

EVIDENTIARY TEMPLATE APPENDIX

These templates were developed by the E2SHB 1320 stakeholder group and have not been approved by the Washington State Pattern Forms Committee. They are not intended for use as mandatory forms, but rather as additional resources for the courts and litigants regarding evidentiary issues that may arise in civil protection order cases.

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_____ COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF _____

_____ Petitioner,
v.
_____ Respondent.

No. _____
Motion to Redact/ Seal

I. Relief Requested

- 1. My name is _____.
- 2. I am the Petitioner Respondent.
- 3. I ask the Court to redact or seal the following in this civil protection order action (*the specific court document or information*):

II. Statement of Facts

- 4. These facts support my request (*list specific facts*):

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III. Evidence Relied Upon

5. I ask the Court to consider this evidence (*list all documents that support this request*):

IV. Applicable Law

Seattle Times Co. v. Ishikawa, 97 Wn.2d 30, 640 P.2d 716 (1982): In this case, the Washington Supreme Court ruled that courts must look at five factors when deciding whether to seal or limit access to documents in the court file:

- 1. the person who wants to limit access must make a showing of “serious and imminent threat to some other important interest;”
- 2. anyone present for the hearing must be given an opportunity disagree with the suggested restriction;
- 3. the method for limiting access must be the least restrictive way to protect the interests threatened;
- 4. the court must balance the interests of the person who wants to limit access with the public’s right to know what has happened in court; and
- 5. the order must be limited in application and time to serve its purpose.

General Rule (GR) 15(c)(2): Courts may seal or redact court records based on findings made in writing that the sealing or redaction is necessary and based on privacy rights or safety concerns that outweigh the public interest in access to the court record.

State v. Waldon, 148 Wn. App. 952, 202 P.3d 325 (2009): In this case, the Washington Court of Appeals ruled that courts must apply GR 15 and the factors listed above from the *Ishikawa* case when deciding whether to seal court records.

Evidence Rule (ER) 412(d)(1)-(2): This rule requires a party that wants to submit information about the other party’s sexual history to file a written motion with the court at least 14 days before the hearing. The motion must specifically describe what information the party wants to provide to the court and why. The court must review the information in private to decide whether to admit it in court. Until the court orders differently, the motion and its related documents must also remain sealed.

V. Argument

The court should grant my motion to redact or seal this information because _____

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true. I have attached (*number of*) _____ pages.

Respectfully submitted on _____
Date

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COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF _____

Petitioner,

v.

Respondent.

No. _____

Order to Redact/Seal

CLERK ACTION REQUIRED

I. ORDER

Pursuant to WA CONST. Art. I, § 10; GR 15(c)(2), *Seattle Time Co. v. Ishikawa*, 97 Wn.2d 30, 640 P.2d 716 (1982), and ER 412(d)(1)(A), and having reviewed all the evidence, records, and other information in this matter, and having considered the arguments of counsel, the Court hereby grants the motion to seal the requested records. This order is based on the following facts and law and for the reasons stated in the oral ruling.

In weighing the *Seattle Time Co. v. Ishikawa* factors, the Court concludes that sealing of the records is warranted.

1. The Court finds that both the Petitioner and Respondent have important privacy interests. The Court finds that this is a compelling interest in this case.
2. The Court held a hearing and gave all present an opportunity to object to the request for redaction/sealing. No party or member of the public present objected.
3. The Court has considered less restrictive alternatives, and finds that there are no less restrictive alternatives that would protect the privacy and constitutional interests at stake.
4. The Court has weighed the competing interests of the public. The Court finds that the public's interest in openness is outweighed by the party's constitutional right to privacy and the public's interest in maintaining the dignity and privacy of survivors of violence.

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5. The Court finds that the sealing is no broader in its application and duration than necessary.

6. Additional Findings.

Docket # _____ is to be redacted. The moving party _____ is directed to file with the Clerk a redacted version of the document entitled “_____” consistent with the Court’s ruling authorizing redaction. Upon receipt of the redacted version the Clerk will complete the procedures outlined in GR 15(c)(6).

Docket # _____ is sealed. The Clerk is directed to follow the procedures outline in GR 15(c)(5).

Dated: _____

Judge/Commissioner

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**_____ COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF _____**

_____ Petitioner,
v.
_____ Respondent.

No. _____
 Petitioner's Exhibit List
 Respondent's Exhibit List

EXHIBIT LIST (EXLST)

Offered By	Exhibit No.	Ruling	Title/Description of exhibit	Date of Ruling

IN THE _____ COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____

Petitioner,

v.

Respondent.

Cover Sheet and Declaration Attaching Documentary
Evidence

NO. _____

- Photos**
- Report:** _____
- Social Media Messages (SOM)/ Text Messages**
- Statement/Declaration of** _____
- Correspondence (CRRSP)**
 - Emails (EMAIL)**
 - Letter (LTR)**
- Other** _____

I, _____, declare that I am over 18, competent to make this declaration,
Name
and have personal knowledge that the attached is true and correct and has not been altered.

SIGNED at _____, Washington, on _____.
County Date

Signature