
HOUSE BILL 1228

State of Washington

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By Representatives Jones, Miller, Riley, Vance, Kessler, Basich,
Karahalios and Leonard

Read first time 01/20/93. Referred to Committee on Human Services.

1 AN ACT Relating to the definition of a juvenile justice or care
2 agency; and amending RCW 13.50.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.50.010 and 1990 c 246 s 8 are each amended to read
5 as follows:

6 (1) For purposes of this chapter:

7 (a) "Juvenile justice or care agency" means any of the following:
8 Police, diversion units, court, prosecuting attorney, defense attorney,
9 detention center, attorney general, the department of social and health
10 services and its contracting agencies, schools, and persons or public
11 or private agencies having children committed to their custody;

12 (b) "Official juvenile court file" means the legal file of the
13 juvenile court containing the petition or information, motions,
14 memorandums, briefs, findings of the court, and court orders;

15 (c) "Social file" means the juvenile court file containing the
16 records and reports of the probation counselor;

17 (d) "Records" means the official juvenile court file, the social
18 file, and records of any other juvenile justice or care agency in the
19 case.

1 (2) Each petition or information filed with the court may include
2 only one juvenile and each petition or information shall be filed under
3 a separate docket number. The social file shall be filed separately
4 from the official juvenile court file.

5 (3) It is the duty of any juvenile justice or care agency to
6 maintain accurate records. To this end:

7 (a) The agency may never knowingly record inaccurate information.
8 Any information in records maintained by the department of social and
9 health services relating to a petition filed pursuant to chapter 13.34
10 RCW that is found by the court, upon proof presented, to be false or
11 inaccurate shall be corrected or expunged from such records by the
12 agency;

13 (b) An agency shall take reasonable steps to insure the security of
14 its records and prevent tampering with them; and

15 (c) An agency shall make reasonable efforts to insure the
16 completeness of its records, including action taken by other agencies
17 with respect to matters in its files.

18 (4) Each juvenile justice or care agency shall implement procedures
19 consistent with the provisions of this chapter to facilitate inquiries
20 concerning records.

21 (5) Any person who has reasonable cause to believe information
22 concerning that person is included in the records of a juvenile justice
23 or care agency and who has been denied access to those records by the
24 agency may make a motion to the court for an order authorizing that
25 person to inspect the juvenile justice or care agency record concerning
26 that person. The court shall grant the motion to examine records
27 unless it finds that in the interests of justice or in the best
28 interests of the juvenile the records or parts of them should remain
29 confidential.

30 (6) A juvenile, or his or her parents, or any person who has
31 reasonable cause to believe information concerning that person is
32 included in the records of a juvenile justice or care agency may make
33 a motion to the court challenging the accuracy of any information
34 concerning the moving party in the record or challenging the continued
35 possession of the record by the agency. If the court grants the
36 motion, it shall order the record or information to be corrected or
37 destroyed.

38 (7) The person making a motion under subsection (5) or (6) of this
39 section shall give reasonable notice of the motion to all parties to

1 the original action and to any agency whose records will be affected by
2 the motion.

3 (8) The court may permit inspection of records by, or release of
4 information to, any clinic, hospital, or agency which has the subject
5 person under care or treatment, or to individuals or agencies engaged
6 in legitimate research for educational, scientific, or public purposes.
7 The court may also permit inspection of, or release of information
8 from, records which have been sealed pursuant to RCW 13.50.050(11).
9 Access to records or information for research purposes shall be
10 permitted only if the anonymity of all persons mentioned in the records
11 or information will be preserved. Each person granted permission to
12 inspect juvenile justice or care agency records for research purposes
13 shall present a notarized statement to the court stating that the names
14 of juveniles and parents will remain confidential.

15 (9) Juvenile detention facilities shall release records to the
16 juvenile disposition standards commission under RCW 13.40.025 upon
17 request. The commission shall not disclose the names of any juveniles
18 or parents mentioned in the records without the named individual's
19 written permission.

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