

CERTIFICATION OF ENROLLMENT

SENATE BILL 6079

Chapter 99, Laws of 2024

68th Legislature
2024 Regular Session

JUVENILE DETENTION RECORDS—ACCESS BY HEALTH CARE ORGANIZATIONS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate February 6, 2024
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 28, 2024
Yeas 95 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 14, 2024 11:38 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6079** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 14, 2024

**Secretary of State
State of Washington**

SENATE BILL 6079

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senators Boehnke and C. Wilson

Read first time 01/09/24. Referred to Committee on Human Services.

1 AN ACT Relating to making juvenile detention records available to
2 managed health care systems; and reenacting and amending RCW
3 13.50.010.

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

5 **Sec. 1.** RCW 13.50.010 and 2019 c 470 s 22 and 2019 c 82 s 1 are
6 each reenacted and amended to read as follows:

7 (1) (~~For purposes of this chapter:~~) The definitions in this
8 subsection apply throughout this chapter unless the context clearly
9 requires otherwise.

10 (a) "Detention facility" means:

11 (i) Any detention facility as defined under RCW 13.40.020; and

12 (ii) Any juvenile correctional facility under alternative
13 administration operated by a consortium of counties under RCW
14 13.04.035;

15 (b) "Good faith effort to pay" means a juvenile offender has
16 either (i) paid the principal amount in full; (ii) made at least
17 (~~eighty~~) 80 percent of the value of full monthly payments within
18 the period from disposition or deferred disposition until the time
19 the amount of restitution owed is under review; or (iii) can show
20 good cause why he or she paid an amount less than (~~eighty~~) 80
21 percent of the value of full monthly payments;

1 ~~((b))~~ (c) "Juvenile justice or care agency" means any of the
2 following: Police, diversion units, court, prosecuting attorney,
3 defense attorney, detention center, attorney general, the oversight
4 board for children, youth, and families, the office of the family and
5 children's ombuds, the department of social and health services and
6 its contracting agencies, the department of children, youth, and
7 families and its contracting agencies, schools; persons or public or
8 private agencies having children committed to their custody; and any
9 placement oversight committee created under RCW 72.05.415;

10 ~~((e))~~ (d) "Managed care organization" and "behavioral health
11 administrative services organization" have the same meanings as in
12 RCW 71.24.025;

13 (e) "Official juvenile court file" means the legal file of the
14 juvenile court containing the petition or information, motions,
15 memorandums, briefs, notices of hearing or appearance, service
16 documents, witness and exhibit lists, findings of the court and court
17 orders, agreements, judgments, decrees, notices of appeal, as well as
18 documents prepared by the clerk, including court minutes, letters,
19 warrants, waivers, affidavits, declarations, invoices, and the index
20 to clerk papers;

21 ~~((d))~~ (f) "Records" means the official juvenile court file, the
22 social file, and records of any other juvenile justice or care agency
23 in the case;

24 ~~((e))~~ (g) "Social file" means the juvenile court file
25 containing the records and reports of the probation counselor.

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

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

32 (a) The agency may never knowingly record inaccurate information.
33 Any information in records maintained by the department of social and
34 health services or the department of children, youth, and families
35 relating to a petition filed pursuant to chapter 13.34 RCW that is
36 found by the court to be false or inaccurate shall be corrected or
37 expunged from such records by the agency;

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

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

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

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

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

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

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

38 (9) The court shall release to the caseload forecast council the
39 records needed for its research and data-gathering functions. Access
40 to caseload forecast data may be permitted by the council for

1 research purposes only if the anonymity of all persons mentioned in
2 the records or information will be preserved.

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

7 (11) Requirements in this chapter relating to the court's
8 authority to compel disclosure shall not apply to the oversight board
9 for children, youth, and families or the office of the family and
10 children's ombuds.

11 (12) For the purpose of research only, the administrative office
12 of the courts shall maintain an electronic research copy of all
13 records in the judicial information system related to juveniles.
14 Access to the research copy is restricted to the administrative
15 office of the courts for research purposes as authorized by the
16 supreme court or by state statute. The administrative office of the
17 courts shall maintain the confidentiality of all confidential records
18 and shall preserve the anonymity of all persons identified in the
19 research copy. Data contained in the research copy may be shared with
20 other governmental agencies as authorized by state statute, pursuant
21 to data-sharing and research agreements, and consistent with
22 applicable security and confidentiality requirements. The research
23 copy may not be subject to any records retention schedule and must
24 include records destroyed or removed from the judicial information
25 system pursuant to RCW 13.50.270 and 13.50.100(3).

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

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

1 confidential information included in the records, and shall, as soon
2 as possible, destroy any retained notes or records obtained under
3 this section that are not necessary for its functions related to RCW
4 2.53.045.

5 (15) For purposes of providing for the educational success of
6 youth in foster care, the department of children, youth, and families
7 may disclose only those confidential child welfare records that
8 pertain to or may assist with meeting the educational needs of
9 current and former foster youth to another state agency or state
10 agency's contracted provider responsible under state law or contract
11 for assisting current and former foster youth to attain educational
12 success. The records retain their confidentiality pursuant to this
13 chapter and federal law and cannot be further disclosed except as
14 allowed under this chapter and federal law.

15 (16) For the purpose of ensuring the safety and welfare of the
16 youth who are in foster care, the department of children, youth, and
17 families may disclose to the department of commerce and its
18 contracted providers responsible under state law or contract for
19 providing services to youth, only those confidential child welfare
20 records that pertain to ensuring the safety and welfare of the youth
21 who are in foster care who are admitted to crisis residential centers
22 or HOPE centers under contract with the office of homeless youth
23 prevention and protection. Records disclosed under this subsection
24 retain their confidentiality pursuant to this chapter and federal law
25 and may not be further disclosed except as permitted by this chapter
26 and federal law.

27 (17) For purposes of investigating and preventing child abuse and
28 neglect, and providing for the health care coordination and the well-
29 being of children in foster care, the department of children, youth,
30 and families may disclose only those confidential child welfare
31 records that pertain to or may assist with investigation and
32 prevention of child abuse and neglect, or may assist with providing
33 for the health and well-being of children in foster care to the
34 department of social and health services, the health care authority,
35 or their contracting agencies. For purposes of investigating and
36 preventing child abuse and neglect, and to provide for the
37 coordination of health care and the well-being of children in foster
38 care, the department of social and health services and the health
39 care authority may disclose only those confidential child welfare
40 records that pertain to or may assist with investigation and

1 prevention of child abuse and neglect, or may assist with providing
2 for the health care coordination and the well-being of children in
3 foster care to the department of children, youth, and families, or
4 its contracting agencies. The records retain their confidentiality
5 pursuant to this chapter and federal law and cannot be further
6 disclosed except as allowed under this chapter and federal law.

7 (18) For the purpose of investigating child sexual abuse, online
8 sexual exploitation and commercial sexual exploitation of minors, and
9 child fatality, child physical abuse, and criminal neglect cases for
10 the well-being of the child, the department of children, youth, and
11 families may disclose only those confidential child welfare records
12 that pertain to or may assist with such an investigation pursuant to
13 RCW 26.44.180 and 26.44.175. The records retain their confidentiality
14 pursuant to this chapter and federal law and cannot be further
15 disclosed except as allowed under this chapter and federal law.

16 (19) The records of a person confined in a detention facility may
17 be made available to managed care organizations and behavioral health
18 administrative services organizations as defined in RCW 71.24.025 for
19 the purpose of care coordination activities. The receiving
20 organization must hold records in confidence and comply with all
21 relevant state and federal statutes regarding privacy of disclosed
22 records.

Passed by the Senate February 6, 2024.

Passed by the House February 28, 2024.

Approved by the Governor March 14, 2024.

Filed in Office of Secretary of State March 14, 2024.

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