

HB 1238 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/17/2009

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

3 "Sec. 1. RCW 13.50.010 and 1998 c 269 s 4 are each amended to read
4 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 attorney,
8 detention center, attorney general, the legislative children's
9 oversight committee, the office of (~~the~~) the family and children's
10 ombudsman, the department of social and health services and its
11 contracting agencies, schools; persons or public or private agencies
12 having children committed to their custody; and any placement oversight
13 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 under
24 a separate docket number. The social file shall be filed separately
25 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

1 health services relating to a petition filed pursuant to chapter 13.34
2 RCW that is found by the court to be false or inaccurate shall be
3 corrected or expunged from such records by the agency;

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

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

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

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

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

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

33 (8) The court may permit inspection of records by, or release of
34 information to, any clinic, hospital, or agency which has the subject
35 person under care or treatment. The court may also permit inspection
36 by or release to individuals or agencies, including juvenile justice
37 advisory committees of county law and justice councils, engaged in
38 legitimate research for educational, scientific, or public purposes.

1 The court may also permit inspection of, or release of information
2 from, records which have been sealed pursuant to RCW 13.50.050(~~(+11)~~)
3 (12). The court shall release to the sentencing guidelines commission
4 records needed for its research and data-gathering functions under RCW
5 9.94A.850 and other statutes. Access to records or information for
6 research purposes shall be permitted only if the anonymity of all
7 persons mentioned in the records or information will be preserved.
8 Each person granted permission to inspect juvenile justice or care
9 agency records for research purposes shall present a notarized
10 statement to the court stating that the names of juveniles and parents
11 will remain confidential.

12 (9) Juvenile detention facilities shall release records to the
13 sentencing guidelines commission under RCW 9.94A.850 upon request. The
14 commission shall not disclose the names of any juveniles or parents
15 mentioned in the records without the named individual's written
16 permission.

17 (10) Requirements in this chapter relating to the court's authority
18 to compel disclosure shall not apply to the legislative children's
19 oversight committee or the office of the family and children's
20 ombudsman.

21 (11) The administrative office of the courts shall maintain an
22 electronic research copy of all records in the judicial information
23 system related to juveniles. For purposes of this chapter, "research
24 copy" means an electronic replica of all records entered into the
25 judicial information system related to juveniles including records
26 destroyed or removed from the judicial information system under RCW
27 13.50.050 (17) and (18) and 13.50.100(3) and used for the purposes of
28 legitimate research for educational, scientific, or public purposes.

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

HB 1238 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/17/2009

1 On page 1, line 3 of the title, after "defense;" strike the
2 remainder of the title and insert "and amending RCW 13.50.010."

--- END ---