

**Superior Court of the State of Washington
For Chelan County**

Robert E. Jourdan, Judge
Department 1
Travis C. Brandt, Judge
Department 2



Kristin M. Ferrera, Judge
Department 3
Tracy S. Brandt
Court Commissioner

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April 27, 2023

Clerk of the Supreme Court
Attn: Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929
Sent via Email to: supreme@courts.wa.gov

I am the fulltime court commissioner in Chelan County. I handle all of our court's juvenile offender, non-offender, and dependency dockets. I am very passionate about youth. I strive to provide every young person who comes before me with the opportunities and supports they need to be healthy and happy—regardless of why they find themselves in my courtroom. However, if I do not have the tools I need to keep them **safe** during their most vulnerable times they will not have the chance to take advantage of what courts and our community partners can offer as they navigate the formative and often very challenging years of their lives.

Attached you will find a letter from a youth who is currently involved in an At-Risk Youth proceeding. As you read her words, you will learn that the decision to issue a warrant had a significant positive impact on her ability to maintain her sobriety. Although it is not a criminal matter, this fact pattern is similar to cases where I truly wish I could issue a warrant, but JuCR 7.16 prevents me from doing so. This is just one example of a situation where a child needed court intervention, through the issuance of a warrant, to ensure her safety. In her own words, had I not issued a warrant on that day she would not be here and be sober today.
Sincerely,

Sent Without Signature to Avoid Delay

Tracy S. Brandt
Court Commissioner

Enclosure – Statement of E.V. (name redacted)
Statement of Loni Vargas (name of E.V. redacted)

My name is E. and I am 17 years old. I started using drugs when I was 15. From the beginning I was using drugs through a needle. First, I used heroin. Then Fentanyl, then Meth. After I started, I never stopped. I rarely saw my family in the past 2 years. In a good month, I would see my mom 4-5 times but not more than a couple hours. Sometimes I would go months without seeing my family. My Mom didn't know where I was, or if I was okay. I tried to keep in touch at times, so she would know I'm alive.

My drug use caused serious problems for my health. I've been hospitalized 6-7 times. A couple times for overdoses. Other times because I had an abscess or cellulitis, caused by my IV drug use. I've been to inpatient drug treatment but I left after a few days.

My Mom filed a Youth at Risk in November 2022. The court set hearings every few weeks to check in with me. Sometimes it was every week. My Mom liked it because it was usually the only time, she got to see me. I was always high when I came to court.

In March 2023 my Mom started getting really worried about me. My health was not good. I was just over 80 pounds and I had infections in my arm from the drug use. I didn't want to go to the hospital to get treatment because I figured they would detain me.

I have been working with the same substance abuse counselor Marcy Treat for 2 years. I would go see her every once in a while, even though I wasn't trying to get clean. Marcy consistently asked me if I would go to inpatient treatment and I would decline to go. Marcy would ask me to attend youth

group. I would say I was going to go then I wouldn't go. Marcy asked me to reduce my use of opiates and meth. I continued to use daily. I attended all my appointment high. Marcy offered me NARAN and I took it. I overdosed and was given NARCAN 2 times. I sent Marcy pictures of my arms, so I guess they were worried that I needed medical attention. Marcy and my mom convinced me to go to the ER to have my abscesses treated. I was detained to a medical floor and restrained because my withdrawal was severe, and I was told I could harm myself. I saw a DCR Steven Hightower, and he told me I was detained to a medical floor. I ran from the medical floor and flagged down a jimmy johns' driver and told him I had been kidnapped. He took me to bus station and my mom found me and took me back to the hospital where I was detained again and had one guard on me all the time so I wouldn't run again. My cravings were so bad, I was addicted to the high. I couldn't imagine myself sober. I couldn't see a future for myself and I was at peace with dying. I didn't want to die but if it was going to happen, I was okay with it. I was caught by police with fentanyl on me and I was high at the time, they did not charge me with a MIC/MIP and they did not charge me with possession of fentanyl. They referred me to Café recovery navigator and I did not follow up with them. I continued to use every day IV meth and smoking fentanyl pills up to 50 pills a day. One time I did a quarter ounce of meth in hot rails. I should have died that time, but I didn't. I was in an environment where people were using around me and overdosing and we had NARCAN everywhere. I was a runaway, and the police would pick me up, take me home and I would run again as soon as the police left. All this time I was using and

running away, I never went to Juvenile detention. I didn't have consequences and every day my mom was scared I would overdose and die. My mom filed a youth at risk petition 3-2021 and first time I had a warrant issued for me by youth at risk petition court was 3-30-2023. Marcy and my Mom decided they should ask for a warrant for my arrest from the youth at risk petition court. I found out about it because my mom text me and told me. Of course, I tried to hide because I didn't want to get picked up by the police. I had no intentions of getting clean. I was upset about the warrant, but I understood why my Mom asked for it. I wasn't coming in on my own.

My substance abuse counselor says I am in late stages of addiction. My body is shutting down and not working right. On March 30, 2023 I was picked up on my warrant and placed in detention. I went to court the next day and the judge gave me 72 hours of detention and a packet. My body went through severe withdrawals all weekend. It was horrible. I was vomiting, couldn't keep food down, couldn't sleep tossing and turning, sweats, chills, constipation, stomachache, fever, worse withdrawal I ever had. Monday morning before I was released, I met with everyone to talk about a plan. I didn't want to go to treatment but they said it was court ordered. Marcy told me if I didn't go to inpatient at Sundown M Ranch Marcy would put me in noncompliance and ask for a warrant. I didn't want to go back to Juvenile detention. I finally agreed to go inpatient. I'll be honest I wasn't able to stay and graduate from treatment. But I have been going to outpatient and working really hard. Today I am 27 days clean.

I did go to Sundown I was there about 10 days, I left against program advice and I agreed to 24 supervision with my mom and youth group and 1x1 sessions in treatment at New Path. I want to be a juvenile court judge one day and my judge told me this was the first step in becoming a judge, getting clean.

I was able to get on suboxone to help me with the withdrawal symptoms. I can tell you without hesitation I would have never tried getting clean if my Mom and Marcy had not asked for a warrant and the judge placing me in detention for a few days where I could go through severe withdrawal. I don't like being sick. Every day is difficult, but I am going to give this my best shot. If it were not for the warrant giving me a consequence, I wouldn't have got the help I needed. Now I see a future for myself. My relationship with my mom and family is better. If it was not for the Judge placing the warrant because I was a threat to myself, and not only a threat to the community I wouldn't be here and sober today.

E.V. 4-26-2023

My name is Loni Vargas. I want to share my story and explain how accessing youth at risk petition court has helped save my daughter E.V.'s life. Before I filed the youth at risk petition, I exhausted all my resources in the community. I would call my daughter in as a runaway multiples times and the police would tell me it is not their responsibility to parent my child. I continued to call her in as a runaway anyway. The police would find her, drop her off at my house and she was high on meth and fentanyl and she would run from my house right after the police left. The police found drugs on E.V., meth and fentanyl and couldn't do anything about it. I felt helpless because laws in Washington make it possible for juveniles to use hard drugs like heroin, fentanyl, and meth with no consequences. As a parent I cannot just sign my daughter into treatment. My daughter has to be willing to walk into the treatment center and sign herself in voluntary. There have been times where E.V. was a danger to herself and would say if she dies from drug overdose that she is at peace with dying. My daughter had abscesses, and a blood infection and would avoid medical attention. When she did go the ER the substance use counselor Marcy from New Path would meet us at the ER, we would ask for a Designated Crisis Responder to evaluate E.V. and she was detained to a medical floor three different times. One of the times she was detained to a medical floor she was then sent to a youth psych facility Smokey Point Behavioral Health Hospital it was locked, and my daughter was there for 3 weeks. New Path secured a bed date at Day Break youth locked facility and after being in treatment one week E.V. told the staff "if you don't let me leave to go home with my mom, I will hurt myself or someone else." This was told to the New Path staff Marcy as well. Daybreak discharged my daughter due to her comment and asked me to pick her up that day. I took E.V. home with me and she was with me about 5 days then runaway. Again, I would call her in as a runaway and the police would pick her up and she would be high on Fentanyl and meth and have drugs on her and the police could not charge her. They dropped her off at my house and she would run away as soon as the police left. I had to miss work several days to go look for her, call the police, file police reports ect. I filed a youth at risk petition 3-2021 and E.V. would go to court and show up high and was told they just wanted to see her make sure she is okay, then schedule another court date. The probation officer told me it is really hard to get warrants anymore. E.V.'s counselor Marcy told me she is writing monthly status reports to the courts telling them E.V. is high risk for overdose/death without immediate intervention to issue a warrant for incarceration or court order her to treatment. These requests began 7-2022 and continued until 3-2023.

I have Copies of the status reports completed by New Path See below two examples of Marcy Treat's Status Reports to the court on 1-2023 and 2-2023 to show the level of concern regarding her overdose risk potential.

Example # 1. 2-2023 Progress Report: E.V. has improved her communication with New Path and has attended 2 1x1 sessions for case management services. E.V. was a no show to 3 of her 1x1 sessions in 2-2023 and has not shown to youth group in the month of 2-2023. E.V. is aware in order to be in compliance will be needed to attend all of her 1x1 sessions. E.V. states she is considering inpatient however is not ready to attend at this time. When E.V. attends her 1x1 sessions she appears impaired on substances. E.V. reports daily use of opiates and stimulant. E.V. remains high-risk for overdose and death. E.V. reported she has used NARCAN when she used too much someone gave her NARCAN.

E.V. is recommended to attend intensive inpatient treatment level 3.5. At this time E.V. has declined referral. Using harm reduction approach with the goal to decrease use, maintain regular contact with New Path E.V. is attending level 1 outpatient with New Path 1x1 sessions weekly and group weekly however E.V. has not attended youth group yet despite it being highly recommended.

It is recommended to the court E.V. be violated with her youth at risk and issued a warrant for her noncompliance with NP and Youth at Risk court and incarcerated for 3 days each time she violates her youth at risk requirements.

Example # 2 1-2023 Please note: E.V. is high risk for overdose/death without further intervention. New Path is seeking assistance from probation and youth at risk in efforts to require the client to be mandated for youth inpatient SUD treatment. Diagnosis F15.20 F11.20 F10.20 chronic, progressive and if not treated, with appropriate intervention, fatal. E.V. is in need of a higher level of care. E.V. is currently declining inpatient SUD treatment.

Progress Report: D: Met with E.V. for 1x1 in person 1-11-2023. E.V. reported "doing okay, planning to stay with my mom tonight." E.V. reported feeling not bad, but not great." I asked if she likes where she is living. She reported "I got food and shower; I have what I need. It can be fun at times, but it can also be boring. I get mad easily with other people who are there." E.V. reported she does not want to disclose where she is staying. E.V. reported she is decreasing use of fentanyl. E.V. reported she has been thinking about stopping use with this other person for different reasons. "I feel like if I do stop using it is going to be good, but it can also be bad." E.V. shared she spent time with her mom yesterday and it was good. A: E.V. showed me a burn on her hand/wrist, I encouraged her have it looked at by a medical provider. E.V. reported she accidentally burned herself on her wrist when she was smoking meth. We went over ways to treat the burn recommended online/first aid and I encouraged her to go to walk in clinic. I offered her Narcan and she reported "the place where I stay, we have Narcan everywhere. The people who stay there take it seriously and we have Narcan everywhere in case anyone needs it." E.V. was dressed appropriately for the winter weather and had a jacket and a hat on, pants, sweater and tennis shoes and socks. E.V. reported last use 1-11-2023 "both fentanyl and meth smoking. She stated, "I used a lot today, I need to get some sleep." I encouraged E.V. to decrease use and to ask for help when she needs help. E.V. seemed open to feedback and not interested in suggestions at this time. Continue harm reduction approach, engaging client and building trust/rapport. E.V. states she is not interested in inpatient at this time. The wounds on her face appear to have healed. She did not show me her arms. At last contact she had abscesses on her arms and was taking an anti-biotic prescribed to someone who she is staying with to attempt to treat it. P: E.V. states she is going to come to youth group tomorrow 1-12-2023. She is scheduled out for weekly 1x1 sessions. I will continue to encourage E.V. to enter inpatient treatment.

In Conclusion: If Commission Tracy Brant had not issued the warrant when she did for my daughter E.V., I don't know that my daughter would be alive today. In my opinion if the youth courts cannot help kids by issuing warrants when they are a danger to themselves and in criminal cases these youth don't have a chance at a better life with recovery from drug addiction. It is rare for someone to walk into treatment and say I want to go. Normally there is an external motivator and that leads people to recovery.

Loni Vargas

From: [OFFICE RECEPTIONIST, CLERK](#)
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Subject: FW: Attn: Supreme Court Rules Committee
Date: Thursday, April 27, 2023 1:50:17 PM
Attachments: [TSB 042723.pdf](#)
[Loni Vargas testimony - REDACTED.pdf](#)
[EV Testimony - REDACTED.pdf](#)

From: Fona Sugg <Fona.Sugg@CO.CHELAN.WA.US>
Sent: Thursday, April 27, 2023 1:26 PM
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Good afternoon:

Please see attached documents from Court Commissioner Tracy S. Brandt.

Thank you.

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