

OBTAINING AN ORDER TO SEAL JUVENILE RECORDS

To obtain an order for the sealing of a record pursuant to RCW 13.50.050 the REQUESTOR:

1. Obtains from the juvenile court:
 - a. An Advice of Rights Regarding Juvenile Records.
 - b. A Motion and Declaration To Seal Records of Juvenile Offender
 - c. Notice of Respondent's Motion to Seal Records of Juvenile Offender.
 - d. Declaration of Service and;
 - e. Order Re: Sealing Records of Juvenile Offender.
2. Prepares Motion and Declaration To Seal Records of Juvenile.
3. Prepares Notice forms for each agency affected by the motion, leaving the hearing date blank.
4. Has the prepared Motion and Declaration to Seal reviewed by a probation officer to ensure all applicable sections are completed, and to be advised of a hearing date.
5. Signs the reviewed Motion and Declaration.
6. Enters hearing date on Notice.
7. Prepares packets for each agency to whom notice is given. Service packets are to include the original Notice with a copy of the Motion and Declaration to Seal Records attached.
8. Delivers the original Motion and Declaration to Seal Records and copies of the Notice to the Court Clerk in Waterville for filing.
9. Serves Notice forms to the Prosecuting Attorney and any other person or agency whose files are sought to be sealed. This should be completed immediately after step 8 is completed. The Notice may be personally served or mailed (14 days before hearing.)
10. File a Declaration of Service for any agency or person served.
11. At the hearing on the Motion, provides the Judge with any written responses received from agencies notified.
12. Upon approval of the Motion by the Judge, prepares the Order on Motion to Seal Records, specifying those records to be sealed. (See RCW 13.50.050 (13.))
13. Obtains Judge's signature on the prepared Order.
14. Delivers the signed Order to the juvenile Court Clerk for filing.
15. Obtains from the Clerk certified copies of the Order in a number sufficient to present to each agency.
16. Distributes certified copies of the Order to each agency affected.

Superior Court of Washington

County of _____

Juvenile Court

STATE OF WASHINGTON v.

Respondent.

D.O.B.:

No:

Advice of Rights Regarding

Juvenile Records

(ADR)

I. Sealing of Records

1.1 The official juvenile court file of any alleged or proven juvenile offender is open to public inspection unless sealed.

1.2 Administrative Sealing:

The Respondent is eligible for administrative sealing of the court records in the case if:

- none of the offenses is a "Most Serious Offense" (as defined in RCW 9.94A.030), a "Sex offense" (as defined in RCW 9.44), or a felony drug offense under RCW 69.50 (except Possession of Controlled Substance and/or Forged Prescription).
- the respondent has completed the terms and conditions of disposition, including affirmative conditions and has paid in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

- An administrative sealing hearing must be set for the first regularly scheduled administrative sealing hearing after the latest of either the respondent's 18th birthday, the anticipated end of community supervision, or, if JRA is imposed, the anticipated end of the commitment and any anticipated parole.

The respondent is not required to appear at the administrative sealing hearing. At the administrative sealing hearing, the juvenile court will seal the case unless the court finds:

- (1) respondent failed to comply with the terms of the disposition; or
- (2) there is an objection to the sealing or a compelling reason not to seal.

If there is an objection or compelling reason, the court will set a contested hearing for a date no sooner than 18 days after notice of the hearing and opportunity to object is sent to the respondent, the victim, and respondent's attorney. At the contested hearing, the court decides whether or not to seal the court record. Nothing prevents respondent from asking the court to seal this case pursuant to RCW Title 13.50 or GR15.

1.3 Sealing Juvenile Court Records by motion under RCW Title 13.50.260.

In any case in which an Information has been filed or a complaint has been filed with the prosecutor and referred for diversion, the person who is the subject of the Information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. Except that no identifying information held by the Washington State Patrol is subject to sealing.

The court shall not grant any motion to seal records unless it finds that:

- (a) For class A felony offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition (including deferred disposition), the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction or adjudication and the person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion. For all class B and C felony offenses, gross misdemeanors, misdemeanors, and diversions, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition (including deferred disposition), or completion of diversion, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion.
- (b) No proceeding is pending against the person making the motion to seal records seeking conviction of a juvenile offense or criminal offense;
- (c) No proceeding seeking the formation of a Diversion Agreement is pending against the person making the motion to seal records;
- (d) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and
- (e) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

If the court grants the motion to seal records, the official juvenile court file, the social file, and other records relating to the case shall be sealed. No identifying information held by the Washington State Patrol, however, is subject to sealing. The case proceedings shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the records which are sealed. However, county clerks may interact or correspond with the respondent, respondent's parents, and any holders of potential assets or wages of the respondent for the purposes of collecting any outstanding legal financial obligations even after juvenile court records have been sealed.

Any adjudication of a juvenile offense or a crime after the sealing shall have the effect of nullifying the sealing order. Any charging of an adult felony after the sealing shall nullify the sealing order for the purposes of Chapter 9.94A RCW.

1.4 Sealing Vacated Deferred Disposition Records under RCW 13.40.127(10):

If the court vacates a conviction when the person is 18 years of age or older and restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW, is paid in full, the court shall enter a written order sealing the case

If the court vacates a conviction when the person is not 18 years of age or older and restitution has been paid in full, then the court shall schedule an administrative sealing hearing to take place no later than 30 days after the person's 18th birthday. At that hearing, the court shall enter a written order sealing the case. The person does not have to attend the hearing.

Records sealed under RCW 13.40.127(10) shall have the same legal status as records sealed under RCW 13.50.050.

Sealing by motion: If a person's records were vacated prior to June 7, 2012, the case cannot be sealed under RCW 13.40.127(10). The person may file a motion for an order sealing records under RCW 13.50.050. The court shall seal the case if restitution has been paid and the person is 18 years of age or older at the time of the motion. RCW 13.50.050(12)(c).

II. Destruction of Records

- 2.1 If a person's criminal history includes Diversion Agreements, then upon successful completion, the records in the case will be automatically destroyed within 90 days of becoming eligible for destruction. Records become eligible for destruction when all of the following conditions exist:
(1) The person is 18 years or older; (2) The records consist of successfully completed diversion agreements or counsel and release agreements, or both, completed on or after June 7, 2018; and, (3) Restitution is paid in full.
- 2.2 A person 23 years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense. No identifying information held by the Washington State Patrol is subject to destruction.
- 2.3 If the court grants the motion to destroy records, the court shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed. No identifying information held by the Washington State Patrol is subject to destruction.

III. Notice to Prosecutor and Agencies

- 3.1 Any person making a motion to seal records or a motion to destroy records shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be sealed or destroyed.

IV. Receipt of Advice

- 4.1 The above advice of my rights concerning my juvenile offense records was read by me or to me; I understand these rights, and I received a copy of my rights.

Respondent

The undersigned provided to the above-named respondent a copy of this Advice of Rights Regarding Juvenile Records on

(Date)

Signature

Type or Print Name/Title

cc: Respondent
Respondent's Lawyer
Deputy Prosecuting Attorney

SUPERIOR COURT OF WASHINGTON
COUNTY OF _____
JUVENILE COURT

STATE OF WASHINGTON v.

Respondent.

D.O.B.:

No:

**Motion and Declaration to Seal
Records of Juvenile Offender
(MTAF)**

I. Motion

RESPONDENT moves the court for an order sealing his or her juvenile court records. This motion is based on RCW Title 13.50.260 or GR 15(c) and the declaration of respondent.

Dated: _____

Attorney for Respondent/WSBA No.

II. Declaration of Respondent

I, _____, state as follows:

2.1. Finding of guilt: On _____ [date] I was found guilty of

_____ [name of offense].

2.2 Sealing records - factors pursuant to RCW Title 13.50.260:

Class A Felony Conviction: At least one of the offenses I am attempting to seal involves a Class "A" felony but both of the following are true:

(1) Since my last date of release from confinement, including full-time residential treatment, or from the entry of disposition (including deferred disposition), I have spent five consecutive years in the community without committing any offense or crime that has resulted in conviction or adjudication.

(2) I have not been convicted of Rape in the First Degree, Rape in the Second Degree, or Indecent Liberties with Forcible Compulsion;

All Class B and C Felony, Gross Misdemeanor, or Misdemeanor Convictions, or Diversions: Since my last date of release from confinement, including full-time residential treatment, or from the entry of disposition (including deferred disposition), I have spent two consecutive years in the community without committing any offense or crime that has resulted in conviction or diversion.

And, I meet the following requirements:

There are no proceedings pending against me seeking the conviction or diversion of a juvenile or criminal offense.

I am no longer required to register as a sex offender under RCW 9A.44.130 or I have been relieved of the duty to register under RCW 9A.44.143 if I was convicted of a sex offense.

I have paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

I am eligible to have my records sealed under RCW Title 13.50 in that I have satisfied all the requirements of those statutes.

2.3 Sealing records of vacated deferred disposition – factors pursuant to RCW Title 13.50:

I meet the following requirements:

The court vacated my deferred disposition and dismissed the case with prejudice pursuant to RCW 13.40.127(9) prior to June 7, 2012.

I am over 18 years of age.

I have paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

2.4 Other circumstances that I believe require sealing of my juvenile court records (GR 15):

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is, to the best of my knowledge, true and correct.

Signed on _____, at _____, Washington.

Respondent

Address

SUPERIOR COURT OF WASHINGTON

COUNTY OF _____

JUVENILE COURT

STATE OF WASHINGTON v.

Respondent.

D.O.B.:

No:

**NOTICE OF RESPONDENT'S MOTION
TO SEAL RECORDS OF JUVENILE
OFFENDER**

(NT)

TO: _____ County Superior Court Clerk's Office

TO: _____ County Prosecutor, Juvenile Division

TO: _____ County Juvenile Court Administrator

TO: _____ Police Department/Sheriff's Office

TO: Washington State Patrol, Records Division

TO: Juvenile Rehabilitation Administration (DSHS)

TO: _____

TO: _____

PLEASE TAKE NOTICE that on _____ at _____ a.m./p.m., at
_____ County Superior Court, Juvenile Division, attorney for
_____, will move for an order sealing the juvenile records on the above entitled matter.

Dated: _____

Attorney for Respondent/ WSBA No.

SUPERIOR COURT OF WASHINGTON

COUNTY OF _____

JUVENILE COURT

STATE OF WASHINGTON v.

NO:

**DECLARATION OF SERVICE
(AFSR)**

Respondent(s).

D.O.B.:

I, _____, hereby declare as follows:

1. I am over the age of 18 years and not a party to this action. My business/residence address is:

2. On _____ (Date), I served _____ (Name)
with the following documents:

3. Address(es) of service:

4. Service was made as indicated below:

- By delivery to the person named by a peace officer.
- By mailing to the person named at the address(es) of service.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, Washington on _____.

(Place) (Date)

Signature

Type or Print Name

SUPERIOR COURT OF WASHINGTON
COUNTY OF _____
JUVENILE COURT

STATE OF WASHINGTON v.

Respondent.

D.O.B.:

No:

Order Re: Sealing Records of
Juvenile Offender

(ORSF, ORSFD)

I. Basis

1.1 THIS MATTER came on before the court on (choose one):

- Motion to seal records under RCW 13.50.260:** Respondent's motion to vacate and seal records of juvenile offender pursuant to RCW Title 13.50.260.
- Administrative Sealing Under RCW 13.50.260 or 13.40.127:** Administrative sealing of juvenile records pursuant to regular statutory administrative sealing of a qualified disposition order entered after June 11, 2014 (RCW Title 13.50), or, vacated deferred disposition dismissed and vacated after June 6, 2012 (RCW 13.40.127).
- Acquittal or Dismissal of Charges Under RCW 13.50.260:** Sealing of juvenile records pursuant to acquittal of charges in the case, or dismissal of charges with prejudice and subject to the state's right, if any, to appeal the dismissal. (RCW 13.50.260).

- Re-Sealing Post Nullification Under RCW 13.50.260:** Sealing of juvenile records previously nullified by subsequent adjudication and disposition in a different case number, but for which the respondent requests re-sealing (RCW 13.50.260).

- Motion to Seal Records Under GR 15:** Respondent's motion to seal records of juvenile offender pursuant to GR 15.

1.2 The court heard the matter with without oral argument and considered the pleadings submitted on the matter and the relevant court records.

II. Findings

- 2.1 Motion to seal records pursuant to RCW 13.50.260:
 - Notice of motion: Adequate notice was was not given to the appropriate parties and agencies; and,
 - Satisfaction of motion requirements: Respondent has satisfied the requirements of RCW 13.50.260 and is entitled to have sealed the official juvenile court record, the social file, and the records of the court and of any other agency in the case has not satisfied the requirements of RCW 13.50.260 and is not entitled to have sealed the official juvenile court record, the social file, and the records of the court and of any other agency in the case.

- 2.2 **Administrative sealing under RCW 13.50.260 or 13.40.127:**
 - Deferred disposition vacated after June 6, 2012: The deferred disposition was dismissed and vacated after June 6, 2012. The respondent is entitled to have the files and records in this case sealed under to RCW 13.40.127.
 - Regular statutory administrative sealing: A disposition in this case was entered after June 11, 2014, and, the respondent is entitled to have the files and records in this case reviewed for automatic sealing pursuant to RCW 13.50.260 because the respondent is now at least 18 years of age and is no longer subject to community supervision and/or JRA commitment and parole. At the regular sealing hearing set for this matter, the court found:
 - Entitled to administratively seal: there is no objection to sealing, nor is there any compelling reason not to seal. The respondent is entitled to have the files and records in this case administratively sealed pursuant to RCW 13.50.260 because respondent complied with all terms of the disposition order and has paid in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.
 - Failure to complete the terms of the disposition: The respondent failed to complete the terms of the disposition order and has failed to pay in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW. The respondent is not entitled to administrative sealing of the files and records in this case.
 - Objection or compelling reason: Despite being eligible for administrative sealing, there was an objection made to sealing and/or the court found a compelling reason not to seal the case. A hearing was set for today. This date was was not at least 18 days after notice of the hearing

and opportunity to object was sent to the respondent, the victim, and respondent's attorney. After hearing arguments from the attorneys, the court finds sealing the files and records in this case appropriate inappropriate.

- 2.3 **Acquittal or dismissal of charges under RCW Title 13.50.260:** The respondent is entitled to sealing of juvenile records base on acquittal of charges in the case, or dismissal of charges.
- 2.4 **Re-sealing post nullification under RCW Title 13.50.260:** This case was previously sealed and then the sealing order nullified after adjudication in a subsequent case number _____-8-_____. Since nullification, there has been a disposition in the subsequent case number. Now, this case does qualify does not qualify for sealing by statute. Re-sealing in this case is appropriate inappropriate (RCW 13.50.260).
- 2.5 **Motion to seal records under GR 15:** Compelling privacy or safety concerns that outweigh the public interest in access to the court records have have not been found. In addition, the court finds as follows:

III. Order

Based on the above findings, it is hereby ordered:

- Sealing Denied:** The files and records in this case shall not be sealed.
- Sealing Granted:** The files and records in this case shall be sealed as follows:
- Pursuant to RCW 13.50.260 or RCW 13.40.127:** The court grants the motion to seal pursuant to RCW 13.50.260 or RCW 13.40.127, as applicable, including any administrative review required by statute. Pursuant to this order:
- 1- With the exception of identifying information specified in RCW 13.50.050(13), the official juvenile court record, the social file, and other records relating to the case as are named herein are sealed;
 - 2- The proceedings in the case shall be treated as if they never occurred and the subject of the records may reply accordingly to any inquiry about the events, the records of which are sealed. However, county clerks may interact or correspond with the respondent, respondent's parents, and any holders of potential assets or wages of the respondent for the purposes of collecting any outstanding legal financial obligations even after juvenile court records have been sealed.
 - 3- Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual;
 - 4- Inspection of the files and records included in this order may only be permitted by order of the court and upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13);

5. Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying this order; however, the court may order this case resealed upon disposition of the subsequent matter if this case meets the sealing criteria under RCW 13.50.260 and this case has not previously been resealed;

6. Any charging of an adult felony subsequent to this order has the effect of nullifying this order.

Pursuant to GR 15: The court grants the motion to seal pursuant to GR 15. The files and records in this case are sealed for a period not to exceed the following time period:

_____, and the clerk of the court is ordered to seal the entire court file and to secure it from public access. Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying this order.

Dated: _____

Judge/Commissioner

Submitted by:

Attorney for Respondent/WSBA No.