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ENGROSSED SENATE BILL 5262

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators O'Ban, Pedersen, Darneille, Dammeier, and Honeyford

Read first time 01/16/15. Referred to Committee on Human Services,  
Mental Health & Housing.

1            AN ACT Relating to access to juvenile case records for the  
2 Washington state office of civil legal aid; and reenacting and  
3 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 2014 c 175 s 2 and 2014 c 117 s 5 are  
6 each reenacted and amended to read 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  
10 attorney, detention center, attorney general, the legislative  
11 children's oversight committee, the office of the family and  
12 children's ombuds, the department of social and health services and  
13 its contracting agencies, schools; persons or public or private  
14 agencies having children committed to their custody; and any  
15 placement oversight 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;

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

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

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

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

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

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

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

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

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

31 (6) A juvenile, or his or her parents, or any person who has  
32 reasonable cause to believe information concerning that person is  
33 included in the records of a juvenile justice or care agency may make  
34 a motion to the court challenging the accuracy of any information  
35 concerning the moving party in the record or challenging the  
36 continued possession of the record by the agency. If the court grants  
37 the motion, it shall order the record or information to be corrected  
38 or destroyed.

39 (7) The person making a motion under subsection (5) or (6) of  
40 this section shall give reasonable notice of the motion to all

1 parties to the original action and to any agency whose records will  
2 be affected by the motion.

3 (8) The court may permit inspection of records by, or release of  
4 information to, any clinic, hospital, or agency which has the subject  
5 person under care or treatment. The court may also permit inspection  
6 by or release to individuals or agencies, including juvenile justice  
7 advisory committees of county law and justice councils, engaged in  
8 legitimate research for educational, scientific, or public purposes.  
9 Each person granted permission to inspect juvenile justice or care  
10 agency records for research purposes shall present a notarized  
11 statement to the court stating that the names of juveniles and  
12 parents will remain confidential.

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

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

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

26 (12) For the purpose of research only, the administrative office  
27 of the courts shall maintain an electronic research copy of all  
28 records in the judicial information system related to juveniles.  
29 Access to the research copy is restricted to the Washington state  
30 center for court research. The Washington state center for court  
31 research shall maintain the confidentiality of all confidential  
32 records and shall preserve the anonymity of all persons identified in  
33 the research copy. The research copy may not be subject to any  
34 records retention schedule and must include records destroyed or  
35 removed from the judicial information system pursuant to RCW  
36 13.50.270 and 13.50.100(3).

37 (13) The court shall release to the Washington state office of  
38 public defense records needed to implement the agency's oversight,  
39 technical assistance, and other functions as required by RCW  
40 2.70.020. Access to the records used as a basis for oversight,

1 technical assistance, or other agency functions is restricted to the  
2 Washington state office of public defense. The Washington state  
3 office of public defense shall maintain the confidentiality of all  
4 confidential information included in the records.

5 (14) The court shall release to the Washington state office of  
6 civil legal aid records needed to implement the agency's oversight,  
7 technical assistance, and other functions as required by RCW  
8 2.53.045. Access to the records used as a basis for oversight,  
9 technical assistance, or other agency functions is restricted to the  
10 Washington state office of civil legal aid. The Washington state  
11 office of civil legal aid shall designate a custodian of records  
12 within the office to exclusively receive and maintain the records  
13 provided in this section. The designated custodian of records shall  
14 maintain the confidentiality of all confidential information included  
15 in the records.

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