

Benton County CHINS Instructions

What You Need to Know

The purpose of the Child in Need of Services (CHINS) petition is to obtain a court order mandating family services in order to reunify the youth and parents. The youth can be temporary placed in a residence other than the home of his/her parent for up to nine months. The need for the placement must be based on a serious conflict between the parent and child that cannot be resolved by delivery of services to the family while the child remains at home.

Sometimes, when conflict has escalated between parents and youth, the best course of action is a temporary separation, in which time the family would engage in counseling or other efforts to resolve conflicts and heal the family bond.

A child, parent, or DSHS may file a CHINS petition. A "parent" is defined as the person(s) having legal right to custody of the child and includes custodian or guardian.

Do I qualify for filing a CHINS?

A child in need of services is defined by statute, RCW 13.32A.030(5), as a child under the age of 18 who **meets at least one** of the following three requirements:

- Is beyond parental control such that the child's behavior endangers the health, safety, or welfare of the child or other person.
- Has been reported to law enforcement 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**
 - has exhibited a serious substance abuse problem; or
 - has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person
- Is in need of necessary services, including food, shelter, health care, clothing, education, or services designed to maintain or reunite the family; **and**
 - lacks access to or has declined to utilize these services, **and**
 - 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; or
- Is a sexually exploited child.

What are the steps for filing a CHINS?

DCYF Intake

1. Call Department of Children, Youth, and Families (DCYF) Intake line at 855-420-5888 and request a CHINS Petition.

2. A Family Reconciliation Service (FRS) social worker will try to meet with you, within 24 hours of the intake call, in order to complete a family assessment. Request a copy of the assessment from the FRS social worker to file with the CHINS petition. Once completed, the family assessment will be provided to the Juvenile Court, attention Dave Wheeler, Intervention Services Manager, to be filed with the petition. It may take a couple of days from the time of the meeting for the social worker to complete this report and forward to the Juvenile Department.
3. If you do not have a CHINS petition, you can ask for one from the FRS social worker or find it at <http://www.benton-franklinsuperiorcourt.com/juvenile-justice/intervention-services/chins>.

Complete the CHINS Packet

4. Fill out the entire CHINS petition. If you cannot type it out or fill it out online and print it, you can fill it out in pen. The CHINS instruction packet is available on the Juvenile Justice website at <http://www.benton-franklinsuperiorcourt.com/juvenile-justice/intervention-services/chins>. You can also request a copy of a CHINS instruction packet from the Juvenile Justice Center.
 - a. The person filing the paperwork is referred to as "Petitioner".
 - b. It is important for you to fill out everything requested on the petition.
 - c. Pay special attention to section 1.6 as this is where you detail the facts to support your request. You must then sign, to certify the information you are providing is true and correct. Perjury is the legal term used for lying to the Court, and there can be penalties for doing this, so it is important to stick to the facts.

File the CHINS Packet

5. Once you have completed the CHINS packet, bring it to Dave Wheeler at the Juvenile Justice Center to file your CHINS packet.
 - a. Contact Information for David (Dave) Wheeler, Intervention Manager, 509-737-2745, David.Wheeler@co.benton.wa.us
6. Request a copy of the packet. If you need the conformed (stamped) copies with the case number, they will be available 24 hours after the Juvenile Justice Center files your petition with the County Clerk's office.

Serve the Other Party

7. The Juvenile Justice Center will serve all of the parties.

Interpreter

8. If an interpreter for the youth and/or parent(s) is necessary, indicate what language is required in the CHINS petition under the party information sections.

Costs

9. There is no cost to file a petition or for the FRS Family assessment. However, the parent shall be financially responsible for costs related to the *court-ordered plan* (counseling, drug/alcohol evaluations/treatment, mental health evaluations, etc.).
10. Whenever the court approves an out-of-home placement, the court shall inquire into the ability of the parents to contribute to the child's support. If the court finds that the parents

are able to contribute to the support of the child, the court shall order them to make support payments. However, a parent who has BOTH opposed the placement and continuously sought reconciliation with, and return of, the child shall NOT be financially responsible for out-of-home placement costs.

Attorney Representation

11. The child is automatically assigned a court-appointed attorney for all hearings.
12. Under a CHINS proceeding, a court-appointed attorney may be provided for the parent if s/he is financial eligible. A parent can make this request to the Court at the time of the initial hearing. The parent will then be provided the financial screening form, which will be reviewed by the Court for eligibility.

Receiving Your Court Date

13. At the time you file a petition, you will receive a court date for a hearing at the Juvenile Justice Center.
14. After receiving your court date, *make sure to **immediately** contact your attorney, Jennifer Azure, about the upcoming hearing.*
 - a. Appointed Counsel for the Youth: Jennifer Azure 509-491-3941

Preparing for the Hearings

15. You may bring witnesses to provide testimony at the Fact Finding hearing. Written sworn statements from witnesses who cannot appear personally at the hearing are acceptable. A "sworn" statement must contain the language *"I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct"* underneath the statement, signed and dated with the city noted.
16. At the Fact Finding hearing, the court will grant the petition if the petitioner proves all the requirements. After the facts have been decided, the court may impose conditions of supervision and services on the child. The court also may order the parent to participate in services. This may be done at the fact-finding or at a separate dispositional (after the Fact Finding) hearing
17. At the conclusion of the disposition, the court will schedule a review hearing within 90 days. At this hearing, the court reviews the conditions of supervision and makes any necessary additions or modifications.

Guidelines for Courtroom Behavior

18. Be on time for your hearing.
19. Listen for your case to be called.
20. You will be called to report to a designated courtroom.
21. No food, drinks nor gum chewing are permitted in the courtroom.
22. Turn off cell phones and pagers during your hearing.
23. Be respectful and courteous with the Court.
24. Always address the Judge/Commissioner as "Your Honor." Do not interrupt.
25. If something needs to be clarified, wait until it is your turn to speak or politely ask to speak again.

26. Do not speak until the Judge/Commissioner asks you to speak.
27. When speaking the Judge/Commissioner, keep your head up and maintain eye contact.
28. Keep your hands away from your mouth and speak loudly.

Prohibited Attire

The following are prohibited in the courtroom:

Weapons
Shorts
Revealing/offensive attire
Tank tops
Sunglasses
Cell Phones
Food/Drink

What to Do Following Your Hearing

- Do not leave the building before obtaining a copy of the court order signed by the Judge/Commissioner from the Court Coordinator.
- Read the order carefully to ensure that everything is written as indicated by the Judge/Commissioner.
- Make a note of the date and time of the next court hearing in your calendar.
- If the court order includes individual or family counseling, anger management, drug/alcohol evaluation or treatment, psychological/psychiatric evaluation or treatment, you should begin exploring service providers and get a program set up immediately; you may contact DSHS for referrals. You may ask a case manager for assistance.

Contempt of Court

Failure by **any party** to comply with a court order is contempt of court. Violations of the court order should be reported to the court through the filing of a contempt motion. A contempt motion may be filed by a parent, a child, or a person/agency having custody of the child. If the court makes a finding of contempt at a contempt hearing, the court may impose coercive sanctions, such as research papers or community service hours, alternatives to secure detention, such as work crew or electronic home monitoring, or a fine of up to \$100, or any combination of these sanctions. You do not need to wait for a scheduled review hearing to report violations of the court's orders.