GR 9 COVER SHEET

Suggested Amendment to

General Rule 15 - Destruction, Sealing, and Redaction of Court Records, Section (c)(4) and Section (d)

Submitted by the Data Dissemination Committee

A.	**Name of Proponent:**	Data Dissemination Committee (DDC) of the Judicial Information Systems Committee
B.	**Spokespersons:**	David Reynolds, Whatcom County Juvenile Court Administrator & DDC Member Judge John Hart, Chair
C.	**Purpose:**	Standardize language and resolve ambiguity in light of current statutes and Washington State Supreme Court decisions

The DDC suggests changes to GR 15 that clarify statutory protections for sealed juvenile records contained within Washington's Judicial Information System. The proposed additions are largely commentary, and are intended to make no substantive change to the effect of the rule as it currently stands.

GR 15(c)(4) requires that minimal data be shown regarding the existence of a sealed case on public indices, unless a statute specifies otherwise.

Because the language in RCW 13.50.260 differs so dramatically from how sealed adult criminal cases are treated under GR 15, the DDC finds compelling reason to name one such protective statute in a comment to the rule itself, and offers brief language about substantive provisions from the particular statute.

GR 15(d) provides similar guidance for cases where charges have been vacated and an order to seal the case has been entered. The DDC suggests several changes.

First, "unless protected by statute" is proposed to be added, mirroring existing language in section (c)(4) that already applies when cases have been sealed. Second, the same language used in the proposed addition to Section (c)(4) regarding Chapter 13.50 RCW is proposed to be added in a comment to this section. Finally, recognizing recent confusion regarding the vacation of juvenile offenses, the DDC finds it prudent to reference *State v. Garza* (2022), in which the Supreme Court clarified that juvenile offenses may be vacated and borrows language from the opinion.

The proposed changes to the rule may be found below:

(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.

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.

. . .

(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.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested.