

1. Meeting Minutes



JISC DATA DISSEMINATION COMMITTEE
Friday, December 4, 2020, 9:00 a.m. – 9:55 a.m.
Zoom Teleconference
URL: provided via invite

DRAFT MEETING MINUTES

Members Present

Judge J. Robert Leach, Chair
Judge Scott K. Ahlf
Judge John H. Hart
Judge Kathryn C. Loring
Judge Robert E. Olson
Ms. Barbara Miner
Mr. Dave Reynolds

Guests Present

Dr. Marny Rivera
Heidi Percy, Snohomish County Clerk
Kristina Galloway, Bellevue Police
Department
Mark Allen, Snohomish County Superior
Court

Staff Present

Phil Brady, MSD Contracts Manager
Hayley Keithahn-Tresenriter, Court Records
Access Coordinator
Michael Keeling, Manager of Applications &
Operations
Keith Curry, SC-CMS Project Manager
Jan Nutting, Public Records Officer
Kevin Cottingham, Data Dissemination
Administrator

0. Call to Order

Judge J. Robert Leach called the December 4, 2020, JISC Data Dissemination Committee (DDC) meeting to order at 9:05 a.m.

1. October 23, 2020 Meeting Minutes

Ms. Miner asked that a change be made to notes under item 4. JIS-Link exception request from the Washington State Institute for Public Policy. Ms. Miner proposed that the minutes be amended to read as follows: Ms. Miner stated that these are confidential records, questioned the status of the requesting entity, and noted that the written request is unclear.

A motion to approve was made by Ms. Miner and seconded by Mr. Reynolds. The minutes were unanimously approved as amended.

2. Request for access to juvenile dates of birth from NPC Research

Dr. Marny Rivera presented this request from NPC Research for an exemption to the Data Dissemination Policy, to receive juvenile dates of birth as part of a data dissemination request. Dr. Rivera is conducting an evaluation of juvenile recovery, using AOC data to measure recidivism.

Judge Leach stated that juvenile birth dates have never been provided to research entities. Dr. Rivera explained that she needs dates of birth as she uses a number of sources to link and match juvenile offenders to determine outcomes. Dates of birth will enhance accuracy and

validity in matching. Her organization has the highest standards for protection of information and none of the dates would be released.

Judge Leach asked if month and year of birth would be sufficient. Dr. Rivera indicated that the limited information would be helpful. Ms. Miner suggested using case numbers for indexing, since everyone including treatment providers uses the case number. Dr. Rivera agreed that case numbers could be used to link across data sources but since some sources are not consistent and typos occur regularly, it will be helpful to have another element to match information.

Mr. Reynolds asked how sealed cases are handled. Dr. Rivera responded that she does not use sealed information. Unless there are subsequent cases which would have the effect of unsealing the prior cases, she will not see the sealed cases. Date of birth will not help in those situations.

Mr. Reynolds moved to allow access to month and year of birth. Ms. Miner seconded the motion. The vote was called, with none opposed and none abstaining. Provision of month and year, but not day, of birth was approved unanimously

3. Request for access to Case Type 6 (Mental Illness/Alcohol cases) in JABS & SCOMIS from Bellevue Police Department

Kristina Galloway presented a request to modify Bellevue Police Department's access to court records, asking to receive cases of type 6 through SCOMIS and JABS. Ms. Galloway explained that her office processes Extreme Risk Protection Orders and firearms permits, both of which require mental health checks. ERPOs are most time sensitive, and they currently check with Health Care Authority, but their process is delayed at times. The city's legal advisor needs an official regarding whether Bellevue PD is qualified to receive mental health information directly from court records.

Ms. Miner said that clerks report the existence of each Case Type 6 to the Department of Licensing (DOL), where it will have an impact on the person's ability to have a gun. The police gather information from the DOL.

Ms. Galloway stated that sometimes the notice from the DOL is not received until after the ERPO is issued – the delay can be as much as a week. Ms. Miner asked if her office might proactively go to the DOL, but Ms. Galloway said the practice is to reach out to the Health Care Authority to request a check, and then to move forward with the court. Ms. Galloway believes that contacting the DOL could cause an additional delay.

Mr. Cottingham expressed the AOC recommendation that mental health information not be provided as requested here, suggesting that the Bellevue Police Department talk with the Department of Licensing. Ms. Miner agreed that the DOL is the more appropriate source for the information. The law does not support law enforcement access.

Ms. Miner then moved to deny the request, but offered to serve as a resource for the Bellevue Police Department in resolving their problem. The motion was seconded by Mr. Reynolds.

The request was denied unanimously, with encouragement for the Bellevue Police Department to connect with Ms. Miner. The issue might be taken up with the DOL Director, with the emphasis placed on the importance of getting the information in a timely manner.

4. Request for additional Odyssey logins from AOC on behalf of Superior Courts

Keith Curry, AOC Project Manager, presented this request for additional Odyssey logins on behalf of superior courts statewide. Judge Leach stated that the need expressed here is temporary, from approximately January through March.

Mr. Curry explained that Odyssey updates will require the same effort as the original deployment. Every PC will be touched. At this time, per DDC policy, there is a limit of one non-court I.T. user allowed per location. Without additional help, the 37 people on the project cannot accomplish this update over a weekend. As much preliminary work as possible is being done, but additional help will be needed the weekend of January 22 – 24. Mr. Curry requests additional login capabilities for a period of three months.

Judge Leach asked Mr. Curry to keep the access limited to the technical side (so data changes cannot be made), to ensure that the additional IT staff be made aware that they must maintain security, and to work with the clerks to be sure confidentiality agreements are in place.

Ms. Miner made the motion to support this request with confidentiality agreements as a requirement for everyone allowed login capabilities. Judge Ahlf seconded the motion. Mr. Cottingham asked whether it would be wise to make this the rule going forward, allowing clerks to increase login numbers for future system upgrades. Ms. Miner agreed that going forward, clerks will depend on additional help out of necessity.

Judge Leach asked if this provision would be limited to county employees with confidentiality agreements, and asked whether contractors would be allowed under this rule. Ms. Miner said that court administrators could dictate review of those considered for temporary login access before credentials are provided. Contractors were allowed access during the original Odyssey rollout. Judge Leach again asked how to ensure that contractors are qualified. Mr. Curry believes that the DDC can rely on local county clerks and court administrators to make that determination.

Judge Ahlf asked if the new provision can include municipalities, looking forward to implementation of the CLJ-CMS. Mr. Keeling asked for clarification regarding confidentiality agreements – whether those would be agreements with AOC or with the county clerks. Mr. Cottingham believes the agreements would be with the county clerks. Judge Ahlf then seconded the motion. The motion passed unanimously. Thanks were expressed for this contribution to a successful update.

5. Other Business

Ms. Miner thanked Judge Leach for his service and leadership. He will be greatly missed by the entire group. Judge Leach thanked Ms. Miner for her many contributions and wished everyone well.

The meeting was adjourned at 9:39 a.m.

**2. Request for Modification to
WSIPP Data Sharing
Agreement**



April 16, 2021

To: JISC Data Dissemination Committee members

From: Stephanie Lee, Director, Washington State Institute for Public Policy

RE: Recovering costs for services in provision of criminal history data crosswalks

Work product

In the 1990's, WSIPP developed a unified Criminal History Database, which links data from three sources: **court records** from the AOC, **incarceration and community supervision records** from the DOC, and **residential facility information** from JR. This database allows researchers to track individuals through the criminal justice system over time to conduct high-quality research at legislative direction and to quickly respond to legislative requests for information.

The Criminal History Database is dynamic; in order to keep current on the movement of individuals through the criminal justice system, WSIPP processes the source data periodically, and creates a unique research ID for every individual (WSIP ID). This research ID is then shared back with the three data owners, along with the key identifying variables¹ from the various systems—essentially a “crosswalk” allowing data owners to use consistent and timely information in their own research. The WSIP ID, crosswalk, and processed court records are provided to the data owners without charge.²

Level of effort to create work product

WSIPP spends roughly 0.50 FTE Senior Data Manager processing this update on a quarterly basis and creating the WSIP ID. We do not have dedicated funds to support this effort, but use a blend of core operating funds and project funds to support the work. Given that WSIPP is a small agency, this is a significant resource investment. As such, WSIPP is considering shifting to processing the data on a biannual basis, which would reduce our cost to roughly 0.375 FTE.

Proposal

In years past, the Department of Social and Health Services (DSHS) was the owner of JR data, and we accordingly provided the WSIP ID, crosswalk, and processed court records back to DSHS Research and Data Analysis (RDA) on a quarterly basis without charge. In addition to the research conducted on behalf of JR, RDA uses these data to inform their research studies; enabling linkages with their Integrated Client Database to get a fuller picture of outcomes for DSHS clients. Now that JR has moved to the new Department of Children, Youth, and Families (DCYF), RDA is not a data provider and it is no longer part of the standard process for WSIPP to provide the data back to RDA. They are interested in receiving the data.

Even though DSHS RDA is no longer a data owner, providing the crosswalk is a service we would like to provide to them. We believe it is in the state's interest to share this information with RDA; however doing so is an

¹ WSIP ID, DOC number, AOC number, JCS number and JRA number.

² See Attachment A for a list of data tables provided back to AOC as data owners—those that would be shared with RDA are noted with “DSHS.”

additional burden on our small agency's budget. Statutorily, according to RCW [39.34.130](#), it is mandatory that we recover costs for providing services to another agency when funds have not been allocated for this purpose. We do not have specific funding to provide this service to DSHS RDA, but we could provide the service to them under contract and charge a cost recovery fee for the service. All the necessary agreements are in place and both RDA and WSIPP would like to do this.

Our proposed solution is to set up a fee schedule for known requestors (DSHS RDA) and possible third-party requestors (as yet unknown) so that we can recover our costs for the service we provide. We have a similar arrangement with DSHS RDA in reverse, wherein DSHS charges WSIPP for processing extracts of their Integrated Client Database when needed for use in WSIPP studies.

DSHS RDA has agreed to pay a cost-recovery fee for the extracts WSIPP provides.

We see two potential pathways:

- If we move to a biannual processing schedule, all data owners and RDA would receive updates twice per year. In this case, the 0.375 FTE cost of processing would be essentially split four ways among the three data owners and RDA. We would propose to continue providing processed data back to data owners at no charge, but setting a fee schedule for RDA now that they are no longer data owners who contribute to the database. The cost for 0.094 FTE is \$8,000 per update in salary, benefits, and 12% indirect costs (\$16,000 total cost per year).
- If data owners and RDA prefer to continue with a quarterly processing schedule, all data owners and RDA would receive quarterly updates to the crosswalk and processed records. We would propose setting a fee schedule for RDA, now that they are no longer data owners who contribute to the database, based on the cost difference between processing the crosswalk on a quarterly basis and processing the crosswalk on a biannual basis. This difference of 0.125 FTE is \$5,300 each quarter in salary, benefits, and 12% indirect costs (\$21,200 per year).

In the past, WSIPP also provided a service to provide processed extracts of our Criminal History Database for third-party researchers. These researchers were required to have data sharing agreements with all parties who owned the requested data; WSIPP's service was to provide processed extracts for researchers who had approval from data owners. This service saved time for the data owning agencies, and enabled consistency and efficiency for research projects across the state. This service was put on hold during renegotiation of WSIPP's data sharing agreements with data owners and the shifting of JR from DSHS to DCYF.

We would like to reestablish this service and establish a cost-recovery fee schedule for third party requestors.

For these requests, based on past experience, we expect to process extracts of the already-processed database, aligned with the specific criteria defined by the requestor **and with written approval from data owners**, under the parameters defined by the requestor and agreed by data owners. We expect that WSIPP could process one-time requests relatively quickly; either one-half day (.002 FTE) or one full day (.004 FTE) of effort associated with each request, depending on complexity. This would work out to roughly \$325 per simple request, and \$650 per complex request in salary, benefits, and 12% indirect costs.

**3. Update Regarding Data
Dissemination Request Fees**

Data Dissemination Request Fees for the Administrative Office of the Courts

Current Fees:

Fee	Amount
Administrative Fee	50
Data Warehouse Evaluation/Research/Programming (one hour minimum)	55
Data Reporting Evaluation/Research	54
JIS System Run Time (two minute minimum)	12

Fees Effective July 2021 (intended to be effective through June 2023):

Fee	Amount
Administrative Fee	62
Data Warehouse Evaluation/Research/Programming (one hour minimum)	68
Data Reporting Evaluation/Research	67
JIS System Run Time (two minute minimum)	15

4. Juvenile Judgments in Public Case Search

Judgment search from Washington Court's Website (based on RCW)

RCW 4.64.060 Execution docket—Index of record.

Every county clerk shall keep in the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it. The record must be indexed both directly and inversely, and include all judgments, abstracts, and transcripts of judgments in the clerk's office. The index must refer to each party against whom the judgment is rendered or whose property is affected by the judgment.

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.

- (1) If a juvenile is ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and restitution, the money judgment remains enforceable for a period of ten years. When the juvenile reaches the age of eighteen 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 legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ten years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for legal financial obligations, including crime victims' assessments, in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

EXAMPLE:

When searching using judgment #18-9-018818-6, the following records appear:

Superior Court Judgment Records List

Directions: Below are judgments associated with your search criteria. If the originating case was filed in Superior or Appellate Court, there may be additional docket information available. Docket information is not available for Municipal & District Court Cases.

There are 4 public non-sealed records that match your search criteria.

Judgment Records	Name	File Date	Participant	Cause
1 18-9-18818-6	Cg Pebble Cove Llc	08-23-18	CREDITOR	General Recovery
2 18-9-18818-6	Orlob, Brett	08-23-18	DEBTOR	General Recovery
3 18-9-18818-6	Smith, Adam C	08-23-18	DEBTOR	General Recovery
4 18-9-18818-6	Tc Pebble Cove Llc	08-23-18	CREDITOR	General Recovery

The following is an example of the judgment summary screen associated with the top record listed in the search above:

Superior Court Judgment Summary

Court: King Co Superior Ct
Case Number: 18-9-18818-6

Sub	Docket Date	Docket Code	Docket Description	Misc Info
	08-23-2018	JUDGMT& ORD FOR WRIT OF RESTITUTION	Judgmt& Ord For Writ Of Restitution Atty Fees Against Defts, Adam C Smith & Brett Orlob & In Favor Of Pltfs, Tc Pebble Cove Llc & Cg Pebble Cove Llc Plus \$58.60 Per Day After 08-31-18 Costs Int @ 12% Per A	

Judgment Search from Washington Court's Website (based on Data Dissemination Policy)

LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS*

The dissemination of juvenile offender court records maintained in the Judicial Information System shall be limited as follows:

- A. Juvenile offender court records shall be excluded from any bulk distribution of JIS records by the AOC otherwise authorized by GR 31(q), except for research purposes as permitted by statute or court rule.
- B. The AOC shall not display any information from an official juvenile offender court record on a publicly-accessible website that is a statewide index of court cases.

* Juvenile offender court records shall remain publicly accessible on the JIS Link notwithstanding any provision of this section. (Section added September 6, 2013.)

EXAMPLES

1. Below is an example of a judgment from an open juvenile offender case using the judgment search portal on Washington Court's website:

Superior Court Judgment Records List

No records found. [Try searching again.](#)

Juvenile Case information, Sealed Cases and RCW 11.12.265 Will Repository cases are not available on this web search.

For more information, please contact the local court clerk or county clerk affiliated with the court in which the case was filed. The courts and county clerks' offices directory can be found at: http://www.courts.wa.gov/court_dir/

2. Below is an example of a judgment from a sealed juvenile offender case using the judgment search portal on Washington Court's website:

Superior Court Judgment Records List

No records found. [Try searching again.](#)

Juvenile Case information, Sealed Cases and RCW 11.12.265 Will Repository cases are not available on this web search.

For more information, please contact the local court clerk or county clerk affiliated with the court in which the case was filed. The courts and county clerks' offices directory can be found at: http://www.courts.wa.gov/court_dir/

EXAMPLES:

JIS Link Level 1 Access
Judgment Search

Below is an example of a judgment from an [OPEN](#) juvenile offender case [with no redactions](#) except for the name to protect the identity of the juvenile

This is what the judgment screen in JIS Link – Level 1 access looks like [now](#).

209013483 Judgment

STATE OF WASHINGTON VS JOHN DOE

Court SNOHOMISH COUNTY SUPERIOR COURT	Filed	Feb 19, 2020
Cause Type Criminal	Active - Active	Feb 19, 2020

Events Loaded 2 of 2

JUDGMENT Feb 19, 2020

JUDGMENT Feb 19, 2020

Proceedings

Case contains no proceedings.

Participants Loaded 2 of 2

STATE OF WASHINGTON	Judgment Creditor	Active
JOHN DOE	Judgment Debtor	Active

Associated Cases Loaded 1 of 1

168013309	Juvenile Offender	Filed Sep 6, 2016
STATE OF WASHINGTON VS JOHN DOE		
SNOHOMISH COUNTY SUPERIOR COURT		
Filed Felony		

Judgments Loaded 1 of 1

Criminal Judgment 169052763

1 Amounts Totaling \$565.00

Filed Jun 23, 2016

Signed Oct 20, 2015

Effective May 20, 2016

Below is an example of the [proposed redactions](#) when viewing a judgment from an [OPEN](#) juvenile offender case in JIS Link - Level 1 access. Proposed changes/redactions are outlined in red.

209013483 Judgment

STATE OF WASHINGTON VS JOHN DOE

Court
SNOHOMISH COUNTY SUPERIOR COURT

Filed

Feb 19, 2020



Active - Active

Feb 19, 2020

Events Loaded 2 of 2



JUDGMENT

Feb 19, 2020

JUDGMENT

Feb 19, 2020

Proceedings



Case contains no proceedings.

Participants Loaded 2 of 2



STATE OF WASHINGTON

Judgment Creditor

Active

JOHN DOE

Judgment Debtor

Active

Associated Cases Loaded 1 of 1



168013309



Filed Sep 6, 2016

STATE OF WASHINGTON VS JOHN DOE

SNOHOMISH COUNTY SUPERIOR COURT



Judgments Loaded 1 of 1



Judgment

169052763

1 Amounts Totaling \$565.00

Filed

Jun 23, 2016

Signed

Oct 20, 2015

Effective

May 20, 2016

Below is an example of a judgment from a [SEALED](#) juvenile offender case [with no redactions](#) except for the name to protect the identity of the juvenile.

Below is what the judgment screen in JIS Link – Level 1 access looks like [now](#).

189019676 Judgment

STATE OF WASHINGTON VS JOHN DOE

Court SNOHOMISH COUNTY SUPERIOR COURT	Filed	Jun 18, 2015
Cause Type Criminal	Active - Active	Jun 18, 2015

Events Loaded 2 of 2

JUDGMENT	Jun 18, 2015
JUDGMENT	Jun 18, 2015

Proceedings

Case contains no proceedings.

Participants Loaded 1 of 1

JOHN DOE	Judgment Debtor	Active
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Associated Cases

Case contains no associated cases.

Judgments Loaded 1 of 1

Criminal Judgment	169052763	1 Amounts Totaling \$565.00
Filed	Jun 23, 2016	
Signed	Oct 20, 2015	
Effective	May 20, 2016	

Below is an example of the proposed redactions when viewing a judgment from a SEALED juvenile offender case in JIS Link – Level 1 access. Proposed changes/redactions are outlined in red.

189019676 Judgment

STATE OF WASHINGTON VS JOHN DOE

Court SNOHOMISH COUNTY SUPERIOR COURT	Filed	Jun 18, 2015
	Active - Active	Jun 18, 2015

Events Loaded ▼

No Events will show.

Proceedings ▼

Case contains no proceedings.

Participants Loaded 1 of 1 ▼

JOHN DOE	Judgment Debtor	Active
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Associated Cases ▼

Case contains no associated cases.

Judgments Loaded 1 of 1 ▼

 Judgment	169052763	1 Amounts Totaling \$565.00
	Filed	Jun 23, 2016
	Signed	Oct 20, 2015
	Effective	May 20, 2016



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 retribute 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 13.50.260(9)(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