



Washington State  
Office of Public Defense

# Post Disposition Relief for Juvenile Offenders

Benton Franklin Juvenile Court  
March 21, 2018

Presented by: [George Yeannakis](#), State Office of Public Defense  
[Diana Garcia](#), Columbia Legal Services

**With Special Thanks to Shawn Sant, Franklin County Prosecuting Attorney and  
Darryl Banks, Juvenile Court Administrator**

# Goals of the Presentation

---

To gain a basic understanding of:

1. The Juvenile Record Sealing Process ([RCW 13.50.260](#))
  - By Motion
  - Administrative Sealing
2. The Sex Offender Registration Relief Process ([RCW 9A.44.143](#))
3. The Restoration of Firearm Rights ([9.41.040](#))

# Sealing Juvenile Records

---

[RCW 13.50.260](#) provides the statutory authority to seal juvenile records

General Rule 15 ([GR15](#)) provides a procedure for a limited sealing of juvenile records.

# Sealing Juvenile Records By Motion

---

All juvenile court records are open to the public **Until Sealed**

- Including:
  - Anything filed in the court file Not Under Seal
    - Court orders, plea forms, restitution, Arraignment and PC statement
  - Not guilty findings, Dismissals
  - Non files
  - Detention admissions

# Sealing Juvenile Records By Motion

---

[Sealing Juvenile Records Video](#)

# What Records Can Be Sealed?

---

All juvenile court records can be sealed

- Mandatory for all charges except?
- Includes cases that did not result in adjudication  
NG's, Dismissals, Diversions, Deferred Dispositions

# Eligibility to Seal

---

No pending (active criminal cases)

2 or 5 years crime free from release from confinement

Paid all LFO's -- Restitution and VPA, DNA

# Procedure to Seal Juvenile Records

---

1. Obtain Client's Criminal History
2. Meet with Client to fill out Motion and Declaration to Seal Records
3. Give Notice of intent to seal to all Agencies holding Client's juvenile record  
Police, probation, prosecutor, JRA,
4. Serve prosecutor with motion to seal
5. If disputed, set court date for hearing
6. Send Certified Copy of Order Sealing to all agencies holding client's records

# Procedure to Seal Juvenile Records

---

7. Provide Client with a Certified Copy of the Order Sealing File

CASE NUMBER	OFFENSE	APPROX. DATE DISPO	RESOLVED	COUNTY
17-8-00101-21	Theft/Poss. Firearm	06/20/17	Guilty	Lewis
16-8-00188-21	Transfer Supervision	11/2016	-	Lewis
16-8-01142-1	Non-Charge	10/2016	-	King
16-8-01066-2	Org. Retail Theft 2	08/2016	Guilty	King
16-8-01036-1	Non-Charge	07/2016	-	Benton/Franklin
16-8-00562-1	Theft 3	07/2016	Guilty	Benton/Franklin
16-8-00149-5	Theft 2	07/2016	Guilty	Benton/Franklin
16-8-00585-5	Poss. Firearm, Resisting	05/2016	Guilty	Benton/Franklin
14-8-01960-4	Theft 1	12/2014	Guilty	King
14-8-00582-4	Assault 4	04/2014	Guilty	King
14-8-00438-1	Malicious Mischief	04/2014	Guilty	King

# Effect of Sealing a File?

Sealing is not destroying a file. It is simply sealed from public view until...

# Effect of Sealing a File?

---

*the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed.*

*Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and*

*no information can be given about the existence or nonexistence of records concerning an individual.*

In other words,

The client can treat the record as if it never occurred and any agency holding a record must answer that they have no record

# Administrative Sealing

---

Diana Garcia, Staff Attorney at  
Columbia Legal Services, Kennewick  
[diana.garcia@columbialegal.org](mailto:diana.garcia@columbialegal.org)

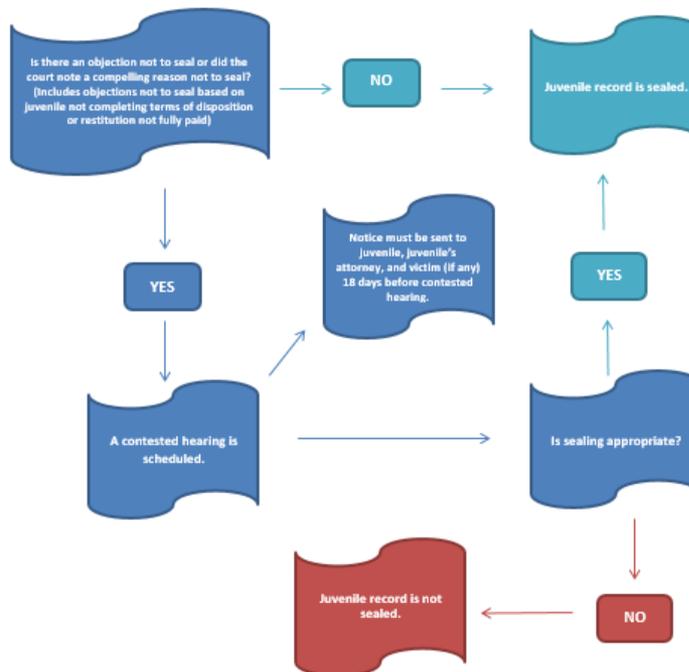
Address: 7103 W Clearwater Ave c,  
Kennewick, WA 99336

(509) 374-9855

Sealing Juvenile Records under Administrative Sealing Hearings  
Sealing Juvenile Records under Administrative Sealing Hearings  
Sealing Juvenile Records under Administrative Sealing Hearings  
RCW 13.50.260(1)

The Juvenile must have:

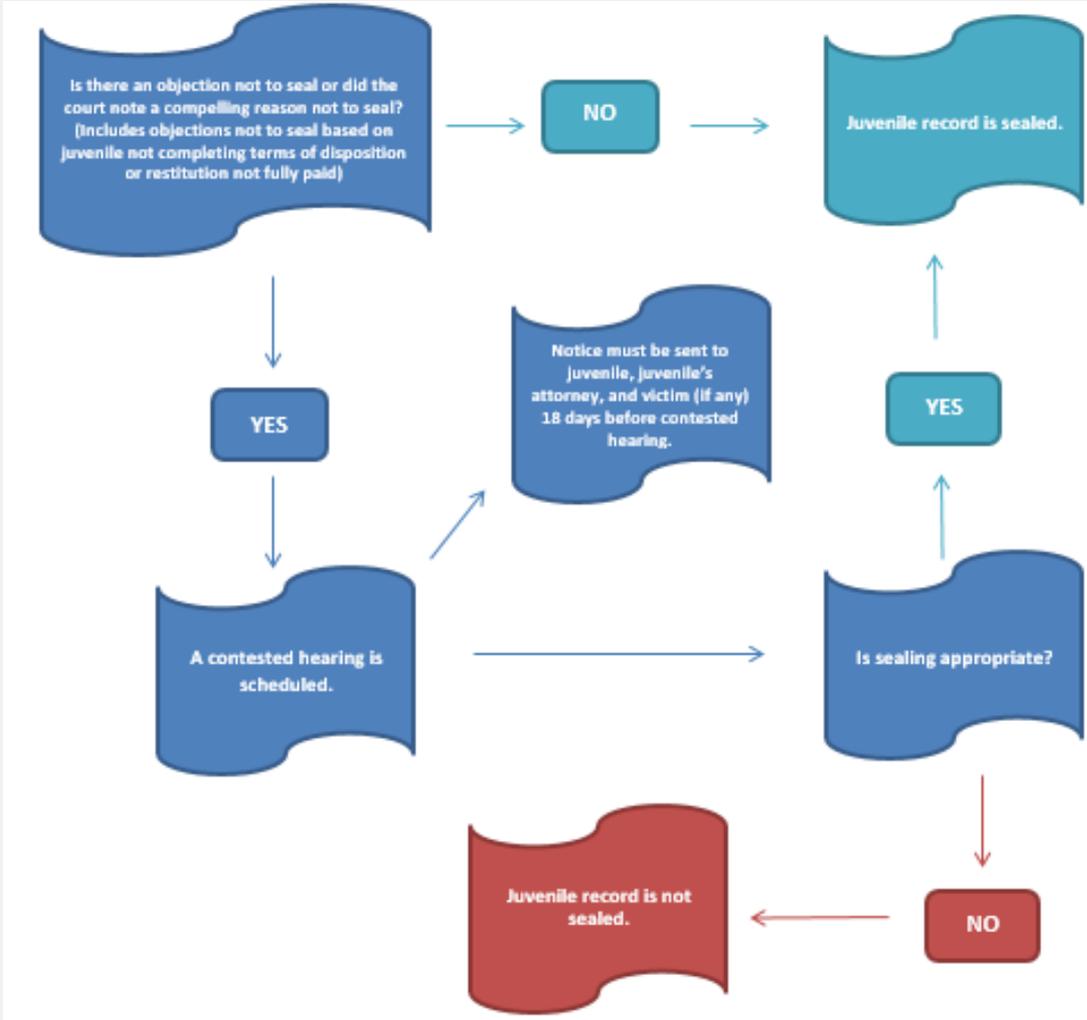
- Completed the terms of disposition
- Paid all restitution to individual named in the restitution order (excluding restitution owed to an insurance company)
- Offense is NOT a "most serious offense", "sex offense" or "drug offense"



## Sealing Juvenile Records under Administrative Sealing Hearings RCW 13.50.260(1)

The Juvenile must have:

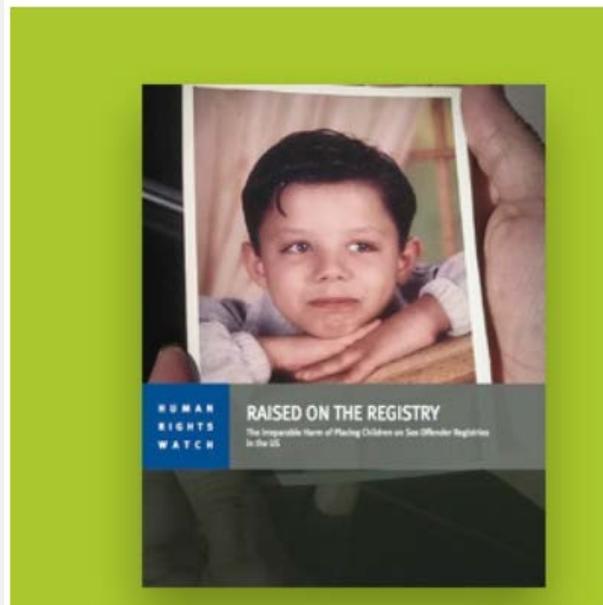
- Completed the terms of disposition
- Paid all restitution to individual named in the restitution order (excluding restitution owed to an insurance company)
- Offense is NOT a “most serious offense”, “sex offense” or “drug offense”



# Relief From Sex Offender Registration

---

## [Raised on the Registry](#)



# Relief From Sex Offender Registration

---

## Sex Offender Registry

- Failure to Register or Maintain Registration is a crime
- Cannot seal juvenile record until registration requirement is removed

Removal from the Registry is a Discretionary Act

Standard of Proof of Rehabilitation

- Age

Relief from registration does NOT Seal the Record

## QUICK REFERENCE GUIDE FOR RELIEF FROM REGISTRATION

<i>Court of Conviction</i>	<i>Offense Class</i>	<i>Age at Time of Offense</i>	<i>Waiting Period</i>	<i>Requirements</i>	<i>Method of Delisting</i>
Adult Court	Class A	All Ages	10 years consecutive from release	No new disqualifying offenses	Petition the court of conviction
Adult Court	Class B	All Ages	15 years consecutive from release	No new disqualifying offenses	Automatic Removal upon request to sheriff
Adult Court	Class C, Gross Misdemeanor	All Ages	10 years consecutive from release	No new disqualifying offenses	Automatic Removal upon request to sheriff
Adult Court	SVP, committed with forcible compulsion after 6/8/00	All Ages	Lifetime Registration	None	None
Juvenile Court	Class A	15 years or older	5 Years	No new sex or kidnapping offenses	Petition the court for relief
Juvenile Court	Class A	Under 15 years of age	2 years	No new sex or kidnapping offenses	Petition the court for relief
Juvenile Court	Class B	All ages	2 years to petition the court: 15 years to automatic termination	No new or kidnapping offenses for juvenile. No new disqualifying offenses for automatic	Petition the court of conviction or automatic removal upon request by sheriff



## REFERRAL FORM -

DATE OF REFERRAL: \_\_\_\_\_

### REFERRAL SOURCE

Name/Title: \_\_\_\_\_

Agency: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

### POTENTIAL CLIENT

Name: \_\_\_\_\_

Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Address: \_\_\_\_\_

Male  Female  Transgender  Genderqueer

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Race/Ethnicity:  Asian, Asian American  Black or African American

Caucasian  Hispanic/Latino  Pacific Islander

Native American or Alaskan Native  Other

Unknown  Multiracial: \_\_\_\_\_

Youth's cell phone #: \_\_\_\_\_

Message OK?  Yes  No Text OK?  Yes  No

Parent(s)/Guardian(s): \_\_\_\_\_

Relationship: \_\_\_\_\_

Parent/Guardian Phone #: \_\_\_\_\_

Message OK?  Yes  No

Does Parent(s)/Guardian(s) Live with Client?  Yes  No

Are language interpretation services needed for the youth or parent/guardian?  Yes \_\_\_\_\_  No

### JUVENILE COURT INVOLVEMENT

Criminal History? (ATTACH CRIMINAL HISTORY RECORD)

None  Prior Arrests/Charges/Convictions  Becca/Truancy/ARY/CHINS Filed

Juvenile Defender: \_\_\_\_\_ Current Charges: \_\_\_\_\_

Cause #: \_\_\_\_\_ Next Court Date & Time: \_\_\_\_/\_\_\_\_/\_\_\_\_ @ \_\_\_\_am/pm

Type of Hearing: \_\_\_\_\_ Incarcerated?  Yes  No Release Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

JPC/Probation Officer: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_

Dependency/BECCA Attorney: \_\_\_\_\_ Caseworker: \_\_\_\_\_

Attorney's Phone #: \_\_\_\_\_ Caseworker's Phone #: \_\_\_\_\_

### REASON FOR REFERRAL

Education Special Education Student?  Yes  No School District & School: \_\_\_\_\_

Placement/Housing Stability  Access to Mental Health/Healthcare  Other Public Benefits

Other: \_\_\_\_\_

Comments/Suggestions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Relief From Sex Offender Registration

---

**IT'S GOING TO TAKE A HEARING –  
USUALLY CONTESTED**

# Relief From Sex Offender Registration

---

A. Who Can Petition for Relief from the Duty to Register as a Sex or Kidnapping Offender?

Offenders over 15 years old with Class A Offenses—Five Year Wait.

All other juvenile sex offenders—Two Year Wait.

B. Can Juveniles Get Off Registration Automatically?

C. What Does the Juvenile Have to Prove to Get off Registration?

What is the Burden of Proof for Juvenile Petitions?

What are the Factors the Court Considers in Deciding the Petition?

# Relief From Sex Offender Registration

---

## The Standard

*The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.*

# Relief From Sex Offender Registration

---

## The Factors

The length of time since the charged incident(s) occurred;

The nature of the registrable offense committed including the number of victims and the length of the offense history;

Participation in sex offender treatment;

Any input from juvenile parole or probation officers, law enforcement, or treatment providers;

Any subsequent criminal history;

The petitioner's compliance with supervision requirements;

Any input of the victim;

Participation in other treatment and rehabilitative programs;

The offender's stability in employment and housing;

The offender's community and personal support system;

Any risk assessments or evaluations prepared by a qualified professional;

Any updated polygraph examination;

**Any other factors the court may consider relevant.**

# Relief From Sex Offender Registration

---

## D. Filing a Petition for Relief From the Duty to Register

what cause number to use?

What venue do you file in?

Who do you serve?

## E. Gathering the information to support your petition?

Court File.

Public Records Act Request to the Local Sheriff.

JRA Records.

DOC Records.

Probation Records.

Treatment Provider Records.

Prosecutor's File.

Client's Files.

Letters of Support.

Personal Statement by the Client.

# Relief From Sex Offender Registration

---

## Preparation for the Hearing

1. Contact PO & obtain reports
2. Contact SO Evaluator & Treatment Provider and request evaluation and summaries
3. File Petition and supporting memo
4. Meet with client to prepare oral statement to the court

# Firearms Registration and Restoration

---

# Firearm Registration

---

## [RCW 9.41.330](#)

*...whenever a defendant in this state is convicted of a felony firearm offense ... the court must consider whether to impose a requirement that the person comply with the registration requirements of RCW [9.41.333](#) and may, in its discretion, impose such requirement.*

# Firearm Registration

---

Registration Requirements under [9.41.333](#)

A person required to register under this section must provide the following information when registering:

- (a) Name and any aliases used;
  - (b) Complete and accurate residence address or, if the person lacks a fixed residence, where he or she plans to stay;
  - (c) Identifying information of the gun offender, including a physical description;
  - (d) The offense for which the person was convicted;
  - (e) Date and place of conviction; and
  - (f) The names of any other county where the offender has registered pursuant to this section.
- (3) The county sheriff may require the offender to provide documentation that verifies the contents of his or her registration.
- (4) The county sheriff may take the offender's photograph or fingerprints for the inclusion of such record in the registration.
- (5) Felony firearm offenders shall register with the county sheriff not later than forty-eight hours after:
- (a) The date of release from custody,

# Firearms Restoration

---

## Statutory Requirements to Restore

### RCW 9.41.040

if a person is prohibited from possession of a firearm ...and has not previously been convicted ... of a sex offense prohibiting firearm ...or any ...class A felony, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW [9.41.047](#); and/or

(ii)(A) If the conviction ... was for a felony offense, after **five** or more consecutive years in the community without being convicted ... or currently charged with crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW [9.94A.525](#); or

# Firearms Restoration

---

(B) If the conviction ... was for a nonfelony offense, after **three** or more consecutive years in the community without being convicted ... or currently charged with any ... crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm ... the individual has completed all conditions of the sentence.

# Firearms Restoration

---