

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1238

Chapter 440, Laws of 2009

61st Legislature
2009 Regular Session

JUVENILE CASE RECORDS ACCESS--RESEARCH--PUBLIC DEFENSE

EFFECTIVE DATE: 07/26/09

Passed by the House February 23, 2009
Yeas 76 Nays 21

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 25, 2009
Yeas 44 Nays 1

BRAD OWEN

President of the Senate

Approved May 11, 2009, 2:52 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1238** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 11, 2009

**Secretary of State
State of Washington**

HOUSE BILL 1238

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Appleton, Goodman, and Rodne; by request of Board For Judicial Administration

Read first time 01/15/09. Referred to Committee on Judiciary.

1 AN ACT Relating to access to juvenile case records for the
2 Washington state center for court research and the Washington office of
3 public defense; and amending RCW 13.50.010.

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

5 **Sec. 1.** RCW 13.50.010 and 1998 c 269 s 4 are each amended to read
6 as follows:

7 (1) For purposes of this chapter:

8 (a) "Juvenile justice or care agency" means any of the following:
9 Police, diversion units, court, prosecuting attorney, defense attorney,
10 detention center, attorney general, the legislative children's
11 oversight committee, the office of (~~the~~) the family and children's
12 ombudsman, the department of social and health services and its
13 contracting agencies, schools; persons or public or private agencies
14 having children committed to their custody; and any placement oversight
15 committee created under RCW 72.05.415;

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

1 (c) "Records" means the official juvenile court file, the social
2 file, and records of any other juvenile justice or care agency in the
3 case;

4 (d) "Social file" means the juvenile court file containing the
5 records and reports of the probation counselor.

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

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

12 (a) The agency may never knowingly record inaccurate information.
13 Any information in records maintained by the department of social and
14 health services relating to a petition filed pursuant to chapter 13.34
15 RCW that is found by the court to be false or inaccurate shall be
16 corrected or expunged from such records by the agency;

17 (b) An agency shall take reasonable steps to assure the security of
18 its records and prevent tampering with them; and

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

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

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

34 (6) A juvenile, or his or her parents, or any person who has
35 reasonable cause to believe information concerning that person is
36 included in the records of a juvenile justice or care agency may make
37 a motion to the court challenging the accuracy of any information
38 concerning the moving party in the record or challenging the continued

1 possession of the record by the agency. If the court grants the
2 motion, it shall order the record or information to be corrected or
3 destroyed.

4 (7) The person making a motion under subsection (5) or (6) of this
5 section shall give reasonable notice of the motion to all parties to
6 the original action and to any agency whose records will be affected by
7 the motion.

8 (8) The court may permit inspection of records by, or release of
9 information to, any clinic, hospital, or agency which has the subject
10 person under care or treatment. The court may also permit inspection
11 by or release to individuals or agencies, including juvenile justice
12 advisory committees of county law and justice councils, engaged in
13 legitimate research for educational, scientific, or public purposes.
14 The court may also permit inspection of, or release of information
15 from, records which have been sealed pursuant to RCW 13.50.050(~~((11))~~)
16 (12). The court shall release to the sentencing guidelines commission
17 records needed for its research and data-gathering functions under RCW
18 9.94A.850 and other statutes. Access to records or information for
19 research purposes shall be permitted only if the anonymity of all
20 persons mentioned in the records or information will be preserved.
21 Each person granted permission to inspect juvenile justice or care
22 agency records for research purposes shall present a notarized
23 statement to the court stating that the names of juveniles and parents
24 will remain confidential.

25 (9) Juvenile detention facilities shall release records to the
26 sentencing guidelines commission under RCW 9.94A.850 upon request. The
27 commission shall not disclose the names of any juveniles or parents
28 mentioned in the records without the named individual's written
29 permission.

30 (10) Requirements in this chapter relating to the court's authority
31 to compel disclosure shall not apply to the legislative children's
32 oversight committee or the office of the family and children's
33 ombudsman.

34 (11) For the purpose of research only, the administrative office of
35 the courts shall maintain an electronic research copy of all records in
36 the judicial information system related to juveniles. Access to the
37 research copy is restricted to the Washington state center for court
38 research. The Washington state center for court research shall

1 maintain the confidentiality of all confidential records and shall
2 preserve the anonymity of all persons identified in the research copy.
3 The research copy may not be subject to any records retention schedule
4 and must include records destroyed or removed from the judicial
5 information system pursuant to RCW 13.50.050 (17) and (18) and
6 13.50.100(3).

7 (12) The court shall release to the Washington state office of
8 public defense records needed to implement the agency's oversight,
9 technical assistance, and other functions as required by RCW 2.70.020.
10 Access to the records used as a basis for oversight, technical
11 assistance, or other agency functions is restricted to the Washington
12 state office of public defense. The Washington state office of public
13 defense shall maintain the confidentiality of all confidential
14 information included in the records.

Passed by the House February 23, 2009.

Passed by the Senate April 25, 2009.

Approved by the Governor May 11, 2009.

Filed in Office of Secretary of State May 11, 2009.