

SUPERIOR COURT OF WASHINGTON COUNTY OF _____ JUVENILE COURT	
STATE OF WASHINGTON	
v.	
_____	Respondent.
D.O.B.: _____	

No:

Order Re: Sealing Records of Juvenile Offender

Sealing Granted (ORSF)
 Sealing Denied (ORSFD)

Clerk's Action: Section III. Order

I. Basis

- 1.1 THIS MATTER came before the court on (choose one):
 - Motion to seal records under RCW 13.50.260:** Respondent's motion to vacate and seal records of juvenile offender pursuant to RCW 13.50.260.
 - Administrative Sealing under RCW 13.50.260 or 13.40.127:** Administrative sealing of juvenile records pursuant to regular statutory administrative sealing of a qualified disposition order entered after June 11, 2014 (chapter 13.50 RCW), or vacated deferred disposition dismissed and vacated after June 6, 2012 (RCW 13.40.127).
 - Acquittal or Dismissal of Charges under RCW 13.50.260:** Sealing of juvenile records pursuant to acquittal of charges in the case, or dismissal of charges with prejudice, other than a dismissal of a deferred disposition under RCW 13.40.127, and subject to the state's right, if any, to appeal the dismissal. (RCW 13.50.260).
 - Re-Sealing Post Nullification under RCW 13.50.260:** Sealing of juvenile records previously nullified by subsequent adjudication and disposition in a different case number, but for which the Respondent requests resealing (RCW 13.50.260).
 - Motion to Seal Records under GR 15:** Respondent's motion to seal records of juvenile offender pursuant to GR 15.
- 1.2 The court heard the matter with without oral argument and considered the pleadings submitted on the matter and the relevant court records.

II. Findings

2.1 **Motion to seal records pursuant to RCW 13.50.260:**

Notice of motion: Adequate notice was was not given to the appropriate parties and agencies; and,

Satisfaction of motion requirements: Respondent has

satisfied the requirements of RCW 13.50.260 and is entitled to have sealed the official juvenile court record, the social file, and the records of the court and of any other agency in the case.

not satisfied the requirements of RCW 13.50.260 and is not entitled to have sealed the official juvenile court record, the social file, and the records of the court and of any other agency in the case.

2.2 **Administrative sealing under RCW 13.50.260 or 13.40.127:**

Deferred disposition vacated after June 6, 2012: The deferred disposition was dismissed and vacated after June 6, 2012. The Respondent is entitled to have the files and records in this case sealed under RCW 13.40.127.

Regular statutory administrative sealing: A disposition in this case was entered after June 11, 2014, and at the time of disposition, an administrative sealing hearing was set for today. The court has reviewed and taken judicial notice of the files and records as well as any sworn testimony by a juvenile department representative and finds as follows:

Entitled to administratively seal: All three of the following are established.

(1) The disposition in this case did not involve a most serious offense as defined in RCW 9.94A.030, a sex offense under chapter 9A.44 RCW, or a felony drug offense as defined in RCW 9.94A.030 (other than possession under RCW 69.50.3013 and forged prescription under RCW 69.50.4013);

(2) Respondent is at least 18 years of age at this time and is no longer subject to community supervision, or is at the end of commitment and parole, if commitment to a juvenile rehabilitation facility was imposed in this case; and,

(3) Respondent has paid in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage.

The case qualifies for administrative sealing at this time and shall be sealed.

Not entitled to administratively seal as supervision has not ended (RESET):

The Respondent is not entitled to have the files and records in this case administratively sealed pursuant to RCW 13.50.260 because the Respondent remains on supervision/parole in this case. The matter shall be continued to a date within 30 days following the anticipated end date of Respondent's supervision/parole. At that time, the case will be eligible for reconsideration of eligibility for administrative sealing unless Respondent remains on supervision/parole, in which case the matter shall be continued

again in anticipation of the end of supervision/parole. The matter shall be reset for another administrative sealing hearing to determine eligibility.

Not entitled to administratively seal due to a failure to pay restitution to an individual:

The Respondent is no longer on supervision in this case, however, the Respondent is not entitled to administrative sealing of the files and records in this case because Respondent failed to pay in full the amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage. The administrative sealing shall be denied at this time.

Within five (5) days of entry of this order denying the administrative sealing, the juvenile court department staff shall notify the Respondent of the denial by providing a copy in person or in writing, mailed to Respondent's last known address in the Department of Licensing database or the Respondent's address as provided to the court, whichever is more recent.

THE FOLLOWING NOTICE AND DIRECTIVE IS PROVIDED TO THE RESPONDENT:

(A) At this time, the remaining amount of restitution to the individual victim(s) in this case, not including amounts due to public or private entities providing insurance coverage or health care coverage, is:

\$ _____.

(B) Anytime following entry of this order, the Respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution amount specified in (A) above, and request an administrative sealing of the case. Upon verification of the payment and satisfaction of the amount due, the juvenile court department shall prepare, circulate for signatures, and enter an order with the court clerk sealing the records in this case. The Respondent may request a hearing in the event an order sealing the case is not entered as specified after proof of payment. In addition, nothing shall prevent Respondent from pursuing sealing of this or any other matter by motion under the terms of RCW 13.40.260 or GR 15.

Not entitled to administratively seal due to offenses entered at disposition:

One or more of the offenses entered at disposition in this case involved: (i) a most serious offense as defined in RCW 9.94A.030; (ii) a sex offense under chapter 9A.44 RCW; or (iii) a felony drug offense as defined in RCW 9.94A.030 (other than possession under RCW 69.50.3013 and forged prescription under RCW 69.50.4013). Pursuant to RCW 13.50.260(1)(c), no administrative sealing shall occur, and the sealing shall be denied at this time. Nothing shall prevent Respondent from pursuing sealing of this or any other matter by motion under the terms of RCW 13.50.260 or GR 15.

2.3 **Acquittal or dismissal of charges under RCW 13.50.260:**

The Respondent is entitled to sealing of juvenile records based on acquittal of

charges in the case or dismissal of charges, other than a dismissal of a deferred disposition under RCW 13.40.127, and subject to the state's right, if any, to appeal the dismissal.

2.4 **Resealing post nullification under RCW 13.50.260:**

This case was previously sealed and then the sealing order was nullified after adjudication in subsequent case number _____-8-_____. Since nullification, there has been a disposition in the subsequent case number. Now, this case does qualify does not qualify for sealing by statute. Resealing in this case is appropriate inappropriate (RCW 13.50.260).

2.5 **Motion to seal records under GR 15:**

Compelling privacy or safety concerns that outweigh the public interest in access to the court records have have not been found. In addition, the court finds as follows:

III. Order

Based on the above findings, it is hereby ordered:

Sealing Denied (ORSFD): The files and records in this case shall not be sealed.

Administrative Sealing Hearing Continued Due to Active Supervision (ORSFD):

Because the Respondent remains on active supervision/parole, the administrative sealing cannot be granted at this time. However, the case shall be continued to a date within 30 days of the anticipated end of supervision/parole. The matter is therefore continued to:

(Date) _____ at _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address _____

_____ for an administrative sealing hearing, at which time the court will consider eligibility for administrative sealing under RCW 13.50.260.

Sealing Granted (ORSF): The files and records in this case shall be sealed as follows:

Pursuant to RCW 13.50.260 or RCW 13.40.127:

The court grants the motion to seal pursuant to RCW 13.50.260 or RCW 13.40.127, as applicable, including any administrative review required by statute. Pursuant to this order:

1. With the exception of identifying information specified in RCW 13.50.050(13), the official juvenile court record, the social file, and other records relating to the case as are named are sealed;
2. The proceedings in the case shall be treated as if they never occurred and the subject of the records may reply accordingly to any inquiry about the events, the records of which are sealed. However, county clerks may interact or correspond

with the Respondent, Respondent's parents, restitution recipients, and any holders of potential assets or wages of the Respondent for the purposes of collecting any outstanding legal financial obligations, even after juvenile court records have been sealed;

3. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual;
4. Inspection of the files and records included in this order may only be permitted by order of the court and upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13);
5. Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying this order. However, the court may order this case resealed upon disposition of the subsequent matter if this case meets the sealing criteria under RCW 13.50.260 and this case has not previously been resealed;
6. Any charging of an adult felony subsequent to this order has the effect of nullifying this order.

Pursuant to GR 15: The court grants the motion to seal pursuant to GR 15. The files and records in this case are sealed for a period not to exceed the following time period:

_____, and
the clerk of the court is ordered to seal the entire court file and to secure it from public access.

Dated: _____

Judge/Commissioner

Submitted by:

 Deputy Prosecuting Attorney/WSBA No.

Attorney for Respondent/WSBA No.

Approved as to form by:

 Deputy Prosecuting Attorney/WSBA No.

Attorney for Respondent/WSBA No.