

Washington State Partnership Council on Juvenile Justice

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March 19, 2024

Juvenile Law Center
Fighting for the rights
and well-being of youth

Agenda

1. Multi-State Comparison (California, Oregon, Wyoming)
 - Scores
 - Statutory Summaries
2. Additional Considerations

juvenile records.

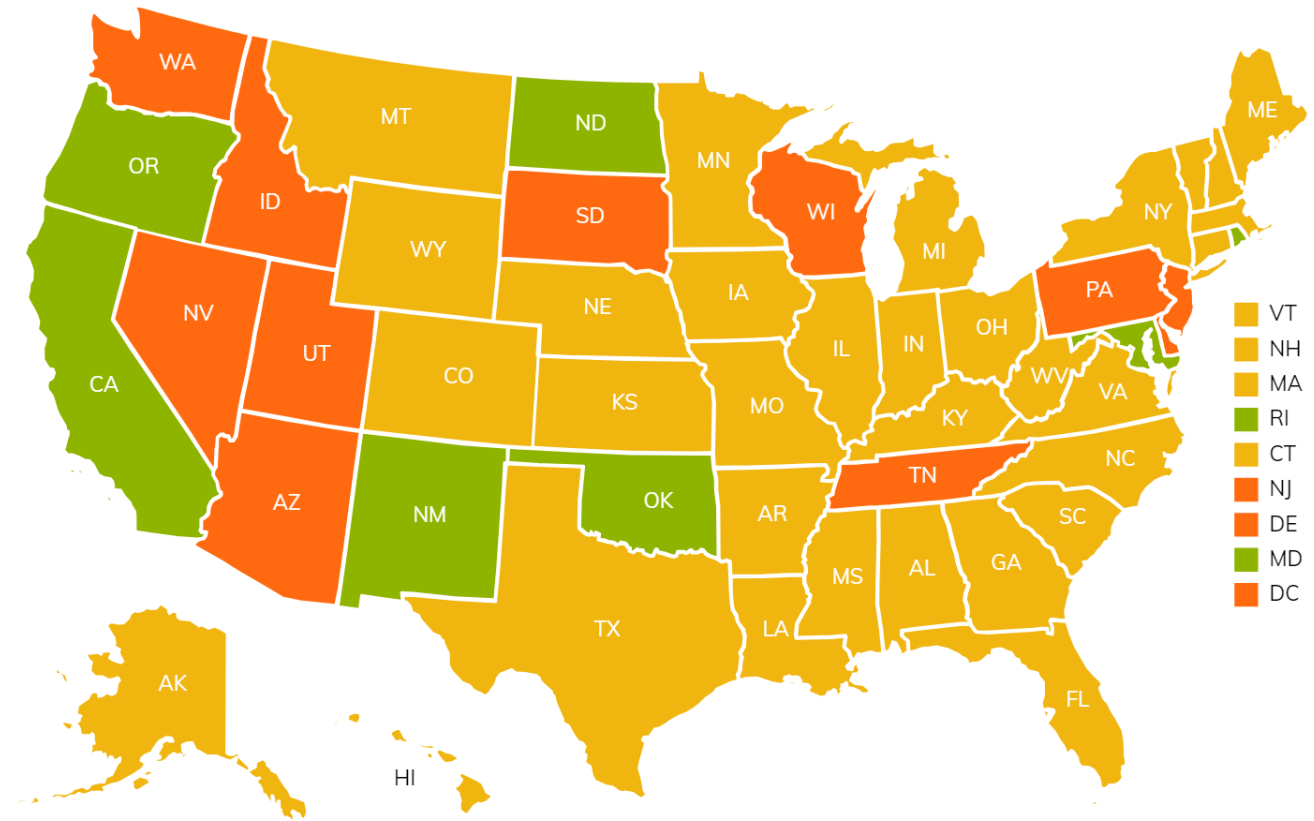
TOTAL SCORE CONFIDENTIALITY EXPUNGEMENT MAP RANKINGS

Grading scale

(How scoring works)

- ★★★★★★ 0 states (80–100%)
- ★★★★★☆☆ 7 states (60–79%)
- ★★★★☆☆☆☆ 32 states (40–59%)
- ★★★☆☆☆☆ 12 states (20–39%)
- ★☆☆☆☆ 0 states (0–19%)

Click states to see complete profiles and scores.



Show table Download map



juvenile records.

TOTAL SCORE CONFIDENTIALITY EXPUNGEMENT MAP RANKINGS

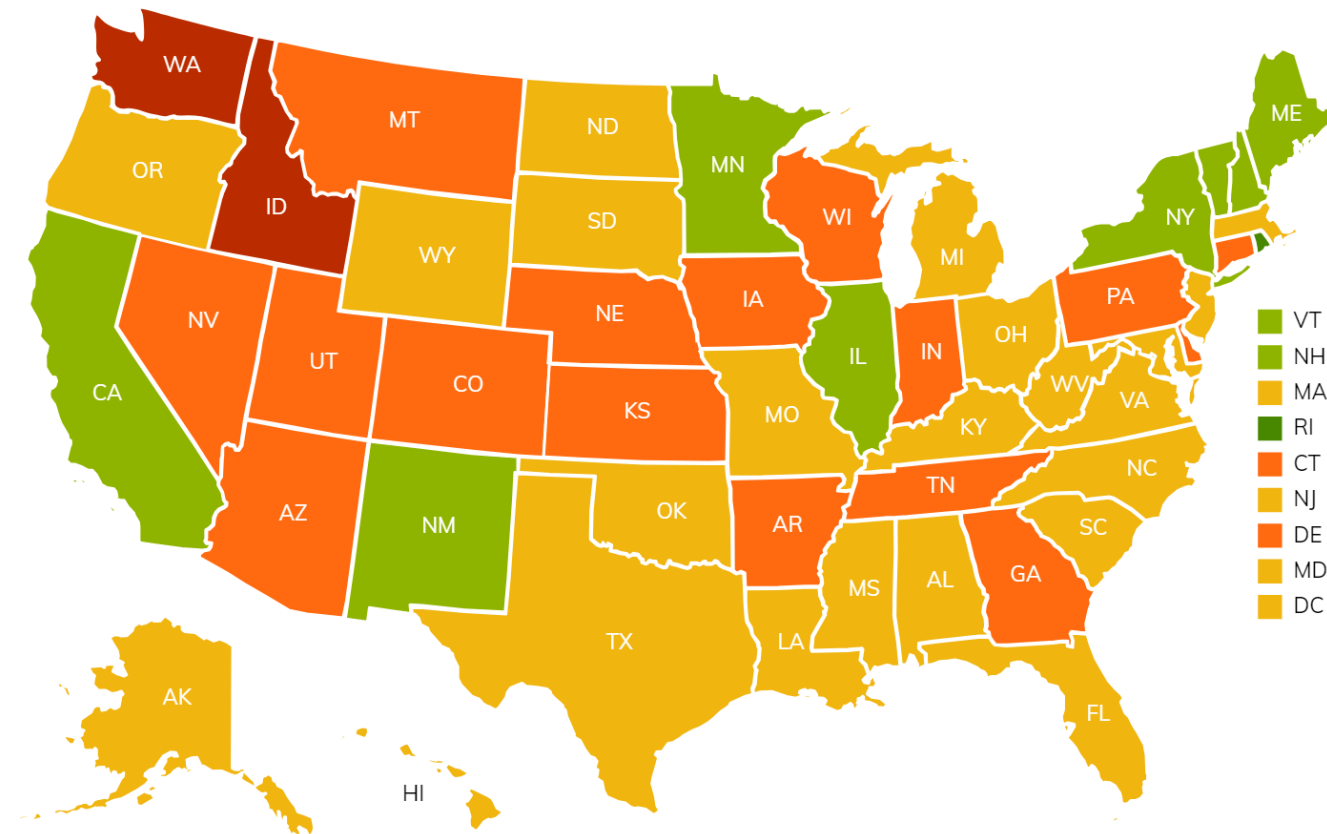
Grading scale

(How scoring works)

- ★★★★★★ 1 state (80–100%)
- ★★★★★☆☆ 8 states (60–79%)
- ★★★★☆☆☆☆ 24 states (40–59%)
- ★★★☆☆☆☆ 16 states (20–39%)
- ★☆☆☆☆ 2 states (0–19%)

SCORE BREAKDOWN

Click states to see complete profiles and scores.



Show table Download map



records to be **expunged** shows that the nation limits opportunities for youth by failing to protect them from the harmful effects of their juvenile records.

TOTAL SCORE CONFIDENTIALITY **EXPUNGEMENT** MAP RANKINGS

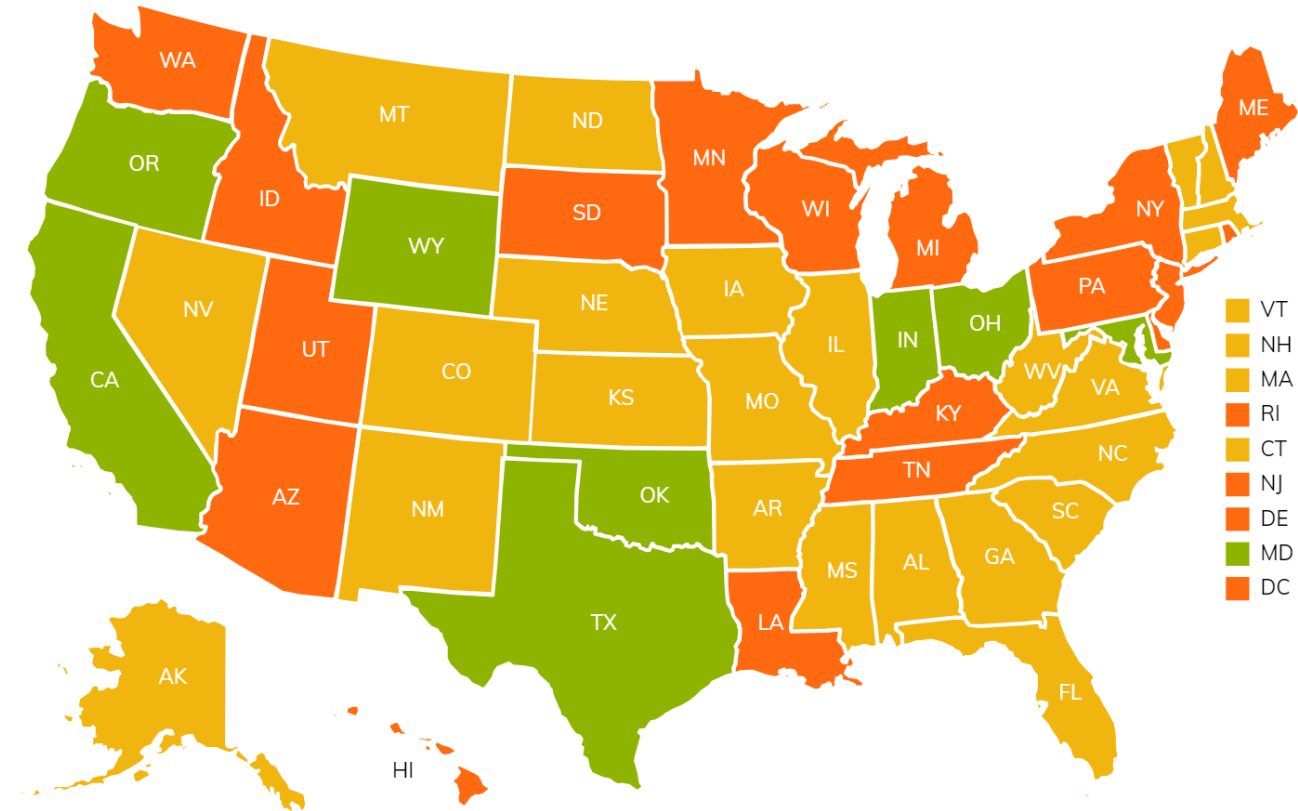
Grading scale

(How scoring works)

- ★★★★★★ 0 states (80–100%)
- ★★★★★☆☆ 8 states (60–79%)
- ★★★★☆☆☆☆ 24 states (40–59%)
- ★★★☆☆☆☆ 19 states (20–39%)
- ★☆☆☆☆ 0 states (0–19%)

SCORE BREAKDOWN

Click states to see complete profiles and scores.



Show table Download map



State Scores

	National Avg.	Washington	California	Oregon	Wyoming	Idaho
Total	47% (57/121)	30% (36/120)	70% (80/117)	60% (72/121)	58% (77/132)	30% (34/114)
Confidentiality	46% (22/45)	15% (6/41)	66% (31/47)	40% (14/35)	53% (25/47)	27% (11/41)
Expungement	47% (36/77)	38% (30/79)	70% (49/70)	68% (58/85)	61% (52/85)	32% (23/73)

Washington Juvenile Records Summary

Wash Rev. Code § 13.04.240 (adjudications); § 13.50.050 (court and law enforcement records); § 13.50.260 (sealing); § 13.50.270 (expungement)

- Juvenile Court hearings are open to the public.
- Juvenile Court records are not confidential, they are open to the public unless and until sealed.
- Law enforcement and prosecution records are confidential, but there are exceptions:
 - Juvenile and their attorney pursuant to rules of discovery.
 - Victim and victim's family
 - School
 - To the public so long as no identifying information
- Sealing of Court records is automatic at close of case or age 18 for non-serious offenses and drug offenses.
 - Class A Serious and/or drug offenses can be sealed along with social file and other records by petition after 5 years.
 - Class B, C and gross misdemeanor offenses by petition after 2 years.
 - Subsequent adjudication negates sealing order unless/ until become eligible again.
 - Identifying info held by state patrol not subject to sealing or expungement.
- Expungement/destruction of all records reserved solely for diversion cases.

California Juvenile Records Summary

Cal. Welf. & Inst. Code §§ 827, 827.12 (court records); § 828 (law enforcement records); § 781 (sealing); § 826 (destruction)

- Juvenile Court hearings closed to public.
- All records, court and LE, are confidential, except:
 - For research purposes without identifying info by/between LE, probation department, court, DOJ personnel.
 - Court, prosecutors, minor and parent/guardian, attorneys, law enforcement involved in case, relevant school personnel, relevant social services agencies/personnel, probation services, DOJ for SORNA purposes.
 - LE can circulate internally related to commission of felony.
 - Misdemeanor punishable by up to \$500 fine for intentional violation of confidentiality.
- All records may be sealed upon petition by minor or probation dept after 5 years from case being closed, limited access to sealed records permitted.
 - Limited access to sealed records for research purposes.
- Juvenile records automatically expunged/destroyed at age 38, sooner for motor vehicle infractions (age 21), truancy (28).

Oregon Juvenile Records Summary

Or. Rev. Stat. Ann. §§ 419A.255, 419A.257 (law enforcement and court records); § 419A.250 (fingerprints and photographs); §§ 419A.260, 262 (expungement); § 419C.610 (sealing)

- Juvenile Court hearings are open to the public.
- Juvenile file is confidential except to judge and court personnel, youth and parent/guardian, state social service agencies, attorney, prosecutor, school personnel
 - anyone else by motion and pursuant to a hearing based on specified criteria.
- Law enforcement photograph/fingerprint records and files are confidential with exceptions for LE and prosecutors on case, court, victim, case workers, youth, counsel, state police.
- Expunction (defined as destruction for court files, sealing and redaction for LE and other agency records) of all juvenile records at age 18 by petition of youth or by juvenile department, except for serious violent offenses.
 - Court records not destroyed until 3 years after case closed.
- Strong notice provisions regarding availability and process for expunction.
- Sanctions: Private right of action for violation incl. punitive damages up to \$1000.

Wyoming Juvenile Records Summary

Wyo. Stat. § 14-6-203 (court and law enforcement records); § 14-6-224 (courtroom access); § 14-6-241 (expungement)

- Juvenile Court hearings closed to public.
- All records are confidential, except:
 - Authorized by youth or parents (if under 18)
 - Shared w/ victim of felony
 - Can be shared by/between LE, court personnel, prosecutors office, school admin/board, probation services, social services agencies
 - By Court order finding public interest/safety served by public release.
- All records automatically sealed once case is closed with narrow exceptions
 - By Court order finding public interest/safety served by public release.
- Sanctions available: contempt w/ fine up to \$500 or imprisonment up to 90 days.
- Youth may petition for expungement of all records, unless violent felony offense, at age of majority. Results in destruction of all records. No ability to even retain identifying info for LE, court, or other purposes.

Idaho Juvenile Records Summary

Idaho Code § 20-525 (courtroom access, law enforcement and court records); Idaho Court Administration Rule 32 (exceptions); § 20-525A (Expungement); Idaho Juvenile Rule 28 (expungement)

- Juvenile court hearings and records open to public for felony level offenses for those over 14. For non-felony offenses, court can order records to be made confidential at hearing. Exceptions to confidentiality include:
 - Public, by court order on finding of best interests of the public served.
 - Probation, LE, Dept. Corrections, Dept. Health & Wellness, victim, school officials upon request.
- No confidentiality limitations on LE records specified.
- Expungement of all court and LE records upon petition available.
 - Expungement = records are sealed, not destroyed.
 - By petition
 - 3 years after case termination or age 18, whichever later for felonies.
 - 1 year after case termination or age 18, for misdemeanors and diversion cases.
 - Access to sealed records only by court order by petition of individual.
- Sanctions: Finding of contempt for violation.

Additional Considerations

- Accountability/sanctions for leaked records
- Who is excluded in confidentiality
- What is reported to feds/FBI
- Closed courts and constitutionality concerns about open administration of justice
- Removing sealed/expunged records from law enforcement while maintaining compliance/implementation of BSCA

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