Judicial Information System Committee Meeting April 28, 2023

<u>DECISION POINT</u> – Propose changes to GR 15

MOTION:

I move that the JISC approve the Data Dissemination Committee's (DDC) proposed changes to GR 15 with the associated cover sheet and that it be filed with the Supreme Court Rules Committee for approval.

I. BACKGROUND

Whatcom County Juvenile Court Administrator Dave Reynolds reported potential confusion among county staff regarding the status of sealed juvenile offender cases. GR 15 requires that the existence of a sealed case be disclosed in public indices, unless protected by statute, but mentions no statutes in particular. One such statute is RCW 13.50.260, which requires that a sealed juvenile offender case "be treated as if it never occurred." Additionally, Mr. Reynolds alerted the committee to State v. Garza, illustrating some prior confusion over whether juvenile offender adjudications may be vacated.

II. DISCUSSION

The DDC voted to approve small additions to the rule with the intent of making no substantive changes. Both sections (c)(4) and (d) received proposed comments, and section (d) received "unless protected by statute", mirroring language found in section (c)(4). The full text of the changes is found below, underlined:

> (c)(4) Sealing of Entire Court File. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. The existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, section (d) shall apply. The order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.
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> <u>COMMENT: See, e.g. Chapter 13.50 RCW, which requires that sealed juvenile adjudications be "treated as if they never occurred", and no information can be given about the existence or nonexistence of records concerning an individual.</u>
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> . . .

(d) Procedures for Vacated Criminal Convictions. In cases where a criminal conviction has been vacated and an order to seal entered, unless protected by statute, the information in the public court indices shall be limited to the case number, case type with the notification "DV" if the case involved domestic violence, the adult or juvenile's name, and the notation "vacated."

COMMENT: See, e.g. Chapter 13.50 RCW, which requires that sealed juvenile adjudications be "treated as if they never occurred", and no information can be given about the existence or nonexistence of records concerning an individual. Per State v. Garza (2022), a juvenile adjudication is an order within the meaning of Chapter 13.50 RCW and is eligible for vacation.

III. OUTCOME IF NOT PASSED –

If the JISC declines to approve, confusion may still exist regarding the status of sealed juvenile offender cases.