



WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Kimberly A. Allen, President
Grant County Clerk
P.O. Box 37
Ephrata, WA 98823
509-754-2011 ext. 2818
kallen@grantcountywa.gov

February 25, 2022

via e-mail: supreme@courts.wa.gov

Honorable Charles W. Johnson, Co-Chair

Honorable Mary I. Yu, Co-Chair

Washington State Supreme Court Rules Committee

Temple of Justice

P.O. Box 40929

Olympia, WA 98504-0929

Re: Proposed Amendments to GR 31 Access to Juvenile Records

Dear Justices Yu and Johnson:

Concerning GR 31, the Washington State Association of County Clerks (WSACC) does not support two of the proposed edits related to juvenile records and asks that you NOT adopt those two proposed edits (outlined in paragraphs 1 and 2 following).

1. The changes to GR 31(d) to limit access to juvenile offender case records by forcing in-person access at a physical courthouse location is a bad idea. This rule change is intended to make it impossible to find a record of a juvenile court case without driving to each county to search local records. Under this proposal, even the existence of the record – **the case index** information listing each filed case (not just the documents) – would be impossible to find except via one's ability to physically visit each Clerk's office. Existing Judicial Information Systems (JIS) policy and this proposed rule change limit functional access to only those with the means to physically travel to courthouses during the business day. It would essentially deny access to those with disabilities or without resources (even people with resources would be very inconvenienced). We ask that you NOT adopt this proposal.

As custodians of the courts' records, County Clerks are experts in the laws and rules around superior court record keeping. This proposal is currently in place as an existing JIS policy without any foundation in law or court rule. The JIS policy and the proposal to convert this to a court rule, are in conflict with the long history of law and the purview of the Legislature related to restricting access to categories of court records, for instance, adoption, dependency, and involuntary commitment matters. The Washington State Legislature has historically been very careful, and very judicious about concealing court records. In fact, this rule proposal regarding juvenile offender records has been before the Legislature several times and repeatedly rejected. Proponents bring this rule to you as they did not achieve their goal in the Legislature. This rule would be a significant departure from the decisions made about hiding these records heretofore, and with the historical process of the Legislature first determining the confidential status of court documents, and the Courts then establishing procedural rules in accordance with the law.

2. The other GR 31 proposal to prevent the display of a youth's full name in a case caption is not operationally possible to implement. Using initials in the caption of a juvenile case would not allow County Clerks to perform their duties in identifying the offender with other family law, dependency, and offender matters across the state - - which we are required to do. Previous versions of GR 31 contained provisions to use initials in place of juvenile names in court records and that was found to be unworkable and edited out of GR 31. We ask that you NOT adopt this proposal.

We understand that proponents are proposing these measures to conceal the records of juveniles, as they assert them to be harmful to youth. However, please keep in mind these two things:

- ✓ Court records are not just about an offender's alleged actions – they are also **an official court record** of decisions of government officials including law enforcement, judges, prosecutors, county clerks, etc., and should not be impossible to access.
- ✓ There is already a mechanism and a very wide allowance in law to seal these juvenile court records – more so than any other court record. Unlike any other sealed case, sealed juvenile records index information is not accessible. In other words, **sealed juvenile court records are already very protected records via existing law**.

3. Regarding the proposed rule change preventing the sale of juvenile offender information to data aggregators, the County Clerks have no objection.

WSACC opposes the proposed edits as outlined in paragraphs 1 and 2 above concerning GR 31 and how information is handled within the daily operations of the court and asks that you NOT adopt those proposed edits.

Sincerely,



Kimberly A. Allen, WSACC President
and Grant County Clerk

:kaa
cc: WSACC Membership

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: WSACC Comments on proposed amendments to GR 31
Date: Monday, February 28, 2022 8:10:49 AM
Attachments: [WSACC Comments Re GR 31 amendments.pdf](#)

From: Kimberly Allen [mailto:kallen@grantcountywa.gov]
Sent: Friday, February 25, 2022 4:57 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Re: WSACC Comments on proposed amendments to GR 31

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Please accept the attached letter on behalf of the Washington State Association of County Clerks commenting on proposed amendments to GR 31.

Thank you.

Kim

Kimberly A. Allen, Grant County Clerk
P.O. Box 37
Ephrata, WA 98823

Phone: 509-754-2011 ext. 2818
Email: kallen@grantcountywa.gov

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