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ENGROSSED HOUSE BILL 1228

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Jones, Miller, Riley, Vance, Kessler, Basich,  
Karahalios and Leonard

Read first time 01/20/93. Referred to Committee on Human Services.

1            AN ACT Relating to the definition of a juvenile justice or care  
2 agency; and amending RCW 13.50.010.

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

4            **Sec. 1.** RCW 13.50.010 and 1990 c 246 s 8 are each amended to read  
5 as follows:

6            (1) For purposes of this chapter:

7            (a) "Juvenile justice or care agency" means any of the following:  
8 Police, diversion units, court, prosecuting attorney, defense attorney,  
9 detention center, attorney general, the department of social and health  
10 services and its contracting agencies, schools; and, in addition,  
11 persons or public or private agencies having children committed to  
12 their custody;

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

16            (c) "Social file" means the juvenile court file containing the  
17 records and reports of the probation counselor;

1 (d) "Records" means the official juvenile court file, the social  
2 file, and records of any other juvenile justice or care agency in the  
3 case.

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

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

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

16 (b) An agency shall take reasonable steps to insure the security of  
17 its records and prevent tampering with them; and

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

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

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

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

1 motion, it shall order the record or information to be corrected or  
2 destroyed.

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

7 (8) The court may permit inspection of records by, or release of  
8 information to, any clinic, hospital, or agency which has the subject  
9 person under care or treatment, or to individuals or agencies engaged  
10 in legitimate research for educational, scientific, or public purposes.  
11 The court may also permit inspection of, or release of information  
12 from, records which have been sealed pursuant to RCW 13.50.050(11).  
13 Access to records or information for research purposes shall be  
14 permitted only if the anonymity of all persons mentioned in the records  
15 or information will be preserved. Each person granted permission to  
16 inspect juvenile justice or care agency records for research purposes  
17 shall present a notarized statement to the court stating that the names  
18 of juveniles and parents will remain confidential.

19 (9) Juvenile detention facilities shall release records to the  
20 juvenile disposition standards commission under RCW 13.40.025 upon  
21 request. The commission shall not disclose the names of any juveniles  
22 or parents mentioned in the records without the named individual's  
23 written permission.

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