LEGAL SERVICES OPINION

May 8, 2017

To: Robin Charvet, Business Process Engineer, SC-CMS Project
From: Mark DeForrest, Sr. Legal Analyst, AOC
Re: Sealing Juvenile Records and Financial Judgments.

QUESTION PRESENTED

When a juvenile offender's record is sealed, must any outstanding legal financial judgment against the offender be recorded in a separate judgment case file distinct from the remainder of the sealed juvenile record?

BRIEF ANSWER

Yes. Under Washington law the superior court must seal the record of a juvenile offender once certain statutory conditions are met. RCW 13.50.260. These statutory conditions make it possible that an offender might have outstanding financial judgment obligations at the time the record is sealed. RCW 13.40.192 mandates the county clerks to docket a juvenile offender's outstanding legal financial obligations "in the same manner as other judgments for the payment of money." Reading these two legal requirements harmoniously, the juvenile record must be sealed while the outstanding financial judgment must be separated out and remain recorded like other legal financial judgments.

LEGAL AUTHORITY

Statutory Codes

1. RCW 4.64.030 – Entry of judgment – Form of judgment summary.
2. RCW 13.40.192 – Legal financial obligations – Enforceability – Treatment of obligations upon age of eighteen or conclusion of juvenile court jurisdiction – Extension of judgment – Petition for modification or relief.
3. RCW 13.50.260 – Sealing hearings – Sealing of records.

Case Law

1. *State v. S.J.C.*, 183 Wn.2d 408, 352 P.3d 749 (2015).
2. *State v. J.C.*, 192 Wn.App. 122, 366 P.3d 455 (2016).
3. *State v. Hamedian*, 188 Wn.App. 560, 354 P.3d 937 (2015).

FACTS

County clerks in Washington must maintain an index of all judgments as a public record. This record is commonly known as the "execution docket." This execution docket includes financial judgments entered against juvenile offenders. There are multiple approaches to how financial judgments are docketed after a juvenile offender's record is sealed. The Legacy system (SCOMIS) maintains a separate case file for the execution docket. There is a cross-reference to both cases, the juvenile offender case and the subsequent judgment case. The Odyssey system does not maintain a separate judgment case file. The judgment for the balance of unpaid legal financial obligations is created within the juvenile offender's case file.

Adding to this diversity of approach, there is no consistent best practice used by the county clerks with reference to sealing the record. The three identified approaches include:

- Counties that overwrite the juvenile's name on the separate judgment case filing when the judgment is satisfied so that it will not appear in any search at a local court.
- Counties that do not make any changes on the judgment arising from a juvenile offender case.
- One county that creates a single judgment case number and references the juvenile name and the juvenile offender case; search results on the juvenile's name do not yield results since the docket entry is an event, not a name.

This diversity of approaches has led to the following question: when a juvenile record is sealed, does that sealing include the legal financial judgment?

DISCUSSION

Applicable Statutes

Both the current RCW 13.40.192 and the current RCW 13.50.260 are the products of the same statutory revision scheme regarding juvenile justice. *See* Laws of Washington 2015 c. 265 § 3 (codified at RCW 13.50.260) and § 7 (codified at RCW 13.40.192). RCW 13.50.260 provides for the sealing of juvenile offender records. RCW 4.64.30(1) requires that the county clerk "enter all judgments in the execution docket, subject to the direction of the court." Under

RCW 4.64.030(2)(a) legal financial judgments in the execution docket are required to summarize:

- The judgment creditor and the name of his or her attorney.
- The judgment debtor.
- The amount of the judgment.
- The interest owed to the date of the judgement.
- The total taxable costs and attorney fees, if known at the time of the entry of the judgment.

RCW 13.40.192(1) specifies that a legal financial judgment against a juvenile offender, "including fines, penalty assessments, attorney's fees, court costs, and restitution" remain enforceable "for a period of ten years." When the offender turns eighteen "or at the conclusion of juvenile court jurisdiction, whichever occurs later," the clerk "must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money." *Id*.

Under RCW 13.50.260 it is possible for a juvenile offender's record to be sealed while requirements of the legal financial judgment in the case remains outstanding. The requirements for sealing require that "the full amount of restitution owing to the individual victim named in the restitution order, excluding restitute owed to any insurance provider authorized under Title 48 RCW." RCW 13.50.260(1)(c)(ii), (4)(a)(vi), (4)(b)(v). Other forms of legal financial judgment beyond restitution to the victim may remain outstanding. If a court orders a juvenile offender's record sealed, that order covers "the official juvenile court record, the social file, and other records related to the case as are named in the order." RCW 13.50.260(6)(a). The effect of a court's order to seal a juvenile offender's record is wide ranging under RCW 13.50.26096)(a):

> Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that the records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

Statutory Interpretation Principles

In the area of juvenile court records, the Washington Supreme Court "has always given effect to the legislature's judgment[.]" *State v. S.J.C.*, 183 Wn.2d 408, 417, 352 P.3d 749 (2015). In discerning the legislature's judgment through legislation, Washington courts have a developed methodology regarding the application and interpretation of statutory language.

The goal of statutory interpretation and application is "to discern and implement the legislature's intent." *State v. J.C.*, 192 Wn.App. 122, 129, 366 P.3d 455 (2016). Courts first look at the statute's plain meaning when seeking to make sense of its terms. *Id*. The plain meaning of a statute's language is discerned "from the ordinary meaning of the language at issue, the context of the statute in which the provision is found, related provisions, and the statutory scheme as a whole." *Id*. at 129-130, 366 P.3d 455*; see also State v. Hamedian*, 188 Wn.App. 560, 563, 354 P.3d 937 (2015). "[E]ach word of a statute is to be accorded meaning." *J.C.*, 192 Wn.App. at 130, 366 P.3d 455.

Since the current RCW 13.40.192 and RCW 13.50.260 are products of the same statutory revision involving juvenile justice, enacted at 2015 c. 265, the terms of the codes must be harmonized to give effect to the overall statutory scheme while conserving "the integrity of the respective statutes." *Hamedian*, 188 Wn.App. at 563-64, 354 P.3d 937 (citing *State v. Jones*, 172 Wn.2d 236, 243, 257 P.3d 616 (2011)). The terms are not to read against each other, and terms are to be interpreted "so that *all* the language used is given effect[.]" *J.C.*, 192 Wn.App. at 130, 366 P.3d 455 (emphasis in original, citations omitted).

Separating Financial Judgment from the Remainder of the Sealed Juvenile Record

Effectuating the plain meaning of RCW 13.40.192 and RCW 13.50.260 as read together, once a juvenile offender's record is sealed prior to the discharge of an outstanding legal financial

judgment, the superior court clerk is required to create a docket file to track the amount outstanding on the legal financial judgment. RCW 13.40.192(1). This file is required to be like "other judgments for the payment of money." *Id.* As a result, the financial judgment is effectively split off from the rest of the juvenile offender's file, which is subject to seal under the terms of RCW 13.50.260.

If the two code provisions are not harmonized, a catch-22 could come into play. First, a system that does not docket the outstanding legal financial obligation would violate the terms of RCW 13.40.192, including RCW 12.40.192(1) mandates that a money judgment against a juvenile offender remains "enforceable for a period of ten years." If a juvenile offender's record and any outstanding financial judgment is sealed, the county clerks cannot carry out the legislature's express mandate under RCW 13.40.192. Second, a system that keeps open the legal financial judgment in a portion of the juvenile offender's sealed file would fail to fully effectuate the requirements of RCW 13.50.260 by making it possible to track back through the file to uncover that there was an underlying adjudicated juvenile offense. Such an outcome runs afoul of RCW 13.50.260 (6)(a), which requires that once the proceedings in the case are sealed, "they are treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the event, records of which are sealed." Further, no agency may provide information "about the existence or nonexistence of records concerning an individual" once that individual's records have been sealed. *Id*.

In order to harmonize the requirements of the plain meaning of the language used by the statutory language, the outstanding legal financial judgment must be docketed as a separate file. RCW 13.40.192. This can be done using the mechanism set out in RCW 13.40.192 (1) for dealing with outstanding legal financial judgments when a juvenile offender turns eighteen or juvenile court's jurisdiction concludes. "[T]he superior court clerk must docket the remaining

balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money." *Id*. This allows for the offender's juvenile record to be sealed under RCW 13.50.260 while permitting continued enforcement of an outstanding legal financial judgment under the terms of RCW 13.40.192(1), satisfying the requirements of both code provisions. Tracking the outstanding legal financial judgment is required by the law, as is ensuring that it will not be possible to track that legal financial judgment back to a juvenile offense once a juvenile offender's record has been sealed.

CONCLUSION

Reading the requirements of Washington law harmoniously in accord with the plain meaning of the language found in the statutes, when a juvenile record is sealed any outstanding legal financial judgment against the offender must be recorded in a separate financial judgment file distinct from the remainder of the sealed juvenile record.

DISCLAIMER

Please note this legal analysis is intended to assist the Administrative Office of the Courts (AOC) in making policy decisions. The legal analysis is not intended to be relied upon by those outside of the AOC. Further, it is not intended as, nor should it be construed as, a legal opinion in the nature of an Attorney General's Opinion. The official legal advisor for individual courts is the county prosecutor or city attorney, not the Administrative Office of the Courts

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