

## HOUSE VOTES TO SEAL MOST JUVENILE COURT FILES

The state House moved Wednesday to largely reverse a 36-year-old law making juvenile court files public, drawing fire from open records advocates.

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The state House moved Wednesday to largely reverse a 36-year-old law making juvenile court files public, drawing fire from open records advocates.

The proposal, which passed the House unanimously and now heads to the Senate for consideration, would require most juvenile offender records to be sealed. The only exception would be for youths found guilty of serious violent offenses, some sex offenses and arson.

Under current law, offenders can petition a court to have their record sealed, but only under certain circumstances.

Democratic Rep. Ruth Kagi of Lake Forest Park is House Bill 1651's prime sponsor. She said the record-sealing process is complex and often out of reach for many offenders, leaving the records to "haunt a child as they make an effort to move forward."

"Our juvenile justice system is founded on the core principle of rehabilitation when children or youth make serious mistakes," Kagi said. "Unfortunately, we are one of only eight states that has all juvenile arrest and conviction records published."

Other supporters of the measure argue that access to juvenile court records is allowing prospective employers and landlords to deny ex-offenders jobs and apartments.

Open government advocates are critical of the bill. They argue it violates the state constitution's requirement that all court cases be "administered openly and without unnecessary delay."

“I can’t even conceive how this bill passed unanimously,” said Toby Nixon, a former Republican state lawmaker and now president of the Washington Coalition for Open Government. “It is blatantly unconstitutional.”

Under the proposal, juvenile records could be released only to judges, prosecutors and defense attorneys. Juvenile justice or care agencies could have access if they were pursuing an investigation or supervising the offender.

The individual seeking the unsealing would need to demonstrate a compelling reason.

Nixon said the proposed change turns state Supreme Court precedent “on its head” by effectively reversing the five criteria judges currently use to order juvenile records sealed.

The criteria, referred to as the Ishikawa Factors for the 1982 state Supreme Court case *Seattle Times Co. v. Ishikawa*, include a requirement that the person petitioning to have a record sealed show that its release would pose a “serious and imminent threat.”

The court must also weigh the competing interests of the defendant and the public when making the decision.

The hurdle to petition a court varies by county. Some only require a few forms to be filled out, and others have a system complex enough that they recommend petitioners have attorneys. In 2011, 2,000 juvenile court cases included an order sealing the file.