

**SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK
JUVENILE COURT**

STATE OF WASHINGTON v.

Print your Full name

Respondent(s).

D.O.B.:

JUVIS:

**ADVICE OF RIGHTS REGARDING
JUVENILE RECORDS
(ADR)**

**I.
SEALING OF RECORDS**

- 1.1 The official juvenile court file of any alleged or proven juvenile offender is open to public inspection unless sealed.

Sealing Juvenile Court Records by motion under RCW 13.50.050(11) and (12):

- 1.2 In any case in which an Information has been filed or a complaint has been filed with the prosecutor and referred for diversion, the person who is the subject of the Information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. Except that no identifying information held by the Washington State Patrol is subject to sealing.

- 1.3 The court shall not grant any motion to seal records unless it finds that:

- (a) For class A felony offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition (including deferred disposition), the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction or adjudication. For class B and C felony offenses, other than sex offenses, gross misdemeanors and misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition (including deferred disposition), the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the Diversion Agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion;
- (b) No proceeding is pending against the person making the motion to seal records seeking conviction of a juvenile offense or criminal offense;
- (c) No proceeding seeking the formation of a Diversion Agreement is pending against the person making the motion to seal records;
- (d) The person has not been convicted of a sex offense; and
- (e) Full restitution has been paid.

- 1.4 If the court grants the motion to seal records, the official juvenile court file, the social file, and other records relating to the case shall be sealed. No identifying information held by the Washington State Patrol, however, is subject to sealing. The case proceedings shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the records which are sealed.
- 1.5 Any adjudication of a juvenile offense or a crime after the sealing shall have the effect of nullifying the sealing order. Any charging of an adult felony after the sealing shall nullify the sealing order for the purposes of Chapter 9.94A RCW.

Sealing Vacated Deferred Disposition Records under RCW 13.40.127(10):

- 1.6 Automatic sealing: Records of a deferred disposition case vacated under RCW 13.40.127(9) will be automatically sealed no later than 30 days after the person's 18th birthday, if he or she does not have any charges pending at that time. Records sealed under RCW 13.40.127(10) shall have the same legal status as records sealed under RCW 13.50.050.
- 1.7 Sealing by motion: If a person is already 18 years of age or older on or before June 26, 2009, and the person does not have any charges pending, he or she may file a motion for an order sealing records under RCW 13.40.127(10), and the court shall grant the motion. The person may also file a motion for an order sealing records under RCW 13.50.050.

**II.
DESTRUCTION OF RECORDS**

- 2.1 If a person's criminal history includes only one Diversion Agreement, then upon its successful completion, the records in the case will be automatically destroyed within 90 days of becoming eligible for destruction. Records in a single diversion agreement become eligible for destruction when all five of the following conditions exist: (1) The person's criminal history includes only the Diversion Agreement; (2) The person is 18 years or older; (3) Two years have passed since completion of the agreement; (4) Restitution is paid in full; and, (5) There are no proceedings pending against the person seeking the conviction of a criminal offense.
- 2.2 A person 23 years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense. No identifying information held by the Washington State Patrol is subject to destruction.
- 2.3 If the court grants the motion to destroy records, the court shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed. No identifying information held by the Washington State Patrol is subject to destruction.

**III.
NOTICE TO PROSECUTOR AND AGENCIES**

- 3.1 Any person making a motion to seal records or a motion to destroy records shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be sealed or destroyed.

**IV.
RECEIPT OF ADVICE**

- 4.1 The above advice of my rights concerning my juvenile offense records was read by me or to me; I understand these rights, and I received a copy of my rights.

Respondent

The undersigned provided to the above-named respondent a copy of this Advice of Rights Regarding Juvenile Records on _____.
(Date)

Melanie Wheeler MacPherson
Signature

Type or Print Name/Title

**SUPERIOR COURT OF WASHINGTON
COUNTY OF CLARK
JUVENILE COURT**

STATE OF WASHINGTON v.

D.O.B.:

Respondent.

No:

**MOTION AND DECLARATION TO SEAL
RECORDS OF JUVENILE OFFENDER
(MTAF)**

I. MOTION

RESPONDENT moves the court for an order sealing his or her juvenile court records. This motion is based on RCW 13.50.050(11) and (12) or RCW 13.40.127(10), GR 15(c) and the declaration of respondent.

Dated: _____
Respondent

II. DECLARATION OF RESPONDENT

I, _____, state as follows:

2.1. Finding of guilt: On _____ [date] I was found guilty of

_____ [name of offense].

2.2 Sealing records - factors pursuant to RCW 13.50.050:

- Class A Felony Conviction:** Since my last date of release from confinement, including full-time residential treatment, or from the entry of disposition (including deferred disposition), I have spent five consecutive years in the community without committing any offense or crime that has resulted in conviction or adjudication.
- Class B and C Felony, and Gross Misdemeanor and Misdemeanor Conviction:** Since my last date of release from confinement, including full-time residential treatment, or from the entry of disposition (including deferred disposition), I have spent two consecutive years in the community without committing any offense or crime that has resulted in conviction.

- Diversion:** Since completion of the Diversion Agreement, I have spent two consecutive years in the community without committing any offense or crime that subsequently resulted in conviction or diversion.

And, I meet the following requirements:

There are no proceedings pending against me seeking the conviction of a juvenile or criminal offense.

There are no proceedings pending against me seeking the formation of a diversion agreement.

I have not been convicted of a sex offense.

Full restitution has been paid.

I am eligible to have my records sealed under RCW 13.50.050(11) and (12) in that I have satisfied all the requirements of those statutes.

2.3 Sealing records of vacated deferred disposition – factors pursuant to RCW 13.40.127(10):

I meet the following requirements:

The court vacated my deferred disposition and dismissed the case with prejudice pursuant to RCW 13.40.127(9).

I am over 18 years of age.

There are no charges pending against me.

2.4 Other circumstances that I believe require sealing of my juvenile court records (GR 15):

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is, to the best of my knowledge, true and correct.

Signed on _____, at _____, Washington.

Respondent – please print

Address

City. State

Zip Code

Telephone Number