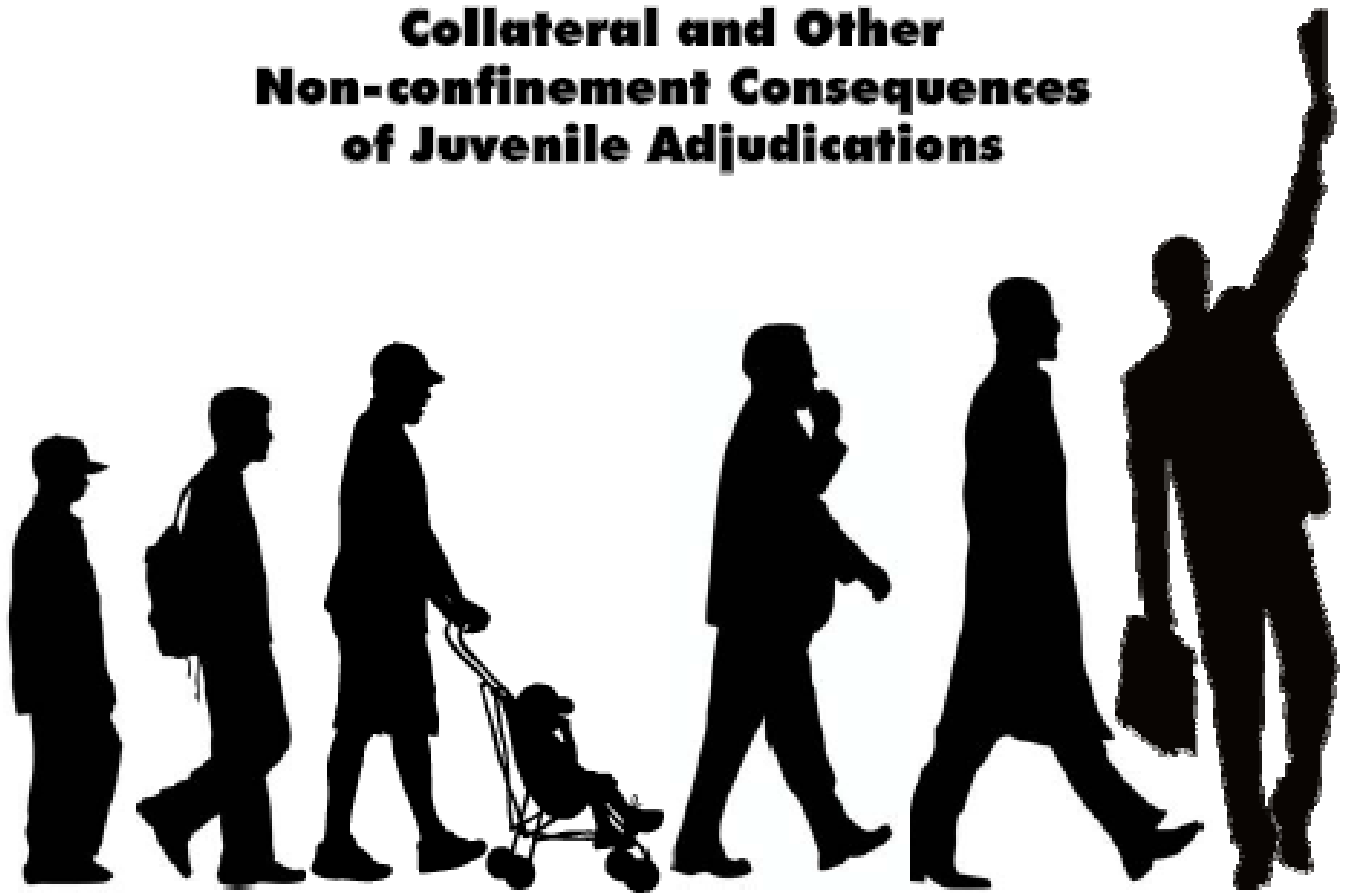


BEYOND JUVENILE COURT: LONG-TERM IMPACT OF A JUVENILE RECORD

**What Defense Attorneys
Need to Know About
Collateral and Other
Non-confinement Consequences
of Juvenile Adjudications**



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Beyond Juvenile Court:

What Defense Attorneys Need to Know about Collateral and Other Non-confinement Consequences of Juvenile Adjudications

I don't know why I did it, I don't know why I enjoyed it, and I don't know why I'll do it again.
-- Bart Simpson, from *The Simpsons*

Who should use this Booklet?

The information in this booklet is intended for use by public defense attorneys, their juvenile clients, and their clients' parents in Washington State. It is not comprehensive. It is meant as a starting point for defenders and juveniles to understand the hidden penalties that may occur after juvenile court adjudications and can follow juveniles into adulthood. Juvenile respondents and their parents should understand the potential civil and other consequences of an adjudication and always should consult with an attorney before they plead guilty in juvenile court.

This booklet is also for other criminal justice professionals, social service providers, community members or anyone who is concerned about the vast array of non-incarcerative penalties that follow juveniles with criminal adjudications or convictions.

For a more detailed discussion of consequences of convictions in Washington, see *Beyond the Conviction: What Defense Attorneys in Washington State Need to Know About Collateral and Other Non-Confinement Consequences of Criminal Convictions*, available to WDA members and on-line at www.defensenet.org.

I. Is a Juvenile Adjudication a “Conviction”?

Although it may depend on the context, for the most part under Washington law the answer is “no.” Since 1961, the Basic Juvenile Court Act has provided that “an order of the court adjudging a child delinquent . . . shall in no case be deemed conviction of a crime.”¹ However, in 2010 the Act was amended to state that an adjudication has the same meaning as “conviction” only for the purposes of sentencing under RCW 9.94A (the Sentencing Reform Act).² Similarly, the Sentencing Reform Act (“SRA”) was also amended in 1997 to define “criminal history” as including both convictions and juvenile adjudications.³

There are two important contexts where juvenile adjudications are treated as convictions:

- (1) Public access to juvenile criminal history;⁴ and
- (2) Adult sentencing under the SRA.⁵

Public Access to Juvenile Criminal History: No matter what you call it, conviction or adjudication, a juvenile’s criminal history is accessible to the public through public court records and the Washington State Patrol database.⁶ See Section II, *Criminal History Records*. When

responding to criminal background checks, the Washington State Patrol reports all adult and juvenile convictions without distinction.

Effect of Juvenile Adjudications on Adult Sentencing: For adult felony offenses committed on or after June 13, 2002, juvenile felony adjudications will be included in calculating an adult's offender score for purposes of sentencing under the SRA.⁷ In other words, juvenile adjudications "count" for purposes of adult sentencing and will increase an adult's offender score which can result in a longer sentence.

II. Juvenile Criminal History Records

Criminal history, which is easily accessible to the general public, includes juvenile adjudications that were committed in Washington after 1977. **While juvenile criminal history does not "go away" when a person turns 18, access to these records is greatly reduced once the juvenile turns twenty-one and even more restricted at twenty-three. No consumer reporting agency may make a consumer report containing any juvenile records, as defined in RCW 13.50.010(1)(c), when the subject of those records is twenty-one or older.**⁸ Criminal history record information is maintained centrally in Washington State through the Washington State Patrol Identification and Criminal History Section, 3000 Pacific Avenue, PO Box 42633, Olympia, Washington 98504-2633, (360) 705-5100. The Washington State Patrol may disseminate conviction records without restriction.⁹

Access to Juvenile Records: Juvenile adjudication and arrest information is available to the public at the courthouse, the Washington State Patrol, and via the internet. For a small fee, anyone -- employers, landlords, potential love interests, etc. -- may access any individual's juvenile and adult criminal conviction records, arrests under one year old, and pending charges through the Washington State Patrol website, <https://watch.wsp.wa.gov>.¹⁰ The public can also access juvenile arrest records that are less than one year old, even if they have not led to a juvenile adjudication.¹¹ More complete criminal history records, including juvenile non-conviction data (dismissals, findings of not guilty et al.) are also available to the public at superior court clerk's offices and through the Washington State Courts Judicial Information System ("JIS") on-line service, accessible at <http://www.courts.wa.gov/jis/>. Certain agencies have free access to criminal history information, e.g., criminal justice agencies and the Department of Social and Human Services (DSHS), while others may subscribe to the on-line service for a fee.¹² **Juvenile criminal records are available to the public unless and until they are sealed by a court order.**¹³ **Beginning in 2011, no consumer reporting agency may make a consumer report containing any juvenile records, as defined in RCW 13.50.010(1)(c), when the subject of those records is twenty-one or older.**¹⁴

Correcting Juvenile Records: Requests to correct juvenile criminal history records held by a "juvenile justice care agency"⁹ may be submitted by filing a motion in the juvenile court where the adjudication was entered.¹⁵ Forms from the Washington State Courts website can be found at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=45> or by calling the Administrative Office of the Courts at (360) 705-5328.¹⁶

Vacating, Sealing and Destroying Juvenile Records:

To vacate means "to annul, set aside, cancel or rescind; to render an act void."¹⁷ Juvenile adjudications may be **vacated** only after completion of a deferred disposition or after

prevailing on appeal or through other post-conviction relief.¹⁸ Vacated juvenile adjudications are still accessible to the public and must be **sealed** in order to remove them from public view.

Sealing a court record means to hide it from the public's view, but the record still exists.¹⁹ Certain adjudications (described below) may be sealed by filing a Motion to Seal with the juvenile court that entered the adjudication.²⁰ If the court grants the Motion to Seal, any agency receiving a request for the juvenile's record must reply that the record is confidential, and may not give out any information about its existence or nonexistence. The subject of the sealed record may respond that they have never been convicted on job, housing or other applications.¹⁴ Subsequent juvenile adjudications or adult convictions will result in "unsealing" a previously sealed juvenile adjudication.¹⁵

Juvenile data is accessible similar to adult data; however, the rules for sealing/vacating and destroying are different.²¹ A juvenile conviction may be sealed if the following criteria are met:²²

- The order is a deferred disposition vacated under WA St 13.40.127(9), the juvenile is age eighteen or older, and the full restitution has been paid; or
- There must be no proceeding pending seeking conviction for a juvenile or criminal offense; there must be no proceeding pending seeking a diversion program agreement, and:
 - **Sex Offenses:** Rape 1, Rape 2 and Indecent Liberties with actual forcible compulsion may not be sealed. All other sex offenses are eligible to be sealed by meeting the following requirements if the person is no longer required to register as a sex offender;
 - **A Felonies:** the juvenile must be crime-free for **5 years** from the last date of release from confinement and full restitution has been paid;
 - **B and C Felonies:** the juvenile must be crime-free for **2 years** from the last date of release from confinement;
 - **Misdemeanors and Gross Misdemeanors:** the juvenile must be crime-free for **2 years** from the last date of release from confinement and full restitution has been paid.
- Unless the offender receives a full and unconditional pardon, in which case the proceedings will be treated as if they had never occurred.
- For full information on how these rules changed, contact WDA technical assistance staff.

Destruction or Deletion of juvenile court records is only possible for **non-conviction data**²³ and **diversions**.²⁴ This is also referred to as expungement.

Diversion records may be destroyed if either of the following criteria are met:

- The person is **18 years** or older and
 - **2 years** have elapsed since completion of the diversion agreement or counsel and release; and
 - The criminal history includes only one referral for a diversion, no prior convictions/adjudications and no subsequent arrests or charges; and
 - There is no restitution owing in the case.²⁵

-or-

- The person is 23 years or older and
 - has completed the diversion agreement and has no pending criminal charges; and

- criminal history includes only referrals for diversion (may be more than one).²⁶

Courts are permitted to “routinely destroy” juvenile records where the juvenile is 23 years or older or the juvenile is 18 years or older **and** he or she only has 1 diversion agreement **and** 2 years have passed since that agreement was completed.²⁷ If a person is adjudicated of a new juvenile offense or convicted of a crime, the sealing order is nullified and the public may again access the court record.²⁸ When a juvenile record is sealed “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.”²⁹

Favorable dispositions (e.g., acquittals and dismissals, but not dismissals after a successful period of probation, suspension or deferral of sentence) may be **deleted** from a person’s criminal history record information **2 years** after entry of the disposition favorable to the defendant.³⁰

Arrest information not leading to adjudication may be deleted **3 years** after the date of arrest or issuance of citation or warrant.³¹

Federal juvenile adjudications: Records relating to federal juvenile adjudications are not released to the public and specifically are prohibited from release “when the request for information is related to an application for employment, license, bonding, or any civil right or privilege.”³² Federal juvenile adjudications may only be released to law enforcement, courts, treatment programs, the victim of the crime, and to agencies considering the person for employment that directly affects national security.³³

NOTE: At the time of this writing, the FBI does not remove sealed Washington juvenile records from their database because they are not “expunged” under Washington law. (Washington law does not have a procedure for “expungement.”) The FBI receives juvenile adjudication and arrest information from the Washington State Patrol. The FBI does not release records directly to the public; however, federal agencies and law enforcement have access to FBI records.

Unfortunately, because the Washington Administrative Office of the Courts displays juvenile criminal history online and continues to sell court records to private companies that specialize in records searching, a record that has been officially sealed may be discoverable through any number of private companies.³⁴

PRACTICE TIP: Remind your clients that juvenile adjudications will **not** go away when they turn 18. Always go over criminal history with clients and remind them of the importance of sealing and destroying records as soon as they are eligible. Point them to the self-help resources found below.

PRACTICE TIP: Remind clients that sealing juvenile records will not reinstate their ability to possess a firearm. This requires a separate motion and order. See Section IX, *Right to Possess Firearms*.

RESOURCES: Good self-help resources are available:

“Sealing Juvenile Court Records in Washington State,” from www.washingtonlawhelp.org at

<http://www.washingtonlawhelp.org/documents/4603414902EN.pdf?stateabbrev=/WA/>
(June 2010)

“A Guide to Sealing and Destroying Court Records, Vacating Convictions, and Deleting Criminal History Records” from the Washington Courts website at <http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/guideToCrimHistoryRecords> (September 2012).

III. Immigration

A juvenile adjudication and disposition will not generally trigger removal (a.k.a. deportation) or inadmissibility for non-citizens, because under the federal immigration laws juvenile dispositions are not considered convictions. However, several circuit courts have held that an offense committed before an alleged offender’s 18th birthday can serve as a basis for removal if the alleged offender is tried as an adult.³⁵ In 2010, the United States Supreme Court ruled in *Padilla v. Kentucky*, 599 U.S. 356 (2010) that an attorney representing a non-citizen *adult* client has an affirmative duty to inform the client of the immigration consequences of a guilty plea.³⁶ The mere omission of incorrect information is not enough to insulate an attorney from an ineffective assistance of counsel claim.³⁷ Failure to properly advise your client of the immigration consequences of the disposition may violate the clients’ Sixth Amendment right to effective assistance of counsel.³⁸ Nevertheless, there still may be immigration consequences. Determining these consequences can be challenging and complex. This opinion was affirmed by the Washington State Supreme Court in *State v. Sandoval*, 249 P.3d 1015, 171 Wash.2d 163 (Wash. 2011).

Determine the Juvenile’s Immigration Status: If a juvenile respondent was not born in the United States and is not otherwise a U.S. citizen, the first step is determining the juvenile’s *immigration status*. The immigration consequences of a juvenile adjudication will depend on the juvenile’s immigration status—whether the non-citizen juvenile respondent is living in the United States legally (e.g., as a permanent resident with a “green card”) or whether the juvenile respondent is living in the United States without legal immigration status (i.e., undocumented).

Non-citizen Juvenile Respondents Residing in U.S. Legally: If a non-citizen juvenile is legally residing in the United States (e.g., has lawful permanent residence), a juvenile adjudication will not automatically trigger removal proceedings as an adult conviction might.³⁹ Nevertheless, not all of the criminal provisions under immigration law require convictions, and a juvenile disposition will be sufficient to trigger deportation/removal under those provisions. For example, a juvenile disposition for the offense of delivery of a controlled substance will likely fall under the INA’s “reason to believe” provision that the non-citizen is a drug trafficker.⁴⁰ Additionally, a finding by a juvenile court that the youth has violated a domestic violence restraining, protective, or no contact order can trigger deportation under INA’s “violation of a family protective order” ground.⁴¹

Additionally, for those juveniles who are in the U.S. legally but have not yet obtained permanent legal residence (a green card) or citizenship, the Department of Homeland Security can and will consider juvenile dispositions in making the decision whether to grant their applications.⁴² Since these decisions are discretionary it is difficult to predict with any certainty the affect of juvenile dispositions.

Juvenile Respondents Residing in the U.S. Illegally: Juveniles residing in this country who are undocumented (here “illegally”) may be put into removal/deportation proceedings at any time regardless of their criminal history. If an undocumented juvenile is placed into removal proceedings he or she may still be able to remain in the country legally if eligible for some type of immigration relief such as Asylum⁴³ or Special Immigrant Juvenile Status.⁴⁴ However, non-citizens do not have a right to counsel in removal proceedings and indigent clients are rarely represented and/or made aware of possible avenues of relief. A juvenile adjudication will not automatically bar admissibility under immigration laws as an adult conviction might but it can and will be considered by DHS and Immigration Courts for discretionary determinations such as requests for relief from removal and applications for permanent legal residence.

Whether or not juveniles are put into removal proceedings depends largely on whether DHS acting through Immigration and Customs Enforcement (“ICE”) finds them and wants to remove them. The Juvenile Rehabilitation Administration (“JRA”) and some juvenile detention facilities report juveniles who are foreign nationals and in their custody to ICE.⁴⁵ JRA’s policy requires foreign nationals to stay in the institution through the duration of their disposition and makes them ineligible for authorized leave or community placement until “(1) The youth is placed in ICE custody; (2) ICE informs JRA in writing that they have no interest in the youth or does not respond within 90 days of sending the ‘Notice of Foreign National Incarceration’...; or (3) the youth reaches his/her release date.”⁴⁶

Drug Abuse or Drug Addiction: Drug abuse and drug addiction are both grounds of inadmissibility⁴⁷ and deportability.⁴⁸ Since these provisions do not require a conviction they may be applied against a non-citizen juvenile. It is important to be aware of this consequence when considering entering pleas or dispositions for purposes of Juvenile Drug or Juvenile Treatment Courts.

The following resources are available on the WDA website at www.defensenet.org:

- *Immigration and Washington State Criminal Law*, by Ann Benson, Director and Jonathan Moore, Immigration Resource Specialist of the Washington Defender Association’s Immigration Project (2005) available at <http://www.defensenet.org/resources/publications-1/immigration-and-washington-criminal-law/Immigration%20Crimes%20FINAL%2001-06-09.pdf>; and
- For information about Special Immigrant Juvenile Status see www.defensenet.org and the Immigrant Legal Resource Center website at www.ilrc.org.

PRACTICE TIP: For technical assistance, WDA members should call or e-mail the Washington Defender Association Immigration Project at (206)726-3332 or complete the online form found at: <http://www.defensenet.org/immigration-project/immigration>.

IV. Legal Financial Obligations (LFOs)

Juvenile respondents are required to pay legal financial obligations similar to adult defendants. These legal financial obligations include restitution,⁴⁹ fines, crime victim penalty assessments,⁵⁰ court costs, and court appointed attorneys fees and costs of defense.⁵¹ One difference between adult and juvenile legal financial obligations is that interest does not accrue on juvenile

obligations; however, collection fees may be assessed.⁵² **Legal financial obligations imposed on juveniles do not “go away” when the juvenile becomes an adult.**

Restitution is the money owed by the respondent to the victim for damages for injury or loss of property. Restitution must be “easily ascertainable”⁵³ and a “foreseeable consequence” of the crime committed.⁵⁴ Restitution must be ordered and cannot be waived, reduced or converted, with only one exception: restitution ordered to an insurance company may be reduced or waived if the respondent can show that he or she could not reasonably acquire the means to pay the insurance company over a ten-year period.⁵⁵ All co-respondents are liable for restitution jointly and severally.⁵⁶ Restitution may be enforced for 10 years after the respondent’s 18th birthday and then jurisdiction to enforce restitution may be extended an additional 10 years.⁵⁷

Fines may be ordered by the court pursuant to the juvenile offender sentencing standards.⁵⁸ Fines may be converted into “community restitution” (which is similar to community service hours) if, due to a change in circumstances after the fine has been ordered, the juvenile cannot pay, unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment.⁵⁹ Fines may be extended in the same manner as restitution, and may be enforced up to 20 years after the respondent’s 18th birthday.⁶⁰

Victim penalty assessments cannot be waived and must be ordered in every juvenile disposition, regardless of whether there is a “victim.”⁶¹ Like other financial obligations, victim penalty assessments can be enforced for a total of 20 years after the respondent’s 18th birthday.⁶²

Court-appointed attorneys’ fees and costs of appeal may be ordered against a juvenile, a parent or another person legally obligated to support the juvenile if the state prevails on an appeal of a juvenile disposition, if the court finds an ability to pay.⁶³ This obligation is enforceable for 10 years after the respondent’s 18th birthday or 10 years from the date the juvenile court jurisdiction expires.⁶⁴

PRACTICE TIP: Remind clients that **every** juvenile adjudication will carry some financial obligation, i.e., the victim penalty assessment, and these obligations may remain enforceable for 20 years.

PRACTICE TIP: Ask the court to reduce or waive restitution to insurance companies where it is clear that your client will not have the earning potential in the next ten years to pay the restitution.

PRACTICE TIP: Where there are multiple co-respondents jointly and severally liable, advise your client that the court will not “refund” a co-respondent that pays more than his or her share. If a co-respondent makes a restitution payment to the court after one or more of the co-respondents have already paid off the total obligation, the court will return the payment to that co-respondent. Co-respondents who pay off the total restitution obligation have only civil recourse against their non-paying co-respondents.

V. Driving

A juvenile’s ability to keep or obtain a driver’s license will be affected by adjudications for offenses related to drugs, alcohol, firearms and driving. The juvenile court is required to notify

the Department of Licensing (“DOL”) when juveniles are adjudicated of certain offenses or when they enter into diversion agreements for certain offenses.⁶⁵

Minors in Possession of Alcohol, Drugs or Firearms: A juvenile adjudicated of Minor in Possession of Alcohol (“MIP”);⁶⁶ possession, sale or use of controlled substances (“VUCSA”)⁶⁷ illegal possession, sale or use of prescription drugs⁶⁸ or imitation controlled substances;⁶⁹ or possession of a firearm⁷⁰ will have his or her right to drive revoked for a period of 1 year or until the juvenile turns 17 (whichever is longer) for a first offense.⁷¹ For a second offense the revocation is for two years or until the juvenile is 18 (whichever is longer). The revocation periods for multiple MIP’s are treated consecutively but they cannot last beyond a juvenile’s 21st birthday.⁷²

For both adults and juveniles alike, there are consequences for DUI’s and driving with a “lack of physical control.” The consequences depend on whether or not this is a first offense, the level of intoxication or impaired ability⁷³, and the resulting offense.⁷⁴

Reinstatement: A juvenile convicted of their first offense involving drugs, alcohol or a firearm can petition the court for reinstatement ninety days after the date the juvenile turns 16 or ninety days after the incident date (whichever was later).⁷⁵ If it is the second offense then the juvenile cannot petition until they are seventeen or until one year has passed (whichever is longer).⁷⁶ Where a juvenile’s license has been suspended because of consecutive MIP revocations the license is automatically reinstated when a juvenile turns 21.⁷⁷

Other Offenses Involving Motor Vehicles: For all juveniles who are driving during the offense, adjudications for the following crimes require suspension, revocation or disqualification of driving privileges for varying time periods depending upon whether it is the first or subsequent offense:

- Taking a Motor Vehicle (drivers only) and any felony involving a motor vehicle (1 year revocation);⁷⁸
- Vehicular Assault (1 year revocation);⁷⁹
- Vehicular Homicide (2 year revocation);⁸⁰
- Racing or Reckless Driving (potential 1 year revocation);⁸¹
- Hit and Run Attended (potential 1 year);⁸²
- DWLS/R 1st or 2nd degree;⁸³
- Attempting to Elude;⁸⁴
- Unattended Child in Running Vehicle;⁸⁵
- Reckless Endangerment in a Construction Zone (60+ day suspension).⁸⁶

Juveniles convicted of these offenses may not petition DOL for early reinstatement.⁸⁷

Diversion Agreements: Juveniles entering into diversion agreements for drug or alcohol offenses will have their licenses suspended or revoked by the Department of Licensing (“DOL”) similar to if they were adjudicated guilty in court.⁸⁸

- **Counsel and Release Agreements:** Under certain circumstances, a diversion unit is permitted to “counsel and release” a juvenile rather than enter into a diversion agreement.⁸⁹ Counsel and release agreements are not sent to the DOL and so do not affect a juveniles’ ability to drive.⁹⁰

- **Reinstatement After Diversion:** DOL will reinstate a juvenile’s driving privileges upon receiving notice of completion of a diversion agreement; however, not before 90 days after their 16th birthday or 90 days after they entered into the diversion agreement, whichever is longer, if it was their first offense.⁹¹ If it is their second or subsequent offense, DOL will not reinstate the juvenile’s driving privileges until their 17th birthday or 1 year after they entered the diversion agreement, whichever is longer.⁹²

Intermediate Licenses for 16 and 17 Year Olds: New drivers under the age of 18 must obtain an “intermediate license.”⁹³ A juvenile will not be eligible for the intermediate license if he or she has received any traffic violations for the previous six months or been adjudicated for any offenses related to alcohol or drugs during the time the applicant had an instruction permit.⁹⁴ An MIP or other driving offense will affect an intermediate license in the same way as a standard license.

Driving Without a License or Driving While Suspended or Revoked: It is a misdemeanor to drive without a valid driver’s license if the person’s license has been suspended or revoked or if the person is not carrying valid identifying documentation.⁹⁵ Otherwise, driving without a valid driver’s license is an infraction.⁹⁶

Anyone over the age of 13 driving without a valid license can have their license revoked or suspended by the DOL for the same amount of time that a licensed driver would.⁹⁷ A juvenile caught driving with a suspended or revoked driver’s license or privilege faces several possible consequences ranging from additional revocation, to imprisonment and fines, depending on the status of the driving privilege.⁹⁸

Temporary Restricted Licenses: Under certain circumstances, a juvenile whose driver’s license has been revoked or suspended as a result of criminal adjudications may obtain a “temporary restricted license” by demonstrating that driving a vehicle is necessary to go to school, work, medical appointments, or for other reasons enumerated by statute.⁹⁹

Insurance Rates: Most juveniles who drive are covered by their parents’ or guardian’s insurance policy. The cost of insurance depends on multiple variables including the kind of car, the residence location, the car the parents’ or legal guardians’ drive, the juvenile’s driving record and whether the guardian owns or rents their house. The result of having an adjudication that has been reported to DOL could increase insurance costs.

PRACTICE TIP: The laws regarding license suspension, revocation and reinstatement are complex. For specific questions, review RCW 46.20 and WAC 308-104, contact DOL Customer Service at (360) 902-3900, or e-mail drivers@dol.wa.gov or consult the DOL website: <http://www.dol.wa.gov/ds>.

PRACTICE TIP: Parents concerned about their insurance rates should consult directly with their insurance companies to assess whether their child’s diversion or adjudication will affect their policy.

VI. School Issues

School Notification: After any arrest or decision to arrest, the police or prosecuting attorney may give to a school any information “pertaining to the investigation, diversion, and prosecution of a juvenile attending the school,” including any incident reports.¹⁰⁰

Adjudication of the following offenses **requires notification to the principal** of the school where the juvenile attends:¹⁰¹

- a violent offense as defined in RCW 9.94A.030;
- a sex offense as defined in RCW 9.94A.030;
- inhaling toxic fumes under chapter 9.47A RCW;
- a controlled substance violation under chapter 69.50 RCW;
- a liquor violation under RCW 66.44.270; and
- any crime under RCW’s 9.41 (Firearms), 9A.36 (Assault), 9A.40 (Kidnapping), 9A.46 (Harassment), and 9A.48 (Arson).

The principal must give information received pursuant to the above notification to the student’s teachers, persons who supervise the student and anyone else the principal deems necessary for security purposes.¹⁰²

Discipline, Suspension or Expulsion: All juveniles in Washington have a constitutional right to education. Nevertheless, a student may be disciplined, suspended or expelled from school for violating school rules as defined by the school district.¹⁰³ Suspension or expulsion from school may result from criminal or non-criminal misconduct.¹⁰⁴ For the offenses listed above which require school notification (violent offenses, sex offenses, etc.) the principal is required to “consider” imposing a long-term suspension or expulsion.¹⁰⁵

- **Firearms:** A **mandatory one year expulsion** will be imposed on a student who is “determined to have” carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.¹⁰⁶
- **Crimes Against Teachers and Other Students:** By statute, if a juvenile commits assault, kidnapping, harassment or arson directed toward a teacher, that student cannot be assigned to that teacher’s classroom again.¹⁰⁷ If a juvenile commits any of those offenses against another student, the juvenile may be removed from the classroom of the victim for the duration of their school attendance.¹⁰⁸ Commission of any of those offenses is grounds for suspension or expulsion.¹⁰⁹
- **Gang Activity:** A student enrolled in a public school may be suspended or expelled if the student is a member of a gang and knowingly engages in “gang activity” on school grounds.¹¹⁰ A student found to have committed the offense of “criminal gang intimidation”¹¹¹ must also be considered for long-term suspension or expulsion where there have been two or more violations in three years.¹¹²

Sports Eligibility: Eligibility to participate in school athletic programs in Washington is governed by the rules of the Washington Interscholastic Activities Association (WIAA), individual school districts and individual schools.

- **Drugs:** Student athletes found to have violated the laws of prescription drugs (RCW 69.41) or controlled substances (RCW 69.50), either by the illegal possession, use or sale, will be immediately ineligible for participation in an interscholastic sports program pursuant to WIAA rules.¹¹³ The ineligibility continues for the remainder of the year for the first violation, unless the student accesses a community or school assistance program.¹¹⁴ In order to be eligible the following year, the student must meet with a “sports eligibility board.” A second violation requires ineligibility for 1 calendar year and a third violation results in permanent ineligibility.¹¹⁵ School Districts and schools may have their own eligibility policies that are not inconsistent with the WIAA rules.¹¹⁶
- **Other Criminal Activity:** WIAA rules do not specifically address other criminal activity; however, the rules do require eligible athletes to meet academic and attendance requirements. School districts generally have codes of conduct which, if violated, may preclude sports eligibility. For example, school districts may have ineligibility rules regarding the possession or use of alcohol or unsportsmanlike conduct.¹¹⁷

VII. Applying to College

College and University Admissions: Some Washington colleges use an applicant’s criminal history to inform their admissions decisions.¹¹⁸ However, a student’s criminal history may influence his or her ability to complete a practicum in fields that have restrictions on participation. For example, early childhood education, teaching and health care practicums are limited to students who are not legally banned from having contact with people from vulnerable populations and require criminal background checks for participation.¹¹⁹ See also Section XII, *Employment*.

The “**Common Application**” used by many private schools around the country **does not ask** about prior convictions/adjudications. However it requires a teacher evaluation and school report, which may disclose conviction/adjudication information. In Washington, each private college or university treats an applicant’s criminal history differently. Some ask the applicant about his or her criminal history directly, others do not ask the student but expect the information to come from teachers and/or counselors.¹²⁰

Eligibility for the Washington State Needs Grant is not affected by juvenile criminal history and is determined through the Federal Application for Financial Student Aid (FAFSA) application, which excludes juvenile arrests and adjudications from being considered.¹²¹

VIII. Federal Student Loans

Juveniles convicted of drug offenses do not fall under the Higher Education Act’s ban on federal financial aid.¹²²

Until 2006, a person convicted **as an adult of any drug offense** including possession of marijuana was not eligible for any federal higher education grant, loan, or work study assistance for various time periods. Only those convicted of a drug offense while receiving federal student aid are now suspended from receiving federal student aid.¹²³ If a student is not convicted while enrolled there should be no suspension of financial aid.

Additionally, a person may not claim the tax benefits of the Hope Scholarship Credit for an academic period if he or she “has been convicted of a Federal or State felony offense consisting of the possession or distribution of a controlled substance before the end of the taxable year with or within” which the academic period ends.¹²⁴

The student may receive a **waiver** if the student successfully completes an approved drug rehabilitation program.¹²⁵

IX. Right to Possess Firearms

Possession of Firearms Generally Prohibited for Minors: A person under 18 years old may not lawfully own or be in possession of a gun in Washington except under statutorily limited circumstances.¹²⁶ Federal law also has restrictions on gun ownership by persons under 21¹²⁷ and prohibits possession of firearms by fugitives, drug addicts, illegal aliens, persons dishonorably discharged from the military and persons subject to domestic violence protection orders.¹²⁸

Revocation of the Right to Possess Firearms: The following crimes, upon adjudication, a finding of not-guilty by reason of insanity, or a dismissal after a period of deferral, will take away a juvenile’s right to possess firearms **even after they turn 18**, until their right is restored by a court of record:

- any felony;
- the following crimes of domestic violence:
 - assault in the fourth degree;
 - coercion;
 - stalking;
 - reckless endangerment;
 - criminal trespass in the first degree;
 - violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence.

Possessing a firearm after the right has been revoked is a felony.¹²⁹

Reinstatement: In Washington, an adult or juvenile who is prohibited from possessing a firearm because of a criminal adjudication may petition the court for reinstatement of this right under the following circumstances.¹³⁰

- The person has not been convicted of a sex offense or a Class A felony; and
- **Felony offense:** after **5 years** crime free if the individual has no prior felony convictions/adjudications that prohibit the possession of a firearm counted as part of his or her offender score;
- **Non-felony offense:** after **3 years** crime free, if the individual has no prior felony convictions/ adjudications that prohibit the possession of a firearm counted as part of the offender score and the individual has completed all conditions of the sentence.

Class A felons and sex offenders can only reinstate their rights to possess firearms in Washington by **obtaining a pardon, annulment, or a certificate of rehabilitation** (which is not available for Washington convictions¹³¹). These are also the only means available for reinstating firearm rights before the requisite time periods have expired.¹³²

Federal Law: Persons convicted of felonies or DV misdemeanors are also prohibited from possessing firearms under federal law.¹³³ Whether a juvenile adjudication is a “conviction” for purposes of the federal law of unlawful possession of a firearm is determined by the state law where the person was “convicted.”¹³⁴ Although there are no federal decisions specifically addressing this issue, state juvenile adjudications in Washington have been found to be “convictions” for purposes of Washington’s law prohibiting felons from possessing firearms.¹³⁵ Ambiguities still may exist; however, there are statutes and cases that weigh in favor of a Washington state juvenile adjudication being considered a conviction for federal firearms prohibitions.¹³⁶ *See also* Section I, *Is a Juvenile Adjudication a “Conviction”?* Conversely, a federal juvenile adjudication will not remove the right to possess a firearm under federal law because under the Federal Juvenile Delinquency Act, a juvenile is not “convicted” but “adjudicated.”¹³⁷

Reinstatement under Washington law of firearm rights lost pursuant to a Washington state juvenile adjudication should prevent prosecution under federal law.¹³⁸

PRACTICE TIP: Juvenile clients with felony or domestic violence adjudications should be reminded that they cannot legally possess a firearm even after they turn 18 unless a court grants them the right. It is not automatic. Sealing juvenile records will not reinstate the right. A hunting license may be issued to persons whose right to possess a gun has been revoked, but this will not protect them from criminal liability. Also, the right will need to be restored to obtain any employment that requires possession or use of a firearm.

X. Voting and Jury Service

Voting: Juvenile adjudications do not result in the loss of the right to vote.¹³⁹ Adult felony convictions will prohibit persons from voting until their civil rights have been restored.¹⁴⁰

Jury Service: Juvenile adjudications should not affect a person’s ability to serve on a jury. Like voting, only adult felons who have had their civil rights restored may serve on juries.¹⁴¹

XI. Military Service

All branches of the military are required to do criminal background checks on applicants, which include juvenile criminal histories (citations, arrests and adjudications).¹⁴² An applicant’s **full and complete criminal history** must be given to the Armed Forces, including disclosure of convictions/adjudications that have been expunged or sealed.¹⁴³

A juvenile felony adjudication will generally preclude military service; however, each branch has the discretion to make exceptions by granting **waivers**.¹⁴⁴ According to the Department of Defense, “The waiver procedure is not automatic and approval is based on each individual case, including consideration of the individual’s adjustment to civilian life.”¹⁴⁵

Even sealed juvenile adjudications may require a waiver.¹⁴⁶

Other Barriers to Enlistment: The Armed Forces will test applicants for **drug and alcohol use and dependency**. Anyone found to be dependant on drugs or alcohol will be denied entrance.¹⁴⁷ Also, **ineligibility to possess a firearm** as a result of a conviction may preclude service until the right has been restored.¹⁴⁸ See Section IX, *Right to Possess Firearms*.

PRACTICE TIP: Juvenile clients consider determine whether convictions/adjud

XII. Employment

Juvenile adjudications, like adult convictions, can result in ineligibility for a variety jobs and occupational licenses in Washington State. Although the Restoration of Employment Rights Act, RCW 9.96A, prohibits government entities from denying employment or occupational licenses to persons *solely* based on their felony convictions, there are numerous exceptions to this general rule.¹⁴⁹ Unless they have been sealed, juvenile adjudications are accessible to employers through the Washington State Patrol, the courts, and private companies that collect information from public databases. See Section II, *Juvenile Criminal History Records*.

Background Checks Required: Criminal background checks are required for all persons and organizations who are licensed to **provide services to children or vulnerable adults**.¹⁵⁰ For people applying for licenses to provide child care, foster care or care for persons with developmental disabilities, DSHS must do background checks on all household members 16 years and older who are not already foster children.¹⁵¹ **School districts and their contractors** who have employees who will have regular unsupervised access to children are also required to do criminal background checks on their employees.¹⁵² Juvenile adjudications will be disclosed just like adult convictions on criminal background checks. See Section II, *Juvenile Criminal History Records*.

Nursing Homes, Childcare, etc.: “**Crime against children or other persons**”¹⁵³ will prohibit persons from working in **nursing homes, adult family homes, boarding homes, and child care facilities**.¹⁵⁴ This includes, among other offenses, assault in the fourth degree. “**Crimes relating to financial exploitation**,”¹⁵⁵ including theft in the third degree, will also make a person ineligible to work with vulnerable adults, e.g., in nursing homes. The time limits for ineligibility for such jobs may vary depending on the crime committed.

Persons who have **felony convictions for crimes against children, “spousal abuse,” and violent crimes** will be permanently prohibited from contracting with or being licensed by DSHS to provide any type of care to children or individuals with a developmental disability.¹⁵⁶ Convictions for **assault or sex offenses not included in the permanent bar, any felony drug conviction or any other felony** will disqualify individuals from licensing, contracting, certification, or from having unsupervised access to children or to individuals with a developmental disability for 5 years.¹⁵⁷

Schools: Crimes against children will disqualify persons from being **school employees, contractors with schools or school bus drivers**.¹⁵⁸ **Volunteers may also be disqualified because of criminal history. Certified school employees**, e.g., teachers, are also required to have “good moral character” which means no convictions in the last ten years, including motor vehicle violations, which “would materially and substantially impair the individual’s worthiness and ability to serve as a professional within the public and private schools of the state.”¹⁵⁹

Professional Licenses: Many jobs require a person to be licensed by the Washington State Department of Licensing. Examples include, among others, massage therapists, midwives, chiropractors, cosmetologists, nursing assistants, dental assistants, and mental health counselors.¹⁶⁰ Some jobs also require licensing by specific boards, such as the optometry board and board of pharmacy.¹⁶¹ Juvenile adjudications can interfere with a person's ability to obtain these licenses from the Department of Licensing. Violating drug laws is specifically listed as "unprofessional conduct" to be considered in licensing determinations.¹⁶²

Federal Laws Affecting Employment Opportunities:¹⁶³ Federal law prohibits **financial institutions** from employing a person who has been convicted of a crime of dishonesty, breach of trust, or money unless he or she has received written consent from the Federal Deposit Insurance Corporation (FDIC).¹⁶⁴ For purposes of this law, pre-trial diversion or similar programs are considered to be convictions. Federal law also bars certain classes of felons from the following jobs:

- working in the insurance industry without having received permission from an insurance regulatory official;¹⁶⁵
- holding any of several positions in a union or other organization that manages an employee benefit plan;¹⁶⁶
- providing healthcare services for which they will receive payment from Medicare;¹⁶⁷
- working for the generic drug industry;¹⁶⁸
- providing prisoner transportation;¹⁶⁹ and
- employment in airport security.¹⁷⁰

Other Jobs Affected: Other examples of jobs that are affected by certain types of convictions include (this list does not purport to include all jobs impacted by criminal history):

- Law enforcement;¹⁷¹
- Tow truck operators contracting with Washington State Patrol;¹⁷²
- Washington State Patrol assistance van drivers;¹⁷³
- JRA employment or volunteer positions.¹⁷⁴

Jobs Requiring a Driver's License or Ability to Possess a Firearm: Since many jobs require the ability to drive, the penalty of losing a driver's license (see Section V, Driving) may prohibit some individuals from future employment, at least for a period of time.¹⁷⁵ Similarly, the consequence of losing the right to possess a firearm will naturally disqualify people from certain types of employment that require the ability to possess (e.g., security guards, federal park rangers, etc.).

Employment Discrimination:

- **Permissible Pre-employment Inquiries:** Although some states ban the practice, in Washington employers and occupational licensing authorities are permitted to ask job applicants about and consider arrests not leading to conviction.¹⁷⁶ However, there is some limit. Because statistical studies regarding arrests have shown a disparate impact on racial minorities, it is an **unfair practice to ask about arrests older than 10 years** and inquiries must include whether the charges are still pending, have been dismissed or led to conviction of a crime involving behavior that would adversely affect job performance.¹⁷⁷ Certain organizations, such as law enforcement, state agencies and organizations that have direct responsibility for the supervision, care, or treatment of

children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from these restrictions.¹⁷⁸

Similarly, for inquiries concerning **convictions** to be considered “fair” under Washington’s discrimination law they must concern **convictions less than ten years old (from the date of release from prison) and relating reasonably to the job duties.**¹⁷⁹ Certain agencies and organizations, e.g., schools and DSHS, are exempt from this requirement.

PRACTICE TIP: Remind juvenile clients that unsealed juvenile criminal history will be accessible to employers, even after the juvenile turns 18, and should be disclosed on employment applications. **The only way to remove juvenile criminal history from public view is by obtaining an order sealing the records in the court where the juvenile disposition occurred.**

XIII. Housing

Residential Screening: Both public and private housing landlords may look at an individual’s criminal history, including juvenile criminal history, before or during their tenancy.¹⁸⁰ A juvenile’s criminal history can discredit their entire household from housing. Many landlords rely on tenant screening services, which get their information from public records.¹⁸¹ If a public housing authority wants to terminate a tenant’s lease based on information from their criminal history they must first notify the tenant and allow the tenant to dispute the accuracy or relevance of the record.¹⁸²

Private Housing: In Washington, landlords are permitted to screen and deny housing to individuals based on criminal history.¹⁸³ A private landlord is not permitted to deny housing for discriminatory reasons, e.g., solely because of past drug addiction.¹⁸⁴ But **a private landlord may deny housing based on conviction for the manufacture or distribution of a controlled substance¹⁸⁵ or a reasonable belief that an applicant is currently engaged in illegal drug use.**¹⁸⁶ Also a tenant who is aware of a subtenant, sublessee, resident or anyone else engaging in drug, criminal or gang activity at the rental premise may be evicted from private residential property.¹⁸⁷

The statutes governing **eviction** from residential property¹⁸⁸ allow landlords to evict a person who has been **arrested** for assault occurring on the premises or unlawful use of a firearm or other deadly weapon on the premises.¹⁸⁹ A landlord also may evict a tenant for engaging in **gang or drug related activity** or allowing another to engage in such activity on the premises.¹⁹⁰ Different laws apply to **mobile home parks** and allow for eviction for criminal activity that threatens the health, safety or welfare of the tenants.¹⁹¹

Public Housing: Federal law regulates admission and eviction from housing programs funded through the U.S. Department of Housing and Urban Development (“HUD”). There are different types of HUD programs¹⁹² generally administered through local Public Housing Authorities (“PHAs”) like the Seattle Housing Authority. Different housing providers receiving the same HUD funding may have different admission and eviction requirements; however, HUD requires landlords to deny housing for certain crimes. **For federal housing laws, juvenile adjudications will be treated as convictions.**¹⁹³

Mandatory Lifetime Bans on Admission:

- Households which include a registered sex offender, adult or juvenile;¹⁹⁴ and

- Households where a member has been convicted, as an adult or juvenile, of manufacturing or otherwise producing methamphetamine on the premises of a federally assisted housing program.¹⁹⁵

Other Mandatory Bans on Admission:

- **3 year** ban from the date of eviction against any household which includes an individual who was evicted from federal assisted housing for drug related activity, unless the housing provider determines that the evicted household member has successfully completed a supervised drug rehabilitation program approved by the PHA or the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).¹⁹⁶
- Households which include a member, adult or juvenile, who the housing provider determines **is currently engaged in illegal use of a controlled substance** or who the housing provider has a reasonable belief that the household member’s **pattern of illegal drug use may threaten the health safety or right to peaceful enjoyment of the premises** by other residents. For the latter, the housing provider may consider the household member’s rehabilitation as evidenced by completing or participating in treatment.¹⁹⁷

Discretionary Bans on Admission:

A HUD housing provider *may* exclude any household which includes a member currently engaging in, or has engaged in during a reasonable time before the admissions decision any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, or public housing agency employees.¹⁹⁸

Discretionary Evictions:¹⁹⁹ **Drug related criminal activity by juvenile household members, “on or off” the premises of a public housing project** *may* result in the entire family being evicted since family members may be evicted for the drug related activity of other household members or guests.²⁰⁰ There may be an “innocent tenant” defense under Washington law²⁰¹ or some municipal codes. For other HUD funded projects, **drug related criminal activity “on or near” the premises or any criminal activity that threatens the health, safety, or right to peaceful enjoyment** of residents living in the immediate vicinity may result in eviction.²⁰² **Illegal drug use or a pattern of illegal drug use or alcohol abuse** that interferes with the health, safety or right to peaceful enjoyment of the premises may result in eviction, although evidence of rehabilitation may be considered.²⁰³

Fleeing felons (people with felony warrants) and probation or parole violators may also be evicted from federally funded housing.²⁰⁴

PRACTICE TIP: Ask your client whether he or she lives in government subsidized housing and advise the client that a criminal adjudication could result in the loss of their family’s housing and also impact their ability to get into government funded housing, especially HUD funded housing, in the future.

PRACTICE TIP: Since so many evictions are discretionary, rehabilitation efforts are helpful. Evidence that the offender is participating or has participated in a treatment program can be used to negotiate with the housing authority.

PRACTICE TIP: If your client’s family is involved in an eviction proceeding, contact a housing specialist through the Northwest Justice Project in your region at www.nwjustice.org.

XIV. Public Benefits

Temporary Assistance for Needy Families (TANF): TANF provides cash benefits and food assistance to families who have at least one minor child residing at home, or to an individual who is pregnant.²⁰⁵ Each family receives cash assistance and food stamps according to a calculation based on income and number of eligible family members.²⁰⁶

Although state and federal law previously banned both adult and juvenile drug felons from receiving cash assistance under TANF²⁰⁷, **neither juvenile nor adult felony drug convictions affect TANF eligibility in Washington State.**²⁰⁸ **Food stamps** are also no longer affected by drug convictions.²⁰⁹

Detention/Institution Time and TANF: If a juvenile is detained for longer than 90 days, the family will not receive TANF assistance for them.²¹⁰ Treatment in a substance abuse facility does not trigger ineligibility and is treated as a “temporary absence” unless for more than one hundred and eighty days.²¹¹ If the caretaker fails to report the child’s absence within five calendar days from when the caretaker first learns that the child will be absent for more than 90 days, they will be ineligible for cash benefits for one calendar month.²¹²

Fleeing Felons: Juveniles with outstanding felony warrants or outstanding warrants issued as a result of parole or probation violations are ineligible to receive cash or food assistance.²¹³

Social Security Income: Many juveniles qualify for SSI and receive it through a representative payee. Juvenile adjudications will not affect a juvenile’s eligibility to receive these federal benefits.²¹⁴

XV. Traveling to Canada

Canadian border officials at the Washington border have the ability to run criminal history checks and may deny entry to individuals based on “inadmissible” criminal history; however, juvenile adjudications should not bar entry to Canada. Under Canadian law, a foreign national may be inadmissible to Canada for, among other reasons, “committing an act outside Canada that is an offence in the place where it was committed and that, if committed in Canada, would constitute an indictable offence under an Act of Parliament.”²¹⁵ Inadmissibility under this provision excludes offenses under the “Young Offenders Act,”²¹⁶ which is the equivalent of the Juvenile Justice Act. Therefore, **juvenile adjudications should not bar a person’s entrance into Canada.**

Other Countries:

The U.S. Department of State lists “Foreign Entry Requirements” on their website, <http://travel.state.gov/visa/americans1.html>. The information is provided from foreign embassies and, as of October 2004, only Canada listed a criminal record as something that could affect entry. Current entry requirements should be obtained directly from consular offices of the countries to be visited.

XVI. Juvenile Sex Offenses

In Washington, **juveniles convicted of sex offenses or kidnapping offenses as juveniles are subject to the same sex offender and kidnapping registration and notification requirements as adults.**²¹⁷ They are required to register as sex offenders for sex offenses committed in Washington or in another state.²¹⁸ Knowingly failing to register or failing to notify the sheriff of a changed name or changed residence is a crime²¹⁹ **The duty to register for a juvenile sex offense does not “go away” when the person becomes an adult.**

End of the Duty to Register as a Sex Offender:

- Offenders required to register for a sex offense or kidnapping offense who have committed a class A felony at the age of 15 or older may, after five years after release from confinement, petition the court to be relieved of the duty to register.
- Juveniles who committed a class A sex or kidnapping offenses at age 14 years or younger and juveniles who have committed a non-class A sex or kidnapping offense may petition the court to be relieved from the duty to register two years after being released from confinement.
- Creates a uniform burden of proof for individuals who petition the court for relief from the duty to register as a sex offender for offenses committed as a juvenile.
- Allows records for most juvenile sex offenses to be sealed where a person convicted of a juvenile sex offense has been relieved of the duty to register and the person has complied with all other statutory requirements.
- Requires case-by-case risk assessments of sex offenders being released from confinement and those accepted for supervision from another state under the Interstate Corrections Compact.

Effect of the Duty to Register: Sex offender registration will result in various levels of community notification depending upon the person’s risk level and the discretion of the county sheriff. The law **requires** some level of notification/public disclosure of sex offender information and **permits** other disclosure at the discretion of the county sheriff.²²⁰

Risk Levels: All juveniles convicted of sex or kidnapping offenses are assigned a risk level of I, II or III by the Department of Social and Health Services, through the Juvenile Rehabilitation Administration (“JRA”). Levels I, II and III indicate a low, moderate or high risk of re-offense in the community at large.²²¹

Once a juvenile is released to the community, the sheriff of the county where the juvenile resides must assign a risk level after considering the level assigned by JRA. If the sheriff makes a decision to change the offender’s risk level, the sheriff must give notice to JRA with reasons for the change in classification. Notice of the change must also be given to the Washington Association of Sheriff and Police Chiefs (WASPC).²²² There are no statutory criteria for determining when a risk level should be changed by the county sheriff and no statutory procedures for an offender to request a change in risk classification.

Notification: For any juvenile convicted of a sex, violent or stalking offense, no later than 30 days prior to discharge, parole, release, leave or transfer to a community residential facility, JRA must send written notice to:

- The chief of police of the city where the juvenile will reside;
- The sheriff of the county where the juvenile will reside;
- The public or private school board of the district where the juvenile will attend or last attended school;
- The victim, if the victim requested notice in writing;
- Any witnesses who testified against the juvenile, if the witnesses requested notice in writing;
- Any person specified in writing by the prosecuting attorney.²²³

Notices to law enforcement must include at a minimum, the identity and criminal history behavior of the offender and the department's risk level classification.²²⁴

For **Level III** sex offenders, the county sheriff where the offender is registered must publish notice in at least one “legal newspaper with general circulation in the area of the sex offender's registered address or location.”²²⁵ The sheriff **may** also provide notice to the public at large through community notification meetings, fliers, etc.²²⁶ For sex offenders classified as **Level I and II**, the sheriff must disclose “relevant” information to “other appropriate law enforcement agencies” and **may** disclose information upon request to the victim, witnesses or neighbors of the offender.²²⁷ For **Level II** offenders, the sheriff **may** also disclose information to, among others, public and private schools, day care centers, public libraries, and organizations serving women, children and vulnerable adults that are near where the offender will reside or will be regularly found.²²⁸

Sex Offender Websites

- **State Website:** Since 2004, WASPC maintains a searchable statewide sex offender website, which includes juvenile sex offenders, *The Washington State Sex Offender Information Center*.²²⁹ The website posts the following information about Level II and III registered adult and juvenile sex offenders:
 - Photograph,²³⁰
 - Identifying information;
 - Conviction/adjudication information – without detail (no date of offense, nature of crime, or age of victim);
 - Address within a block, e.g., “85XX N. 100th St.”²³¹
- **County Websites:** At the time of this writing, some county sheriffs in Washington continue to maintain sex offender websites pursuant to RCW 4.24.550(4) while others are phasing them out. A list of all of the counties websites may be accessed through the WASPC website.²³² Individual counties vary in the amount of information they provide on their sex offender websites, for example, some counties describe the offenders offense in detail, some counties list names of Level I sex offenders, etc.

School Attendance and Notification: A juvenile who is found guilty of a sex offense will not be allowed to attend the school attended by the victim or their siblings.²³³ If a juvenile is enrolled in school and convicted of a sex offense, the court must notify the principal of the student's school of the disposition of the case, after first notifying the parent or legal guardian that the notification will be made.²³⁴ The principal shall then notify all of the student's teachers and anyone who supervises the student or “for security purposes” should be aware of the student's criminal record.²³⁵ (NOTE: This requirement applies to students who are enrolled in school at the time of disposition—which many detained juveniles are not.)

Juvenile sex offenders who are admitted to or employed by a **public or private institution of higher education** must notify the sheriff of their county of their intent to attend the institution or begin employment within ten days of enrolling/acceptance or by the first business day after arriving at the institution, whichever is earlier.²³⁶

Juveniles required to register as sex offenders must notify the sheriff of their county of their intent to attend **any public or private school** within 10 days of enrolling or prior to arriving at the school, whichever is earlier. The sheriff is then required to notify the principal of the school.²³⁷ The principal is required to notify all of the student's teachers and any others who supervise the juvenile or "for security purposes" should be aware of the juvenile's record, if the juvenile sex offender is classified as risk Level II or III. For Level I offenders, the principal must provide information only to school personnel who "for security purposes should be aware of the student's record."²³⁸

XVII. Foster Children

Juveniles in the state's custody as foster children, i.e., dependent children, may face additional consequences related to criminal adjudications. A foster child's criminal history may affect where that child may be placed, for example, whether they will be placed in a foster home or in a group home. Dependent children who are charged with sex offenses may be considered "sexually aggressive youth" requiring specialized placement even if not convicted of a sex offense.²³⁹

PRACTICE TIP: If a juvenile client is dependent, coordinate representation with the client's dependency attorney. A dependency attorney may have useful information about the client, the client's family and services available to the client. If no dependency attorney has been appointed, have your client request appointment of counsel in the dependency proceeding pursuant to RCW 13.34.100(6).

XVIII. Parental Responsibility

Civil Liability for Shoplifters: In the case of a minor who shoplifts, a parent or legal guardian is liable for the cost of the stolen goods (not more than \$500), penalties between \$100-\$200, attorney's fees and court costs of the victim.²⁴⁰ The minor, however, can be liable for restitution to parents for paying the penalty.²⁴¹

Civil Liability for Malicious Mischief: Parents are liable in civil damages up to \$5000 for their minor child's malicious destruction of property or malicious injury to a person if the child is living with them. This does not limit civil damages that might arise from the parents' own negligence.²⁴²

Attorney's Fees: The court may order parents, legal guardians or juveniles to pay, as they are able, for the costs of publicly funded counsel after a juvenile disposition, modification, or after the state prevails on an appeal.²⁴³

Costs of Incarceration: The court may order the parent or legal custodian to pay in whole or in part for the costs of "support, treatment, and confinement of the child."²⁴⁴

Diversion Costs: Parents or legal guardians must pay, as they are able, for the cost of diversion services.²⁴⁵

*There can be no keener revelation of a society's soul
than the way in which it treats its children.*
— Nelson Mandela

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¹RCW 13.04.240.

²RCW 13.04.011(1).

³RCW 9.94A.030(11).

⁴RCW 13.50.050.

⁵RCW 9.94A.525.

⁶RCW 13.50.050.

⁷*State v. Varga*, 151 Wash.2d 179, 198, 86 P.3d 139 (2004); RCW 9.94A.525; see also, *In re Carrier*, 173 Wash.2d 791 (2012) (washed out adjudications may also score).

⁸See RCW 19.182.040(1)(f); see also RCW 13.50.050.

⁹RCW 10.97.050.

¹⁰RCW 10.97.050.

¹¹RCW 10.97.050

¹²RCW 10.97.050; RCW 10.97.100; RCW 43.43.838.

¹³RCW 13.50.050.

¹⁴See RCW 19.182.040(1). See also RCW 13.50.050, amended by ESSB 6561, Chapter 150, Sec. 2(2), 2010 Washington Laws, signed by Governor March 22, 2010.

¹⁵RCW 43.43.730; RCW 10.97.080.

¹⁶RCW 13.50.010(6).

¹⁷*State v. Noel*, 5 P.3d 747, 749, 101 Wn. App. 623 (2000), quoting Black's Law Dictionary at 1548 (6th ed.1990).

¹⁸*Id.*

¹⁹"To seal means to protect from examination by the public or unauthorized court personnel." A record can be completely or partially sealed. The existence of a sealed file, unless statutorily protected, is still viewable by the public, but is "limited to the case number, names of the parties, the notation 'case sealed,' the case type in civil cases and the cause of the action or charge in criminal cases." 2 Wash. Prac., Rules Practice GR 15 (6th ed.).

²⁰RCW 13.50.050(11). See also <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=45>.

²¹RCW 13.50.50.

²²RCW 13.50.050(12).

²³RCW 10.97.060 (2005); WAC 446-16-025.

²⁴RCW 10.97.060 (2005); WAC 446-16-025 (2005); RCW 13.50.050(17).

²⁵RCW 13.50.050(17).

²⁶RCW 13.50.050(22).

²⁷*Id.*

²⁸RCW 13.50.050.

²⁹RCW 13.50.050(14).

³⁰RCW 10.97.060.

³¹*Id.*

³²18 U.S.C. § 5038(a)(2005).

³³*Id.*

³⁴Testimony at Washington State House Judiciary Committee Hearing, June 8, 2010, found at the TVW website <http://www.tvw.org/media/mediaplayer.cfm?evid=2010060031B&TYPE=V&CFID=13028&CFTOKEN=10017140&bhcp=1>, last visited on August 26, 2013.

³⁵*Matter of Ramirez-Rivero*, 18 I. & N. Dec. 135 (B.I.A. 1981); *Matter of Devison*, 22 I. & N. Dec. 1362 (B.I.A. 2000).

³⁶*Padilla v. Kentucky*, 559 U.S. 356, 130 S.Ct. 1473, 176 L.Ed.2d 284 (2010).

³⁷*Id.* at 366.

³⁸*Id.*

³⁹See, e.g., *Matter of Devison*, 22 I. & N. Dec. 1362 (B.I.A. 2000).

⁴⁰8 USC § 1182(a)(2)(C)(2013).

⁴¹8 USC § 1227(a)(2)(E)(ii)(2008).

⁴²See INA § 103(a)(1) (2010).

⁴³8 USC § 1158 (2009).

⁴⁴ 8 USC 1101(a)(27)(J)(iii) (2013).

⁴⁵ JRA Bulletin 38, § 38-400(1)(2)(2007) (interpreting RCW 10.70.140 to apply to juveniles as well as adults and therefore require reporting the juvenile to ICE).

⁴⁶ JRA Bulletin 38, § 38-400 (6)(2010).

⁴⁷ 8 USC § 1182(a)(1)(A)(iv)(2013).

⁴⁸ 8 USC § 1227(a)(2)(B)(ii)(2008).

⁴⁹ RCW 13.40.020(25).

⁵⁰ RCW 7.68.035(1)(b).

⁵¹ RCW 13.40.145.

⁵² Unlike the 12% interest rate assessed on adult legal financial obligations, *See* RCW 10.82.090, RCW 4.56.110, the Juvenile Justice Act, RCW 13.40, does not provide for interest on legal financial obligations. Collection fees may be imposed. *See e.g.*, King County Code 4.71.160 (Ord. 13995 § 2, 2000).

⁵³ RCW 13.40.020(25).

⁵⁴ *State v. Hiatt*, 154 Wn.2d 560, 572, 115 P.3d 274 (2005).

⁵⁵ RCW 13.40.190(1).

⁵⁶ RCW 13.40.190(1)(f).

⁵⁷ RCW 13.40.192.

⁵⁸ RCW 13.40.0357.

⁵⁹ RCW 13.40.200(4).

⁶⁰ RCW 13.40.192.

⁶¹ RCW 7.68.035(1)(b); RCW 13.40.200(4).

⁶² RCW 13.40.192; RCW 13.40.198.

⁶³ RCW 13.40.145.

⁶⁴ *Id.*

⁶⁵ RCW 13.40.265.

⁶⁶ RCW 66.44.365.

⁶⁷ RCW 69.50.420.

⁶⁸ RCW 69.41.065.

⁶⁹ RCW 69.52.070.

⁷⁰ RCW 13.40.265; RCW 9.41.040(5).

⁷¹ RCW 13.40.265(1)(c).

⁷² *Id.*

⁷³ *See* RCW 46.61.5055 for penalty schedule driving under the influence of alcohol.

⁷⁴ *See* RCW 46.61.502 (DUI); RCW 46.61.504 (Physical Control).

⁷⁵ RCW 13.40.265(1)(c).

⁷⁶ *Id.*

⁷⁷ RCW 46.20.265.

⁷⁸ RCW 46.20.285.

⁷⁹ RCW 46.20.285(2).

⁸⁰ RCW 46.20.285(1).

⁸¹ RCW 46.61.500, RCW 46.61.530, RCW 46.20.285.

⁸² RCW 46.20.285(5), RCW 46.52.020.

⁸³ RCW 46.20.342.

⁸⁴ RCW 46.61.024.

⁸⁵ RCW 46.61.685.

⁸⁶ RCW 46.61.527(5).

⁸⁷ There is no statute that allows for reinstatement for these offenses.

⁸⁸ RCW 13.40.265(2).

⁸⁹ RCW 13.40.080(14).

⁹⁰ *Id.*

⁹¹ RCW 13.40.265(1)(c).

⁹² *Id.*

⁹³ RCW 46.20.075.

⁹⁴ RCW 46.20.075(e)-(f).

⁹⁵ RCW 46.20.005.

⁹⁶ *Id.*

⁹⁷ RCW 46.20.317.

⁹⁸ RCW 46.20.342.

⁹⁹ RCW 46.20.391.

¹⁰⁰ RCW 13.50.050(7).

¹⁰¹ RCW 13.04.155(1).

¹⁰² RCW 13.04.155(2).

¹⁰³ RCW 28A.600.010-RCW 28A.600.040.

¹⁰⁴ *Id.*

¹⁰⁵ RCW 28A.600.020(5).

¹⁰⁶ RCW 28A.600.420, RCW 28A.600.010.

¹⁰⁷ RCW 28A.600.460(2).

¹⁰⁸ RCW 28A.600.460(3).

¹⁰⁹ *Id.*

¹¹⁰ RCW 28A.600.455.

¹¹¹ RCW 9A.46.120.

¹¹² RCW 9A.46.120.

¹¹³ WAC 392-183A-015.

¹¹⁴ WIAA Policy 18.26.2.

¹¹⁵ *Id.*

¹¹⁶ *See e.g.*, Seattle Public Schools Athletic/Activity Substance Use Policy, <http://www.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Forms/Athletics/Handbook.pdf> (2009). Under Seattle School District policy, a student caught selling or distributing any quantity of illegal drugs, counterfeit drugs or controlled substances will be excluded from athletic participation for 1 calendar year and law enforcement will be contacted. A student caught in possession, use, distribution, transmittal, or under the influence of any drug or counterfeit drugs will be immediately excluded from the sports team for 20% of the contests, but not practice. If the student and parents do not agree to participate in assessment and approved substance abuse education, the student will be excluded from participation in athletic events for one calendar year.

¹¹⁷ *See e.g.*, Tacoma School District Regulation 2151R, <http://www.tacoma.k12.wa.us/calendar/Calendar%20PDFs/2010-11RRR.pdf>.

¹¹⁸ For example, certain schools at University of Washington require a criminal background check. *See, e.g.*, http://www.tacoma.washington.edu/enrollmentservices/admissions/docs/nur_bsn_app_kit.pdf. However, community colleges generally do not. *See, e.g.*, <http://www.seattlecentral.edu/admissions/admissApplication.pdf>.

¹¹⁹ RCW 43.43.842.

¹²⁰ For example, Gonzaga and Seattle Pacific University ask about a student's criminal history on their applications. The University of Puget Sound and Whitman College do not ask applicants about criminal history but will consider it if it is revealed through recommendations or other sources.

¹²¹ RCW 28B.92.080 (2010); WAC 250-20-011 (2010); 20 U.S.C. § 1091(r)(2); FAFSA Student Aid Eligibility Worksheet available online at <https://studentaid.ed.gov/sites/default/files/2012-13-student-aid-eligibility-drug-worksheet.pdf>, last visited on August 29, 2013.

¹²² 34 C.F.R. §668.40 (a)(2).

¹²³ *See* Federal benefits found under 20 U.S.C. §1070 *et seq.* and 42 U.S.C. §2751 *et seq.*; Higher Education Act, 20 U.S.C. §1091(r)(1); Deficit Reduction Act of 2005, Pub. L. No. 171, §8021, 120 Stat. 4.

¹²⁴ 26 U.S.C. § 25A(b)(2)(D).

¹²⁵ 20 U.S.C. § 1091(r)(2).

¹²⁶ RCW 9.41.040(2)(a)(iii); RCW 9.41.042. Some permissible circumstances include, among others: at an authorized shooting range, hunting with a valid license, on his or her parent's property with parental consent, or as a member of the armed forces.

¹²⁷ 18 U.S.C. § 922(x)(2010).

¹²⁸ 18 U.S.C. § 922(g)(2010).

¹²⁹ RCW 9.41.040(3).

¹³⁰ *Id.*, See also *State v. Mihali*, 152 Wn.App. 879, 218 P.3d 922 (2009).

¹³¹ *State v. Masangkay*, 121 Wash. App. 904, 91 P.3d 140 (Div. 1 2004), *petition for review granted*, 153 Wash.2d 1017, 108 P.3d 1228, March 1, 2005.

¹³² *Id.*

¹³³ 18 U.S.C. § 922(g).

¹³⁴ 18 U.S.C. § 921(a)(20).

¹³⁵ See, e.g., *State v. Wright*, 88 Wash. App. 683, 946 P.2d 792 (1997), *State v. McKinley*, 84 Wash. App. 677, 929 P.2d 1145 (1997).

¹³⁶ RCW 9.94A.030(11); RCW 13.04.011(1); See *In the Matter of JUVENILES A, B, C, D, E*, 121 Wash.2d 80, 847 P.2d 455 (1993)(holding juveniles found to have committed sex offenses must submit to HIV testing under RCW 70.24.340(1)(a) and finding “Numerous other statutes, including sections of the Sentencing Reform Act of 1981, RCW 9.94A, and the Juvenile Justice Act of 1977, RCW 13.40, use ‘convicted’ to reference both adult and juvenile offenders.”); *But see U.S. v. Walters*, 359 F.3d 340 (4th Cir. 2004)(Virginia law finding a juvenile delinquent was not a “conviction” for purposes of the federal firearms statute).

¹³⁷ 18 U.S.C. § 5031-5042 (2005); *U.S. v. Walters*, 359 F.3d at 343.

¹³⁸ 18 U.S.C. § 921(a)(20)(2010).

¹³⁹ RCW 29A.08.520 (requires the clerk of the court to forward notice of felony “convictions” of “defendants” to the county auditor or custodian of voting records.) Although some ambiguity may exist with respect to juvenile felonies and voting since the definition of “adjudication” and “conviction” have become more interchangeable after amendments to RCW 13.40 and RCW 9.94 in the mid-1990’s, juvenile adjudications cannot remove civil rights which have not attached and where there is no statutory provision for restoration of civil rights following such adjudications.

¹⁴⁰ RCW 29A.08.520.

¹⁴¹ RCW 2.36.070.

¹⁴² 32 C.F.R. § 96.3.

¹⁴³ 32 CFR § 571.1 (Army regulations).

¹⁴⁴ 10 U.S.C. §504, 32 C.F.R. §96.1 *et seq* (2005). The standards for waivers can be complex and variable. The following information is current as of 6/2005. Current information should be obtained directly from a recruiter. The **Army** requires a waiver for applicants with (1) six or more minor traffic offenses (where the fine was \$250 or more per offense); (2) three or more minor non-traffic offenses; (3) two or more misdemeanors; or (4) one or more felonies. See AR 601-210 Chapter 4. The **Air Force** divides offenses into five different categories based on seriousness and requires waivers based on the category, the number of adjudications and the time frame in which the offenses were committed. See “Air Education and Training Command Instruction 36-200,” *Air Force Recruiting*. The **Marines** divide criminal offenses into one of six categories. In general, a waiver is required for: five to nine minor traffic offenses; two to five more serious traffic offenses; two or more Class 1 minor non-traffic offenses; two to nine Class 2 minor non-traffic offenses; two to five serious offenses; or one felony. Individuals with ten or more minor traffic offenses, six or more serious traffic offenses, ten or more Class 2 minor non-traffic offenses, six or more serious non-traffic offenses, or more than one felony are not eligible for a waiver. See Marine Corps Order (MCO) P1100.72.B, *Military Personnel Procurement Manual, Volume 2, Enlisted Procurement*. The **Navy** divides criminal offenses into four categories. Applicants with six or more minor traffic violations, three or more Minor Non-Traffic Violations/Minor Misdemeanors, one or more Non-Minor Misdemeanors, or one or more felonies, require a waiver. See “Comnavcruitcominst 1130.8F,” *Navy Enlisted Recruiting Program*.

¹⁴⁵ DOD Directive 1304.26 *Qualification Standards for Enlistment, Appointment and Induction* (September 20, 2005, incorporating change, September 20, 2011).

¹⁴⁶ 32 CFR § 571.3 (2005)(Army enlistment and waiver criteria).

¹⁴⁷ 10 U.S.C. § 978 (c)(1) (2005) (This section can be waived by the president during a time of war).

¹⁴⁸ “Former juvenile offender, who had pleaded guilty to second degree robbery and served sentence in juvenile detention facility, requested ‘certificate of rehabilitation’ less than three years after his release, to reinstate his right to possess firearms so that he could join the Marines.” *State v. Masangkay*, 121 Wash. App. 904, 91 P.3d 140 (Div. 1, 2004) *petition for review granted*, 153 Wash.2d 1017, 108 P.3d 1228 (March 1, 2005).

¹⁴⁹ RCW 9.96A.020.

¹⁵⁰ RCW 43.43.834.
¹⁵¹ WAC 388-06-0110.
¹⁵² RCW 28A.400.303.
¹⁵³ RCW 43.43.830(7).
¹⁵⁴ RCW 43.43.842; WAC 388-97-1800 (nursing homes); WAC 388-76-10161 (adult family homes); WAC 388-06-0170 (access to children).
¹⁵⁵ RCW 43.43.830(9).
¹⁵⁶ WAC 388-06-0170.
¹⁵⁷ WAC 388-06-0180.
¹⁵⁸ RCW 28A.400.320 (2005) (school employees); RCW 28A.400.330 (school contractors); WAC 392-144-101 (school bus drivers).
¹⁵⁹ WAC 180-86-013.
¹⁶⁰ RCW 18.130.040.
¹⁶¹ *Id.*
¹⁶² RCW 18.130.180.
¹⁶³ The federal laws in this section do not specifically address juvenile adjudications; however, definitions of “conviction” may be broad enough to include Washington juvenile adjudications. Specific statutes should be consulted.
¹⁶⁴ 12 U.S.C. § 1829.
¹⁶⁵ 18 U.S.C. § 1033(e).
¹⁶⁶ 29 U.S.C. § 504.
¹⁶⁷ 42 U.S.C. § 1320a-7.
¹⁶⁸ 21 U.S.C. § 335a.
¹⁶⁹ 42 U.S.C. § 13726b.
¹⁷⁰ 49 U.S.C. § 44935; 49 U.S.C. § 44936.
¹⁷¹ *See* WAC 139-05-220 (2005).
¹⁷² WAC 204-91A-060.
¹⁷³ WAC 204-93-040.
¹⁷⁴ RCW 72.05.440.
¹⁷⁵ *But see* RCW 46.20.391 (2013) (occupational driver's licenses).
¹⁷⁶ WAC 162-12-140(3)(b).
¹⁷⁷ *Id.*
¹⁷⁸ *Id.*
¹⁷⁹ RCW 49.60 *et seq.*; WAC 162-12-140(3) (2005).
¹⁸⁰ *See Generally*, 24 CFR § 966.4 (2010).
¹⁸¹ Examples include First Advantage Corporation at www.fadv.com and Tenant Screening Services at www.tenantscreening.com.
¹⁸² 24 CFR § 966.4 (2010).
¹⁸³ The United States Fair Housing Act does not include criminal history as a protected class. 42 U.S.C. § 3604.
¹⁸⁴ 24 C.F.R. § 100.201(a)(2).
¹⁸⁵ RCW 59.18.130(6).
¹⁸⁶ *Id.*
¹⁸⁷ RCW 59.18.130.
¹⁸⁸ RCW 59.16 *et seq.* (Unlawful Detainer Statute), RCW 59.18 *et seq.* (Residential Landlord-Tenant Act).
¹⁸⁹ RCW 59.18.130(8).
¹⁹⁰ RCW 59.18.130(6) and (9).
¹⁹¹ RCW 59.20 *et seq.* (Mobile Home Landlord-Tenant Act).
¹⁹² 42 U.S.C. § 1437n (2005), 24 CFR 966.4(i)(A) (2005).
¹⁹³ 42 U.S.C. 1437 (f)(d)(1)(B)(iii) and other related statutes do not limit the language solely to convictions, rather stating that “[t]he owner may terminate the tenancy for criminal activity by a household member... if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.”
http://www.seattlehousing.org/landlords/pdf/project/Tenancy_Addendum.pdf.

¹⁹⁴ Quality Housing and Work Responsibility Act of 1998 (QHWRA) § 578, 112 Stat. 2461, P.L. 105-276; *see also* 66 Fed. Reg. 28,776 (May 24, 2001).

¹⁹⁵ 42 U.S.C. § 1437n(f).

¹⁹⁶ 42 U.S.C. § 13661, 24 CFR § 982.553.

¹⁹⁷ 42 U.S.C. § 13661(c).

¹⁹⁸ *Id.*

¹⁹⁹ 24 CFR § 5.851.

²⁰⁰ 42 U.S.C. 1437d(l)(6).

²⁰¹ RCW 59.18.130(6).

²⁰² 42 U.S.C. § 1437f(d)(1)(B)(iii).

²⁰³ 42 U.S.C. § 13662.

²⁰⁴ 42 U.S.C. § 1437f(d)(1)(B)(v).

²⁰⁵ 42 U.S.C. § 608(a)(1). A “dependant child” is someone under 18 (unless a court order for support exists), not married, self-supporting, or a member of the armed forces. RCW 74.20A.

²⁰⁶ 21 U.S.C. § 862a. *See also* WAC 388-408-0015 for who is eligible in a household to receive TANF in Washington.

²⁰⁷ 21 USC §862(b), *see also* 21 USC §862(d)(1).

²⁰⁸ RCW 74.08.025(4); 21 U.S.C. 862a(a).

²⁰⁹ RCW 74.08.025.

²¹⁰ RCW 74.08.025

²¹¹ WAC 388-454-0015.

²¹² WAC 388-454-0015(5), WAC 388-418-0007(6).

²¹³ WAC 388-442-0010(2). Fleeing felons are ineligible for all of the above (TANF, food assistance, SFA). A fleeing felon is a person who is fleeing to avoid prosecution, custody or confinement for a crime or an attempt to commit a crime.

²¹⁴ *See* 42 U.S.C. 1320a-7.

²¹⁵ Immigrant and Refugee Protection Act [Canada], 36(2)(c).

²¹⁶ Immigration and Refugee Protection Act [Canada], 36(3)(e). The “Young Offenders Act” is the Canadian statute dealing with juveniles.

²¹⁷ RCW 9A.44.130; RCW 13.40.217 (2005) authorizes the release of information to law enforcement agencies and to a website, regarding juveniles adjudicated of sex offenses. RCW 4.24.550 governs the release of information to a website.

²¹⁸ *Id.*

²¹⁹ RCW 9A.44.132.

²²⁰ RCW 9A.44.140.

²²¹ RCW 13.40.217(3).

²²² RCW 4.24.550(10).

²²³ RCW 13.40.215.

²²⁴ RCW 13.40.217.

²²⁵ RCW 4.24.550(4).

²²⁶ RCW 4.24.550(3).

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ RCW 4.24.550(5).

²³⁰ Whereas Washington is one of the more liberal states regarding displaying juvenile photos, federal law prohibits pictures and names from being given to the public unless the juvenile is prosecuted as if an adult under 18 U.S.C. § 5038(e) (2005).

²³¹ RCW 4.24.550(5).

²³² <http://www.waspc.org/>.

²³³ RCW 13.40.160(3)(b)(ix).

²³⁴ RCW 13.04.155.

²³⁵ *Id.*

²³⁶ RCW 9A.44.130(1)(b).

²³⁷ RCW 9A.44.130(4)(a).

²³⁸ RCW 9A.44.130(1)(c)(d)(i)(A).

²³⁹ RCW 74.13.075.

²⁴⁰ RCW 4.24.230(2).

²⁴¹ *State v. T.A.D.*, 122 Wash. App. 290, 95 P.3d 775 (Div.1 2004).

²⁴² RCW 4.24.190.

²⁴³ RCW 13.40.145.

²⁴⁴ RCW 13.40.220.

²⁴⁵ RCW 13.40.085.