WASHINGTON COURTS

**October 24, 2014**

**TO:** JISC Data Dissemination Committee

**FROM:** Stephanie Happold, AOC Data Dissemination Administrator

**RE:** The Washington State Department of Social and Health Services – Children's Administration request for access to case type 7s.

## Issue

Should DSHS-CA have access to case type 7 information in JIS?

## Background

The Washington State Department of Social and Health Services – Children's Administration (DSHS-CA) is requesting ADH, PER and DCH screens and SCOMIS case type 7 access for its Title IV-E Specialists. SCOMIS case type 7s are: dependencies, petitions for At Risk Youth, petitions for Child in Need of Services, reinstatement of parental rights, termination of parent-child relationship, and truancies.

The request is before the Data Dissemination Committee (DDC) because the JIS Committee (JISC) authorized the DDC to act on its behalf in reviewing and acting on requests for access to JIS by non-court users.[1] In deciding these requests, the DDC may refer to Washington state statutes and court rules, as well as, the JISC Data Dissemination Policy that sets forth the following factors for consideration:

- The extent to which access will result in efficiencies in the operation of a court or courts.
- The extent to which access will enable the fulfillment of a legislative mandate.
- The extent to which access will result in efficiencies in other parts of the criminal justice system.
- The risks created by permitting such access.[2]

For the current request, AOC staff will provide DSHS-CA a level 22[3] JIS-Link account as it is a certified criminal justice agency. Level 22 agencies have access to ADH, DCH and PER screens. Therefore, the following recommendation will only address DSHS-CA access to case type 7s.

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[1] JISC Bylaws, Article 7, Secs. 1 and 2.
[2] DD Policy, Sec. IX.C.
[3] Level 22 JIS-Link users are law enforcement agencies, certified criminal justice agencies, DOC, and contract court probation departments.

**Recommendation**

RCW 13.50.100 governs the release of SCOMIS case type 7 court records. Per RCW 13.50.100, the records are confidential and released under limited circumstances.

Juvenile justice or care agencies are defined in chapter 13.50 RCW as any of the following:

> Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415.

RCW 13.50.010(1)(a). As courts are considered a juvenile justice agency, the SCOMIS case type 7 court records may only be released to other participants in the juvenile justice or care system that have an investigation or case involving the juvenile in question, or that are assigned responsibility of supervising the juvenile. RCW 13.50.100(3). *Id*.

As DSHS-CA is considered a juvenile justice or care agency, it is granted access to case type 7 court records, but only when DSHS-CA is involved in an investigation or case involving the juvenile in question, or when DSHS-CA is assigned the responsibility of supervising the juvenile. In order to be granted access to all case type 7 information contained in JIS, DSHS-CA must demonstrate to the DDC that it is involved in investigations or supervision of all the juveniles in question.

If DSHS-CA can answer that question affirmatively and the DDC grants the request, the next step is the technical process in setting-up the case type 7 access. AOC cannot provide this access. In order for the agency to have access to these restricted court records, each court/clerk that maintains the records would have to establish an account. The account could be similar to the Attorney General’s Office access for dependency cases in King, Benton and Kitsap counties.

AOC staff recommends DSHS-CA be granted access to case type 7s if the agency can confirm that it supervises or investigates every juvenile that is party to these particular type of court proceedings and if the individual courts agree to provide the access.