

## **CHINS FAQ's**

### ***Why should I get a CHINS petition?***

To obtain a court order mandating temporary placement of the child in a residence other than the home of his/her parent because: a serious conflict exists between the parent and child that cannot be resolved by delivery of services to the family during continued placement of the child in the parental home, and reasonable efforts have been made to prevent the need for removal of the child from the parental home.

### ***Does my youth qualify?***

A child in need of services is defined by statute as a child under the age of 18 who meets at least one of the following three requirements:

1. Is beyond parental control such that the child's behavior endangers the health, safety, or welfare of the child or other person; OR
2. 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; OR
3. Is in need of necessary services, including food, shelter health care, clothing, educational, 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.

### ***Who can file a petition?***

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.

### ***What do I need to do to get the process started?***

Contact your local Family Reconciliation Services (FRS) office at DSHS and request an appointment for intake and assessment. At the conclusion of this meeting, the intake caseworker will prepare a Family Assessment. **Request a copy of the family assessment and attach it to the petition prior to filing. The Court must have a copy of the FRS assessment before proceeding with the petition. Please note: family assessments are only valid for 90 days from the date of the assessment interview.**

### **Family Reconciliation Services (FRS)**

**1-800-609-8764 Days, 8 a.m. - 4:30 p.m.**

**1-800-562-5624 After hours, 4:30 p.m. - 8 a.m.**

### ***Where do I file the petition?***

Petitions must be filed in the Court Clerk's Office (3<sup>rd</sup> floor, Rm 307) at Juvenile Court (1211 E. Alder, Seattle) or at the Court Clerk's Office (2<sup>nd</sup> floor, Rm 2C) at the Regional Justice Center (401 - 4th Ave. N, Kent). You may file Monday-Friday 8:30-4:30, no appointment is necessary. All Clerk's offices are closed for lunch 12:15-1:15 p.m.

Petitions can be filed at either location, but hearings will occur in the courthouse corresponding to the zip code the parent resides in. Generally, Seattle, Eastside and North King County cases will be heard in Seattle and South King County cases will be heard in Kent.

### ***Are there any costs?***

There is no cost to file a petition or for the FRS Family Assessment. There may be a cost for the attorney that is appointed for your child; for more information, please read the "ARY-CHINS OPD information" handout in this packet or call the Office of Public Defense at 206-296-7662.

The parent shall be financially responsible for costs related to the ***court-ordered plan*** (counseling, drug/alcohol evaluations/treatment, mental health evaluations, etc.).

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.

### ***Who can I contact if I need assistance during the petition process?***

For more information and assistance on a CHINS petition and how to file, contact the FRS social worker assigned to your area, the FRS intake line listed above, or you may call 206-205-9732 for more information on how to file.

### ***How do I need to inform the youth about the court date?***

To be properly served, a non-party (someone other than the parent), 18 years of age or over, must have handed the youth a copy of the documents that are coming before the court. After the server delivers the court papers to the opposing party, the server should complete the Declaration of Service form. That form requires the server to make a sworn statement to the court (under oath) that s/he served the party with the necessary court papers. The server should date and sign the Declaration of Service at the bottom and return it to the party requesting his/her services. That form constitutes "***proof of service***" and should be brought to the hearing.

### ***Since this is a court proceeding, are there attorneys?***

The child is automatically assigned a court-appointed attorney for all hearings. Under a CHINS proceeding, a court-appointed attorney may be provided for the parent if s/he meets the financial requirements as determined by the Office of the Public Defender (OPD). It is the responsibility of the parent to undergo financial screening with OPD. There is a \$25.00 fee for this screening; the number for OPD is: 206-296-7662.

A parent always has the right to obtain an attorney at his/her own expense.

### ***Are interpreters available if someone does not speak English?***

If an interpreter is necessary, let the Clerk's office know at the time of filing. At a minimum, provide your name, the child's name, and the language requested. King County Superior Court will pay for all interpreter services during court hearings.

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### ***What kinds of things can the Court order?***

#### **DSHS Shall**

- review the case to determine the appropriateness of filing a dependency petition under RCW 13.34

#### **Child Shall**

- be placed or remain for a period not to exceed 180 days in an out-of-home placement

#### **Placement Shall**

- have full power to authorize and provide all necessary educational, routine and emergency medical, dental or psychological care as recommended by the child's treating doctor.
- report to the parents and to the court within 24 hours as to any unauthorized leave from placement.

### ***What happens if a party does not follow the court order?***

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, confinement for up to seven days in juvenile detention or a fine of up to \$100, or any combination of these sanctions.

### **Do not wait for a scheduled review hearing to report violations of the court's orders.**

An appointment with a case manager is necessary to file a contempt motion.

#### ***Contact the case manager where your case was heard:***

***Karen Chapman, 206-205-9716 Seattle, Juvenile court***

***Amy Andree, 206-205-2578 Kent, Regional Justice Center***

### ***What should we do if our situation is urgent/crisis and we can not wait for a court date?***

**IMMINENT DANGER: CALL "911"**

**Crisis: King County 24 Hour Crisis Line  
866-427-4747 or 206-461-3222**