

State ruling affirms easier sealing of juvenile-court records

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The state Supreme Court finds that access to juvenile-court records is not guaranteed by the law and some files can be sealed so mistakes don't follow a young offender into adulthood.

By [Mike Carter](#)

Seattle Times staff reporter

A sweeping decision by a majority of justices on the Washington state Supreme Court on Thursday will allow for the automatic sealing of tens of thousands of state juvenile-court records without public challenge or judicial review.

Justice Mary Yu, the opinion's author, was joined by six other justices in upholding a decision out of King County Juvenile Court sealing the criminal record of a youth identified as "S.J.C." Yu rejected arguments by open-records and media attorneys that access to the records was guaranteed by the state constitution.

[The ruling](#), Yu said, is in keeping with historical trends in Washington and the evolution of juvenile-justice laws nationwide.

It also affirms the constitutionality of changes in juvenile-justice access laws passed by the state Legislature last year. That law presumes juvenile records will be sealed once a young offender meets statutory requirements, such as not having any additional offenses for two years and paying restitution.

Yu wrote that leaving juvenile records open to scrutiny forever "is detrimental to the rehabilitative purpose of juvenile courts and does not enhance the competing concerns of public safety and accountability," she wrote.

It is difficult to have a fresh start in life when juvenile offenses following a young person into adulthood, Yu found.

Before last year, a young offender had to file a motion with the court asking for a file to be sealed and address several factors to demonstrate to the judge that the interest in secrecy outweighs public interest.

The application of those so-called “Ishikawa” factors, named after case law, is designed to require the court to take the public’s interest into account when considering closing a courtroom or sealing documents. The state constitution requires that “Justice in all cases shall be administered openly, and without unnecessary delay.”

The justices found that provision does not apply in juvenile criminal cases.

Kathy George, an attorney for the Washington Coalition for Open Government and the Allied Daily Newspapers of Washington, said the ruling means that “courts don’t have to balance the public interest in these cases anymore.”

“This ruling and the new statute automatically increase secrecy in the juvenile-court system. This does not bode well. It will make it very hard for the public to oversee the juvenile court system,” she said.

The issue was taken to the Supreme Court by the King County Prosecuting Attorney’s Office in a case in which the juvenile, S.J.C., had pleaded guilty in 2008 to two counts of fourth-degree assault with sexual motivation for offenses he had committed when he was 13.

In 2011, the juvenile asked the court to seal his juvenile record under a portion of the old statute that allowed for sealing of records in limited circumstances, after he had completed all of his court-ordered requirements, including community service and sexual-deviancy therapy.

However, prosecutors objected. The juvenile-court judge approved the juvenile’s petition, and the prosecutor’s office appealed.

“We sought clarification from the court about whether the state constitutional guarantee of open courtrooms and court records applied to the sealing of juvenile-court records,”

King County Prosecutor Dan Satterberg wrote in an email Thursday. “They provided that clarity in deciding that it did not.”

The decision was lauded by several other groups that had filed friend-of-the-court briefs supporting the sealing of juvenile files, including the American Civil Liberties Union of Washington and Columbia Legal Services, a legal-advocacy group that fights injustice and poverty.

“If young people are going to be able to move on with their lives and become productive members of society, they need to be unshackled from mistakes made as youth, as is the case almost everywhere else in the nation,” said Casey Trupin, attorney for the Children and Youth Project at Columbia Legal Services.

Doug Honig, a spokesman for the ACLU, said the ruling “appropriately balances the public’s right to open court proceedings with the need to keep some juvenile records confidential to promote young people’s rehabilitation and successful re-entry to society.

“This makes it less likely an individual will reoffend and reduces the problems that juvenile records can cause a person, including denial of housing, employment and education opportunities,” he said.

Yu, in her opinion, pointed out that there still a statutory provision that allows access to juvenile records in those instances where lawmakers have determined sealing is not appropriate and that court hearings will remain open to the public.

In a biting dissent, Justice Debra Stephens, joined by Justice Sheryl Gordon McCloud, wrote that the majority “misapplied” the law.

“I would recognize that juvenile records are court records fully subject to the presumption of openness,” she wrote.

Mike Carter: mcarter@seattletimes.com or 206-464-3706