously been resealed;
6. Any charging of an adult felony subsequent to this order has the effect of nullifying this order.

Pursuant to GR 15: The court grants the motion to seal pursuant to GR 15. The files and records in this case are sealed for a period not to exceed the following time period:

_____, and
 the clerk of the court is ordered to seal the entire court file and to secure it from public access.

Dated: _____

Judge/Commissioner

Submitted by:

 Deputy Prosecuting Attorney/WSBA No.

Attorney for Respondent/WSBA No.

Approved as to form by:

 Deputy Prosecuting Attorney/WSBA No.

Attorney for Respondent/WSBA No.

Compare Results

Old File:

**RR 01.0400_Or Granting relief Offender Reg
2015 08.pdf**

3 pages (222 KB)
12/21/2020 12:20:26 PM

versus

New File:

**RR 01.0400 Order Granting Relief Offender
Reg_2021 01.pdf**

3 pages (224 KB)
12/21/2020 10:02:31 AM

Total Changes

83

Content

70 Replacements
5 Insertions
1 Deletion

Styling and Annotations

7 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

Superior Court of Washington
County of _____

State of Washington, Plaintiff,

vs.

Defendant. DOB

PCN:

SID:

Petitioner, (Defendant)

vs.

Prosecuting Attorney of _____ County.

Respondent.

No.

Order Granting

Relief from the Duty to Register

(ORGRDR)

Exemption from Community

Notification (ORGEEN)

Order Denying Petition (ORDRDR)

Relief from the duty to register under this order is not a certificate of rehabilitation or its equivalent, and does not restore the right to possess firearms, as provided for in RCW 9A.41.040.

I. Findings

The Court, having reviewed the petition, the relevant court records, and testimony, if any, makes the following findings.

Basis to Grant Relief from Registration

A. Conviction in Adult Court:

10 Consecutive Years. The Petitioner was required to register for a conviction in this state and:

- has spent **10** consecutive years in the community without being convicted of a disqualifying offense;
- is not otherwise prohibited by any provision in RCW 9A.44.142 from being relieved of the duty to register within the State of Washington;
- has proven by clear and convincing evidence that the Petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

- [] **15 Consecutive Years.** The **Petitioner** was required to register for a federal, a tribal or an out-of-state conviction, and the **Petitioner**:
- has spent **15** consecutive years in the community without being convicted of a disqualifying offense during that time period;
 - is not otherwise prohibited by any provision in RCW 9A.44.142 from being relieved of the duty to register within the **State** of Washington;
 - has proven by clear and convincing evidence that the **Petitioner** is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.
- B. Sex or Kidnapping Offense Committed Under Age 18 - RCW 9A.44.143:**
The **Petitioner** qualifies because of [] **adjudication** in juvenile court or [] **adult conviction** but crime committed prior to age 18 and juvenile jurisdiction was lost only by passage of time. (Note: Offenders subject to adult convictions after a RCW 13.40.110 decline hearing or pursuant to RCW 13.04.030 exclusive adult jurisdiction do not qualify for waiver under RCW 9A.44.143.)
- [] **Class “A” Felony at Age 15 or Older:** The **Petitioner** was required to register for class “A” felony sex or kidnapping offense(s) committed when the **Petitioner** was 15 years of age or older, and:
- at least 60 months (**five years**) have passed since **Petitioner’s** adjudication and release from confinement, whichever is later. The **Petitioner** has not been adjudicated or convicted of a sex offense, a kidnapping offense, or for failure to register within 60 months (**five years**) of filing the petition.
 - is not otherwise prohibited by any provision in RCW 9A.44.143 from being relieved of the duty to register within the **State** of Washington;
 - has proven by at least a preponderance of evidence that the **Petitioner** is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders; and
 - has not been determined to be a sexually violent predator as defined in chapter 71.09 RCW.
- [] **Class “A” Felony Under Age 15 or Any Other Type:** The **Petitioner** was required to register for class “A” felony sex or kidnapping offense(s) committed when the **Petitioner** was age 14 years old or younger; or sex or kidnapping offense(s), other than a class “A” felony offense committed when the **Petitioner** was 17 years of age or younger, and:
- at least 24 months (**two years**) have passed since **Petitioner’s** adjudication and release from confinement, whichever is later. The **Petitioner** has not been adjudicated or convicted of a sex offense, a kidnapping offense, or for failure to register within 24 months (**two years**) of filing the petition;
 - is not otherwise prohibited by any provision in RCW 9A.44.143 from being relieved of the duty to register within the **State** of Washington;
 - has proven by at least a preponderance of evidence that **Petitioner** is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders; and
 - has not been determined to be a sexually violent predator as defined in chapter 71.09 RCW.

Basis to Grant Exemption from Community Notification

Exemption from Community Notification Requirements: The Petitioner is not eligible to be relieved from the duty to register. The Petitioner has been in the community without being convicted of a disqualifying offense for 15 years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction. The Petitioner should be exempted from any community notification requirements to which the Petitioner is subject.

Basis to Deny Petition

The Petitioner is not eligible for the relief requested because:

Other Findings Regarding the Petition

Other findings regarding the Petition follow:

II. Order

- The Petition is denied.
- The Petitioner is relieved of the duty to register in the State of Washington as a sex offender kidnapping offender under RCW 9A.44.130.
- The Petitioner is exempt from any community notification requirements to which Petitioner may be subject in the State of Washington.

Dated: _____

Judge/Commissioner

Presented by:

Approved by:

Signature of Petitioning Party

Signature of Prosecuting Attorney

Print Name

WSBA No.

Print Name

WSBA No.

A certified copy of this order can be mailed to the Washington State Patrol, Sex Offender Registry, P.O. Box 42633, Olympia, WA 98504-2633, and to the Sheriff of the County where the petitioning party was required to register.

Superior Court of Washington
County of _____
Juvenile Court

State of Washington
V.

Respondent.
D.O.B.: _____

No:
Order on Relief from Duty to Register Post-SSODA
 Granted (ORGRDR)
 Denied (ORDRDR)

I. Findings

The Court considered the factors in RCW 13.40.162 concerning the presumption of rehabilitation under a SSODA disposition/treatment, reviewed the relevant files and records, and makes the following findings in this matter:

- The Respondent is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and the requirement to register as a sex offender in this matter. The Court will waive the requirement for registration.
- The Respondent is not sufficiently rehabilitated to warrant removal from the central registry of sex offenders, and the requirement to register as a sex offender in this matter shall continue. This decision is without prejudice and the Respondent may petition for waiver under the requirements of chapter 9A.44 RCW.

II. Order

Based on the above findings and RCW 13.40.162, the Court orders:

- The Respondent is relieved of the duty to register as a sex offender under this case.
- The Respondent will continue the obligation to register as a sex offender as required by chapter 9A.44 RCW.

Dated this _____ day of _____, 20_____.

Judge/Court Commissioner

Petitioner

Approved:

Approved:

Atty. for Petitioner, WSBA # _____

Deputy Pros. Atty., WSBA # _____