

## Fact Sheet: Sealing of Records – Juveniles

# SOPB

Washington Sex Offender Policy Board

Courts hold regularly scheduled sealing hearings to administratively seal individuals' juvenile offender court records pursuant to RCW 13.50.260. At the juvenile offender's disposition hearing, the court shall schedule the sealing for the first regularly scheduled sealing hearing date after the latest of the following events take place:

- Juvenile offender's eighteenth birthday;
- Anticipated completion of probation if ordered; or
- Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

A contested hearing will be scheduled no sooner than 18 days after notice of hearing and the opportunity to object is sent to the juvenile, the juvenile's attorney, and the victim. Following a contested sealing hearing, the court shall enter an order sealing the juvenile offender's court record unless the court determines the sealing is not appropriate. The social file may still be available to any juvenile justice or care agency with an investigation or open case involving the juvenile.

The court shall enter an order sealing a juvenile offender's court record if:

- At the time of the offense it was not:
  - A most serious offense as defined in RCW 9.94A.030;
  - A sex offense under chapter 9A.44 RCW;
  - A drug offense as defined in RCW 9.94A.030; and
- The juvenile offender has completed the terms and conditions of disposition, including affirmative conditions, and has fully paid restitution to the victim named in the restitution order, excluding what is owed to any insurance provider authorized under Title 48 RCW.

### **Alternative Sealing Process**

If a juvenile offender court record is not subject to the regularly scheduled sealing process but an information was filed pursuant to RCW 13.40.100 or a complaint was filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the juvenile may file a motion with the court to vacate the order and findings and to seal

the official juvenile court file, the social file, and records of the court and of any other agency in the case.

**Which court does the offender petition and who does the offender serve notice to?**

The offender shall submit the petition to the court which adjudicated the offense. Notice must be given to the prosecution and to any person or agency whose records are sought to be sealed.

**What kind of forms are available for use to petition the court?**

Pattern forms for sealing juvenile court records are located at [www.courts.wa.gov](http://www.courts.wa.gov) under “Forms”.

**What conditions must be fulfilled for the court to grant a motion to seal records?**

Type of Offense	Time since last date of release from confinement*	Other Requirements
Class A offense (except for rape in the first degree, rape in the second degree, or indecent liberties with forcible compulsion – these offenses are not eligible for sealing)	Five consecutive years in the community without committing a crime.	No longer required to register as a sex offender or has been relieved of the duty to register;  No criminal proceeding pending;  Full victim restitution, if any, was paid.
Class B, Class C, Gross Misdemeanor, Misdemeanor, and diversions	Two consecutive years in the community without committing a crime.	No longer required to register as a sex offender or has been relieved of the duty to register;  No criminal proceeding pending;  Full victim restitution, if any, was paid.
Deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012	None specified.	Person is eighteen or older;  Restitution, if any, was paid.

\*Confinement includes full-time residential treatment, or entry of disposition, or completion of the diversion agreement.