

FILED
Court of Appeals
Division III
State of Washington
12/18/2024 2:59 PM

FILED
SUPREME COURT
STATE OF WASHINGTON
12/19/2024
BY ERIN L. LENNON
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NO. ____ Case #: 1037104
(COA NO. 39046-2-III)

THE SUPREME COURT OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

D.G.A.,

Petitioner.

FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR GRANT COUNTY

PETITION FOR REVIEW

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WASHINGTON APPELLATE PROJECT
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A. IDENTITY OF PETITIONER

D.G.A. asks this Court for review.

B. COURT OF APPEALS DECISION

D.G.A. asks for review of the decision of the Court of Appeals in *State v. D.G.A.*, No. 39046-2-III (Wash. Ct. App. Nov. 20, 2024).

C. ISSUE PRESENTED FOR REVIEW

The confidentiality of juvenile court records is key to assisting convicted youths in learning from past mistakes and building a healthy life. To that end, the Legislature allows convicted youths to move to seal and vacate their juvenile records. The statute precludes this relief for a youth who has outstanding restitution debt. However, this statute must be read alongside the juvenile justice act, which makes a youth's restitution obligations void and unenforceable after ten years.

Here, the Court of Appeals affirmed the denial of D.G.A.'s motion to seal because he owed scarcely more

than \$600 in restitution. The court held this debt precluded sealing even though it has been invalid and unenforceable for over a decade. This holding is contrary to the plain text of governing statutes, contravenes this Court's precedent, and erects an unfair disparity between indigent and affluent youths. RAP 13.4(b)(1), (4). This Court should grant review.

D. STATEMENT OF THE CASE

In September 1999, at age 16, D.G.A. pleaded guilty to first-degree trafficking in stolen property, a class B felony. CP 19; RCW 9A.82.050(2). The juvenile court imposed restitution. CP 21.

The juvenile court closed the case in September 2000. CP 24. It noted D.G.A.'s restitution obligation would "remain open until: Ten years from respondent's 18th birthday which is August 25, 2011." CP 24. In

December 2002, the clerk entered a judgment for the remaining restitution, or \$613.74. CP 28.

In December 2021, well after ten years from entry of the outstanding restitution judgment, D.G.A. moved to seal his conviction and for a certificate of discharge. CP 5–6, 8–10. D.G.A. argued his restitution debt did not preclude this relief because it was no longer enforceable. CP 8–10. The juvenile court denied the motion because the “obligations to seal have not been met,” including the outstanding restitution. RP 3; CP 1.

The Court of Appeals affirmed. Slip op. at 6.

E. WHY REVIEW SHOULD BE GRANTED

- 1. The Court of Appeals’s reading of the juvenile sealing and vacatur statute contradicts the statutory text.**

This Court’s task in interpreting a statute is to determine the Legislature’s intent. *State v. M.Y.G.*, 199 Wn.2d 528, 531, 509 P.3d 818 (2022). If the meaning of

the statute “is plain . . . , that ends the inquiry.” *In re Pers. Restraint of Brooks*, 197 Wn.2d 94, 100, 480 P.3d 399 (2021). This Court considers not only the provision at issue, but also the surrounding context, “related provisions, . . . and the statutory scheme as a whole.” *State v. Conover*, 183 Wn.2d 706, 711, 355 P.3d 1093 (2015) (quoting *Ass’n of Wash. Spirits & Wine Distribs. v. Wash. State Liquor Control Bd.*, 182 Wn.2d 342, 350, 340 P.3d 849 (2015)).

A youth convicted of a crime may move the trial court to “vacate its order and findings” and “order the sealing of the official juvenile court record.” RCW 13.50.260(3). The types of “order and findings” that may be vacated include the youth’s “adjudication”—i.e., conviction. *State v. Garza*, 200 Wn.2d 449, 456, 518 P.3d 1029 (2022).

The trial court must grant a motion to seal a conviction of a class B felony if, among other requirements, the youth “has paid the full amount of restitution owing to the individual victim named in the restitution order.” RCW 13.50.260(4)(b)(v).

The juvenile justice act, meanwhile, provides a restitution “judgment remains enforceable for a period of 10 years.” RCW 13.40.192(1). When juvenile jurisdiction ends, the “court clerk must docket the remaining balance of the juvenile’s restitution in the same manner as other judgments for the payment of money.” *Id.* “The judgment remains valid and enforceable until 10 years from the date of its imposition.” *Id.*; accord *In re Pers. Restraint of Brady*, 154 Wn. App. 189, 197–98, 224 P.3d 842 (2010).

If a restitution judgment is “valid and enforceable” for only ten years, it follows that, once ten

years has elapsed, the judgment becomes *invalid* and *unenforceable*.

Read together, RCW 13.50.260 and RCW 13.40.192's plain text provides that an outstanding restitution judgment does not bar sealing and vacating a youth offense once ten years have passed. Br. of App. at 9–11. Only restitution “owing to the individual victim” precludes sealing. RCW 13.50.260(4)(b)(v). However, after ten years, the restitution judgment is invalid and unenforceable, RCW 13.40.192(1)—it is no longer “owing” to anyone. Br. of App. at 9–12; Reply Br. of App. at 2, 4.

The Court of Appeals held that D.G.A.'s unpaid restitution balance barred sealing even though the restitution judgment is now void. Slip op. at 4–5. The court noted that RCW 13.50.260(1), which requires regularly scheduled administrative sealing hearings,

provides that “the court shall deny sealing the juvenile court record” if the youth “has not paid the full amount of restitution owing to the individual victim named in the restitution order.” Slip op. at 3–4 (emphasis omitted) (quoting RCW 13.50.260(1)(f)). Because “shall” is a mandatory word, the court reasoned, the trial court must deny a sealing and vacatur motion if any restitution is unpaid. *Id.* at 4.

The Court of Appeals sidestepped D.G.A.’s observation that a restitution debt cannot be “owing” to anyone if it is invalid and unenforceable. *Id.* at 3–5. It does not matter whether the juvenile court “shall” refuse to seal a record based on outstanding restitution if the restitution debt is void. The Court of Appeals’s reading simply fails to address D.G.A.’s argument.

The Court of Appeals reasoned it did not need to consider RCW 13.40.192 because RCW 13.50.260 is

“unambiguous.” Slip op. at 4–5. On the contrary, precedent required the court to consider “related provisions” and “the statutory scheme as a whole.” *Conover*, 183 Wn.2d at 711. A court cannot declare a statute “unambiguous” in isolation and disregard the effect that “related statutes” may have on its meaning. *Jametsky v. Olsen*, 179 Wn.2d 756, 762, 317 P.3d 1003 (2014) (quoting *Dep’t of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 11, 43 P.3d 4 (2002)).

The Court of Appeals’s reading of the sealing and vacatur statute fails to reconcile its plain text with the related juvenile justice act. The important issue of when and under what circumstances juvenile courts may refuse to seal youth criminal convictions calls for this Court’s review. RAP 13.4(b)(4).

2. The Court of Appeals’s reading of the statute contradicts this Court’s precedent.

This Court has held in the adult context that an unenforceable restitution debt is “void.” *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525 (2008). In *Gossage*, a convicted adult moved for a certificate of discharge of the obligations of his sentence “even though he did not pay his restitution obligations in full.” *Id.* at 1. Like the juvenile justice act, the statute in effect at the time provided that legal financial obligations could be enforced for only ten years. *Id.* at 6–7. As ten years had passed, this Court held Mr. Gossage’s restitution debt was “void”—that he “has no remaining LFOs.” *Id.* at 8. Accordingly, the trial court erred in refusing to issue a certificate of discharge. *Id.*

If an unenforceable restitution debt is “void” under the adult statute in effect in *Gossage*, than a restitution debt that is unenforceable under the

juvenile justice act is “void” as well. Under *Gossage*, a restitution debt cannot preclude sealing of a juvenile court record once ten years have elapsed.

The Court of Appeals did not discuss—or even mention—this Court’s opinion in *Gossage*. Slip op. at 3–6. Instead, it relied on its own decision in *State v. Hamedian*, 188 Wn. App. 560, 354 P.3d 937 (2015). *Id.* at 5. There, the court held, as it did here, that unpaid restitution bars a juvenile court from sealing a conviction. *Hamedian*, 188 Wn. App. at 571.

Like the opinion here, *Hamedian* overlooks that a void judgment is not “owing” to any person. *Hamedian* also distinguished *Gossage* on the incongruous basis that the greater need for confidentiality of juvenile records somehow weighed in favor of making the

sealing of those records *more* difficult than obtaining an adult certificate of discharge. *Id.* at 570–71.¹

Gossage controls. A void judgment is a void judgment, whether entered against a youth or an adult. D.G.A.’s restitution judgment was no longer “owing” to anyone after ten years elapsed, and did not preclude the juvenile court from sealing the record of his convictions. Br. of App. at 11–12; Reply Br. of App. at 1–2. The Court of Appeals’s contrary conclusion is inconsistent with this Court’s precedent. RAP 13.4(b)(1). This Court should grant review.

3. To prohibit sealing of juvenile court records based only on an invalid, unenforceable judgment imposes an unfair burden on indigent youth.

“The legislature has always treated juvenile court records as distinctive and as deserving of more confidentiality than other types of records.” *State v.*

¹ Mr. Hamedian did not seek this Court’s review.

S.J.C., 183 Wn.2d 408, 417, 352 P.3d 749 (2015). The earliest juvenile court legislation placed limits on the consequences of youth convictions and the public's access to youth criminal proceedings. *Id.* at 419–20 (citing Laws of 1913, ch. 160, § 10; Laws of 1905, ch. 18, § 3). Later enactments solidified the confidentiality of juvenile court records. *Id.* at 420–21 (citing, *e.g.*, Laws of 1977, 1st Ex. Sess., ch. 291, §§ 10, 12).

Conviction records cause significant consequences to youths. “When juvenile court records are publicly available, former juvenile offenders face substantial barriers to reintegration, as they are denied housing, employment, and education opportunities on the basis of these records.” Laws of 2014, ch. 175, § 1.

The Legislature has expressly found that “the interest in juvenile rehabilitation and reintegration constitutes compelling circumstances that outweigh

the public interest in continued availability of juvenile court records.” Laws of 2014, ch. 175, § 1. It “designed the mechanism for sealing juvenile records specifically so juveniles can overcome prejudice and reintegrate into society.” *State v. J.C.*, 192 Wn. App. 122, 132, 366 P.3d 455 (2016).

This clearly expressed statutory preference for sealing juvenile records and sparing youths a lifetime of consequences for a childhood mistake calls for interpreting RCW 13.50.260 in favor of sealing. *See J.C.*, 192 Wn. App. at 133 (considering the statute’s goals in interpreting its text). However, despite these clear indications of the Legislature’s intent, the Court of Appeals held an invalid and unenforceable restitution debt precludes sealing. Slip op. at 6.

The Court of Appeals’s reading of the statute sets up an unfair disparity between indigent youths and

those with means. Br. of App. at 14. To a well-off youth—or a youth with well-off parents—a \$613.74 restitution debt would pose no significant obstacle. The youth could easily satisfy the obligation and shed the “scarlet letter” of a juvenile conviction. Slip op. at 6.

To a poor youth, however, \$613.74 may as well be \$613,740. A youth with no realistic possibility of paying the debt will be saddled with the conviction for life, solely because of their poverty. Of course, youth of color are more likely both to be convicted of a crime and to be too poor to pay restitution. Heather Evans & Emily Knaphus-Soran, *The Persistence of Racial Disparities in Juvenile Decline in Washington State, 2009–2022* at 1–2 (2024)²; Dep’t of Children, Youth, & Families Office

² https://www.courts.wa.gov/subsite/mjc/docs/2024/2.4%20The%20Persistence%20of%20Juvenile%20Declines%20in%20Washington%20State_4_9_2024.pdf.

of Juvenile Justice, *Social Challenges and Barriers*, DCYF.wa.gov.³ Such an unfair reading of the statute hardly promotes “the rehabilitation of former juvenile offenders and their successful reintegration into society.” Laws of 2014, ch. 275, § 1.

Whether RCW 13.50.260 bars a youth with an unenforceable restitution debt from sealing and vacating their conviction—and therefore erects an unfair disparity between indigent and economically privileged youth—is an important issue that warrants this Court’s attention. RAP 13.4(b)(4). This Court should grant review.

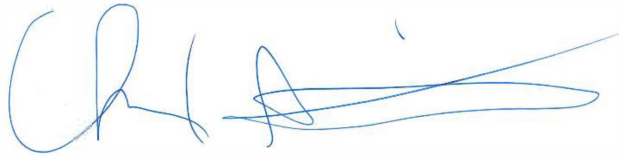
F. CONCLUSION

This Court should grant review.

³ <https://dcyf.wa.gov/practice/practice-improvement/ojj/racial-ethnic-disparities/awareness/social-challenges>.

Per RAP 18.17(c)(10), the undersigned certifies
this petition for review contains 2,021 words.

DATED this 18th day of December, 2024.



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Petitioner's Appendix

1. Opinion of the Court of Appeals
2. Excerpt from RCW 13.50.260
3. Excerpt from RCW 13.40.192

FILED
NOVEMBER 20, 2024
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

STATE OF WASHINGTON,)	
)	No. 39046-2-III
Respondent)	
)	
v.)	
)	UNPUBLISHED OPINION
D.G.A.)	
)	
Appellant.)	

FEARING, J. — D.G.A. seeks an order of discharge of his juvenile court order of disposition and the sealing of juvenile court records. Because D.G.A. has yet to pay all restitution owed for the offense, we affirm, pursuant to RCW 13.50.260, the superior court’s denial of the two requests.

FACTS

D.G.A was born August 25, 1983. On September 22, 1999, D.G.A., then sixteen years old, pled guilty to one count of trafficking in stolen property in the first degree, a class B felony. The juvenile court imposed a standard-range disposition with no confinement time and \$932 in restitution.

On September 25, 2000, the juvenile court filed a “Notice of Case Closure,” which read in part that, although D.G.A. had not fully paid the restitution, the court’s

jurisdiction had expired because of D.G.A.'s reaching the age of majority. The notice stated:

The financial obligations of the case shall remain open until: Ten years from respondent's 18th birthday, which is August 25, 2011.

Clerk's Papers (CP) at 24.

On December 19, 2002, the court clerk entered a judgment for the outstanding restitution. The judgment stated:

THIS MATTER having come before the court by Kenneth O. Kunes, Grant County Clerk, pursuant to RCW 13.40.192; the defendant having attained the age of eighteen (18) on 8/25/01, the defendant owes legal financial obligations, including restitution, in the amount of \$613.74; now, therefore it is hereby:

ORDERED, ADJUDGED AND DECREED that a judgment be entered against the above-named defendant in the amount of \$613.74, which reflects the outstanding legal financial obligations balance ordered to be paid by the defendant in Juvenile Court proceedings under this cause number.

CP at 28. We assume that D.G.A. had paid \$318.26 of restitution by December 2002.

PROCEDURE

Nineteen years later, on December 3, 2021, D.G.A. filed, pursuant to RCW 13.50.260, a motion to seal his juvenile records. Thereafter, he also filed a petition for certificate and order of discharge. D.G.A. argued that he was entitled to have his juvenile record sealed and receive a certificate and order of discharge because he had completed all the requirements of the court's disposition order. He contended that he was

not required to pay the outstanding restitution balance, as a prerequisite for sealing and a discharge, because the juvenile court's jurisdiction to enforce restitution had expired.

The superior court entertained D.G.A.'s motions on February 28, 2022. D.G.A. did not appear at the hearing. The State argued that the court should deny D.G.A.'s motions because he still owed \$613.74 in restitution. The trial court struck the hearing because D.G.A. failed to appear and because this court had already dismissed a related appeal as untimely. The superior court may have also agreed with the State on the merits. The court entered an order denying both the motion to seal and to discharge.

LAW AND ANALYSIS

On appeal, D.G.A. contends that the Juvenile Justice Act permits the sealing of juvenile court records even when the defendant owes restitution to a victim, provided the juvenile court's jurisdiction to enforce the restitution order has expired. We disagree.

RCW 13.50.260 controls D.G.A.'s appeal. Subsection (1) of the statute declares in part:

(d) At the time of the scheduled administrative sealing hearing, the court *shall* enter a written order sealing the respondent's juvenile court record pursuant to this subsection if the court finds by a preponderance of the evidence that the respondent is no longer on supervision for the case being considered for sealing and *has paid the full amount of restitution owing to the individual victim named in the restitution order. . . .*

....

(f)(i) During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case considered for sealing, *but the respondent has not paid the full amount of restitution owing to the*

individual victim named in the restitution order. . . the court shall deny sealing the juvenile record in a written order.

(Emphasis added.)

We analyze the meaning of statutes by first examining the plain language of the relevant statute. *Birgen v. Department of Labor & Industries*, 186 Wn. App. 851, 858, 347 P.3d 503 (2015) (citation omitted). When the words of the statute ring clear and unambiguous, we should derive legislative intent solely from the statute’s language. *State v. J.M.*, 144 Wn.2d 472, 480, 28 P.3d 720 (2001). If legislative intent remains unclear, we may consider “the context of the statute in which the provision is found, related provisions, and the statutory scheme as a whole.” *State v. Ervin*, 169 Wn.2d 815, 820, 239 P.3d 354 (2010) (internal citations omitted).

Both subsections (1)(d) and (1)(f) of RCW 13.50.260 insert the word “shall” when directing the superior court to deny the request to seal if restitution remains owed. Use of the word “shall” in the statute “imposes a mandatory requirement unless a contrary legislative intent is apparent.” *Erection Co. v. Department of Labor & Industries*, 121 Wn.2d 513, 518, 852 P.2d 288 (1993) (citation omitted). Thus, RCW 13.50.260(1) prohibits sealing juvenile records when the offender owes restitution to an individual victim.

In sidestepping the plain language of RCW 13.50.260, D.G.A. argues that other provisions of the Juvenile Justice Act must be considered to achieve a harmonious and

unified statutory scheme that maintains the integrity of the respective statutes. He cites *In re Personal Restraint of Brady*, 154 Wn. App. 189, 193, 224 P.3d 842 (2010) for this proposition. Nevertheless, we need not analyze RCW 13.50.260(1) through the lens of related statutory provisions because the statute remains unambiguous. We must apply the statute's plain meaning as an expression of legislative intent without considering other sources of such intent. *Jametsky v. Olsen*, 179 Wn.2d 756, 762, 317 P.3d 1003 (2014).

D.G.A. conflates the juvenile court's jurisdiction to enforce a restitution order with its ministerial duty to seal a respondent's juvenile record. He contends that, since the court's jurisdiction ended when he reached majority, the court lacks jurisdiction to enforce the restitution order. In turn, the absence of authority to enforce the order requires the court to seal the record from the public.

State v. Hamedian, 188 Wn. App. 560, 567, 354 P.3d 937 (2015) defeats D.G.A.'s contention regarding jurisdiction. Arash Hamedian sought to seal his juvenile record under former RCW 13.40.192 before fully paying restitution to the victim. In rejecting this argument, the court explained:

While the restitution order is no longer enforceable as a money judgment under former RCW 13.40.192, the plain and unambiguous language of former RCW 13.50.050(12)(b)(v) clearly mandates payment of restitution in full as a condition precedent to obtaining an order to seal juvenile offender records.

State v. Hamedian, 188 Wn. App. at 561-62. The same reasoning applies to the statutory successor, RCW 13.50.260(1).

We recognize that a juvenile adjudication acts as a scarlet letter, with collateral consequences including the denial of housing, employment, and education opportunities. Laws of 2014, ch. 175, § 1(1); *see also* Leila R. Siddiky, *Note, Keep the Court Room Doors Closed So the Doors of Opportunity Can Remain Open: An Argument for Maintaining Privacy in the Juvenile Justice System*, 55 How. L.J. 205, 232 (2011). In turn, the Washington legislature has “treated juvenile court records as distinctive and as deserving of more confidentiality than other types of records.” *State v. S.J.C.*, 183 Wn.2d 408, 417, 352 P.3d 749 (2015). Nevertheless, RCW 13.50.260(1) eclipses D.G.A.’s policy argument.

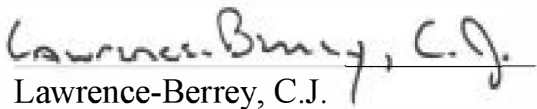
CONCLUSION

We affirm the superior court’s decision denying D.G.A.’s motion to discharge and seal his juvenile records.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.


Fearing, J.

WE CONCUR:


Lawrence-Berrey, C.J.


Cooney, J

RCW 13.50.260

Sealing hearings—Sealing of records.

* * *

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, 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; resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

* * *

(4)(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

* * *

(v) 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.

* * *

RCW 13.40.192

Restitution and other legal financial obligations—
Enforceability—Treatment of obligations upon age of
eighteen or conclusion of juvenile court jurisdiction—
Extension of judgment.

(1) If a juvenile is ordered to pay restitution, the money judgment remains enforceable for a period of 10 years. When the juvenile reaches the age of 18 years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's restitution in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until 10 years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for restitution in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

* * *

WASHINGTON APPELLATE PROJECT

December 18, 2024 - 2:59 PM

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