

WARNING: FEDERAL LAW AT TITLE 18 SECTION 5033 PROHIBITS THE TAKING OF ANY CHILD AWAY FROM IT'S NATURAL PARENTS WITHOUT A HEARING IN A COURT OF COMPETENT JURISDICTION AND ANY/ONE WHO VIOLATES THIS PROVISION HAS NO IMMUNITY FROM LIABILITY FROM BOTH CRIMINAL AND CIVIL PENALTIES

18 U.S.C. section 5033's Parental Notification Must be Immediate Upon Arrest -- Not Simply Before or After Government Interrogation.

18 U.S.C. section 5033 provides:

“Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and **shall notify the Attorney General and the juvenile’s parents, guardian, or custodian of such juvenile. The arresting officer shall notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the offense.** The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable time before being brought before a magistrate.” And;

“RCW 13.04.140 **No Dependant or delinquent child as defined in this chapter shall be taken from the custody of its parent, parents or legal guardian, without the consent of such parent,** parents or guardian, unless the court shall find such parent, parents or guardian is incapable or has failed or neglected to provide proper maintenance, training and education for said child.” **IN RE TARANGO, 23 Wn. App. 126, at 133 (1979).** And;

“Because our law was taken “substantially verbatim” from the federal statute, it carries the same construction as the federal law and the same interpretation as federal case law. Id. (“The identical question has been litigated many times in the federal courts. It is the rule that a statute adopted from another jurisdiction will carry the construction placed upon such statute by the other jurisdiction.”).” **STATE v. BOBIC, 140 Wn.2d 250, 264, 996 P.2d 610 [No. 67948-7. En Banc.] (April 6, 2000); RINKE v. JOHN-MANVILLE CORP., 47 Wn. App. 222, 225, 734 P.2d 533 (March 18, 1987.)** And;

Thus, upon being taken into custody, section 5033 confers the right to TWO (2) immediate notifications. First, the juvenile must be advised immediately of his or her rights. Second, the juvenile’s parent(s) must be advised immediately of the juvenile’s rights and nature of the alleged offense. Recently the 9th Circuit has made clear that:

“...notification should [be] attempted immediately after the juvenile[s] [is] placed in custody. The statute identifies custody as the trigger requiring notification, not interrogation.” **United States v. John Doe (“Doe V.”, 219 F.3d 1009, No. 99-50250, 2000 WL 991863, at *4 (9th Cir. July 20, 2000)** (Emphasis Added).

Furthermore, the CPS Division of DSHS is violating the specific provisions of RCW

13.40.140 (2) which require the Sheriff's who are the court's representative's to inform both the juvenile **"and"** his or her parents that YOU & YOUR CHILDREN had a right to be represented by counsel at **"all critical stages of the proceedings."** See RCW 13.40.140 (2) which reads in part:

“(2) A juvenile **and his or her parent**, guardian, or custodian shall be advised by the court or its representative that the juvenile has a right to be represented by counsel **at all critical stages of the proceedings.**” (Emphasis added.)

RCW 13.40.140 (2) clearly shows that a juvenile and his or her parent shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceeding. The legislative intent of RCW 13.40.140 (2) is clear in the use of the conjunctive word **"and"** by stating that “A juvenile **'and'** his or her parent, or custodian simultaneously shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceedings.” It is clear that an arrest, custodial arrest & subsequent **interrogation of underage children without the presence of either parent** or their attorney present is **"a critical stage of the proceeding,"** that is violative of both the parents and the underage children's Constitutional Rights. **THE 9TH CIRCUIT RECOGNIZED THAT "CONGRESS OBVIOUSLY INTENDED THAT PARENTS HAVE A RIGHT TO INVOKE THEIR CHILDREN'S RIGHT TO REMAIN SILENT FOR THEM PURSUANT TO FEDERAL LAW AT 18 U.S.C. 5033.** United States v. Doe, 219 F.3d 1009 (9th Cir. 2000) (“Doe V”); United States v. John Doe (“Doe II”), 862 F.2d 776 (9th Cir. 1988); United States v. Doe, 170 F.3d 1162 (9th Cir. 1999) (“Doe IV”); Harris v. Wright, 93 F.3d 581, 585 (9th Cir. 1996).

If the CPS Division of DSHS has violated your parental rights by interrogating your children out of your presence and you want to sue them pursuant to 42 U.S.C. 1983, please contact Luis Ewing at (253) 226-3741 or <rcwcodebuster@aol.com> or <<http://www.ultimateusers.com>>