



Lewis County Prosecuting Attorney's Office

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March 12, 2018

Attorney General Ferguson
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ATTORNEY GENERAL'S OFFICE
Solicitor General's Division

ATTORNEY GENERAL
STATE OF WASHINGTON
GSE/OLYMPIA

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Re: Request for Legal Opinion

Attorney General Ferguson:

I am writing to request your office's formal opinion regarding the sealing of pre-July 1, 1978 juvenile offender files. As you know, the Superior Courts of the State of Washington are state, not county entities. As such, the records created by the Superior Courts and maintained by the Clerks' Offices in each county must be maintained in a uniform manner, with consistent application in each county across the state. Therefore, this office poses the following question for consideration by your office: **Are records of Juvenile matters occurring prior to July 1, 1978 to be sealed?** This question is posed because RCW 13.50 specifically address the "Keeping and Release of Records by Juvenile Justice or Care Agencies". RCW 13.50.250 specifically dictates "[t]his chapter applies to all juvenile justice or care agency records **created on or after July 1, 1978.**" Emphasis added.

RCW 13.50 goes to great lengths to discuss juvenile records, access to, sealing of and destruction of those records. Specifically, 13.50.050(2) indicates the juvenile court files shall be "...open to the public, unless sealed pursuant to RCW 13.50.260." "All records other than the official juvenile court file are confidential and may be released only as provided in this chapter..." See RCW 13.50.050(3). However, as discussed *supra*, RCW 13.50 only applies, by the express terms of RCW 13.50.250, to records created on or after July 1, 1978.

State v. C.R.H., 107 Wn. App 591, 27 P.3d 660 (2001) stands for the proposition that a Superior Court has inherent authority under GR 15(c)(1)(B) to seal a juvenile file. In that case, the court lacked sealing authority under statute to seal a file, but, despite the specific statute, could seal the file under GR 15(c)(1)(B). However, this rule would be limited in its applicability to the case-types presented here.

It is the Mission of the Lewis County Prosecutor's Office to zealously seek justice in all criminal matters, consistently promote public confidence in the legal system, and diligently represent county government while adhering to the highest ethical and moral standards.

Over the years, different Clerks' Offices have treated pre-July 1, 1978 differently. At times, they would be sealed, opened and sealed again. As stated above, it is imperative similar records are maintained in a similar fashion state-wide. However, because the law is silent, many clerks are in need of guidance.

Thank you in advance for your guidance and assistance in this matter. If my office can be of any assistance, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Meyer', written in a cursive style.

JONATHAN L. MEYER
Prosecuting Attorney