
HOUSE BILL 1524

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Roberts, Clibborn, Goodman, Maxwell, Kagi, Orwall, Appleton, Ryu, Ormsby, Jinkins, Fey, and Bergquist

Read first time 01/29/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to juvenile mental health diversion and disposition
2 strategies; amending RCW 13.40.070, 13.40.080, and 13.40.127;
3 reenacting and amending RCW 10.31.110; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the large number
6 of youth involved in the juvenile justice system with mental health
7 challenges is of significant concern. Access to effective treatment is
8 critical to the successful treatment of youth in the early stages of
9 their contact with the juvenile justice system. Such access may
10 prevent further involvement in the system after an initial contact or
11 assist a youth in avoiding any further contact with the juvenile
12 justice system altogether. There is growing evidence that mental
13 health diversion strategies, in particular, are effective in connecting
14 youth with needed treatment and preventing additional offending
15 behaviors. These strategies allow a continuum of opportunities for
16 connecting youth who may be facing a mental illness or disorder to
17 community mental health services at multiple decision points, such as
18 law enforcement diversion, prosecutor diversion, court-based diversion,
19 and court disposition. The effective use of these strategies can

1 result not only in significant cost savings for the juvenile justice
2 system, but can create the benefit of improved lives of the youth who
3 face mental health challenges and barriers.

4 **Sec. 2.** RCW 10.31.110 and 2011 c 305 s 7 and 2011 c 148 s 3 are
5 each reenacted and amended to read as follows:

6 (1) When a police officer has reasonable cause to believe that the
7 individual has committed acts constituting a nonfelony crime that is
8 not a serious offense as identified in RCW 10.77.092 and the officer
9 believes that the individual (~~(is known by history or consultation with~~
10 ~~the regional support network to))~~ suffers from a mental disorder, the
11 arresting officer may:

12 (a) Take the individual to a crisis stabilization unit as defined
13 in RCW 71.05.020(6). Individuals delivered to a crisis stabilization
14 unit pursuant to this section may be held by the facility for a period
15 of up to twelve hours. The individual must be examined by a mental
16 health professional within three hours of arrival;

17 (b) Take the individual to a triage facility as defined in RCW
18 71.05.020 if the facility has been identified as a diversion point by
19 agreement of the prosecutor, law enforcement, and the mental health
20 provider. An individual delivered to a triage facility which has
21 elected to operate as an involuntary facility may be held up to a
22 period of twelve hours. The individual must be examined by a mental
23 health professional within three hours of arrival;

24 (c) Take the individual to an evaluation and treatment facility as
25 defined in RCW 71.05.020 if the facility has been identified as a
26 diversion point by agreement of the prosecutor, law enforcement, and
27 the mental health provider;

28 (d) Refer the individual to a mental health professional for
29 evaluation for initial detention and proceeding under chapter 71.05
30 RCW; (~~or~~

31 ~~(d))~~ (e) Release the individual upon agreement to voluntary
32 participation in outpatient treatment; or

33 (f) Take the individual to a location or program identified by
34 agreement of the prosecutor and law enforcement.

35 (2) If the individual is released to the community, the mental
36 health provider shall inform the arresting officer of the release

1 within a reasonable period of time after the release if the arresting
2 officer has specifically requested notification and provided contact
3 information to the provider.

4 (3) In deciding whether to refer the individual to treatment under
5 this section, the police officer shall be guided by standards mutually
6 agreed upon with the prosecuting authority, which address, at a
7 minimum, the length, seriousness, and recency of the known criminal
8 history of the individual, the mental health history of the individual,
9 where available, and the circumstances surrounding the commission of
10 the alleged offense.

11 (4) Any agreement to participate in treatment shall not require
12 individuals to stipulate to any of the alleged facts regarding the
13 criminal activity as a prerequisite to participation in a mental health
14 treatment alternative. The agreement is inadmissible in any criminal
15 or civil proceeding. The agreement does not create immunity from
16 prosecution for the alleged criminal activity.

17 (5) If an individual violates such agreement and the mental health
18 treatment alternative is no longer appropriate:

19 (a) The mental health provider shall inform the referring law
20 enforcement agency of the violation; and

21 (b) The original charges may be filed or referred to the
22 prosecutor, as appropriate, and the matter may proceed accordingly.

23 (6) The police officer is immune from liability for any good faith
24 conduct under this section.

25 **Sec. 3.** RCW 13.40.070 and 2010 c 289 s 7 are each amended to read
26 as follows:

27 (1) Complaints referred to the juvenile court alleging the
28 commission of an offense shall be referred directly to the prosecutor.
29 The prosecutor, upon receipt of a complaint, shall screen the complaint
30 to determine whether:

31 (a) The alleged facts bring the case within the jurisdiction of the
32 court; and

33 (b) On a basis of available evidence there is probable cause to
34 believe that the juvenile did commit the offense.

35 (2) If the identical alleged acts constitute an offense under both
36 the law of this state and an ordinance of any city or county of this

1 state, state law shall govern the prosecutor's screening and charging
2 decision for both filed and diverted cases.

3 (3) If the requirements of subsections (1)(a) and (b) of this
4 section are met, the prosecutor shall either file an information in
5 juvenile court or divert the case, as set forth in subsections (5),
6 (6), and (8) of this section. If the prosecutor finds that the
7 requirements of subsection (1)(a) and (b) of this section are not met,
8 the prosecutor shall maintain a record, for one year, of such decision
9 and the reasons therefor. In lieu of filing an information or
10 diverting an offense a prosecutor may file a motion to modify community
11 supervision where such offense constitutes a violation of community
12 supervision.

13 (4) An information shall be a plain, concise, and definite written
14 statement of the essential facts constituting the offense charged. It
15 shall be signed by the prosecuting attorney and conform to chapter
16 10.37 RCW.

17 (5) Except as provided in RCW 13.40.213 and subsection (7) of this
18 section, where a case is legally sufficient, the prosecutor shall file
19 an information with the juvenile court if:

20 (a) An alleged offender is accused of a class A felony, a class B
21 felony, an attempt to commit a class B felony, a class C felony listed
22 in RCW 9.94A.411(2) as a crime against persons or listed in RCW
23 9A.46.060 as a crime of harassment, or a class C felony that is a
24 violation of RCW 9.41.080 or 9.41.040(2)(a)(iii); or

25 (b) An alleged offender is accused of a felony and has a criminal
26 history of any felony, or at least two gross misdemeanors, or at least
27 two misdemeanors; or

28 (c) An alleged offender has previously been committed to the
29 department; or

30 (d) An alleged offender has been referred by a diversion unit for
31 prosecution or desires prosecution instead of diversion; or

32 (e) An alleged offender has (~~two~~) three or more diversion
33 agreements on the alleged offender's criminal history; or

34 (f) A special allegation has been filed that the offender or an
35 accomplice was armed with a firearm when the offense was committed.

36 (6) Where a case is legally sufficient the prosecutor shall divert
37 the case if the alleged offense is a misdemeanor or gross misdemeanor
38 or violation and the alleged offense is the offender's first offense or

1 violation. If the alleged offender is charged with a related offense
2 that must or may be filed under subsections (5) and (8) of this
3 section, a case under this subsection may also be filed.

4 (7) Where a case is legally sufficient to charge an alleged
5 offender with either prostitution or prostitution loitering and the
6 alleged offense is the offender's first prostitution or prostitution
7 loitering offense, the prosecutor shall divert the case.

8 (8) Where a case is legally sufficient and falls into neither
9 subsection (5) nor (6) of this section, it may be filed or diverted.
10 In deciding whether to file or divert an offense under this section the
11 prosecutor shall be guided only by the length, seriousness, and recency
12 of the alleged offender's criminal history and the circumstances
13 surrounding the commission of the alleged offense.

14 (9) Whenever a juvenile is placed in custody or, where not placed
15 in custody, referred to a diversion interview, the parent or legal
16 guardian of the juvenile shall be notified as soon as possible
17 concerning the allegation made against the juvenile and the current
18 status of the juvenile. Where a case involves victims of crimes
19 against persons or victims whose property has not been recovered at the
20 time a juvenile is referred to a diversion unit, the victim shall be
21 notified of the referral and informed how to contact the unit.

22 (10) The responsibilities of the prosecutor under subsections (1)
23 through (9) of this section may be performed by a juvenile court
24 probation counselor for any complaint referred to the court alleging
25 the commission of an offense which would not be a felony if committed
26 by an adult, if the prosecutor has given sufficient written notice to
27 the juvenile court that the prosecutor will not review such complaints.

28 (11) The prosecutor, juvenile court probation counselor, or
29 diversion unit may, in exercising their authority under this section or
30 RCW 13.40.080, refer juveniles to mediation or victim offender
31 reconciliation programs. Such mediation or victim offender
32 reconciliation programs shall be voluntary for victims.

33 **Sec. 4.** RCW 13.40.080 and 2012 c 201 s 2 are each amended to read
34 as follows:

35 (1) A diversion agreement shall be a contract between a juvenile
36 accused of an offense and a diversion unit whereby the juvenile agrees
37 to fulfill certain conditions in lieu of prosecution. Such agreements

1 may be entered into only after the prosecutor, or probation counselor
2 pursuant to this chapter, has determined that probable cause exists to
3 believe that a crime has been committed and that the juvenile committed
4 it. Such agreements shall be entered into as expeditiously as
5 possible.

6 (2) A diversion agreement shall be limited to one or more of the
7 following:

8 (a) Community restitution not to exceed one hundred fifty hours,
9 not to be performed during school hours if the juvenile is attending
10 school;

11 (b) Restitution limited to the amount of actual loss incurred by
12 any victim;

13 (c) Attendance at up to ten hours of counseling and/or up to twenty
14 hours of educational or informational sessions at a community agency.
15 The educational or informational sessions may include sessions relating
16 to respect for self, others, and authority; victim awareness;
17 accountability; self-worth; responsibility; work ethics; good
18 citizenship; literacy; and life skills. If a functional assessment
19 identifies mental health needs, the educational or informational
20 sessions may include services demonstrated to improve behavioral health
21 and reduce recidivism. For purposes of this section, "community
22 agency" may also mean a community-based nonprofit organization, a
23 physician, a counselor, or a treatment provider, if approved by the
24 diversion unit. The state shall not be liable for costs resulting from
25 the diversion unit exercising the option to permit diversion agreements
26 to mandate attendance at up to ten hours of counseling and/or up to
27 twenty hours of educational or informational sessions;

28 (d) A fine, not to exceed one hundred dollars;

29 (e) Requirements to remain during specified hours at home, school,
30 or work, and restrictions on leaving or entering specified geographical
31 areas; and

32 (f) Upon request of any victim or witness, requirements to refrain
33 from any contact with victims or witnesses of offenses committed by the
34 juvenile.

35 (3) Notwithstanding the provisions of subsection (2) of this
36 section, youth courts are not limited to the conditions imposed by
37 subsection (2) of this section in imposing sanctions on juveniles
38 pursuant to RCW 13.40.630.

1 (4) In assessing periods of community restitution to be performed
2 and restitution to be paid by a juvenile who has entered into a
3 diversion agreement, the court officer to whom this task is assigned
4 shall consult with the juvenile's custodial parent or parents or
5 guardian. To the extent possible, the court officer shall advise the
6 victims of the juvenile offender of the diversion process, offer victim
7 impact letter forms and restitution claim forms, and involve members of
8 the community. Such members of the community shall meet with the
9 juvenile and advise the court officer as to the terms of the diversion
10 agreement and shall supervise the juvenile in carrying out its terms.

11 (5)(a) A diversion agreement may not exceed a period of six months
12 and may include a period extending beyond the eighteenth birthday of
13 the diveree.

14 (b) If additional time is necessary for the juvenile to complete
15 restitution to a victim, the time period limitations of this subsection
16 may be extended by an additional six months.

17 (c) If the juvenile has not paid the full amount of restitution by
18 the end of the additional six-month period, then the juvenile shall be
19 referred to the juvenile court for entry of an order establishing the
20 amount of restitution still owed to the victim. In this order, the
21 court shall also determine the terms and conditions of the restitution,
22 including a payment plan extending up to ten years if the court
23 determines that the juvenile does not have the means to make full
24 restitution over a shorter period. For the purposes of this subsection
25 (5)(c), the juvenile shall remain under the court's jurisdiction for a
26 maximum term of ten years after the juvenile's eighteenth birthday.
27 Prior to the expiration of the initial ten-year period, the juvenile
28 court may extend the judgment for restitution an additional ten years.
29 The court may relieve the juvenile of the requirement to pay full or
30 partial restitution if the juvenile reasonably satisfies the court that
31 he or she does not have the means to make full or partial restitution
32 and could not reasonably acquire the means to pay the restitution over
33 a ten-year period. If the court relieves the juvenile of the
34 requirement to pay full or partial restitution, the court may order an
35 amount of community restitution that the court deems appropriate. The
36 county clerk shall make disbursements to victims named in the order.
37 The restitution to victims named in the order shall be paid prior to

1 any payment for other penalties or monetary assessments. A juvenile
2 under obligation to pay restitution may petition the court for
3 modification of the restitution order.

4 (6) The juvenile shall retain the right to be referred to the court
5 at any time prior to the signing of the diversion agreement.

6 (7) Divertees and potential divertees shall be afforded due process
7 in all contacts with a diversion unit regardless of whether the
8 juveniles are accepted for diversion or whether the diversion program
9 is successfully completed. Such due process shall include, but not be
10 limited to, the following:

11 (a) A written diversion agreement shall be executed stating all
12 conditions in clearly understandable language;

13 (b) Violation of the terms of the agreement shall be the only
14 grounds for termination;

15 (c) No divertee may be terminated from a diversion program without
16 being given a court hearing, which hearing shall be preceded by:

17 (i) Written notice of alleged violations of the conditions of the
18 diversion program; and

19 (ii) Disclosure of all evidence to be offered against the divertee;

20 (d) The hearing shall be conducted by the juvenile court and shall
21 include:

22 (i) Opportunity to be heard in person and to present evidence;

23 (ii) The right to confront and cross-examine all adverse witnesses;

24 (iii) A written statement by the court as to the evidence relied on
25 and the reasons for termination, should that be the decision; and

26 (iv) Demonstration by evidence that the divertee has substantially
27 violated the terms of his or her diversion agreement;

28 (e) The prosecutor may file an information on the offense for which
29 the divertee was diverted:

30 (i) In juvenile court if the divertee is under eighteen years of
31 age; or

32 (ii) In superior court or the appropriate court of limited
33 jurisdiction if the divertee is eighteen years of age or older.

34 (8) The diversion unit shall, subject to available funds, be
35 responsible for providing interpreters when juveniles need interpreters
36 to effectively communicate during diversion unit hearings or
37 negotiations.

1 (9) The diversion unit shall be responsible for advising a divertee
2 of his or her rights as provided in this chapter.

3 (10) The diversion unit may refer a juvenile to a restorative
4 justice program, community-based counseling, or treatment programs.

5 (11) The right to counsel shall inure prior to the initial
6 interview for purposes of advising the juvenile as to whether he or she
7 desires to participate in the diversion process or to appear in the
8 juvenile court. The juvenile may be represented by counsel at any
9 critical stage of the diversion process, including intake interviews
10 and termination hearings. The juvenile shall be fully advised at the
11 intake of his or her right to an attorney and of the relevant services
12 an attorney can provide. For the purpose of this section, intake
13 interviews mean all interviews regarding the diversion agreement
14 process.

15 The juvenile shall be advised that a diversion agreement shall
16 constitute a part of the juvenile's criminal history as defined by RCW
17 13.40.020(7). A signed acknowledgment of such advisement shall be
18 obtained from the juvenile, and the document shall be maintained by the
19 diversion unit together with the diversion agreement, and a copy of
20 both documents shall be delivered to the prosecutor if requested by the
21 prosecutor. The supreme court shall promulgate rules setting forth the
22 content of such advisement in simple language.

23 (12) When a juvenile enters into a diversion agreement, the
24 juvenile court may receive only the following information for
25 dispositional purposes:

26 (a) The fact that a charge or charges were made;

27 (b) The fact that a diversion agreement was entered into;

28 (c) The juvenile's obligations under such agreement;

29 (d) Whether the alleged offender performed his or her obligations
30 under such agreement; and

31 (e) The facts of the alleged offense.

32 (13) A diversion unit may refuse to enter into a diversion
33 agreement with a juvenile. When a diversion unit refuses to enter a
34 diversion agreement with a juvenile, it shall immediately refer such
35 juvenile to the court for action and shall forward to the court the
36 criminal complaint and a detailed statement of its reasons for refusing
37 to enter into a diversion agreement. The diversion unit shall also

1 immediately refer the case to the prosecuting attorney for action if
2 such juvenile violates the terms of the diversion agreement.

3 (14) A diversion unit may, in instances where it determines that
4 the act or omission of an act for which a juvenile has been referred to
5 it involved no victim, or where it determines that the juvenile
6 referred to it has no prior criminal history and is alleged to have
7 committed an illegal act involving no threat of or instance of actual
8 physical harm and involving not more than fifty dollars in property
9 loss or damage and that there is no loss outstanding to the person or
10 firm suffering such damage or loss, counsel and release or release such
11 a juvenile without entering into a diversion agreement. A diversion
12 unit's authority to counsel and release a juvenile under this
13 subsection includes the authority to refer the juvenile to community-
14 based counseling or treatment programs or a restorative justice
15 program. Any juvenile released under this subsection shall be advised
16 that the act or omission of any act for which he or she had been
17 referred shall constitute a part of the juvenile's criminal history as
18 defined by RCW 13.40.020(7). A signed acknowledgment of such
19 advisement shall be obtained from the juvenile, and the document shall
20 be maintained by the unit, and a copy of the document shall be
21 delivered to the prosecutor if requested by the prosecutor. The
22 supreme court shall promulgate rules setting forth the content of such
23 advisement in simple language. A juvenile determined to be eligible by
24 a diversion unit for release as provided in this subsection shall
25 retain the same right to counsel and right to have his or her case
26 referred to the court for formal action as any other juvenile referred
27 to the unit.

28 (15) A diversion unit may supervise the fulfillment of a diversion
29 agreement entered into before the juvenile's eighteenth birthday and
30 which includes a period extending beyond the diverttee's eighteenth
31 birthday.

32 (16) If a fine required by a diversion agreement cannot reasonably
33 be paid due to a change of circumstance, the diversion agreement may be
34 modified at the request of the diverttee and with the concurrence of the
35 diversion unit to convert an unpaid fine into community restitution.
36 The modification of the diversion agreement shall be in writing and
37 signed by the diverttee and the diversion unit. The number of hours of

1 community restitution in lieu of a monetary penalty shall be converted
2 at the rate of the prevailing state minimum wage per hour.

3 (17) Fines imposed under this section shall be collected and paid
4 into the county general fund in accordance with procedures established
5 by the juvenile court administrator under RCW 13.04.040 and may be used
6 only for juvenile services. In the expenditure of funds for juvenile
7 services, there shall be a maintenance of effort whereby counties
8 exhaust existing resources before using amounts collected under this
9 section.

10 **Sec. 5.** RCW 13.40.127 and 2012 c 177 s 1 are each amended to read
11 as follows:

12 (1) A juvenile is eligible for deferred disposition unless he or
13 she:

- 14 (a) Is charged with a sex or violent offense;
- 15 (b) Has a criminal history which includes any felony;
- 16 (c) Has a prior deferred disposition or deferred adjudication; or
- 17 (d) Has two or more adjudications.

18 (2) The juvenile court may, upon motion at least fourteen days
19 before commencement of trial and, after consulting the juvenile's
20 custodial parent or parents or guardian and with the consent of the
21 juvenile, continue the case for disposition for a period not to exceed
22 one year from the date the juvenile is found guilty. The court shall
23 consider whether the offender and the community will benefit from a
24 deferred disposition before deferring the disposition. The court may
25 waive the fourteen-day period anytime before the commencement of trial
26 for good cause.

27 (3) Any juvenile who agrees to a deferral of disposition shall:

28 (a) Stipulate to the admissibility of the facts contained in the
29 written police report;

30 (b) Acknowledge that the report will be entered and used to support
31 a finding of guilt and to impose a disposition if the juvenile fails to
32 comply with terms of supervision;

33 (c) Waive the following rights to: (i) A speedy disposition; and
34 (ii) call and confront witnesses; and

35 (d) Acknowledge the direct consequences of being found guilty and
36 the direct consequences that will happen if an order of disposition is
37 entered.

1 The adjudicatory hearing shall be limited to a reading of the
2 court's record.

3 (4) Following the stipulation, acknowledgment, waiver, and entry of
4 a finding or plea of guilt, the court shall defer entry of an order of
5 disposition of the juvenile.

6 (5) Any juvenile granted a deferral of disposition under this
7 section shall be placed under community supervision. The court may
8 impose any conditions of supervision that it deems appropriate
9 including posting a probation bond. Payment of restitution under RCW
10 13.40.190 shall be a condition of community supervision under this
11 section.

12 The court may require a juvenile offender convicted of animal
13 cruelty in the first degree to submit to a mental health evaluation to
14 determine if the offender would benefit from treatment and such
15 intervention would promote the safety of the community. After
16 consideration of the results of the evaluation, as a condition of
17 community supervision, the court may order the offender to attend
18 treatment to address issues pertinent to the offense.

19 The court may require the juvenile to undergo a mental health or
20 substance abuse assessment, or both. If the assessment identifies a
21 need for treatment, conditions of supervision must include treatment
22 for the assessed need that has been demonstrated to improve behavioral
23 health and reduce recidivism.

24 (6) A parent who signed for a probation bond has the right to
25 notify the counselor if the juvenile fails to comply with the bond or
26 conditions of supervision. The counselor shall notify the court and
27 surety of any failure to comply. A surety shall notify the court of
28 the juvenile's failure to comply with the probation bond. The state
29 shall bear the burden to prove, by a preponderance of the evidence,
30 that the juvenile has failed to comply with the terms of community
31 supervision.

32 (7)(a) Anytime prior to the conclusion of the period of
33 supervision, the prosecutor or the juvenile's juvenile court community
34 supervision counselor may file a motion with the court requesting the
35 court revoke the deferred disposition based on the juvenile's lack of
36 compliance or treat the juvenile's lack of compliance as a violation
37 pursuant to RCW 13.40.200.

1 (b) If the court finds the juvenile failed to comply with the terms
2 of the deferred disposition, the court may:

3 (i) Revoke the deferred disposition and enter an order of
4 disposition; or

5 (ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

6 (8) At any time following deferral of disposition the court may,
7 following a hearing, continue supervision for an additional one-year
8 period for good cause.

9 (9)(a) At the conclusion of the period of supervision, the court
10 shall determine whether the juvenile is entitled to dismissal of the
11 deferred disposition only when the court finds:

12 (i) The deferred disposition has not been previously revoked;

13 (ii) The juvenile has completed the terms of supervision;

14 (iii) There are no pending motions concerning lack of compliance
15 pursuant to subsection (7) of this section; and

16 (iv) The juvenile has either paid the full amount of restitution,
17 or, made a good faith effort to pay the full amount of restitution
18 during the period of supervision.

19 (b) If the court finds the juvenile is entitled to dismissal of the
20 deferred disposition pursuant to (a) of this subsection, the juvenile's
21 conviction shall be vacated and the court shall dismiss the case with
22 prejudice, except that a conviction under RCW 16.52.205 shall not be
23 vacated. Whenever a case is dismissed with restitution still owing,
24 the court shall enter a restitution order pursuant to RCW 13.40.190 for
25 any unpaid restitution. Jurisdiction to enforce payment and modify
26 terms of the restitution order shall be the same as those set forth in
27 RCW 13.40.190.

28 (c) If the court finds the juvenile is not entitled to dismissal of
29 the deferred disposition pursuant to (a) of this subsection, the court
30 shall revoke the deferred disposition and enter an order of
31 disposition. A deferred disposition shall remain a conviction unless
32 the case is dismissed and the conviction is vacated pursuant to (b) of
33 this subsection or sealed pursuant to RCW 13.50.050.

34 (10)(a)(i) Any time the court vacates a conviction pursuant to
35 subsection (9) of this section, if the juvenile is eighteen years of
36 age or older and the full amount of restitution ordered has been paid,
37 the court shall enter a written order sealing the case.

1 (ii) Any time the court vacates a conviction pursuant to subsection
2 (9) of this section, if the juvenile is not eighteen years of age or
3 older and full restitution ordered has been paid, the court shall
4 schedule an administrative sealing hearing to take place no later than
5 thirty days after the respondent's eighteenth birthday, at which time
6 the court shall enter a written order sealing the case. The
7 respondent's presence at the administrative sealing hearing is not
8 required.

9 (iii) Any deferred disposition vacated prior to June 7, 2012, is
10 not subject to sealing under this subsection.

11 (b) Nothing in this subsection shall preclude a juvenile from
12 petitioning the court to have the records of his or her deferred
13 dispositions sealed under RCW 13.50.050 (11) and (12).

14 (c) Records sealed under this provision shall have the same legal
15 status as records sealed under RCW 13.50.050.

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