

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED)
AMENDMENTS TO JuCR 6.4—ADVICE ABOUT)
DIVERSION PROCESS; JuCR 7.7—STATEMENT)
OF JUVENILE ON PLEA OF GUILTY; AND CrR)
4.2—PLEAS)
_____)

ORDER

NO. 25700-A-1661

The Pattern Forms Committee, having recommended the suggested amendments to JuCR 6.4—Advice About Diversion Process; JuCR 7.7—Statement of Juvenile on Plea of Guilty; and CrR 4.2—Pleas, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2026.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2026. Comments may be sent to the following

Page 2

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO JuCR 6.4—ADVICE ABOUT
DIVERSION PROCESS; JuCR 7.7—STATEMENT OF JUVENILE ON PLEA OF GUILTY;
AND CrR 4.2—PLEAS

addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 8th day of October, 2025.

For the Court


CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET

PROPOSED AMENDMENT TO RULE JuCR 6.4, JuCR 7.7, and CrR 4.2

- 1. Proponent Organization**
Pattern Forms Committee
- 2. Spokesperson & Contact Information**
Commissioner Barb McInville
Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
bmcinva@piercecountywa.gov
- 3. Purpose of Proposed Rule Amendments**

JuCR 6.4

JuCR 6.4 has not been updated since 1999. Despite this, the legislature has made several updates to the laws regarding the juvenile diversion process. The Pattern Forms Committee maintains two “Advice about Diversion” forms, as directed by JuCR 6.4. Updates to the rule, to reflect changes in law and plain language improvements consistent with the pattern forms, are necessary. RCW 13.40.020(9) was updated by SSHB 1391, Ch. 140, 69th Leg. Laws of 2025 (effective July 27, 2025). SSHB 1391 outlined that a criminal complaint diverted by a prosecutor will no longer be considered part of the respondent’s criminal history, nor will successfully-completed diversions. Language in the advice about diversion forms that concerns criminal history as a consequence of the diversion needs to be removed. A former provision of RCW 13.40.265 permitted the diversion unit to notify the department of licensing (DOL) of diverted traffic infractions. SHB 2906, Ch. 136, 64th Leg., Laws of 2016, struck this provision in its entirety. Removal of notification to DOL in the rule is needed. “Community service” has been updated to “community restitution” throughout, consistent with RCW 13.40.020(4). Additional requirements a diversion agreement may include under RCW 13.40.080(2) have been added. Additional plain language updates to the rule are also suggested.

JuCR 7.7

Changes were made to the Statement of Juvenile on Plea of Guilty to: (1) include the addition of every misdemeanor and gross misdemeanor that can result in a loss of firearm rights under RCW 9.41.040(2)(D); (2) address changes made by RCW 9.41.041(3) clarifying where restoration of gun rights can occur; (3) update the instructions in 12 to “Notification relating to specific crimes: if any of the following paragraphs apply, the box should be checked and the paragraph initialed by the Respondent,” this language and process is similar to that required by CrRLJ 4.2 and the corresponding form; and (4) in 15, add “the defense attorney” to the list of who will make recommendations to the judge.

CrR 4.2

Changes were made to the Statement of Defendant on plea of Guilty (non-sex and sex) to address changes to the forms made by RCW 9.41.041(3), to clarify where restoration of gun rights can occur, and in RCW 9A.40.100(7), added information about trafficking

offense fines. Also, a section was added to indicate whether the prosecuting attorney's recommendation is an agreement of the parties based on user comment.

4. Is a Public Hearing Recommended?

No. Several substantive legal changes are required by statute.

5. Is Expedited Consideration Requested?

Yes. The forms included have been updated because of changes in law that were effective July 27, 2025. In addition, we request that the rules not be published for comment. The Pattern Forms Committee is a multi-stakeholder group, including judicial officers, prosecutors, defense attorneys, court administrators, and other court staff. The proposals have already been vetted by representatives of those groups.

Attachments:

JuCR 6.4 – Advice About Diversion Process_redline

JuCR 7.7 – Statement of Juvenile on Plea of Guilty_redline

CrR4.2(g) – Statement of Defendant on Plea of Guilty to Non-Sex Offense_redline

CrR4.2(g) – Statement of Defendant on Plea of Guilty to Sex Offense_redline

**SUGGESTED AMENDMENTS TO
JuCR 6.4
ADVICE ABOUT DIVERSION PROCESS**

(a) Advice When Confinement Possible. A juvenile alleged to have committed an offense for which an adult could be confined shall be given a copy of a statement in substantially the following form during the initial interview with a diversion unit. The statement shall also be read by, or read to, the juvenile before the juvenile signs the statement.

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with an offense. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. A diversion agreement may require you to do certain things, such as community restitution service, attend a counseling, informational, restorative justice, or educational sessions interview, ~~or make pay~~ restitution, requirements to attend school, observe home curfews, abide by restrictions to certain geographical locations, and refrain from any contact with victims or witnesses of the offense; but you cannot be sent to jail. Under certain circumstances you may be counseled and released, which means no further action will be required of you.

3. If you ~~sign a diversion agreement, or if you are counseled and released, the offense with which you are charged~~ with and ~~any diversion agreement~~ will be part of your criminal history. ~~When you have a~~ Your criminal history may result in; (A) future or other offenses not being handled by diversion or deferred disposition; ~~you may not necessarily be permitted to participate in diversion for other offenses you have committed or may commit in the future~~; and (B) future or other offenses resulting in more serious consequences ~~you may be given a longer sentence for other offenses you have committed or may commit in the future~~.

4. ~~Your criminal history for this offense will show whether or not you have completed the terms of this diversion agreement.~~

~~54.~~ Your criminal history may be available to the police, the prosecutor, the court, and the diversion unit.

~~65.~~ If you do not follow the diversion agreement, the prosecutor may bring you to a hearing for the offenses with which you are charged. If you do not appear at the court hearing, the court may order that you be arrested.

~~76.~~ You may ask the court to seal your file on your current offense(s) if you spend two continuous years in the community from the date you complete the terms of your diversion agreement without committing any offense or crime that results in conviction or diversion. ~~When you are 18 years old, you may ask the court to destroy all records on this offense if your criminal history consists of only one diversion and 2 years have passed since you completed the diversion agreement.~~

~~87.~~ You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. A lawyer can review the police reports, explain your rights, and explain the law. If you do not believe you committed this offense, you should talk to a lawyer.

98. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement, but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

109. You do not have to participate in diversion. If you choose ~~do not to~~ participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can have a lawyer to represent you, and you will not have to pay for the lawyer if you cannot afford it. ~~If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.~~

~~11. I have been informed and fully understand that if the offense for which I have entered into a diversion agreement is a violation of RCW 66.44, 69.41, 69.50, or 69.52, and I was 13 years of age or older when the offense was committed, the diversion agreement will result in the suspension or revocation of my privilege to drive. (If not applicable, this paragraph should be crossed out and initialed by the offender.)~~

~~12. I have been informed and fully understand that if I am enrolled in a common school, the court will notify the principal of my diversion agreement if the offense for which I am entering into a diversion agreement is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.84A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW. (If not applicable, this paragraph should be crossed out and initialed by the offender.)~~

~~13~~10. I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____

Parent or Guardian (optional) _____ Juvenile _____

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

Representative of Diversion Unit

If applicable:

I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated _____
this _____ day of _____, 19____, at _____, Washington.

Interpreter

(b) Advice When No Confinement Possible. A juvenile alleged to have committed a traffic infraction or an offense for which an adult could not be confined shall be given a copy of a statement in substantially the following form during the initial interview with a diversion unit.

The statement shall also be read by, or read to, the juvenile before the juvenile signs the statement.

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with an offense. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. If you are alleged to have committed a traffic infraction, a diversion agreement requires you to do community restitution service or attend educational or counseling sessions. If you are alleged to have committed some other offense, a diversion agreement may require you to do certain things, such as: community restitution service, attend a counseling, informational, restorative justice, or educational sessions interview, or make pay restitution, requirements to attend school, observe home curfews, abide by restrictions to certain geographical locations, and refrain from any contact with victims or witnesses of the offense; but you cannot be sent to jail. Under certain circumstances you may be counseled and released, which means no further action will be required of you.

3. If you do not follow the diversion agreement, the prosecutor may bring you to a hearing for the offenses with which you are charged. If you do not appear at the court hearing, the court may order that you be arrested.

4. You may ask the court to seal your file on your current offense(s) if you spend 2 continuous years in the community from the date you complete the terms of your diversion agreement without committing any offense or crime that results in conviction or diversion. When you are 18 years old, you may ask the court to destroy all records on this offense if your criminal history consists of only one diversion and 2 years have passed since you completed the diversion agreement.

5. You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. If you do not believe you committed this offense, you should talk to a lawyer.

6. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

7. You do not have to participate in diversion. If you choose ~~do not~~ to participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can talk to a lawyer but you may have to pay for it. If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.

~~8. If you are charged with a traffic infraction and agree to diversion, the diversion unit may notify the Department of Licensing. This may affect your driving privileges.~~

98. I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated _____

Dated _____

Parent or Guardian (optional)

Juvenile

The above statement was read to the juvenile and signed by the juvenile on the date indicated.

Representative of Diversion Unit

If applicable:

I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated _____

this _____ day of _____, 19____, at _____, Washington.

Interpreter

[Adopted effective July 1, 1978; Amended effective September 1, 1987; September 1, 1999.]

SUGGESTED AMENDMENTS TO
JuCR 7.7
STATEMENT OF JUVENILE ON PLEA OF GUILTY

A written statement of juvenile on a plea of guilty shall be filed in substantially the following form:

Superior Court of Washington, County of _____	
Juvenile Court	
State of Washington v. _____ Respondent	No: _____ Statement on Plea of Guilty (STJOPG)

1. – 11. [Unchanged.]

12. *NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND THE BOX SHOULD BE CHECKED AND THE PARAGRAPH INITIALED BY THE RESPONDENT DEFENDANT AND THE JUDGE.*

- _____ ☐ [A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE: [Unchanged.]
- _____ ☐ [B] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: [Unchanged.]
- _____ ☐ [C] DNA TESTING: [Unchanged.]
- _____ ☐ [D] SCHOOL NOTIFICATION: [Unchanged.]
- _____ ☐ [E] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: [Unchanged.]
- _____ ☐ [F] MANDATORY MINIMUM SENTENCE: [Unchanged.]
- _____ ☐ [G] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO THE OFFENDER]: I have been informed that if I am pleading guilty to any offense that is classified as: (1) a felony; or (2) any of the following crimes when committed by 1 family or household member against another or by 1 intimate partner against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; or (3) harassment committed by 1 family or household member against another or by 1 intimate partner against another, committed on or after June 7, 2018; or (4) the following misdemeanor or gross misdemeanor crime(s) committed on or after July 23, 2023: domestic violence (RCW 10.99.020) stalking; cyberstalking; cyber harassment, excluding when committed solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i); harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful carrying or handling of a firearm 2 (RCW 9.41.270); animal cruelty in the second degree committed under RCW 16.52.207(1); or, any "prior

offense” involving impaired driving as defined in RCW 46.61.5055(14) if committed within seven years of a conviction for any other prior offense for impaired driving under RCW 46.61.5055; or (5) a violation of the provisions of an order to surrender and prohibit weapons, an extreme risk protection order, or the provisions of any other protection order or no contact order restraining the person or excluding the person from a residence, committed on or after, July 23, 2023, that I may not possess, own, or have under my control any firearm and, under federal law, any firearm or ammunition, unless my firearm rights are right to do so has been restored by the court in which I am adjudicated ~~or the superior court in Washington state where I live,~~ and by a federal court if required.

_____ ☐ [H] FIREARMS POSSESSION OR COMMISSION WHILE ARMED: [Unchanged.]

_____ ☐ [I] FELONY FIREARM OFFENDER REGISTRATION: [Unchanged.]

13. – 14. [Unchanged.]

15. Although the judge will consider recommendations of the prosecuting attorney, and the probation officer, and the defense attorney, the judge may impose any sentence that they feel is appropriate, up to the maximum allowed by law.

16. – 20. [Unchanged.]

SUGGESTED AMENDMENTS TO

CrR 4.2 PLEAS

(a) – (f) [Unchanged.]

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

Superior Court of Washington for _____

<u>State of Washington</u> Plaintiff v. _____ Defendant	No. _____ Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)
---	---

1. - 5. [Unchanged.]

6. In Considering the Consequences of My Guilty Plea, I Understand That:

(a) – (i) [Unchanged.]

(j) The prosecuting attorney will make the following recommendation to the judge, the recommendation is ☐ agreed ☐ not agreed:

☐ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(k) – (l) [Unchanged.]

(m) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my firearm rights are right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(n) – (qq) [Unchanged.]

____ (rr) If I am pleading guilty to a trafficking offense or a reduced charge as part of a plea bargain the court will impose a \$10,000 fine, 2/3 of which may be waived if I am found indigent.

7. – 12. [Unchanged.]

Superior Court of Washington for _____

State of Washington _____ Plaintiff v. _____ Defendant	No. Statement of Defendant on Plea of Guilty to Sex Offense (Felony) (STTDFG)
---	--

1. – 5. [Unchanged.]

6. In Considering the Consequences of My Guilty Plea, I Understand That:

(a) – (i) [Unchanged.]

(j) The prosecuting attorney will make the following recommendation to the judge, the recommendation is ☐ agreed ☐ not agreed:

☐ The prosecutor will recommend, as stated in the plea agreement, which is incorporated by reference.

(k) – (l) [Unchanged.]

(m) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my firearm rights are right to do so is restored by the court in which I am convicted ~~or the superior court in Washington State where I live~~, and by a federal court if required. I must immediately surrender any concealed pistol license.

(n) – (hh) [Unchanged.]

_____ (ii) If I am pleading guilty to a trafficking offense or a reduced charge as part of a plea bargain the court will impose a \$10,000 fine, 2/3 of which may be waived if I am found indigent.

7. – 12. [Unchanged.]
