

<b>SUPERIOR COURT OF WASHINGTON</b> COUNTY OF _____ <b>JUVENILE COURT</b>	
STATE OF WASHINGTON v.	
D.O.B.:	Respondent(s).

NO:  
**ADVICE OF RIGHTS REGARDING  
 JUVENILE RECORDS  
 (ADR)**

**I.  
 SEALING OF RECORDS**

- 1.1 The official juvenile court file of any alleged or proven juvenile offender is open to public inspection unless sealed.
- 1.2 In any case in which an Information has been filed or a complaint has been filed with the prosecutor and referred for diversion, the person who is the subject of the Information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. Except that no identifying information held by the Washington State Patrol is subject to sealing.
- 1.3 The court shall not grant any motion to seal records unless it finds that:
  - (a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction; For misdemeanors, since the last date of the release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results

in conviction and the person is at least 18 years old. For gross misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least 18 years old. For diversions, since completion of the Diversion Agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion and the person is at least 18 years old;

- (b) No proceeding is pending against the person making the motion to seal records seeking conviction of a juvenile offense or criminal offense;
  - (c) No proceeding seeking the formation of a Diversion Agreement is pending against the person making the motion to seal records;
  - (d) The person has not been convicted of a class A or sex offense; and
  - (e) Full restitution has been paid.
- 1.4 If the court grants the motion to seal records, the official juvenile court file, the social file, and other records relating to the case shall be sealed. The case proceedings shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the records which are sealed. Except that no identifying information held by the Washington State Patrol is subject to sealing.
- 1.5 Any adjudication of a juvenile offense or a crime after the sealing shall have the effect of nullifying the sealing order. Any charging of an adult felony after the sealing shall nullify the sealing order for the purposes of Chapter 9.94A RCW.

## II. DESTRUCTION OF RECORDS

- 2.1 A person 18 years of age or older whose criminal history consists of only one referral or diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the Diversion Agreement. Except that no identifying information held by the Washington State Patrol is subject to destruction.
- 2.2 A person 23 years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, if the court finds that all Diversion Agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense. Except that no identifying information held by the Washington State Patrol is subject to destruction.
- 2.3 If the court grants the motion to destroy records, the court shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed. Except that no identifying information held by the Washington State Patrol is subject to destruction.

## III.

**NOTICE TO PROSECUTOR AND AGENCIES**

- 3.1 Any person making a motion to seal records or a motion to destroy records shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be sealed or destroyed.

**IV.  
RECEIPT OF ADVICE**

- 4.1 The above advice of my rights concerning my juvenile offense records was read by me or to me; I understand these rights, and I received a copy of my rights.

\_\_\_\_\_  
Respondent

The undersigned provided to the above-named respondent a copy of this Advice of Rights Regarding Sealing of Juvenile Records on \_\_\_\_\_.  
(Date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name/Title

cc: Respondent  
Respondent's Lawyer  
Deputy Prosecuting Attorney