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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY
JUVENILE DIVISION

SUMMARY OF RIGHTS CONCERNING SEALING AND DESTRUCTION OF JUVENILE RECORDS

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.

Sealing Juvenile Court Records by motion under RCW 13.50.050(11) and (12):

1.2 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.

1.3 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) Full restitution has been paid.

1.4 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.

1.5 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.

(CONTINUES ON REVERSE SIDE)

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

- 2 1.6 If the court vacates a conviction when the person is 18 years of age or older and restitution is paid in full,
3 the court shall enter a written order sealing the case
- 4 1.7 If the court vacates a conviction when the person is not 18 years of age or older and restitution has been
5 paid in full, then the court shall schedule an administrative sealing hearing to take place no later than 30
6 days after the person's 18th birthday. At that hearing, the court shall enter a written order sealing the
7 case. The person does not have to attend the hearing.
- 8 1.8 Records sealed under RCW 13.40.127(10) shall have the same legal status as records sealed under
9 RCW 13.50.050.
- 10 1.9 Sealing by motion: If a person's records were vacated prior to June 7, 2012, the case cannot be sealed
11 under RCW 13.40.127(10). The person may file a motion for an order sealing records under RCW
12 13.50.050. The court shall seal the case if restitution has been paid and the person is 18 years of age or
13 older at the time of the motion. RCW 13.50.050(12)(c).

14 **II. Destruction of Records**

- 15 2.1 If a person's criminal history includes only one Diversion Agreement, then upon its successful completion,
16 the records in the case will be automatically destroyed within 90 days of becoming eligible for destruction.
17 Records in a single diversion agreement become eligible for destruction when all five of the following
18 conditions exist: (1) The person's criminal history includes only the Diversion Agreement; (2) The person
19 is 18 years or older; (3) Two years have passed since completion of the agreement; (4) Restitution is paid
20 in full; and, (5) There are no proceedings pending against the person seeking the conviction of a criminal
21 offense.
- 22 2.2 A person 23 years of age or older whose criminal history consists of only referrals for diversion may
23 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.