



April 27, 2018

The Honorable Justice Charles W. Johnson
Supreme Court Rules Committee Chair
c/o Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Proposed amendment to RAP 3.4 – Title of Case and Designation of Parties

Dear Justice Johnson and Members of the Rules Committee:

The National Juvenile Defender Center (NJDC) supports efforts to minimize the damage caused by juvenile court involvement. The proposed amendment to RAP 3.4 will do that by limiting the use of a youth's full name in appellate matters, and thereby, limiting the prolonged negative consequences a young person may face when looking for employment, housing, or higher education opportunities.

NJDC's mission is to promote justice for all children by ensuring excellence in juvenile defense. NJDC believes that all youth have the right to ardent, well-resourced representation. NJDC acknowledges the unique and special status of childhood and the impact that immaturity, disabilities, and trauma may have on that representation. NJDC works to improve access to and quality of counsel for all young people in delinquency court, provides technical assistance, training, and support to juvenile defenders across the country, and supports the reform of court systems and policies that negatively impact our nation's youth.

The majority of youth who come into contact with the juvenile court system have one court contact and never return. And even among those youth who do return to juvenile court, most do not become adult offenders. Although young people believe they are leaving their court involvement behind when they complete the terms of their adjudication, it often follows them for the rest of their lives, especially when court records related to their juvenile court involvement are available to the public.

In 2014, the Washington Legislature declared that "it is the policy of the state of Washington 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. That same year, the Legislature made it easier for youth to get their records cleared

by instituting an automatic sealing process for most juvenile records. RCW 13.50.260. However, the effort to minimize the damage of publicly available juvenile records through automatic record clearance is meaningless if appellate matters stemming from these delinquency cases include the youth's full name and are also available to the public.

The proposed amendment to RAP 3.4 will ensure that the appellate records will not continue to cause negative consequences for youth who have been involved in the juvenile court system and will allow youth to move onto adulthood free of the stigma and obstacles associated with a juvenile record.

NJDC strongly supports the proposed amendment to RAP 3.4 and respectfully urges the Court's adoption of the amendment.

Sincerely,

A handwritten signature in black ink that reads "M. Scali". The signature is written in a cursive, slightly stylized font.

Mary Ann Scali
Executive Director

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 30, 2018 11:51 AM
To: Tracy, Mary
Subject: FW: Comment in Support of Proposed Amendments to WA RAP 3.4
Attachments: WA RAP 3.4 - Supreme Ct Ltr.pdf

Forwarding.

From: Christina Gilbert [mailto:cgilbert@njdc.info]
Sent: Monday, April 30, 2018 10:53 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment in Support of Proposed Amendments to WA RAP 3.4

To: Honorable Justice Charles W. Johnson, Rules Committee Chair

Hon. Johnson,

Attached is a comment from the National Juvenile Defender Center in support of the proposed amendment to RAP 3.4 (Title of Case and Designation of Parties). Please do not hesitate to reach out with any questions or for additional information.

Thank you for your consideration of this comment.

Best

Christina J. Gilbert, Esq.

(Pronouns: She, her)

Senior Staff Attorney and Policy Counsel | National Juvenile Defender Center
1350 Connecticut Avenue NW, Suite 304 | Washington, DC 20036
O: 202 452 0010 ext 107 | C: 202 760 1021
[Website](#) | [Gault at 50](#) | [Facebook](#) | [Twitter](#) | [Donate](#)