

THE ARY PROCESS IN DETAIL

If you would like to read the laws pertaining to ARY petitions, look for **Chapter 13.32A RCW FAMILY RECONCILIATION ACT**, and look for the sections that have “At Risk Youth” in the title. Here is a link to get there online: <https://app.leg.wa.gov/rcw/default.aspx?cite=13.32A>

First Steps: Creating the Petition

To initiate the process, families must first schedule and complete an assessment through the Dept. of Children and Family Services (DCFS). This can still be done if the youth is unavailable or unwilling to attend. The DCFS assessor will give you some recommendations for the petition and possible services to help your family. Call the following number to make an appointment:

ARY Intake #: 1-866-829-2153

DCFS will send your family’s assessment results to the Island County Becca Coordinator, who will contact you when it is received. The coordinator will call to set up a meeting to discuss, finalize, and file your petition.

At this appointment, you and your youth will meet with the coordinator to go over the details and expectations laid out in the petition. We will make sure everyone understands the process, expectations, and possible outcomes in the ARY process.

By the end of this appointment, the petition will be officially filed with the court and you will have a hearing date/time set. If your child is in attendance at this meeting, he/she will be served with the notice for the court hearing. If he/she is not, we will work out how to serve notice and move forward with the process. The court fact finding hearing date will typically take place 1-2 weeks after the meeting.

Court Appointed Attorney

Your child will be assigned a court appointed attorney at no expense to you. Usually, the attorney asks the youth to come early for the first fact finding hearing in order to go over the petition and get to know your child and your case. If you would like an attorney to represent you, you must hire your own attorney, but that is generally not necessary for an ARY petition.

First Hearing: Fact Finding and Disposition

This will be your first court hearing. In Island County, Commissioner Harvey presides over At Risk Youth proceedings. The commissioner will make a ruling as to whether or not your child meets at least one of the three criteria to be deemed an At Risk Youth. If the youth is found to be at risk, the commissioner will ask what conditions you would like your youth to follow (relief requested). This will all have been discussed in the initial meeting with the coordinator, who also accompanies you to court. The coordinator will prepare the paperwork for court. If the court grants the petition, a review hearing will be scheduled in 90 days. Your child will be informed that they are expected to follow the conditions set forth in the court’s order, and you will be given instructions on how to file a contempt motion if a hearing is needed to address behavior before 90 days.

Motion for Contempt Filing

If you feel your child has violated the conditions of the court's order, you will need to fill out a Motion for Contempt with a declaration explaining the alleged violations. You can request this form from the coordinator, or they are online at:

<https://www.islandcountywa.gov/JuvenileServices/Pages/Truancy.aspx>

This must be filled out, signed, and then either scanned and emailed or handed to the Becca Coordinator. Within the motion and your attached declaration, you will explain the alleged violations, provide supporting evidence, and request a specific sanction for the commissioner to order if your child is found in contempt.

ARY court hearings are scheduled to take place at 9AM on Tuesdays. Your paper work must be submitted at least one week in advance in order to schedule a hearing, and provide sufficient notice to your youth and his/her counsel.

Contempt Hearing

At a contempt hearing, the commissioner will hear from the child, parent and child's attorney. After the Commissioner calls the hearing to order, the coordinator/parents will explain their reasons and what happened that resulted in the filing of a contempt motion, as well as what sanctions they are requesting and why. Then your child and his/her attorney will have a chance to admit, deny, or explain those things. Based on the information before the Court, the commissioner will determine if an intentional violation of the court order occurred and, if so, what sanctions should be imposed.

Sanctions for Contempt:

If a youth is found in contempt (violation) of the court order, the court can order him/her to do a variety of activities, including suggestions from the parent/guardian. The court prefers graduated sanctions. Graduated sanctions should be progressive in nature, beginning with alternatives and intermediate measures before confinement is considered. Some examples might be to give essays or projects designed to encourage reflection or learning, or to order the youth to engage in counseling or seek help of some kind. The youth can also be ordered to do community service hours at a local non-profit. Generally, the court does not order detention as a sanction unless the youth is running away or engaging in very unsafe or aggressive behavior.

If a youth is found in contempt, the commissioner will order the sanction. Most times, they will be given a period of time in which to "be good" or comply. Compliance can result in the sanction being purged (meaning they won't have to do it). For instance, the commissioner might assign an essay, but if the youth complies with all orders for a period of 2 weeks, when you come back to court (contempt review hearing) the commissioner will purge the sanction. If the youth does not comply, the commissioner will order the youth to do the essay and give a deadline. Failure to complete the sanction will result in more sanctions. Again, parents are always asked to recommend sanctions.

Review Hearings:

Your court order will be reviewed at 3 months and 9 months as required by law. This hearing just assesses if the petition should continue. If you want to continue the petition, you must attend these hearings.