

# Juvenile Records Recommendations

## Presentation to the Partnership Council on Juvenile Justice

Co-Leads: Jimmy Hung and Heidi Sadri  
June 6, 2024 | 12 PM | Microsoft Teams

This meeting will be recorded.

To turn on captioning in Teams:  
Click [More](#) > [Language & Speech](#) > [Turn on live captions](#)



# Presentation Overview

## 1. Introduction

- Project Background
- Workgroup & Collaborators
- Technical Assistance
- Approach
- About Juvenile Records & Record Sealing

## 2. Recommendations

- Protection of Juvenile Records
- Treatment of Sealed Records
- Communication of Sealing Orders
- Access to Record Sealing
- Notice



# Introduction



# Project Background

## Juvenile Records

- Court records from juvenile proceedings
- Distributed to several government agencies and open to the public until sealed
- Collateral consequences and disparate impacts

## Record Sealing

- Requires eligibility criteria to be met
- Makes records nonpublic
- Record sealing principles

## Challenges & Recent Efforts

- Very weak record protection
- Reform efforts through legislation and court rules
- 2023 PCJJ proviso

RCW 13.50.260(6)(a):

If the court enters a written order sealing the juvenile court record... **the proceedings in the case shall be treated as if they never occurred**, and the subject of the records may reply accordingly... **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.**



# Workgroup & Collaborators

**Advocates** from Center for Children & Youth Justice, Justice for Girls, CHOOSE 180, King County Sexual Assault Resource Center, Civil Survival, Treehouse, TeamChild, Justice for Girls, Columbia Legal Services, record sealing clinics, Stand for Children

**Researchers** from Juvenile Law Center

**Lived experts** from Justice for Girls GAIN Program at Echo Glen, CHOOSE 180 Advocacy Program, Stand for Children, individuals

**Systems experts** from Administrative Office of the Courts, Office of Public Defense, King County Dept. of Public Defense, King County Prosecuting Attorney's Office, Dept. of Licensing, WA Association of County Clerks, DCYF, Washington State Patrol, WA Association of Juvenile Court Administrators

# Technical Assistance

Andrew Keats & Riya Saha Shah



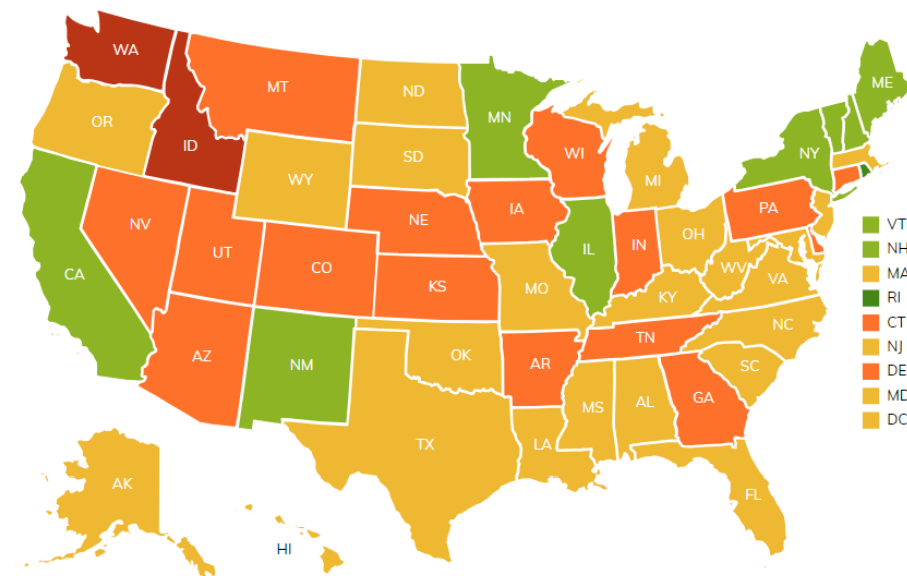
National Scorecard & Core Principles for Record Protection

Report: A Review of Juvenile Records Laws in Washington State

- Present-day evaluation of records protections
- Evaluation of recent legislative proposals
- Cross-state comparison

TOTAL SCORE CONFIDENTIALITY EXPUNGEMENT Z MAP RANKINGS

Click states to see complete profiles and scores.



## 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%)

# Approach

## Goals:

- Improve the protection of juvenile court records
- Deliver on the purpose and promise of record sealing
- Reduce inequity and the impact of systemic racism

“If the court enters a written order sealing the juvenile court record... the proceedings in the case shall be treated as if they never occurred...”

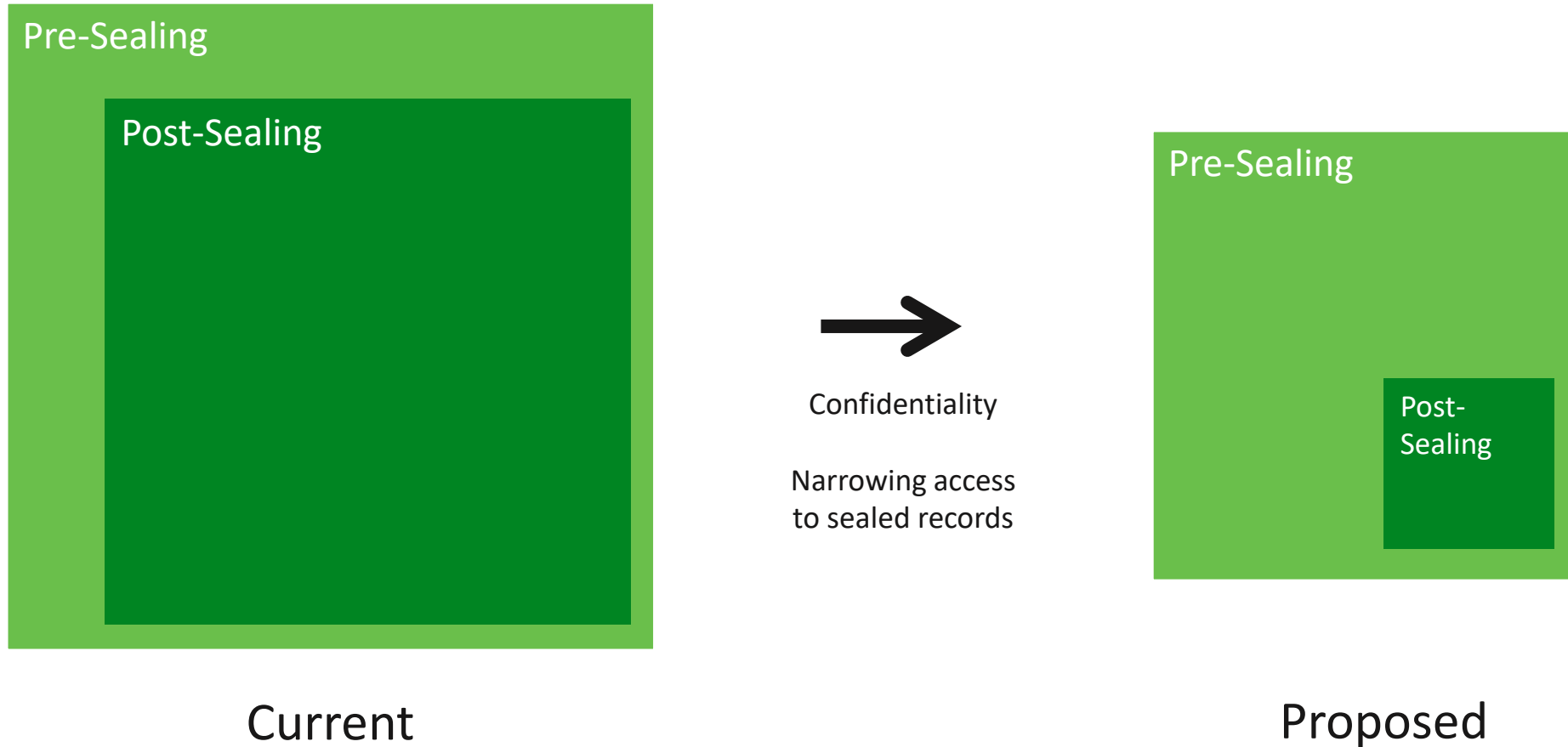


# About Juvenile Records & Record Sealing





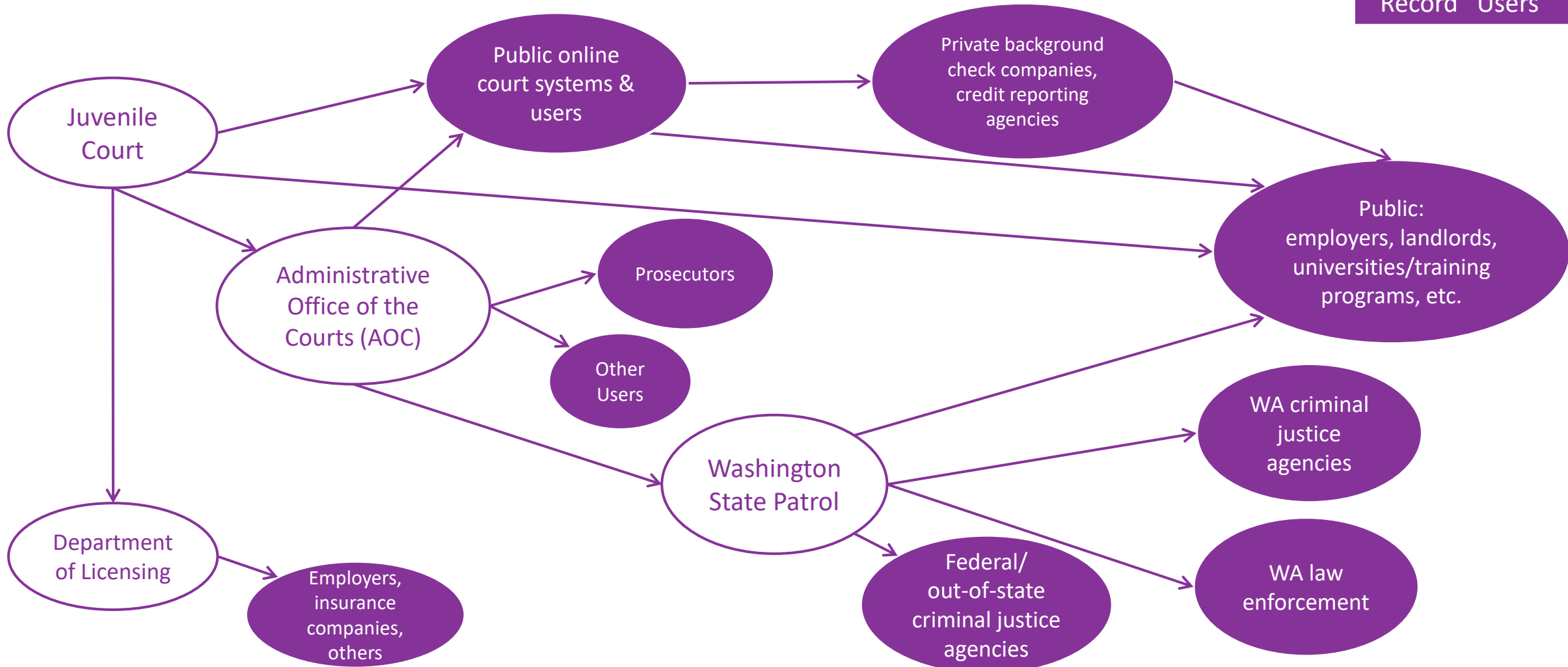
# Access to Juvenile Court Records



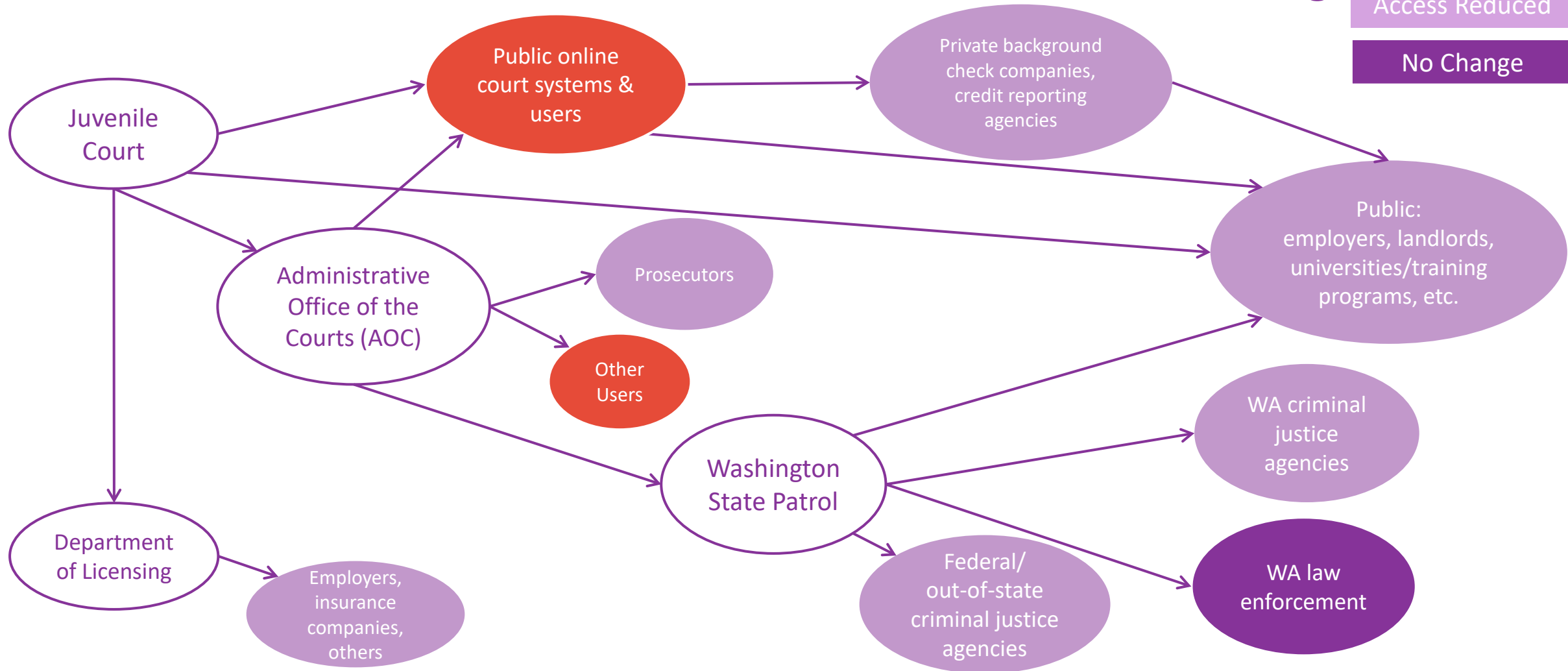
# Current Access to Juvenile Court Records: Pre-Sealing

Record Holders

Record "Users"



# Current Access to Juvenile Court Records: Post-Sealing



# Recommendations



# Protection of Juvenile Court Records

## Juvenile court records should be confidential.

The general public should not have access to juvenile court records at any point. Certain narrow and appropriate exceptions are present in all states including Washington and should be maintained.

Confidentiality of records would not close courtrooms to the public.

Removing public access to juvenile records is critical to achieving meaningful record sealing.



# Protection of Juvenile Court Records

**Access to sealed juvenile court records through Washington State Patrol (WSP) should be narrowed.**

Currently, sealed juvenile court records are accessible to a broad array of entities and under a broad set of circumstances.

Access to sealed juvenile court records through WSP should be narrowed so that only law enforcement agencies can access sealed juvenile records, and only for purposes related to firearms.



# Protection of Juvenile Court Records

**Access to sealed juvenile court records through the Judicial Information System (JIS) and Judicial Access Browser System (JABS) should be available only to prosecutors' offices for the purpose of sealing nullification.**

Prosecutors are responsible for sealing nullifications and require access to view the existence of a sealed record to fulfill this responsibility. This should be the only allowable circumstance for accessing sealed records in JIS or JABS.

Neither JIS nor JABS should be used to access sealed juvenile court records for background check purposes by any entity.

# Protection of Juvenile Court Records

**A mechanism should be established for holding accountable entities that unlawfully share or use juvenile court records.**

This is a priority consistently identified by young people and impacted community members and is a best practice for effective implementation of records protections.

Examples from other states include private rights of action, findings of contempt, fine, or misdemeanor charges.

Government and private entities should be responsible for having policies and procedures in place to ensure compliance. Any accountability mechanism should exclude individual government employees from personal liability.



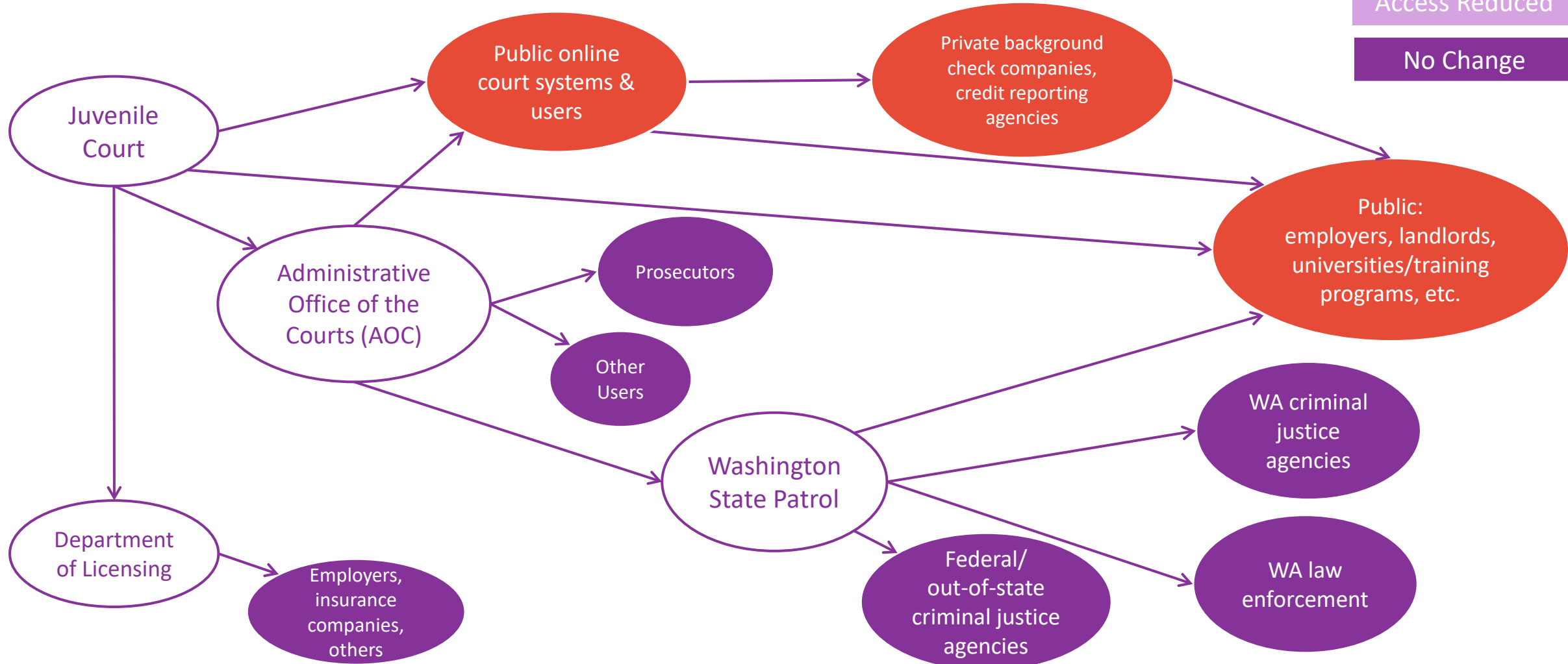


# Proposed Access: Pre-Sealing

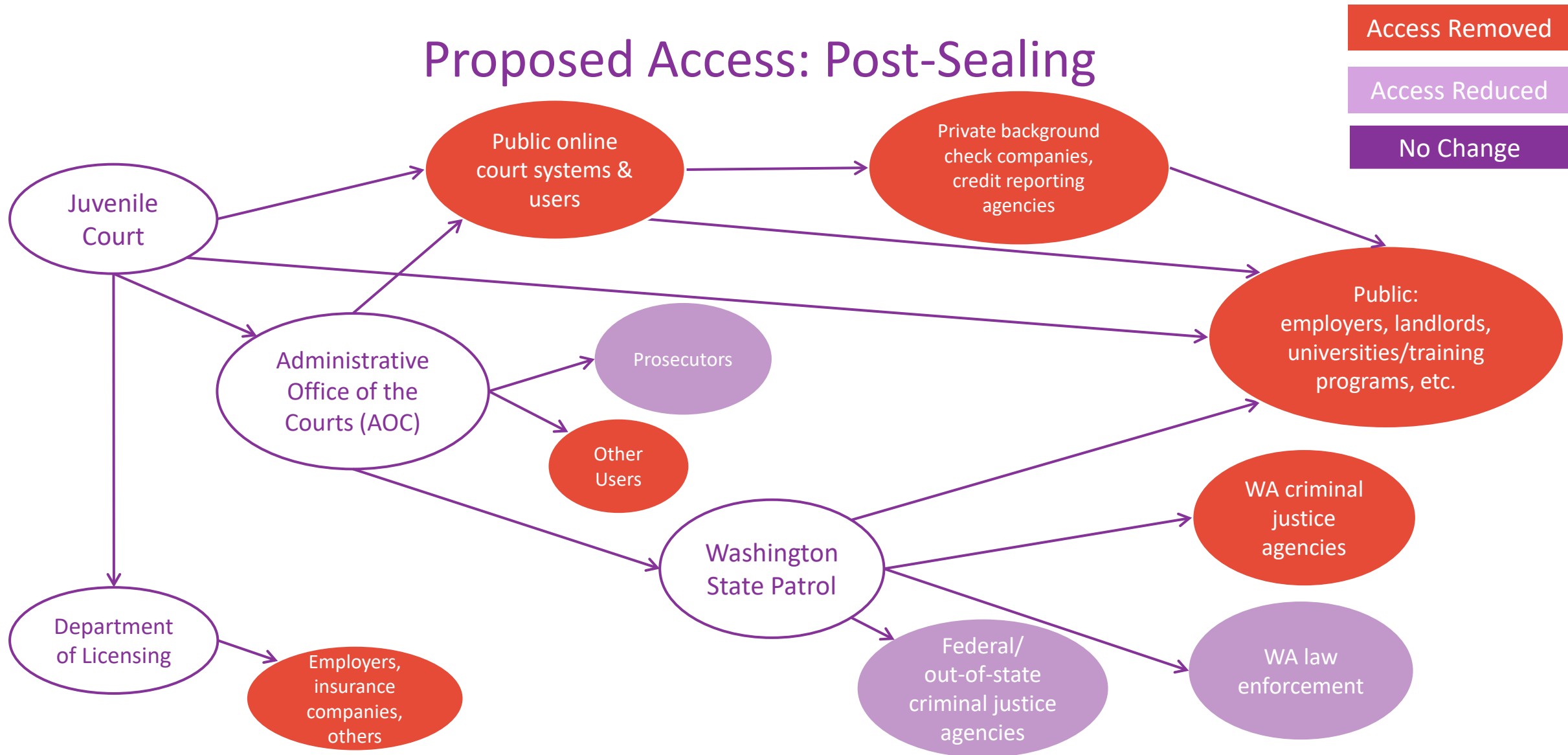
Access Removed

Access Reduced

No Change



# Proposed Access: Post-Sealing



# Treatment of Sealed Records

**Legislation should clarify that sealed juvenile court records should be considered vacated and expunged with limited exceptions for firearms-related background checks.**

Any use, acknowledgement, or consideration of a sealed juvenile record outside of firearms-related background checks should be prohibited.

This clarification would provide guidance to in-state agencies and meaningful direction to federal entities including immigration officials and military recruiters about the meaning and intended purpose of record sealing in Washington.



# Treatment of Sealed Records

**Legislation should clarify that record sealing relieves the subject of any administrative requirements, withdrawal of driving privileges, and sanctions imposed by the Department of Licensing.**

Currently, absent clarification, DOL interprets these requirements to supersede the sealing of the underlying offense. This approach to balancing conflicting policy objectives means that an individual may still be impacted by barriers to legal driving even after having their record sealed.

Many offenses that may involve vehicles may be addressed outside of juvenile court, either in a CLJ or declined to adult criminal court.

Further research should explore the scope and nature of juvenile offenses that become eligible for sealing while DOL requirements are still active



# Communication of Sealing Orders

**Legislation should require courts to immediately forward to the Department of Licensing a copy of the sealing order on relevant cases.**

DOL maintains driver records that include court-ordered sanctions and associated offenses. Upon receiving sealing orders, the Department of Licensing (DOL) hides the sealed juvenile offense from the individual's driving record. However, DOL experiences significant inconsistency in receiving sealing orders from courts.

Direct and consistent communication of sealing orders from courts to DOL is crucial to DOL's ability to protect the confidentiality of sealed juvenile court records.



# Communication of Sealing Orders

**The Administrative Office of the Courts should include sealings in automatic data transfers to Washington State Patrol, and Washington State Patrol should promptly update its records accordingly.**

Currently, WSP relies on receiving individual sealing orders from courts to be made aware that a record has been sealed. This method is vulnerable to delay or failure by courts to send sealing orders and requires time and effort on behalf WSP to verify the legitimacy of the orders.

Automating the communication would reduce delay, risk, and error at this critical juncture for the protection of sealed juvenile court records.



# Access to Record Sealing

**All offenses that are eligible for mandatory sealing should be administratively sealed once the existing sealing eligibility criteria are met.**

Almost all juvenile offenses can be sealed once certain eligibility criteria are met, but many require a motion to seal. This places the burden on a young person to track their own eligibility and file a motion. These barriers drive significant and inequitable under-utilization of the record sealing process.

Instead, courts should administratively seal records once they become eligible. This shift could have a significant equity impact without making any changes to the current eligibility criteria for record sealing.

## Access to Record Sealing

**An individual who is not eligible for administrative sealing because of outstanding restitution owed to an individual should have access to assigned counsel.**

Outstanding restitution debt being the sole disqualifying factor from record sealing eligibility is a significant race and economic equity concern.

Assigned counsel in these circumstances would be able to make a motion to modify the restitution order.





# Notice

**At a juvenile disposition hearing, the court should provide notice to the individual about their eligibility for record sealing.**

The notice should explain:

- Who has access to the record prior to sealing,
- The significance and value of sealing,
- When the individual will be eligible for sealing,
- What requirements they must meet to be eligible for sealing,
- What action (if any) they will need to take when they become eligible, and
- How to check their eligibility and sealing status in the future.



# Notice

## Courts should provide notice and information to individuals at the time their juvenile court record is sealed.

The notice should explain:

- Who has access to a sealed juvenile court record and what they can use it for,
- The status of any administrative requirements imposed by the Department of Licensing associated with the sealed record,
- How to talk about a sealed juvenile court record,
- What to do if the record shows up on a background check,
- Any legal action available to the individual if their record is shared or used unlawfully, and
- The circumstances under which a juvenile court record may be unsealed.



# Next Steps

May 29-June 7	Workgroup review of recommendations
<b>June 6</b>	<b>Presentation to PCJJ</b>
June 14-21	Workgroup review of full draft
July 16	Final workgroup meeting, approve final draft
Late July	PCJJ Executive Committee review
August	DCYF review
October 31	Final report due



Juvenile Records Policy Study Website

Contact: [heidi.sadri@dcyf.wa.gov](mailto:heidi.sadri@dcyf.wa.gov)

Sign up to receive updates on the PCJJ Policy Studies

