WASHINGTON
COURTS

February 23, 2023

RE: Proposed Addition to GR 15 by David Reynolds, Whatcom County Juvenile Court Administrator

Proposed comments bolded and italicized:

(c)(4) Sealing of Entire Court File. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. The existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, section (d) shall apply. The order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.

COMMENT: See, e.g. RCW 13.50.260, which requires that sealed juvenile adjudications be "treated as if they never occurred", and no information can be given about the existence or nonexistence of records concerning an individual.

. . .

(d) Procedures for Vacated Criminal Convictions. In cases where a criminal conviction has been vacated and an order to seal entered, the information in the public court indices shall be limited to the case number, case type with the notification "DV" if the case involved domestic violence, the adult or juvenile's name, and the notation "vacated."

COMMENT: See, e.g. RCW 13.50.260, which requires that sealed juvenile adjudications be "treated as if they never occurred", and no information can be given about the existence or nonexistence of records concerning an individual. Per State v. Garza (2022), a juvenile adjudication is an order within the meaning of RCW 13.50.260 and is eligible for vacation.