

**PIERCE COUNTY JUVENILE COURT
5501 SIXTH AVENUE
TACOMA, WA 98406
(253) 798-7900**

TO: CHILD/PARENT FILING CHILD IN NEED OF SERVICE (CHINS) PETITION
FROM: PIERCE COUNTY JUVENILE COURT
RE: REQUIREMENTS FOR FILING AND NOTICE OF RIGHTS

IN THIS PACKET YOU WILL FIND:

- A. This face sheet
- B. Rights form for parent and child
- C. Petition for Child in Need of Services (CHINS)
- D. How to apply for Department of Assigned Counsel
- E. Summary of court process

**A FAMILY ASSESSMENT VERIFICATION MUST ACCOMPANY THE CHILD IN NEED OF SERVICES PETITION. Phone: (253) 983-6100 or 1-800-422-7517.
After 4:30 pm/weekends/holidays 1-800-562-5624.**

RCW 13.32.A.030 (5) **“Child in Need of Services” means a juvenile:**

- (a) Who is beyond the control of his/her parent such that the child’s behavior endangers the health, safety, or welfare of the child or other person;
- (b) Who has been reported to law enforcement as absent without consent for at least 24 consecutive hours on two separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and
 - (i) Has exhibited a serious substance abuse problem; or
 - (ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or
- (c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family;
 - (ii) Who lacks access to, or has declined to utilize, these services; and
 - (iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

The Department of Children and Family Services shall file a Child in Need of Services petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances: (partial list provided)

- (1) The child has been admitted to a crisis residential center or has been placed by the department in an out-of-home placement, and:
 - (a) The parent has been notified that the child was so admitted or placed;
 - (b) The child cannot return home, and legal authorization is needed for out-of-home placement beyond seventy-two hours;
 - (c) No agreement between the parent and the child as to where the child shall live has been reached;
 - (d) No CHINS petition has been filed by either the child or parent;
 - (e) The parent has not filed an At-Risk-Youth petition;
 - (f) The child has no suitable place to live other than the home of his or her parent.

REQUIREMENTS AND PROCESS FOR CHILD IN NEED OF SERVICES PETITION

1. The Department of Children and Family Services, through Family Reconciliation Services, shall prepare a Family Assessment Verification Form stating what services have been provided to the family.
 - * If department is unable to complete an assessment within 2 working days following a request for assessment, the parent or child may proceed with filing the petition.
2. Juvenile Court shall:
 - a. set a fact-finding date within 10 calendar days for a child living at home or an out-of-home placement; or
set a fact-finding date within 5 calendar days for a child residing in a place other than his or her parent's home and other than an out-of-home placement.
 - b. notify the parent of right to be represented by counsel and, if indigent, to have counsel appointed.
 - c. appoint counsel for the child.
 - d. set a dispositional hearing to be held no later than 14 days after the Court has granted a Child in Need of Services petition.
3. At the dispositional hearing, the Court may:
 - a. reunite the family and dismiss the petition;
 - b. approve an At-Risk-Youth petition filed by parents, and dismiss the CHINS petition
 - c. approve an out-of-home placement requested by the parents in the petition
 - d. order an out-of home placement at the request of the child or the department and not to exceed 90 days.
 - e. order any conditions set forth in RCW 13.32A.196(3); or
 - f. order the Department to file a petition for dependency under Chapter 13.34RCW.
4. The Court shall review the case within three months after the dispositional hearing.
5. The Court shall approve or disapprove the continuation of the dispositional plan, by determining whether reasonable efforts have been made to reunify the family and make it possible for the child to return home.

6. Out-of home placement may not be continued past 180 days from the day the review hearing commenced. The Court shall order the child to return to the home of the parent at the expiration of the placement. If an out-of-home placement is disapproved prior to 180 days, the Court shall enter an order requiring the child to return to the home of the child's parent.

7. The parents and the Department may request, and the Juvenile Court may grant, dismissal of an out-of-home placement order when it is not feasible for the Department to provide services due to one or more of the following circumstances:

- a. the child has been absent from the court approved placement for 30 consecutive days or more;
- b. the parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family, or
- c. the Department has exhausted all available and appropriate resources that would result in reunification.
- d. The child has been admitted to a crisis residential center and:
 1. 72 hours have passed since such placement;
 2. The staff, after searching with due diligence, have been unable to contact the parent; and
 3. The child has no suitable place to live other than the home of his/her parent.

You should read all the enclosures in this packet so that you will know what is required of you and what to expect.

Fill out the petition completely. The Court may reject a petition if it is not proper and complete. The Court staff will assist you regarding questions on the petition, however, they will not give legal advice. As the petitioner, you are the person that must complete the petition. It should be written clear enough for the Court to be able to read.

You must give facts to support your request for this petition. The petition gives you direction and space for this information. The Court needs this information to understand the situation that has led you to this legal request.

You will be asked, at the hearing, what relief you are seeking from this petition, and, therefore, you will not need to address that issue in the petition.

After you have completed your petition, return it to the Court Clerk and a legal number will be assigned, a hearing date set, and further instructions given.

**CHILD IN NEED OF SERVICES 13.32A
PARENTS/CHILD RIGHTS AND ADVISEMENT**

THE COURT MUST ADVISE YOU OF THE FOLLOWING:

1. When a proper Child in Need of Services petition is filed by a child, parent, or the department representing the child, the Juvenile Court shall:
 - a. Schedule a fact-finding hearing to be held within 5 or 10 calendar days, depending on the placement of the child;
 - b. Notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him/her by the Court;
 - c. Appoint legal counsel for the child;
 - d. Inform the child and his/her parent of the legal consequences of the Court approving or disapproving an out-of-home placement petition;
 - e. Notify the parents of their rights, including the right to file an At-Risk-Youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and
 - f. Notify all parties, including the Department, of their right to present evidence at the fact-finding hearing.

2. The child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under Chapter 74.15 RCW, or any other suitable residence to be determined by the department. Except for crisis residential center, **IF OUT-OF-HOME PLACEMENT IS ORDERED, THE PARENT SHALL BE FINANCIALLY RESPONSIBLE.**

3. A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

4. The parents or the department may request, and the Court may grant, dismissal of a placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:
 - a. the child has been absent from court approved placement for 30 consecutive days or more;
 - b. the parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
 - c. the department has exhausted all available and appropriate resources that would result in reunification.

**SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE
JUVENILE COURT**

In the interest of:

NO.

CHILD IN NEED OF SERVICES
(CHINS) PETITION

D.O.B.: _____

I. BASIS

I represent to the court the following:

1.1 Petitioner is:

- the child
- the parent
- the Department of Social and Health Services

1.2 Information about the child:

Name: _____

Date of birth: _____ Age: _____ Sex: _____

Address: _____

1.3 Information about the parent (legal custodian):

a. Name of father: _____

Address: _____

b. Name of mother: _____

Address: _____

- c. Marital status of parents: _____
- d. Name of legal custodian: _____
Address: _____

1.4 The child is a child in need of services, as defined in RCW 13.32A.030(5), in that:

- a. the child is beyond the control of his/her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person.
- b. the child has been reported as absent without consent for at least 24 consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court ordered placement on two or more separate occasions; and
 - i. has exhibited a serious substance abuse problem; or
 - ii. has exhibited behaviors that create a risk of serious harm to the health, safety, or welfare of the child or any other person.
- c.
 - i. the child is in need of necessary services (including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family);
 - ii. the child lacks access to, or has declined to utilize these services; and
 - iii. the child's parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

1.5 The allegation that the child is in need of services is based on the following facts:

(Attach additional sheets if necessary)

- 1.6 A serious conflict exists between the parent and the child.
- a. The petitioner, if the child, has made a reasonable effort to resolve the conflict.
 - b. The conflict cannot be resolved by delivery of services to the family during continued placement of the child in the parental home.
 - c. Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home.
 - d. A suitable out-of-home placement resource is available.

II. RELIEF REQUESTED

I request that the Court order out-of-home placement of the child.

Dated: _____

Petitioner

Title/Agency/Relationship

III. CERTIFICATION

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated at _____, Washington on _____

(Place) (Date)

Signature

Type or Print Name

Address

Telephone

HOW TO APPLY FOR DAC REPRESENTATION FOR CHINS AND TRUANCY HEARINGS

1. You must go in person to Pierce County Juvenile Court Clerk's Office located at 5501 6th Avenue, Tacoma, WA 98406 to complete the necessary paperwork.

HOURS TO APPLY ARE MONDAY THROUGH FRIDAY, 8:30 A.M. to 4:30 P.M.

2. You **MUST** take the following items with you:

- a. All paperwork that you receive from the Court, including information about your cause number and next court date;
- b. Verification of employment (most recent two pay stubs) or unemployment;
- c. Proof of the amount of public assistance you receive, if any;
- d. Proof of your basic expenses (receipts from rent/mortgage payments, utilities, phone, car payment, car insurance, child support, etc.); and
- e. Proof of other unusual expenses (medical/dental payments, payments to collection agencies, etc.)

3. You will be told at the time that you complete the Request for Appointment of Counsel at Public Expense paperwork whether you qualify for court-appointed counsel.

IF YOU DO QUALIFY FOR DAC REPRESENTATION AND YOUR COURT HEARING IS LESS THAN 72 HOURS FROM THE TIME YOU APPLY, YOU MUST GO TO YOUR COURT HEARING, TELL THE COURT YOU HAVE APPLIED FOR DAC REPRESENTATION, AND REQUEST A CONTINUANCE OF YOUR HEARING.

4. The Department of Assigned Counsel will notify you as soon as an attorney is appointed. You may contact DAC by telephone, if you wish, to find out the name of your attorney but only if at least three (3) days have passed since you completed your application. We will not have the information before that time. To get the name of your attorney, please call 798-6062 and tell the receptionist your name, that it is a juvenile court matter, and the date of your next court appearance.