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CHAPTER 74 - JUVENILE COURT SERVICES

74.04 CASES REFERRED TO AND RECEIVED FROM JUVENILE PROBATION DEPARTMENT/ COURT

Definition

Referral to or from the juvenile probation department/court is the method provided:

by law to establish, review or discontinue a legal basis to work with a child and his parents,

by a written agreement to provide and exchange information.

74.08 REFERRAL BY LO TO COURT

As soon as it appears that legal authority is needed to protect the child, the matter should be brought to the attention of the juvenile probation department/court. The local office should be represented at any scheduled court hearing where they are going to be or are presently involved with the child and his family.

Requests to the juvenile probation department/court are made to:

(1) Assist the local office when the worker cannot proceed with an investigation

(2) Place child in lieu of detention pending a court hearing. Without written parental consent, a child may not be legally held in detention or shelter care for over 72 hours excluding Sundays and holdiays unless a petition has been filed to have him made a ward of the court. Within 72 hours after the filing of a petition, the juvenile court judge has to sign an order for continued detention or shelter care. A child cannot be detained for longer than 30 days unless the judge signs an order authorizing continued detention or shelter care.

(3) Establish if the child is dependent for the purpose of establishing wardship and to make provision for:

a. Legal Custody

b. Supervision

c. Placement

d. Commitment

(4) Termination of parental right:

a. Relinquishment

b. Deprivation

(5) Medical authorization

(6) Financial responsibility

(7) Review case situation to continue or to modify previous court orders

(8) Remand case to the court which includes return of custody, control, social planning and interest of the child to the court

(9) Dismiss wardship and return child to parents or guardian

74.12 INITIATING A REFERRAL

A referral to the juvenile department/court may be made as follows:

(1) Children and their parents or other concerned persons may be referred directly to the juvenile probation department/ court intake staff

(2) A telephone request for emergency action to be followed by written material

(3) A written request for direction or action

(4) A petition to request that action be taken

The following facts must be submitted in the request in order for the juvenile probation department/court to file a petition:

(1) Names (true and aliases), addresses, birthdates, and birthplace of:

a. Child/children

b. Parents (include whether natural, legal, putative, adoptive, deceased.

(2) Custody of child/children

(3) Previous court orders (if any):

a. Dates of orders

b. Legal status of child

c. Law enforcement agencies

d. Other professionals such as:

Physician
Psychologist
Other

(5) Child's history, which will include all of the following which are pertinent:

a. Overall performance of the child (e.g., improved, not improved, deteriorating, etc.)

b. General health

c. Personality (Attitudes, peer associations, interests, etc.)

d. Observed strengths and weaknesses

(6) Family background

a. Present environment

b. Relationships within the family

c. Economic status, including ability of the family to pay for care

(7) Factual impact on child of the situation which led to the court referral.

a. Physical (statements and pictures)

b. Emotional

c. Psychological

(8) Identification of accused (in cases involving deprivation) and whether allegations are admitted or denied.

(9) Witnesses (including the following for each)

a. Full name

b. Relationship to child

c. Address (home and work)

d. Telephone (home and work)

(10) Testimony such as:

a. Facts to which witnesses can testify

b. Facts to which witnesses are willing to testify

(11) Recommendation (worker's)

a. Plan

b. Original

c. Continued

d. Modified

(12) Summary of Reasons

(13) Prognosis if put into effect

74.20 COURT HEARING

1. Evidence

Evidence is the factual proof offered to support the allegations in the petition. At a fact finding hearing, evidence must be given by persons having direct knowledge of the facts and their evidence must be material (important enough to effect the outcome of the case) relevant (bearing upon or relating to an issue in the case) and competent (legally qualified).

2. Testimony

Testimony is the principal method used to present evidence to the court and in a fact finding hearing is subject to the legal rules of evidence.

A worker giving testimony in a court hearing should be sure that he understands any question which is asked of him and should confine his answer to the facts necessary to answer the question. While on the witness stand, the worker is an advocate for the welfare of the child and this role is best served by being objective and fair with the child's parents. In aiding the court to arrive at its decision, the worker should be prepared to offer witnesses who can provide the facts and, where necessary, the expert opinions that will provide a basis for a favorable court decision. The worker should be prepared to testify to specific efforts directed toward ultimately keeping the family together and to the results of/or responses to those efforts.

74.24 ATTORNEY GENERAL REQUEST

An Assistant Attorney General should be requested in all cases in which the allegations in the petition or facts in the case are contested or denied by the child and/or parents and an attorney

(4) Purpose of court hearing such as preliminary or for establishment of:

a. Wardship

b. Custody

c. Supervision

d. Placement

e. Commitment

f. Termination or parental rights by relinquishment or deprivation

g. Medical authorization

h. Financial responsibility

(5) Times, dates, places, and elements of specific events that enable the court to assume jurisdiction

(6) One or more of the twelve criteria in RCW 13.04.010 to declare a child dependent

The petition must allege the grounds justifying court action with adequate specificity to put interested parties on notice as to the nature of the claims being made, e.g. What happened? Who did it? When did it occur? Where? Frequency of occurrence?

The allegation of the petition should be reviewed in the LO with the above criteria considered before asking the juvenile probation department's intake staff or probation officer to file a petition. The juvenile probation department staff will assist in filing the petition if it is "reasonably" justified. If not considered justified, the worker can request the intake staff member or probation officer to explain why the petition cannot be accepted for filing. He will usually offer suggestions as how to review it and resubmit it at a later date.

If the intake staff member or probation officer refuses to accept the petition for filing, the worker should review the circumstances with his own supervisor.

74.16 SUGGESTED FORMAT FOR SOCIAL SUMMARY TO JUVENILE PROBATION DEPARTMENT/ COURT

General Description and Style--A summary is the total evaluation of the facts and circumstances concerning a particular child with emphasis on the environmental and causative facts for behavior. It

should be written in concise, objective and narrative style with sufficient documentation to sustain a realistic recommendation in terms of available treatment resources. Technical terms or labels are undesirable in summaries for the court.

A summary must be fitted to the case under specific study. It should be brief and related to the current situation. No set format will fit every situation. It is intended primarily for the use of the judge and worker but may be made available to attorney, parents, and child. The following suggestions for content listed below must be understood as a guide in the development of material rather than as a prescribed format for every case.

Identifying information:

(1) Names (true and aliases) and addresses

a. Child

b. Parents

c. Guardian

d. Birthdate of Child

(2) Reason for referral

a. Problem

b. Facts

c. Child's view

d. Parents' views

(3) Solution

a. Child's view

b. Parents' views

(4) Other information from: (material obtained from these or other sources should not be sent to the Juvenile Probation Department/Court without parental, agency, and/or professional person's consent as appropriate).

a. Local office records

b. Other social agencies

seeks to prevent juvenile court jurisdiction.

He should also be requested to assist when the parents and/or child disagree with the plan. This disagreement is usually based on counter-allegations about the person or agency in whose custody the child is to be placed.

74.28 ROLE OF WORKER

The worker's function is to see that the welfare of the child is served by getting all necessary facts before the court. If it appears that the court should have the benefit of additional evidence, a continuance should be requested.

The worker, if not represented by legal counsel, should tell the court what the case is about and present the evidence. The worker should be prepared to make a recommendation to the court with respect to the appropriate disposition.

Parents and children should be prepared for their appearance in court. The worker should be available after the hearing to further assist the client(s), including both parents and children, in discussion of what transpired in the court hearing.

74.32 FINANCIAL RESPONSIBILITY

All parents have the legal responsibility to contribute to the financial cost of the care of their child or children. The issue of support must be considered whenever the child or children are removed from the parents' home.

Workers planning with parents or guardians who have children being placed in foster, group, or private institutional care should have them submit a financial statement to the court showing their income and expenses. The judge may order the parents or guardian to pay a definite amount through the court registry or the county clerk or SECS for disbursement to the appropriate parties. The order should be read thoroughly by the parents or guardian. If at any time, current or future, it cannot be complied with, a new hearing should be requested for the purpose of modifying the order.

74.36 REVIEW COURT HEARINGS

If possible, definite time limits should be recommended for the review court hearings so they will be planned and scheduled on a regular basis.

Follow-up to Hearings--When a child is in the physical custody and/or under the supervision of the local office, the juvenile probation department/court will be sent a progress report on the case

every six months. The juvenile probation department/court will be notified and permission secured when it is planned to change or to move a child out-of-county or out-of-state.

74.40 REQUESTS FROM JUVENILE PROBATION DEPARTMENT/COURT

The juvenile probation department/court may request the Local Office:

(1) To submit a report for a review court hearing

(2) To conduct a social investigation

(3) To plan for an individual child or children

(4) To work out plans for a child or children to be placed in foster care on a temporary or permanent basis

(5) To provide supervision of a child or children

(6) To plan and place a child or children for adoption

74.44 PROCESSING OF A COURT REFERRAL

A court referral of a child for placement out of his home will be accepted only if accompanied by a copy of the court order or a signed parental agreement. The order or agreement will be placed in the service record if the referral is accepted.

The local office will make a decision as to its ability to accept the referral and notify the juvenile probation department/court in writing promptly of this decision. Specific reasons will be sent if the LO is unable to accept the referral.

74.48 COMMUNICATION WITH JUVENILE PROBATION DEPARTMENT/COURT

When possible, the local office should consider designating one of their staff as the liaison person to the juvenile probation department/court. This staff member would receive all original referrals and when necessary accompany the worker to court hearings. The juvenile probation department/court could then deal with only one person in the local office which would facilitate improved relations with the juvenile probation department/court.

The administrator of the local office can set up regularly scheduled meetings with the Chief Probation Officer or Director of the appropriate juvenile probation department. These meetings could be frequent at first until definite and purposeful lines of communication are established. Appropriate members of the appropriate supervisory staff of both agencies can be included.