

SUMMARY OF TOP RECOMMENDATIONS FROM MEMBERS OF THE JOINT LEGISLATIVE TASK FORCE ON SEALING JUVENILE RECORDS

Washington Association of Juvenile Court Administrators

1. Statutory sealing provisions must be clear and consistent to promote accuracy throughout the state without additional financial burden to court clerks.
2. Automatic sealing provisions should include a court order and should not be an administrative function.
3. Military records checks requests policy should be clarified.

Washington State Association of County Clerks

1. Modify RCW 13.40.127 regarding sealing of deferred prosecution cases so that the sealing is done pursuant to court order so that it can be done electronically.
2. Clarify the statutes so that it is clear what records are being sealed: social file, diversion file, official court file, other?
3. Clarify in statute who can use juvenile records for what purpose(s).

Recommended Model(Easiest Model to Control Access to Records) – Juvenile court records should be made a category of records that is confidential to the public like adoption records, involuntary commitment records and dependency/termination/at-risk youth/ truancy records.

Representative Jeannie Darneille

1. Automatically seal all records at a time certain.
2. Amend the categories of records, restricting access to all juvenile records. Records would be accessible by law enforcement and courts if juvenile charged with certain violent or sex crimes.
3. Pass the Regala bill (SB 5019) that restricts the distribution of a non-conviction record.

Administrative Office of the Courts

1. Records for non-confidential case types that are available at the courthouse should also be available on-line.
2. Restricting online access to public case records will not cause the records to be invisible.
3. The more criteria that must be met for the record to be sealed, the more difficult it will be to automate the process.

Washington Association of Prosecuting Attorneys

1. Avoid making juvenile court records and hearings confidential, which would be contrary to constitutional mandates (Art. I, sec. 10) as well as emerging case law (Ishikawa).
2. Fix the current problems and ambiguities with sealing records of vacated deferred dispositions under RCW 13.40.127. The proposed statutory fix would require the court to set a hearing to seal prospectively any vacated deferred disposition and regardless of the pending charges or the defendant's presence.
3. Require that all juvenile records pertaining to a juvenile be sealed at the time the motion to seal is made.

Washington Defender's Association & the WSBA Juvenile Law Section

1. All juvenile court records will be kept confidential unless and until a juvenile is later convicted of an adult felony, in which case, the records will be open to the public or unless a judge enters an order finding that it is in the best interest of the public and juvenile to open the records. Juvenile court hearings would remain open to the public. Prosecutors, probation counselors, attorneys, youth and other persons considered "juvenile justice and care agencies" will have access to the records.
2. All juvenile records will become confidential when a juvenile turns 19. The records will remain confidential unless and until a juvenile is convicted of a felony offense. The juvenile would still be able to seal his/her records under the current provisions of RCW 13.50.050 but would also be able to have his/her record sealed automatically at age 19.
3. Juvenile offender records are confidential and AOC and the county clerks shall not publish, distribute, sell or otherwise release any juvenile offender court record except as required by law. (The record of any unsealed juvenile adjudication will be available through the WSP until the offender reaches the age of 18 (misdemeanors) or 23 (felonies) and thereafter only to law enforcement or the prosecuting attorney.)
4. Juvenile records will be automatically sealed when a juvenile becomes eligible under RCW 13.50.050. Juvenile records will remain sealed unless and until a juvenile is later convicted of an adult felony, in which case the records will be open to the public.