

<p><b>Superior Court of Washington</b>  County of _____  <p style="text-align: center;"><b>Juvenile Court</b></p> </p>	
STATE OF WASHINGTON  v.  _____ Respondent.  D.O.B.: _____	<b>No:</b>  <b>Advice of Rights Regarding  Juvenile Records (ADR)</b>

**I. Sealing of Records**

1.1 The official juvenile court file of any alleged or proven juvenile offender is open to public inspection unless sealed.

1.2 Administrative Sealing:

The Respondent is eligible for administrative sealing of the court records in the case if:

- None of the offenses in this case is: (a) a *most serious offense* as defined in RCW 9.94A.030, (b) a sex offense as defined in chapter 9A.44 RCW, or (c) a felony drug offense (other than possession under RCW 69.50.4013 and forged prescription under RCW 69.50.403);
- The Respondent is at least 18 years of age;
- The Respondent is no longer subject to community supervision or, if commitment to a juvenile rehabilitation facility is imposed, the anticipated end of the commitment and any parole in this case; and,
- The Respondent has paid in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage.

An administrative sealing hearing must be set for the first regularly scheduled administrative sealing hearing after the latest of either the Respondent's 18<sup>th</sup> birthday, the

anticipated end of community supervision, or, if JRA is imposed, the anticipated end of the commitment and any parole.

The Respondent is not required to appear at the administrative sealing hearing. At the administrative sealing hearing, the juvenile court will seal the case unless the court finds:

- (a) One or more of the offenses in this case involve: (a) a *most serious offense* as defined in RCW 9.94A.030, (b) a sex offense as defined in chapter 9A.44 RCW, or, (c) a felony drug offense (other than possession under RCW 69.50.4013 and forged prescription under RCW 69.50.403);
- (b) Respondent remains on supervision or juvenile rehabilitation commitment/parole in this case. (However, in the event the court finds the Respondent remains on supervision/parole, the administrative sealing hearing will be continued to a date within 30 days of the anticipated end of supervision/parole. At the next hearing, the court will determine eligibility for administrative sealing. The hearing will be continued until the supervision/parole ends.) or,
- (c) Respondent owes an amount of restitution to an individual victim, excluding any public or private entity providing insurance coverage or health care coverage.

Nothing prevents Respondent from asking the court to seal this case under chapter 13.50 RCW or GR 15.

### 1.3 Sealing Juvenile Court Records by Motion under RCW 13.50.260.

In any case in which an Information has been filed or a Complaint has been filed with the prosecutor and referred for diversion, the person who is the subject of the Information or Complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. However, no identifying information held by the Washington State Patrol is subject to sealing.

The court shall not grant any motion to seal records unless it finds that:

- (a) For class A felony offenses since the last date of release from confinement, (including full-time residential treatment, if any, or entry of disposition including deferred disposition), the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction or adjudication, and the person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion. For all class B and C felony offenses, gross misdemeanors, misdemeanors, and diversions since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition (including deferred disposition), or completion of diversion, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion.
- (b) No proceeding is pending against the person making the motion to seal records seeking conviction of a juvenile offense or criminal offense;
- (c) No proceeding seeking the formation of a Diversion Agreement is pending against the person making the motion to seal records;

- (d) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143, if the person was convicted of a sex offense; and
- (e) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

If the court grants the motion to seal records, the official juvenile court file, the social file, and other records relating to the case shall be sealed. No identifying information held by the Washington State Patrol, however, is subject to sealing. The case proceedings shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the records which are sealed. However, county clerks may interact or correspond with the Respondent, Respondent's parents, and any holders of potential assets or wages of the Respondent for the purposes of collecting any outstanding legal financial obligations, even after juvenile court records have been sealed.

Any adjudication of a juvenile offense or a crime after the sealing shall have the effect of nullifying the sealing order. Any charging of an adult felony after the sealing shall nullify the sealing order for the purposes of chapter 9.94A RCW.

#### 1.4 Sealing Vacated Deferred Disposition Records under RCW 13.40.127(10):

If the court vacates a conviction when the person is 18 years of age or older and restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW, is paid in full, the court shall enter a written order sealing the case

If the court vacates a conviction when the person is not 18 years of age or older and restitution has been paid in full, then the court shall schedule an administrative sealing hearing to take place no later than 30 days after the person's 18<sup>th</sup> birthday. At that hearing, the court shall enter a written order sealing the case. The person does not have to attend the hearing.

Records sealed under RCW 13.40.127(10) shall have the same legal status as records sealed under RCW 13.50.050.

Sealing by motion: If a person's records were vacated prior to June 7, 2012, the case cannot be sealed under RCW 13.40.127(10). The person may file a motion for an order sealing records under RCW 13.50.050. The court shall seal the case if restitution has been paid and the person is 18 years of age or older at the time of the motion. RCW 13.50.050(12)(c).

## II. Destruction of Records

- 2.1 If a person's criminal history includes Diversion Agreements, then upon successful completion, the records in the case will be automatically destroyed within 90 days of becoming eligible for destruction. Records become eligible for destruction when all of the following conditions exist: (a) The person is 18 years or older; (b) The records consist of successfully completed diversion agreements or counsel and release agreements, or both, completed on or after June 7, 2018; and, (c) Restitution is paid in full.

- 2.2 A person 23 years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense. No identifying information held by the Washington State Patrol is subject to destruction.
- 2.3 If the court grants the motion to destroy records, the court shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed. No identifying information held by the Washington State Patrol is subject to destruction.

### **III. Notice to Prosecutor and Agencies**

- 3.1 Any person making a motion to seal records or a motion to destroy records shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be sealed or destroyed.

### **IV. Receipt of Advice**

- 4.1 The above advice of my rights concerning my juvenile offense records was read by me or to me. I understand these rights, and I received a copy of my rights.

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Respondent

The undersigned provided to the above-named Respondent a copy of this Advice of Rights Regarding Juvenile Records on (date) \_\_\_\_\_.

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Signature

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Type or Print Name/Title

cc: Respondent  
Respondent's Lawyer  
Deputy Prosecuting Attorney