

4.05.030 Definitions.

- (6) "At-risk youth" means a child who is between 12-18 years of age and:
- (a) Who is absent from home for at least seventy-two consecutive hours without consent of their parent(s) or guardian(s);
 - (b) Who is beyond the control of their parent(s) or guardian(s) such that the child's behavior endangers the health, safety, or welfare of the child or any other person;
 - (c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse;
 - (d) Who has a mental health concern that their parent(s) or guardian(s) are in need of assistance addressing; or
 - (e) Who is not attending school or participating in their education without good reason.
- (j) "Case Conference" is an informal proceeding that involves the parties to a case and a Judge as the final decision maker and is held on the record – parties do not necessarily have a right to counsel during Case Conferences.

4.05.1200 At-Risk Youth Program – Purpose.

The purpose of the At-Risk Youth (ARY) program is to provide parents or guardians a process in which they can request and receive assistance to help resolve family conflict to maintain care, custody and control of their child, after alternatives to court intervention have been attempted. Requesting court intervention through an ARY should not be the first attempt by a parent or guardian to address their child's behavior. This process is not intended to punish the parent or guardian or the child, although consequences may be imposed if court orders are not followed by the parties. The ARY proceeding is a voluntary process and the parent(s) or guardian(s) may request dismissal at any time.

4.05.1210 At-Risk Youth Program – Jurisdiction.

- (1) The Tulalip Tribal Court will have jurisdiction over any At-Risk Youth Petition which involve:
- (a) Any child who is ages 12-18, a member of the Tulalip Tribes, and resides on the Tulalip Reservation;
- (2) The Tulalip Tribal Court shall have jurisdiction over adults in furtherance of its powers under this code. The Court may issue orders as are necessary for the welfare of children and families.

(3) Whenever State, Federal, or other Tribal Courts have jurisdiction over any of the matters provided for in this code, the Court shall have concurrent jurisdiction over the same matters, to the extent consistent with Federal law.

(4) The limitations on jurisdiction contained in this section are not intended to reflect the Tribes' view as to the legally permissible limits of jurisdiction.

4.05.1220 At-Risk Youth Program – Policies.

Family Haven, along with stakeholders, will develop and promulgate reasonable policies and standard operating procedures regarding the implementation of this chapter for approval by the Board of Directors. Policies will be reviewed yearly and made publicly available.

4.05.1230 At-Risk Youth Petition – Who may file.

(1) Only the custodial parent(s) or legal guardian(s) of the child may file an At-Risk-Youth petition with the Tulalip Tribal Court. The Family Haven Case Worker will, when requested, assist the parent(s) or guardian(s) (Petitioner(s)) in filing the petition.

(2) A petition may not be filed if a youth-in-need-of-care dependency petition is pending or has been filed.

4.05.1240 At-Risk Youth Petition – Pre-Filing Requirements.

The Petitioner(s) must engage in alternative services or steps designed to address the at-risk behavior of the youth prior to court intervention or be able to state why there is good cause to note have engaged in such alternatives or steps prior to court intervention. Alternatives to court intervention may include, but are not limited to, counseling, treatment, restrictions, curfew, or other out-of-court attempts to assist the youth and/or family.

4.05.1250 At-Risk Youth Petition – Contents.

(1) The petition must set forth:

- (a) The name, birth date, residence, and tribal affiliation of the child;
- (b) The name, residence, and tribal affiliation of the child's parent(s) or guardian(s);
- (c) Why the child is an at-risk youth;
- (d) Why the petitioner(s) has the right to legal custody of the child;
- (e) Why Court intervention and supervision are necessary to assist the parent(s) or guardian(s) to maintain the care, custody, and control of the child; and

- (f) What alternatives to court intervention have been attempted or why such alternatives have not been attempted.
- (2) The Petitioner(s) must attach the child's birth certificate and any Letter of Guardianship or Parenting Plan entered regarding the child to the Petition.
- (3) The Petitioner(s) must attach to the Petition any available documents that support the allegation that the youth is at-risk, such as but not limited to: school records, proof of drug or alcohol use, mental health assessment, medical records, and relevant police reports.

4.05.1260 At-Risk Youth Petition – Procedures.

- (1) When an ARY Petition is filed under this chapter, the Court will:
 - (a) Schedule an Initial Case Conference to be held:
 - (i) For a child who is not residing in the Petitioner's home, within five (5) days of the ARY Petition being filed unless there is good cause to extend the five (5) days or the fifth day is a Saturday, Sunday, or holiday, in which case the hearing must be held on the next day;
 - (ii) For a child who is residing in Petitioner's home, within ten (10) days of the ARY Petition being filed unless there is good cause to extend the ten (10) days or the tenth day is that is a Saturday, Sunday, or holiday, in which case the hearing must be held on the next day; or
 - (iii) If emergency circumstances exit, the Court may issue an Ex Parte Emergency Order prior to the Initial Case Conference date
 - (b) Issue a Notice of Initial Court Conference for ARY Petition stating:
 - (i) What time and date the Initial Court Conference will be held;
 - (ii) Where the Initial Court Conference will be located; and
 - (iii) Who must attend the Initial Court Conference and their rights.
- (2) Unless the child is Court Ordered to reside outside Petitioner's home, the child must reside in the home of the Petitioner(s) or in a placement requested by the Petitioner(s) or by the child and approved by the Petitioner(s).

4.05.1270 At-Risk Youth Program - Confidentiality.

- (1) All Family Haven case files, all Court records, files, documents, and other related information associated with a child are confidential and are not accessible for inspection except as follows:
 - (a) Family Haven shall notify beda?chelh when an ARY matter is opened;

(b) By the child, the Petitioner(s), and the attorneys of record, for use in an ARY proceeding involving the child, subject to redactions;

(c) By Court personnel assigned to these proceedings;

(d) By an approved support person, at Petitioner's request, if specifically provided for by court order;

(e) Family Haven may share case-related information for case planning purposes, but first the person receiving the information shall sign an agreement to not further disclose the information. Family Haven can share child-specific information with the placement as necessary for the care and well-being of the child and consistent with the best interest of the child;

(2) Hearings and proceedings under this chapter will be private and closed to the general public pursuant to Tulalip Tribal Code 4.05.420(2).

4.05.1280 At-Risk Youth Petition – Service.

(1) Prior to the Initial Court Conference, the Petitioner(s) must personally serve the ARY Petition, and Notice of Initial Court Conference for ARY Petition on:

(a) Family Haven or the Office of the Reservation Attorney.

(2) Prior to the Initial Court Conference, the Petitioner(s) must provide the Youth with notice of the date, time, and location of the Initial Court Conference by any means most likely to provide actual notice to the youth. This may include, but is not limited to, personal service, social media, text message, or email.

(3) As soon as practicable, proof of service shall be filed with the Clerk of Court indicating the date, time, and place of service.

4.05.1290 At-Risk Youth Petition — Initial Court Conference.

The court must hold an informal Initial Court Conference with the Petitioner(s), the child, and Family Haven to:

(1) Provide the Youth with a Copy of the ARY Petition and Notice of Initial Case Conference;

(2) Determine if notice was proper;

(a) If the child is not present at the Initial Court Conference, the Court will determine what efforts were made to notify the child of the Initial Court Conference. If reasonable

efforts were made, the Court may proceed with the Court Conference in the child's absence or may continue the Court Conference to allow additional time to notify the child and may issue an Order to return the child to the custody of the Petitioner(s) or to bring the child to Court;

- (3) Advise the parties of their rights and the consequences of violating any Court Order;
- (4) Discuss the allegations in the ARY Petition with the parties and determine if the child is an At-Risk Youth; and
- (5) The court must grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by the Petitioner(s) by a preponderance of the evidence.
- (6) If the ARY Petition is granted, the court:
 - (a) Must enter an order requiring the child reside in the home of the Petitioner(s) or in an out-of-home placement approved by Petitioner(s);
 - (b) Must set a Case Planning Conference within 30 days;
 - (c) Must enter an order directing the family to begin engaging with Family Haven to discuss services until the next; and
 - (d) May order Family Haven to submit a Case Plan if such a plan would assist the court in ordering a suitable disposition in the case. Family Haven must provide copies of the plan to the court five (5) days prior to the Case Planning Conference.
- (7) If the court denies the ARY Petition, the Court must issue a written order listing the reasons the Petition was denied to the parties.

4.05.1300 At-Risk Youth Petition — Case Planning Conference.

If the Court grants the ARY Petition, the court must hold a Case Planning Conference to develop a plan that will assist the family to resolve family conflicts or problems and ensure the child remains safe.

- (1) At the Case Planning Conference the Court:
 - (a) Will consider the recommendations of the parties, including the recommendations of any Case Plan submitted by the Family Haven Case Worker;
 - (b) Will issue a Final Case Plan Order that will assist the Petitioner(s) in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems;
 - (c) May set conditions of supervision for the child that include:

- (i) Regular school attendance;
 - (ii) Attend medical assessments and/or treatment;
 - (iii) Attend individual and/or family counseling;
 - (iv) Participation in a substance abuse or mental health outpatient treatment program;
 - (v) Reporting on a regular basis to the department or any other designated person or agency;
 - (vi) Engagement with Family Preservation Services or other services offered by Family Haven;
 - (vii) Employment;
 - (viii) Curfew and/or Electronic Home Monitoring;
 - (ix) Random urinalysis testing and/or refraining from using alcohol or drugs;
 - (x) Participation in an anger management program; or
 - (xi) Any other condition the court deems an appropriate condition of supervision.
- (d) May order the Petitioner(s) to participate in counseling services or any other services for the child requiring Petitioner's participation;
- (e) May order the Family Haven Case Worker to monitor compliance with the Final Case Plan, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

(2) The Petitioner(s) will cooperate with the Final Case Plan and will take necessary steps to help implement the Final Case Plan.

(3) The Petitioner(s) will be financially responsible for costs related to the Case Plan; however, this requirement will not affect the eligibility of the Petitioner(s) or child for public assistance or other benefits to which the Petitioner(s) or child may otherwise be entitled.

(4) The Petitioner(s) may request dismissal of an at-risk youth proceeding or out-of-home placement at any time. Upon such a request, the court must inform the parties of the Court's obligation as a mandatory reporter and dismiss the matter and cease court supervision of the child unless a failure to comply action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending failure to comply proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

(5) No Final Case Plan or condition of supervision ordered by a court pursuant to this section will include involuntary placement of a child in a secure residential treatment center for substance abuse or mental health treatment unless a Specialized Treatment Hearing is held pursuant to 4.05.1310.

4.05.1310 At Risk Youth - Specialized Treatment Hearing

The Court may hold a Specialized Treatment Hearing during or after the Case Planning Conference to determine by a preponderance of the evidence that the child requires specialized treatment.

- (1) The Court will appoint an attorney for the child prior to any Specialized Treatment Hearing.
- (2) At hearing, the court may authorize the Petitioner(s) to place the child in a secure residential treatment facility, other than a crisis residential center, if the court finds, based on the testimony of the parties and a Report from (the department) that includes supporting documents from professionals, that:
 - (a) The child is suffering from substance abuse or a mental illness and, as a result, is likely to cause serious harm to the child or to another person;
 - (b) There is no reasonably available, appropriate, and less restrictive alternative for the child's treatment or that less restrictive alternatives have been tried and have failed; and
 - (c) there is reason to believe that the child's condition could be improved by the course of treatment or would deteriorate if untreated.
- (3) The court will review a placement made under this section at least every ninety (90) days, with the first review hearing conducted not more than thirty (30) days after the date of the placement. At each review hearing the court will review the progress of the child and determine whether the orders are still necessary for the protection of the child or a less restrictive placement would be adequate. The court will modify its orders as it finds necessary to protect the child.
- (4) A child will not be confined in an institution established for the care and rehabilitation of "juvenile offenders" unless the child is also adjudicated to be a "juvenile offender." Under no circumstances will a child adjudicated to be at-risk be committed or transferred to a penal institution or other facility use for the execution of sentences of persons convicted of crimes.
- (5) Tulalip Tribal funds will be used to pay for placements under this section as the payor of last resort, if Tribal funds are available and other funds are not available.
- (6) If the Court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a secure facility within a crisis residential center.

4.05.1320 At-risk youth - Review by court.

(1) Upon entering a Final Case Plan regarding an at-risk youth, the court will schedule the matter on the calendar for review within three (3) months, advise the parties of the date thereof, appoint legal counsel for the child, advise the Petitioner(s) of the right to be represented by legal counsel at the review hearing at their own expense, and notify the parties of their rights to present evidence and call witnesses at the hearing.

(2) At the review hearing, the court will approve or disapprove the continuation of court supervision in accordance with the goal of assisting the Petitioner(s) to maintain the care, custody, and control of the child. The court will determine whether the Petitioner(s) and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the Petitioner(s) agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection will not exceed ninety (90) days.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the Petitioner(s) is not cooperating with the court-ordered case plan. The court will dismiss an at-risk youth proceeding if the child is the subject of a dependency proceeding.

4.05.1330 At Risk Youth Petitioner - Failure to comply with order

(1) In all at-risk youth proceedings, the court must verbally notify the parties of the possibility of a finding of failure to comply with the terms of a court order and the possible negative consequences thereof. Except as otherwise provided in this section, the court will treat the Petitioner(s) and child equally for the purposes of applying negative consequences.

(2) For at-risk youth proceedings only:

(a) If the child fails to comply with the court order, the court may impose:

(i) Community service;

(ii) Residential and nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b) If the Petitioner(s) fails to comply with the court order, the court may impose:

(i) A remedial action; and/or

(ii) Any other appropriate action imposed by the court.

(3) A motion for failure to comply with a Court Order may be made by a Petitioner(s), a child, Family Haven court personnel, or by any agency, organization, or person having physical custody of the child under a court order adopted pursuant to this chapter.

(4) For at-risk youth proceedings only, whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a pick up order or other method approved by court rule.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

4.05.1340 At Risk Youth Petition - No entitlement to services created by chapter.

Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision at the Tulalip Tribes expense of services to any person or family where the Family Haven has determined that such services are unavailable or unsuitable or that the child or family are not eligible for such services.

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