

ESB 5262 - H COMM AMD
By Committee on Judiciary

ADOPTED 4/14/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are
4 each reenacted and amended to read as follows:

5 (1) For purposes of this chapter:

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

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

17 (c) "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;

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

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

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

28 (a) The agency may never knowingly record inaccurate information.
29 Any information in records maintained by the department of social and
30 health services relating to a petition filed pursuant to chapter
31 13.34 RCW that is found by the court to be false or inaccurate shall
32 be corrected or expunged from such records by the agency;

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

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

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

9 (5) Any person who has reasonable cause to believe information
10 concerning that person is included in the records of a juvenile
11 justice or care agency and who has been denied access to those
12 records by the agency may make a motion to the court for an order
13 authorizing that person to inspect the juvenile justice or care
14 agency record concerning that person. The court shall grant the
15 motion to examine records unless it finds that in the interests of
16 justice or in the best interests of the juvenile the records or parts
17 of them should remain confidential.

18 (6) A juvenile, or his or her parents, or any person who has
19 reasonable cause to believe information concerning that person is
20 included in the records of a juvenile justice or care agency may make
21 a motion to the court challenging the accuracy of any information
22 concerning the moving party in the record or challenging the
23 continued possession of the record by the agency. If the court grants
24 the motion, it shall order the record or information to be corrected
25 or destroyed.

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

30 (8) The court may permit inspection of records by, or release of
31 information to, any clinic, hospital, or agency which has the subject
32 person under care or treatment. The court may also permit inspection
33 by or release to individuals or agencies, including juvenile justice
34 advisory committees of county law and justice councils, engaged in
35 legitimate research for educational, scientific, or public purposes.
36 Each person granted permission to inspect juvenile justice or care
37 agency records for research purposes shall present a notarized
38 statement to the court stating that the names of juveniles and
39 parents will remain confidential.

1 (9) The court shall release to the caseload forecast council the
2 records needed for its research and data-gathering functions. Access
3 to caseload forecast data may be permitted by the council for
4 research purposes only if the anonymity of all persons mentioned in
5 the records or information will be preserved.

6 (10) Juvenile detention facilities shall release records to the
7 caseload forecast council upon request. The commission shall not
8 disclose the names of any juveniles or parents mentioned in the
9 records without the named individual's written permission.

10 (11) Requirements in this chapter relating to the court's
11 authority to compel disclosure shall not apply to the legislative
12 children's oversight committee or the office of the family and
13 children's ombuds.

14 (12) For the purpose of research only, the administrative office
15 of the courts shall maintain an electronic research copy of all
16 records in the judicial information system related to juveniles.
17 Access to the research copy is restricted to the Washington state
18 center for court research. The Washington state center for court
19 research shall maintain the confidentiality of all confidential
20 records and shall preserve the anonymity of all persons identified in
21 the research copy. The research copy may not be subject to any
22 records retention schedule and must include records destroyed or
23 removed from the judicial information system pursuant to RCW
24 13.50.270 and 13.50.100(3).

25 (13) The court shall release to the Washington state office of
26 public defense records needed to implement the agency's oversight,
27 technical assistance, and other functions as required by RCW
28 2.70.020. Access to the records used as a basis for oversight,
29 technical assistance, or other agency functions is restricted to the
30 Washington state office of public defense. The Washington state
31 office of public defense shall maintain the confidentiality of all
32 confidential information included in the records.

33 (14) The court shall release to the Washington state office of
34 civil legal aid records needed to implement the agency's oversight,
35 technical assistance, and other functions as required by RCW
36 2.53.045. Access to the records used as a basis for oversight,
37 technical assistance, or other agency functions is restricted to the
38 Washington state office of civil legal aid. The Washington state
39 office of civil legal aid shall maintain the confidentiality of all
40 confidential information included in the records, and shall, as soon

1 as possible, destroy any retained notes or records obtained under
2 this section that are not necessary for its functions related to RCW
3 2.53.045."

4 Correct the title.

EFFECT: (1) Removes the requirement that the office of civil legal aid designate a custodian of records to exclusively receive and maintain provided records.

(2) Requires that the office of civil legal aid, as soon as possible, destroy any retained notes or records that are not necessary for the agency's functions related to administration of funds for appointment of attorneys to children after termination of parental rights.

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