



**SUPERIOR COURT OF KITSAP COUNTY**  
JUVENILE AND FAMILY COURT SERVICES  
1338 SW OLD CLIFTON RD  
PORT ORCHARD WA 98367-9113  
PHONE: (360) 337-5401 FAX (360) 337-5404

**Contact: Alohalani Wallach 360-337-5450**  
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Please set an appointment with one of our staff to begin the process.  
There is a \$75 fee which must be paid in money order or cash (must be the exact change).

All juvenile referral/criminal history may be retrieved at:

<https://fortress.wa.gov/wsp/watch/>

Establish a New Credit Card Account.

There is a \$12 fee.

**SEALING OR DESTRUCTION OF MY KITSAP COUNTY**  
**JUVENILE RECORDS**  
(EFFECTIVE JULY 24, 2015 AND AFTER)

**WARNING:** The Kitsap County Superior Court and Juvenile Department can not answer legal questions, give legal advice, nor advocate on your behalf.

The information provided in this document is *not* legal advice. It is meant only to assist in understanding the process and requirements necessary to seal or destroy your Kitsap County juvenile offender records under the laws of Washington State and the local process in Kitsap County.

**WE HIGHLY RECOMMEND YOU CONSULT WITH AN ATTORNEY IF YOU HAVE LEGAL QUESTIONS.**

**SECTION 1 - AM I ELIGIBLE TO HAVE MY JUVENILE RECORDS DESTROYED?**

**A) DOES YOUR CRIMINAL RECORD CONSIST ENTIRELY OF DIVERSIONS?**

- i. **No, my record has one or more court adjudication or conviction - Not eligible.**

You may not destroy a prior diversion if you also have any adjudications or convictions in your criminal record. **If so, skip this section and proceed to Section 2 near the bottom of page 3.**

- ii. **Yes, my record contains only diversions - You may be eligible to destroy.**

So long as the entire criminal history consists only of diversions you are eligible to have those records destroyed on or after your 18<sup>th</sup> birthday. If so, proceed to section "B" on the next page.

**B) IS THE RECORD A SINGLE DIVERSION?**

**i. Yes, I only have one diversion – Destruction of record available at age 18**

- **Motion to destroy for a diversion entered prior to July 12, 2008** - If you're criminal record consists entirely of one diversion agreement (or counsel & release) entered prior to July 12, 2008, you may request the court destroy the diversion record if **you are at least 18 years of age and at least two years has elapsed** from the completion of the agreement (or counsel & release). If you qualify, you will need to appear and make a "motion" to destroy which is simply a formal written request to the court.
- **Auto-destruction for a diversion entered on or after July 12, 2008** - If you're criminal record consists entirely of one diversion agreement (or counsel & release) entered on or after July 12, 2008, then your diversion is "eligible" for automatic destruction if **you are at least 18 years of age and at least two years has elapsed** from the completion of the agreement (or counsel & release). No court hearing is required, but it can take up to 90 days to destroy the file from the time the diversion becomes eligible for destruction.

**You will not qualify for automatic destruction if any of the following circumstances exist at the time your case is eligible for automatic destruction:**

- (1) A criminal proceeding is pending against you seeking conviction; or,
- (2) Any restitution in the diversion case remains unpaid.

Please inquire if your case qualified for destruction already but was not destroyed.

**ii. No, I have two or more diversions (or, my one diversion is not eligible for automatic destruction) – Diversion destruction available at age 23.**

If you don't qualify for standard destruction of your diversion, either because you have more than one diversion, or, because you have just one but don't meet the automatic sealing standards, you may still have your diversion records destroyed so long as **you are at least 23 years old and have no pending charges**. If you qualify, you will need to appear and make a "motion" to destroy which is simply a formal written request to the court

There is a diversion destruction eligibility on the next page to assist you further. If you qualify for destruction of your juvenile records and require a motion please skip to Section 3 on page 7. If you have any further questions you should consult with an attorney.

| <b>ELIGIBILITY TO DESTROY DIVERSION RECORDS</b>               |  |
|---|--|
| <b>ENTIRE HISTORY</b>   | <b>REQUIREMENTS</b>  |
| <b>MY ENTIRE CRIMINAL HISTORY IS A SINGLE DIVERSION</b>       | <p>→ <b><u>DO I QUALIFY FOR AUTOMATIC DESTRUCTION?</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Diversion Entered Before June 12, 2008</u></b> - No, but you can still file a motion to destroy the diversion record when you are “eligible” for destruction below.</li> <li>• <b><u>Diversion Entered On or After June 12, 2008</u></b> - Yes, if you paid restitution (if any), and, you have no pending charges at the time your diversion is “eligible” for destruction, your case will be automatically destroyed within 90 days of becoming eligible.</li> </ul> <p>→ <b><u>WHEN IS MY CASE ELIGIBLE FOR DESTRUCTION?</u></b><br/>           To destroy a single diversion by either motion or automatic destruction you must be “eligible” for destruction. A diversion becomes eligible for destruction when all of the following apply:</p> <ul style="list-style-type: none"> <li>• You have no other criminal history;</li> <li>• You are at least 18 years old; and,</li> <li>• At least two years elapsed since completing the diversion</li> </ul> |
| <b>MY ENTIRE CRIMINAL HISTORY CONSISTS OF ONLY DIVERSIONS</b> | <p>→ <b><u>DO I QUALIFY TO DESTROY MULTIPLE DIVERSIONS?</u></b><br/>           To destroy multiple diversion records by motion:</p> <ul style="list-style-type: none"> <li>• You must have no other criminal history other than diversions;</li> <li>• You must be at least 23 years old; and,</li> <li>• You must have no pending charges.</li> </ul>   |

**B) I QUALIFY FOR DESTRUCTION, WHAT NEXT?** – If you qualify for automatic destruction of your diversion record, no further action is required on your part. If you need to verify the automatic destruction, please contact the Juvenile Department no sooner than 90 days after the time your case becomes eligible for automatic destruction. If your diversion records require a motion to destroy, please skip to Section 3 on page 7 to learn about your options.

**C) I DON'T QUALIFY FOR DESTRUCTION** - If you don't qualify to have your records destroyed, you may be entitled to have them *sealed* in which case you should proceed to Section 2 below.

**SECTION 2 - AM I ELIGIBLE TO HAVE MY JUVENILE RECORDS SEALED?**

Regardless of whether you are qualified to have a record destroyed, you may still qualify for sealing a record. When a record is “sealed” the proceeding may be treated as though it never occurred, but the physical file still remains and can be “unsealed” later under certain circumstances. There are several ways in which to seal a court record. In many instances you will need to appear and make a “motion” to seal which is simply a written request to the court to seal your records along with notice to affected agencies. In other instances your records may be eligible for an administrative sealing, in which the court automatically seals the case without further action or appearance on your part.

**A) BY MOTION (REQUEST TO SEAL RECORDS)?** - **Yes, most records are eligible.** Most juvenile convictions, adjudications, deferred dispositions, and diversions qualify for sealing by written motion to the court in which paperwork is filed and a hearing held before a judge. The requirements for sealing by motion depend on the offense you are sealing and the consecutive time spent without re-offending. The following is a synopsis of the requirements to seal by motion:

- i. **“Class A” felony offenses – Five (5) years crime free.** Class “A” felony offense convictions can be sealed by motion provided all of the following apply:
  - (1) You have not been convicted or adjudicated of a crime for at least **FIVE (5) consecutive** years since release from confinement or entry of disposition, whichever is later;
  - (2) You have not been convicted of Rape in the First Degree, Rape in the Second Degree, or Indecent Liberties committed with Forcible Compulsion;
  - (3) No criminal proceeding is pending against you seeking conviction or diversion of an offense;
  - (4) You are not required to register as a sex offender; and,
  - (5) You paid full restitution, except restitution owing to insurance companies.
  
- ii. **All other cases – Two (2) years conviction free.** Class “B” felonies, class “C” felonies, gross misdemeanors, misdemeanors, infractions, deferred dispositions and diversions can be sealed by motion provided all of the following apply:
  - (1) You have not been convicted of a crime for at least **TWO (2) consecutive** years since release from confinement, entry of disposition, or, completion of diversion, whichever is later;
  - (2) No criminal proceeding is pending seeking conviction or diversion of an offense;
  - (3) You are not required to register as a sex offender; and,
  - (4) You paid full restitution, except restitution owing to insurance companies.
  
- iii. **Deferred disposition vacated before June 7, 2012 – Age 18 or older.** If you had a deferred disposition successfully dismissed and vacated before June 7, 2012, you are eligible to seal that record by right regardless of your criminal history or status at the time you request sealing provided:
  - (1) You are at least 18 years old;
  - (2) You paid full restitution (including insurance companies); and,
  - (3) The case did not involve First Degree Animal Cruelty.

**B) BY ADMINISTRATIVE HEARING (A.K.A. AUTO-SEALING)? - Most are eligible.** Some juvenile offender records can become eligible for sealing without further action or appearance on your part. The following are ways in which juvenile offender records can be sealed by administrative hearing:

- i. **Most Dispositions entered after June 11, 2014 – Sealing starts at age 18.**<sup>1</sup> If your case involved an adjudication for a juvenile offense, and, the disposition hearing was held after June 11, 2014, then, at the disposition of that case, an administrative sealing hearing will be set for a date within the first regular (weekly) sealing hearing *after* the latest of either your 18<sup>th</sup> birthday, the anticipated end of your community supervision, or, if you were committed to the Juvenile Rehabilitation Administration (JRA), then your anticipated release from JRA, including any parole supervision. Your presence at the hearing is not required. When the administrative sealing hearing arrives the case will be sealed provided the following apply in your case:

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<sup>1</sup> RCW 13.50.260.

- (1) The adjudication is not a most serious offense,<sup>2</sup> a sex offense,<sup>3</sup> and/or a felony drug offense;<sup>4</sup>
- (2) You completed the terms and conditions of the disposition order;
- (3) You paid full restitution, except restitution owing to insurance companies;<sup>5</sup> and,
- (4) There is no objection or other compelling reason not to seal the case.<sup>6</sup>

**ii. Deferred disposition vacated after June 6, 2012 – Sealing at age 18.** If your case involved a successfully completed deferred disposition dismissed and vacated after June 6, 2012, and you paid the *full amount of any restitution before the case was vacated*, then the case will be automatically sealed without further motion by you.<sup>7</sup> An administrative sealing hearing will be set within 30 days of your 18<sup>th</sup> birthday at which time the case will be sealed, unless you are already 18 at the time of dismissal in which case the record will be sealed immediately.<sup>8</sup> Presence at the sealing hearing is not required.<sup>9</sup> Otherwise, if you are 18 years old at the time the deferred disposition is dismissed and vacated, and, the only restitution remaining after dismissal involves restitution owing to insurance, then the case will also be sealed without further motion by you.<sup>10</sup> However, if you are under age 18 at the time the deferred is dismissed and vacated, no administrative sealing hearing will be set if any restitution remains, to insurance companies or otherwise.<sup>11</sup> Sealing will still be available by motion later.<sup>12</sup>

**C) OTHER SEALING METHODS? – Strict limitations.** Other than by motion or administrative hearing, there are three limited options for sealing a juvenile offender record. First, any acquittal post-fact finding, and/or a dismissal of charges with prejudice *after June 11, 2014*.<sup>13</sup> Second, if there is a full and unconditional pardon from the Governor of the State of Washington.<sup>14</sup> Finally, under General Court Rule 15 there is a limited ability to seal a court file, but the record may still be available.<sup>15</sup> Please consult with an attorney for more information about these other methods.

<sup>2</sup> RCW 13.50.260(1)(c)(i)(A), referencing RCW 9.94A.030, which, for purposes of juvenile sealing, substantively defines “most serious offense” as any of the following offenses (including attempt): Any Class A offense (including solicitation or conspiracy); Assault 2; Assault of a Child 2; Child Molest 2; Controlled Substance Homicide; Extortion 1; Incest (victim <14); Indecent Liberties; Kidnap 2; Leading Organized Crime; Manslaughter 1 or 2; Promoting Prostitution 1; Rape 3; Robbery 2; Sexual Exploitation; Vehicular Assault & Homicide (DUI or reckless); and, any Class B offense with Sex Motivation. See, RCW 9.94A.030 (32).

<sup>3</sup> RCW 13.50.260(1)(c)(i)(B), referencing “sex offenses” under RCW Title 9A.44.

<sup>4</sup> RCW 13.50.260(1)(c)(i)(C), referencing RCW 9.94A.030 which, for purposes of juvenile sealing, substantively defines “drug offense” as any felony drug offense other than Felony Possession of Controlled Substance and Forged Prescription. See, RCW 9.94A.030(22).

<sup>5</sup> RCW 13.50.260(1)(c)(ii).

<sup>6</sup> See, RCW 13.50.260(1)(a), which states in the event of an objection or compelling reason against sealing, the court shall set a contested hearing and provide at least 18 days notice to the juvenile and counsel along with the opportunity to respond to objections. RCW 13.50.260(1)(a). At the end of the hearing the court must enter an order sealing the case unless the court determines sealing inappropriate. RCW 13.50.260(1)(d).

<sup>7</sup> RCW 13.40.127(10).

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> First the case must be dismissed and vacated with a “good faith effort” to pay restitution and a civil order for remaining restitution. RCW 13.40.127(9). Then if the juvenile is 18 at the time the deferred is dismissed and vacated, the court shall seal the record so long as all non-insurance restitution has been paid. RCW 13.40.127(10).

<sup>11</sup> RCW 13.40.127(10)(a)(ii).

<sup>12</sup> RCW 13.40.127(10)(b).

<sup>13</sup> RCW 13.50.260(2).

<sup>14</sup> RCW 13.50.260(6)(b).

<sup>15</sup> GR 15.

There is a sealing eligibility chart below to assist you further. If you qualify for sealing of your juvenile records please skip to Section 3 on the next page. If you have any further questions you should consult with an attorney.

| <b>ELIGIBILITY TO SEAL BY MOTION</b>  |  |
|---|--|
| <b>RECORD</b>   | <b>REQUIREMENTS</b>  |
| <p><b>ALL JUVENILE CONVICTIONS DEFERRED DISPOSITIONS &amp; DIVERSIONS</b><br/>(Right to Seal By Motion)</p> | <p>1) Time lapse from the record you are attempting to seal:</p> <ul style="list-style-type: none"> <li>• Class "A" is 5 consecutive years crime free and no convictions for Rape 1, Rape 2, or Indecent Liberty with force.</li> <li>• All others are 2 consecutive years conviction free.</li> </ul> <p>2) Other eligibility requirements at the time of the motion:</p> <ul style="list-style-type: none"> <li>• No pending charges (seeking conviction or diversion)</li> <li>• Not required to register as a sex offender</li> <li>• Restitution paid, except insurance restitution</li> <li>• Motion to seal with proper notice to all affected parties</li> </ul> |
| <p><b>DEFERRED DISPOSITIONS VACATED BEFORE 06/07/2012</b><br/>(Right to Seal By Motion At Age 18)</p>       | <p>1) Charge dismissed and vacated (not Animal Cruelty 1)</p> <p>2) Other eligibility requirements at the time of the motion:</p> <ul style="list-style-type: none"> <li>• Age 18 or older at the time of the motion</li> <li>• Full restitution paid</li> <li>• Motion to seal with proper notice to all affected parties</li> </ul>  |

| <b>ELIGIBILITY FOR ADMINISTRATIVE SEALING</b>  |  |
|--|--|
| <b>RECORD</b>  | <b>REQUIREMENTS</b>  |
| <p><b>ALL DISPOSITIONS ENTERED AFTER 06/11/2014</b><br/>(Regular Sealing Beginning At Age 18)</p>      | <p>1) Sealing hearing set at disposition for any offense except:</p> <ul style="list-style-type: none"> <li>• Most serious offense (as defined in 9.94A.030)</li> <li>• Sex offense (under 9.44)</li> <li>• Felony Drug (other than poss. of cont. sub. or forged prescription)</li> </ul> <p>2) The next regularly scheduled sealing hearing after (the later of):</p> <ul style="list-style-type: none"> <li>• Age 18</li> <li>• End of supervision (or release from JRA &amp; parole if applicable)</li> </ul> <p>3) Completion of disposition and restitution paid, except insurance restitution</p> <p>4) No objection or compelling reason to not seal</p> |
| <p><b>DEFERRED DISPOSITIONS VACATED AFTER 06/06/2012</b><br/>(Regular Sealing Beginning At Age 18)</p> | <p>1) Administrative sealing when vacated (not Animal Cruelty 1)</p> <ul style="list-style-type: none"> <li>• 18 or older = seal provided restitution paid (excluding insurance).</li> <li>• Under 18 = set an administrative sealing hearing within 30 days of 18<sup>th</sup> birthday if full restitution is paid when vacated (including insurance).</li> </ul> <p>2) Court orders the case sealed at the administrative sealing.</p>  |

| <b>OTHER SEALING METHODS</b>                                 |  |
|--|--|
| <b>RECORD</b>  | <b>REQUIREMENTS</b>                                      |
| <p><b>ALL JUVENILE CASES</b><br/>(Other Sealing Methods)</p> | <p>AQUITTAL OR DISMISSAL OF CHARGES PRE-ADJUDICATION</p> |
|  | <p>FULL AND UNCONDITIONAL GOVERNOR'S PARDON</p>          |
|  | <p>BY MOTION GRANTED UNDER COURT RULE GR15</p>           |

### **SECTION 3 – HOW DO I MOTION TO GET MY RECORDS DESTROYED OR SEALED?**

If, after examining the eligibility requirements, you wish to continue with a motion to seal or destroy your records, there are two options for you:

#### **A) OPTION ONE: THE KITSAP COUNTY JUVENILE DEPARTMENT CAN ASSIST YOU:**

- i. You pay a Non-Refundable fee of Seventy-Five Dollars (\$75).** Contact the Juvenile Department to begin the process and bring your picture ID with you. We accept payments from 8:30 a.m. to 3:00 p.m. Monday through Friday. We only accept cash in the exact amount or money order made payable to the Kitsap County Juvenile Department. No other payment method is accepted.
- ii. Benefits of this Option** – This is the most desirable approach if you do not wish to hire an attorney. After you decide to seal or destroy, the Juvenile Department will assist you with the process as follows:
  - **We Prepare the Basic Paperwork** – We fill out the proper forms with case numbers and record information you wish to seal or destroy and provide copies for you. You are still required to read the paperwork for accuracy and sign any declarations or forms as necessary.
  - **We Notify All Affected Agencies For You** - We immediately set a court hearing date, and notify all affected agencies of your intent to seal or destroy records.
  - **We Provide Notice Of The Sealing/Destruction Order** - After the court hearing, we provide notice of the sealing or destruction order to all affected juvenile justice agencies for you.
- iii. Limitations of this Option** - Though the Juvenile Department staff assist, they can not give you legal advice, can not guarantee the accuracy of your record or eligibility to seal or destroy, and, can not guarantee the court will order the records sealed or destroyed in your case. The fee is strictly for assistance in processing the paperwork.

#### **B) OPTION TWO: HIRE AN ATTORNEY TO ASSIST YOU WITH THE PROCESS:**

Under this option you hire an attorney/lawyer to explain the process, prepare the necessary paperwork, note the hearing, and represent you in court if necessary. Juvenile Department staff can not recommend an attorney for you.

### **SECTION 4 – HOW DO I FINISH THE SEALING OR DESTRUCTION PROCESS?**

**Attend the Court Hearing (or waive your attendance at a sealing hearing):** You are required to attend the scheduled court hearing unless you are sealing a record and fill out a declaration waiving your attendance. Should you fail to appear or properly waive your attendance, the hearing will be stricken without further notice and you will need to re-note the hearing, possibly resulting in additional paperwork and/or fees. If you are moving to destroy a diversion record, you must attend the hearing. If you are sealing a record and wish to waive your attendance at the court hearing, please contact the Juvenile Department to request the declaration waiving attendance.

**The Court Order:** Assuming the court orders the record sealed or destroyed, the court will issue an order. If you obtain assistance under OPTION ONE, the Juvenile Department will provide notice to all affected juvenile justice agencies and you will be done at the completion of the hearing. If you hire an



attorney, or you represent yourself, then a copy of the order must be sent or delivered to each of the affected law enforcement agencies listed in your motion.

## **SECTION 5 - FREQUENTLY ASKED QUESTIONS**

### **A) DON'T ALL JUVENILE COURT RECORDS JUST GO AWAY WHEN I REACH A CERTAIN AGE?**

No, juvenile court records are open to the public until the court orders them sealed or destroyed.<sup>16</sup> This is generally the official court file and its contents.<sup>17</sup> Other records, such as the probation or social file, and the records of other juvenile agencies are confidential with some exceptions.<sup>18</sup>

### **B) WHAT DOES SEALING AND DESTRUCTION OF RECORDS MEAN?**

Both sealing and destruction remove the official court record of a juvenile offense and the records of any "juvenile justice or care agency."<sup>19</sup> But while the process removes these records, it does not eliminate all information about you, the proceedings you were involved in, or the offense itself.

First, even after a record is sealed or destroyed, certain identification information held by the Washington State Patrol remains. This includes photographs, fingerprints, and other data about your physical characteristics, name, birthdate, or address. Second, only records belonging to the court and juvenile justice agencies are affected. Private entities, the Federal Government, licensing agencies, and others are not subject to the sealing or destruction order, and may continue to have information about you and/or the offense.

When a juvenile offense record is sealed, the physical file of the juvenile court and other juvenile justice agencies remain but can not be accessed without a court order. Typically the physical files are bound and marked to prevent examination by anyone but the court. Most juvenile convictions as well as diversions and deferred dispositions may be sealed. Once sealed, the proceedings are treated as if they never occurred, and you may reply accordingly to any inquiry about the sealed records. Agencies subject to the order must keep the records confidential.

On the other hand, when a juvenile offense record is "destroyed", the files and records of the juvenile court, and other agencies involved are completely eliminated. The physical file is disassembled, destroyed, and information is purged from any electronic databases. Once a record is destroyed it is gone forever. Only diversion records may be destroyed.

### **C) DO I NEED AN ATTORNEY TO SEAL OR DESTROY MY RECORDS?**

An attorney is not required to complete the sealing and/or destruction process. For a small fee the Juvenile Department can assist you with completing the necessary information, forms, and provide a hearing date to complete the process yourself. However, the juvenile department can not give you legal advice, nor can they determine whether you are eligible to have your record sealed or destroyed. If you need legal advice or assistance, you are encouraged to contact an attorney.

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<sup>16</sup> RCW 13.50.050(2).

<sup>17</sup> RCW 13.50.010(1)(b).

<sup>18</sup> RCW 13.50.050(3).

<sup>19</sup> "Juvenile Justice or Care Agency" is defined in RCW 13.50.010(1) (a), and, among other entities, includes the court, police, diversion, the Department of Social and Health Services, and schools.



**D) WHERE CAN I FIND THE LAW REGARDING SEALING AND DESTRUCTION OF RECORDS?**

The primary law for eligibility is located in the Revised Code of Washington.<sup>20</sup>

**E) WHAT IF I LIVE OUTSIDE OF WASHINGTON STATE OR I CAN'T ATTEND THE HEARING?**

If you live outside of Washington State, or, for any reason you can't attend a court hearing here in Kitsap County, you must fill out a proper declaration waiving your attendance. The declaration can be obtained by contacting the Kitsap County Juvenile Department. The declaration must be returned for filing prior to the court hearing, and, must be complete and notarized.

**F) WHAT IF THE RECORDS ARE FROM ANOTHER COUNTY OR STATE?**

Kitsap County is not able to seal or destroy juvenile court records from another county or state. Contact the particular court where the record exists for further information on your eligibility.

**G) ONCE SEALED OR DESTROYED, MAY I DENY THE EXISTENCE OF THE RECORD?**

Yes, you are legally entitled by statute to treat the case as if it never existed, and, therefore, may reply the same to any inquiries. However, though the record of your offense may be sealed, this procedure only changes the official record; it does not change what happened. How you choose to handle inquiries into your past, especially from a prospective employer or military recruiter, is an individual decision you will need to make yourself. Once sealed, the juvenile court file, the social file, and other juvenile justice or care agency records related to the case are subject to the order and agencies in possession of those records. But sealing or destroying does not eliminate all information that could possibly exist elsewhere.

**i. Is Information Still Available to the Washington State Patrol?**

Yes. Certain "identifying information" held by the Washington State Patrol (WSP) is exempt from sealing and destruction. "Identifying information" includes photographs, prints, and other data identifying physical characteristics, name, birth date or address.

**ii. Is Information Still Available to the Dept. of Licensing?**

Yes. Some offenses are reported to the Dept. of Licensing (DOL), who maintains records of their own. DOL may be restricted on what information they can provide on sealed cases.<sup>21</sup> You should contact DOL concerning their policy on eliminating records and monitoring the status of your driving privilege.

**iii. Is Information Still Available to the Federal Government?**

Yes. The Federal Government maintains records which are not subject to the order sealing or destroying. Agencies such as the FBI may have records and information (See: <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks>, or, contact FBI/CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306 Fax: 304-625-2356).

**iv. What about other public and private individuals?**

Yes. The court's order sealing or destroying is not binding on other public and private entities and individuals who may have records and information on your case.

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<sup>20</sup> The following is a list of statutes applicable to sealing, vacating, and destruction of juvenile records: RCW Title 13.50.010, 13.50.050, 13.50.260, and 13.50.270. See, RCW 13.40.127 for sealing successfully completed deferred dispositions.

<sup>21</sup> RCW 13.50.260(6)(c) says: "Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation." RCW 13.50.260(6)(c).

**H) CAN A SEALED RECORD BECOME UNSEALED?**

Yes. A sealed file can later become un-sealed, and the records made accessible, in the event new crimes or offenses are committed. Subsequent crimes and offenses “nullify” a sealing order. Other than committing new crimes or offenses, the only way to un-seal a file is by court order.

**I) WILL SEALING A RECORD RESTORE MY RIGHT TO POSSESS A FIREARM?**

No. Sealing your juvenile criminal record will not result in restoring your right to possess a firearm if that right was removed by the offense. Restoration of firearm rights is determined by RCW Title 9A.41. You might want to consider restoring your firearm rights before you seal a record which resulted in the loss of those rights. Before firearms rights can be restored, the court and other agencies must know about the offense and have the record available. Restoring your firearm rights can be especially important for careers requiring possession of firearms (i.e., military or law enforcement). There is no “self-help” process available for restoration of firearm rights and you will need to consult with an attorney who can assist you in processing the necessary paperwork.

**J) I’M TRYING TO SEAL A SEX OFFENSE, HOW DO I GET MY REGISTRATION REMOVED?**

Your juvenile sex offenses are only eligible for sealing provided you are no longer required to register as a sex offender.<sup>22</sup> In order to get the registration requirement removed, you will need to petition to the court and obtain a court order waiving the requirement.

Offenders required to register for class “A” sex offenses committed at age 15 or older may be relieved of the duty to register when: (1) Five years pass since adjudication and release from confinement; (2) There are no additional convictions or adjudications for a sex offense, a kidnapping offense, or for failure to register, within five years of filing the petition; and, (3) Petitioner shows by a preponderance of the evidence he or she is sufficiently rehabilitated to warrant removal from the registry.

Offenders required to register for class “A” sex offenses committed under age 15, or, for any non-class “A” sex/kidnapping offenses committed under age 18 may be relieved when: (1) Two years pass since adjudication and release from confinement; (2) There are no additional convictions or adjudications for a sex offense, a kidnapping offense, or for failure to register, within two years of filing the petition; and, (3) Petitioner shows by a preponderance of the evidence he or she is sufficiently rehabilitated to warrant removal from the registry.

The standards to remove sex offender registration listed above are set forth in RCW 9A.44.143. There are also alternative methods to remove the registration requirement under RCW 9A.44.140. If you wish to petition the court, please inquire with the Juvenile Department about your options.

**K) WHAT IF I NEED TO ACCESS INFORMATION IN A SEALED FILE LATER ON?**

The court may allow you, and anyone you request, to inspect a sealed court record. This would be typically done where a potential employer or military recruiter desires to see information in a sealed court file. You can request to fill out a Motion to Inspect Sealed File. The Juvenile Department can supply the form for you. Once prepared and filed with the court, a hearing will be set. If the court orders inspection, the court clerk will provide access to the record.

**L) CAN THE LAWS AFFECTING SEALING AND DESTRUCTION CHANGE OVER TIME?**

Yes. The laws concerning sealing and destruction of juvenile offense records are mainly statutory, and, thus, subject to change by the legislature each year without further notice.

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<sup>22</sup> One exception provides an ability to claim a “vested” sealing right under older sealing laws if the sex offense was committed, and, supervision terminated prior to 1997 per *State v. T.K.*, 139 Wn.2d. 320, 987 P.2d 63 (1999); and, *State v. D.S.*, 128 Wn. App. 569, 115 P.3d 1047 (2005).