

May 3, 2022

Chief Justice Steven Gonzalez and Supreme Court Justices
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Amendments to GR 31 and CrR 2.1, Access to Juvenile Records

Dear Chief Justice Gonzalez and Justices of the Supreme Court,

TeamChild provides civil legal services to youth ages 12 to 24 years old. We have supported thousands of youth who are impacted by the juvenile court system, impacts that often follow them for years after they have completed the court intervention. One of the ways the system continues to follow them is through the dissemination of their juvenile court records. In our internet age, the life of a juvenile court record is exponential. The Washington State Supreme Court's adoption of two new court rules related to juvenile court records does not violate open court principles but will have a significant impact on supporting our state's goals of ensuring that young people can rebuild their lives after juvenile legal system involvement.

Since the adoption of these new rules, there has been backlash to the new rules that raise false arguments. There was a clear and public process that allowed everyone to articulate concerns, impacts, and supports for the new rules. Even those who are currently trying to slow or stop the rule change had an opportunity to weigh in during the public process. This rule change is also aligned with over a decade of work in Washington State, led by legislators, judges, attorneys, and most importantly, communities that have been impacted by the juvenile legal system. All of these groups have been working on protecting juvenile records, to align with the intent of rehabilitation, from the realities and risks of documents that exist in the Internet Age.

The new court rules will continue to allow all juvenile court hearings to be open and available to the public, ensuring that access and scrutiny of the legal system remains uncovered and exposed. Anyone can access an unsealed juvenile court record at the clerk's office, as has been true since before the internet was invented. The county clerks across the state are already implementing the rule to prevent juvenile court records from being made easily accessible to the public online. It only took a few days for them switch systems so that these records would not be released electronically. The second rule requires that a youth's initials, instead of their full name, appear on court records and pleadings. This is already happening in the Court of Appeals and provides some additional layers of protection to

youth. The impact of a juvenile court record on a young person's life is significant, and it has a disproportionate impact on Black and Brown youth due to the layers of systemic discrimination in the court, education, employment, and housing systems. For example, in King County last year 49.6% of King County Juvenile Court cases involved Black youth, even though they constitute only 10% of the population.

Those who are raising concerns suggest that somehow police, prosecutors, probation officers, and others who have to help supervise and support youth involved in juvenile court will not know who these youth are or how to identify them. That is absurd. Each youth is assigned a unique number and all the databases can align to that unique identifier. This will actually add clarity to the vast array of systems that track a youth who is court involved. Nothing will change in the way that the court system responds to youth who are charged with crimes and how that youth is held accountable.

What has changed is that it is no longer assumed that everyone or anyone can easily search for a youth who has had juvenile legal system involvement on the internet from their seat on the couch. What is intended is that when a young person completes their court obligations and is moving forward to become the person who they are growing up to be, that the mistakes of their youth do not live on infinitely and prevent education, housing, employment and other opportunities.

We appreciate the work of the Supreme Court Justices in creating a process for making these significant rule changes.

Sincerely,

s/ Marcos Martinez
Executive Director
TeamChild

s/ Karen Pillar
Director of Policy and Advocacy
TeamChild

s/ Sara Zier
Director of Legal Services
TeamChild