

**HOW TO PETITION
THE JUVENILE COURT TO BE RELIEVED
OF THE REQUIREMENT TO REGISTER AS A
SEX OFFENDER PURSUANT TO RCW**

9A.44.143

**PROCEDURES SHEET
AND
PATTERN FORMS**

FROM

SPOKANE COUNTY SUPERIOR COURT

November 29, 2016

**Juvenile Petition Packet
AC/CAO
11/21/16**

PETITION TO END SEX OFFENDER REGISTRATION

INSTRUCTIONS TO PETITIONER

This packet contains this instruction sheet and the forms that you will need to complete in order to Petition the Superior Court to be relieved of your requirement to register as a sex offender.

Please read these instructions carefully and the Petition for Relief from the Sex Offender Registration. You must complete every form in its entirety and you must check any box that applies to you.

If you were convicted as a Juvenile, you must provide proof that you successfully completed the terms and conditions of your sentence.

You must sign the Petition under the Penalty of Perjury.

You must make at least two (2) copies of the Petition and all of the attachments to the Petition. One copy is for you, and one-copy is for the Spokane County Prosecuting Attorney. The only exception will be NOTICE OF PENDING PETITION where you will make three (3) copies to individuals/offices applicable.

Throughout these instructions and throughout these proceedings, you will be referred to as the Petitioner and the Prosecuting Attorney will be referred to as the Respondent.

In general, the process consists of

1. Paying a filing fee to the Superior Court
2. Filing the Petition and the attachments to the Petition with the Spokane County Clerk
3. Notifying law enforcement and the prosecutor of your intentions
4. Signing a Petition under Penalty of Perjury
5. Obtaining a court date from the juvenile court coordinator
6. Appearing at the court date

The Superior Court will NOT consider your Petition unless you have successfully completed the following

- A. Any and all treatment programs ordered by the Court as part of your sentence
- B. All other conditions and obligations of your sentence
- C. Meet the criteria set forth under RCW 9A.44.143

Where to make the request: The Petition must be filed in the County where you were convicted of the crime; not where you currently reside.

If you were convicted outside the State of Washington, you must file your Petition to the Court in the county where you are registered at the time the Petition is sought.

If you need to file in another county, you should contact the Superior Court in that county to obtain instructions to file your Petition.

These instructions apply only to Petitions being filed in Spokane County Superior Court

Assistance of an attorney: You may retain an attorney to represent you or you can proceed without an attorney. You are not entitled to have an attorney appointed to represent you and the Superior Court will not appoint an attorney to represent you.

Costs of the procedure: There will be costs associated with the Petition to be Relieved of the Sex Offender Registration, including but not limited to the cost of an attorney, the cost of a new psychological evaluation, the cost of a polygraph, if desired, and a filing fee of \$ 240.00. There may be other costs. The Petitioner bears all costs. The court is not able or required to pay for attorneys or psychological evaluations.

Remember: In certain cases, your registration requirement will end automatically, regardless of whether you go through this process, or whether the judge approves this application.

RCW 9A.44.143

(1) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty as provided in this section.

(2) For class A sex offenses or kidnapping offenses committed when the petitioner was fifteen years of age or older, the court may relieve the petitioner of the duty to register if:

(a) At least sixty months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the sixty months prior to filing the petition; and

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

(3) For all other sex offenses or kidnapping offenses committed by a juvenile not included in subsection (2) of this section, the court may relieve the petitioner of the duty to register if:

(a) At least twenty-four months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the twenty-four months prior to filing the petition; and

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

(4) A petition for relief from registration under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in the county in which the juvenile is registered at the time a petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition:

(5) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders, the following factors are provided as

guidance to assist the court in making its determination, to the extent the factors are applicable considering the age and Circumstances of the petitioner:

- (a) The nature of the registrable offense committed including the number of victims and the length of the offense history;
- (b) Any sub-sequent criminal history;
- (c) The petitioner's compliance with supervision requirements;
- (d) The length of time since the charged incident(s) occurred;
- (e) Any input from community corrections officers, juvenile Parole or probation officers, law enforcement, or treatment providers;
- (f) Participation in sex offender treatment;
- (g) Participation in other treatment and rehabilitative programs;
- (h) The offender's stability in employment and housing;
- (i) The offender's community and personal support system;
- (j) Any risk assessments or evaluations prepared by a qualified professional;
- (k) Any updated polygraph examination;
- (l) Any input of the victim;
- (m) Any other factors the court may consider relevant.

(6) A juvenile prosecuted and convicted of a sex offense or kidnapping offense as an adult pursuant to RCW 13.40.110 or 13.40.030 may not petition to the superior court under this section and must follow the provisions of RCW 9A.44.142.

(7) An adult prosecuted for an offense committed as a juvenile once the juvenile court has lost jurisdiction due to the passage of time between the date of the offense and the date of filing of charges may petition the superior court under the provisions of this section.

INTHE SUPERIOR COURT STATE OF WASHINGTON IN
AND FOR THE COUNTY OF SPOKANE,

_____)
Petitioner,) NO.
v.)
LARRY HASKELL, Prosecuting) REQUEST FOR EVALUATION
Attorney for Spokane County) (JUVENILE)
Respondent)

Directions to therapist:

This Petitioner has requested that the Court relieve him/her of the requirement to register his/her Sex Offender status and residence with the sheriff.

Spokane County Superior Court, Criminal Presiding Department, may consider this request absent a current psychological assessment, but an assessment is recommended to fully inform the court.

The issue before the court is, "Is the Petitioner sufficiently rehabilitated to warrant removal from the Central Registry of Sex Offenders and Kidnapping Offenders?"

Your report should describe the evaluation, including any psychometric testing or collateral sources, and the extent of your contact with the Petitioner/Offender

Your report should be in affidavit form, signed under penalty of perjury and notarized. In some cases your live testimony will be required.

The offender/petitioner is required to waive the patient-therapist confidentiality to the extent necessary to share your findings with the Court and the Prosecuting Attorney.

The court cannot pay for this evaluation. The therapist/evaluator's compensation is to be arranged between the Petitioner and the therapist.

Please provide a copy of your report to:

Superior Court, Juvenile Judge

Prosecutor

Petitioner's counsel

Probation/Corrections

WAIVER OF CONFIDENTIALITY

This is to confirm that I, _____, hereby waive or give up any claim of confidentiality or patient-therapist privilege that would prevent _____ from discussing with or releasing to Spokane County Superior Court information and impressions and opinions and information known from or about me.

This waiver authorizes that such information be released only for use in my Spokane Superior Court Petition for Relief from the Requirement that I register with the sheriff as a sex offender.

I further understand that the information about me will be used in a public courtroom, and that it may necessarily also be released to my attorney, the prosecutor, the probation authorities, and the parole authorities. I also understand that victims of my crime may be notified of the hearing at which this information will be discussed.

A photocopy of this waiver carries the same force and effect as the original.

Dated this _____ day of _____, 20____. _____
(Petitioner)

(Attach list of state-certified psycho-sexual therapists and RCW 9A.44.143)

IN THE SUPERIOR COURT STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE,

_____))
Petitioner,) NO.
))
v.))
))
LARRY HASKELL, Prosecuting))
Attorney for Spokane County))
Respondent) NOTICE OF PENDING PETITION

_____) (JUVENILE)

NOTICE TO: LAW ENFORCEMENT / PROSECUTION / PROBATION

Please be advised that the above specified Petitioner has requested to be relieved of the "Sex Offender Registration" requirements. If your agency has information pertinent to this request, please bring it to the attention of the Spokane County Superior Court, Juvenile Division, reference the above-captioned cause number.

Instructions to Petitioner: (1) complete all of this questionnaire, then (2) make three copies, then (3) distribute the copies to the individuals/offices specified on page 4 of this document.

PART ONE - ORIGINAL CRIME

Crime which you were convicted of: _____

Court Case number (Juvenile Court file number): _____

County of Conviction: _____

Date of Conviction: _____

Date of Completion or any Term of Confinement: _____

PART TWO - OFFENDER LEVEL HISTORY

What "Offender Level" (I or II or III) have you been assigned since your conviction?

List the different times you have been different levels

Level _____ from _____ to _____

Level _____ from _____ to _____

Level _____ from _____ to _____

PART THREE - RESIDENCE HISTORY

List every *county* and *state* you have lived in since the conviction: attach an additional page if necessary.

(date)	(state)	(county)
From _____ to _____	_____	_____
From _____ to _____	_____	_____
From _____ to _____	_____	_____
From _____ to _____	_____	_____
From _____ to _____	_____	_____
From _____ to _____	_____	_____

PARTFOUR-PETITIONER'S ATTORNEY

[] I will be represented by the following attorney

Name: _____

Address: _____

Phone Number: _____

[] I will not have an attorney. I will represent myself. I request Notice of all court dates that may be scheduled, and copies of all documents that are offered to the judge in this case. I may be reached at:

Name: _____

Address: _____

Phone Number: _____

DISTRIBUTION INSTRUCTIONS

MAKE THREE COPIES OF THIS FORM

1. Mail or deliver one copy to

Spokane County Sheriff Sex Crimes Unit
Public Safety Building
1100 W Mallon
Spokane, WA 99206

(Instructions to law enforcement: Please prepare a current "criminal history" of the applicant, including Spokane County Database, or NCIC, or other relevant databases of agencies as may be suggested by the information contained herein. Please provide the same in writing to Spokane County Superior Court, Criminal Presiding Department, within 10 days of receipt of this request).

2. Mail or deliver the second copy to

Spokane County Prosecuting Attorney
Juvenile Department
1208 W Mallon 1st Floor
Spokane, WA 99206

(Instructions to Prosecuting Attorney: Please (1) note that this matter may come on for hearing in open court, (2) if appropriate, may notify the victim(s) of the crime per the provisions of RCW 7.69 *et seq.*, and (3) prepare and serve any response to the Petitioner and/or Petitioner's counsel, named above).

3. Mail or deliver the third copy to:

Juvenile Probation Services
Juvenile Court Building
1208 W Mallon
Spokane, WA 99206

Instructions to Probation officials: Please note this request for relief from the sex offender registration requirements. If you choose, you may advise the Superior Court of Spokane, Criminal Juvenile Department, of any information that is pertinent to this request. A summary of Petitioner's conduct and compliance to date, whether any conditions of sentence remain uncompleted, or any other information that would be helpful to the Court. You may attend the hearing in person if you so desire).

**Superior Court of Washington
County of Spokane**

Petitioner,

v.

LARRY HASKELL, Prosecuting Attorney
for Spokane County *Respondent*

No. _____

Criminal/Juvenile Case No: _____
(if not listed above)

Petition for

- Relief from the Duty to Register
- Exemption from Community Notification
 - Adult Sex Offender
 - Adult Kidnapping Offender
 - Juvenile Sex Offender
 - Juvenile Kidnapping Offender

(PT)

I, _____ (name) ask the court to be:

- relieved from the duty to register as a
 - Sex Offender
 - Kidnapping Offender under RCW 9A.44.130
- exempted from any community notification requirements

pursuant to RCW 9A.44.142 and 9A.44.143.

- I was convicted in _____ County, Washington, and understand the Prosecuting Attorney of that county must be named as respondent and served.
- I was convicted in a state other than Washington, a foreign country, a federal, a tribal, or a military court and understand this petition must be brought in the county where I am currently registered and the Prosecuting Attorney of that county must be named as respondent and served.

This petition is based upon the attached copy of my criminal record, and the following declaration (check or fill out applicable sections):

FOR OFFICIAL USE ONLY

.1111 Ref No .

Relief from Registration

(Fill out section A or B. Also fill out section C.)

A. Conviction in Adult Court:

10 Consecutive Years Without Disqualifying Conviction - RCW 9A.44.142(1)(b). I am required to register for a **conviction in this state** and I have spent **10 consecutive years** in the community without being convicted of a disqualifying offense during that time period, and I have not been:

1. determined to be a sexually violent predator as defined in chapter 71.09 RCW; or
2. convicted as an adult of a sex offense or kidnapping offense that is a class A felony that was committed with forcible compulsion on or after June 8, 2000.

15 Consecutive Years Without Disqualifying Conviction - RCW 9A.44.142(1)(c). I am required to register for a **federal, tribal, or out-of-state conviction**, and I have spent **15 consecutive years** in the community without being convicted of a disqualifying offense during that time period.

and, if required, I have not been:

1. determined to be a sexually violent predator as defined in chapter 71.09 RCW; or
2. convicted as an adult of a sex offense or kidnapping offense that is a class A felony that was committed with forcible compulsion on or after June 8, 2000.

B. Sex or Kidnapping Offense Committed Under Age 18:

I qualify because of Adjudication in juvenile court or Adult conviction but crime committed prior to age 18 and juvenile jurisdiction lost only by passage of time (Note: Offenders subject to adult convictions after an RCW 13.40.110 decline hearing or pursuant to RCW 13.04.030 exclusive adult jurisdiction do not qualify for waiver under RCW 9A.44.143.)

Class "A" Felony at Age 15 or Older – RCW 9A.44.143(2):

1. I am requesting waiver from registration for class "A" felony sex or kidnapping offense(s) committed when I was 15 years of age or older;
2. At least 60 months (5 years) have passed since I was adjudicated and released from confinement, whichever is later;
3. I have no additional sex offense or kidnapping convictions or adjudications within 60 months (5 years) of filing this petition;
4. I have no convictions or adjudications for failure to register within 60 months (5 years) of filing this petition; and
5. I have not been determined to be a sexually violent predator as defined in chapter 71.09 RCW.

Class "A" Felony Under Age 15 or Any Other Type – RCW 9A.44.143(3):

1. I am requesting waiver from registration for class "A" felony sex or kidnapping offense(s) I committed when I was 14 years of age or younger; or, for sex or kidnapping offense(s), other than a class "A" felony offense, I committed when I was 17 years of age or younger;
2. At least 24 months (2 years) have passed since I was adjudicated and released from confinement, whichever is later;
3. I have no additional sex offense or kidnapping convictions or adjudications within 24 months (2 years) of filing this petition; and
4. I have no convictions or adjudications for failure to register within 24 months (2 years) of filing this petition.

5. I have not been determined to be a sexually violent predator as defined in chapter 71.09 RCW.

C. I Base my Request on this Information – RCW 9A.44.142(4) and 9A.44.143(5):

I understand that I must prove to the judge that I am sufficiently rehabilitated to end my duty to register. I want the judge to consider the following evidence before deciding whether to grant or deny my motion. (Check the boxes that apply and attach copies of the papers you want the court to consider):

- Criminal history report;
- Information about compliance with supervision requirements;
- Input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;
- Information about participation in sex offender treatment;
- Information about participation in other treatment and rehabilitative programs
- Information about stability in employment and housing;
- Information about community and personal support system;
- Risk assessments or evaluations prepared by a qualified professional;
- Updated polygraph examination;
- Any input of the victim.
- Other. Explain what you are attaching: _____

I understand the court may consider input from other sources such as my community corrections officer, treatment provider, law enforcement and the victim of my crime.

Exemption from Community Notification, Only

- Exemption from Community Notification Requirements:** RCW 9A.44.142(2)(b). I am not eligible to be relieved of the duty to register. I am eligible to be exempted from any community notification requirements to which I am subject. I have been in the community without being convicted of a disqualifying offense for **15 years** after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (City) _____, (State) _____, on (Date) _____.

Signature of Petitioning Party

Print or Type Name

IN THE SUPERIOR COURT STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

_____)	
<i>Petitioner,</i>)	NO.
)	
v.)	
)	
LARRY HASKELL, Prosecuting)	ORDER DIRECTING SHERIFF
Attorney for Spokane County)	TO PROVIDE THE COURT WITH
<i>Respondent</i>)	NECESSARY CRIMINAL
_____)	HISTORY (JUVENILE)

BASIS

Petitioner asks the Court to consider his/her request to be relieved of the requirement that he register as a convicted sex offender.

The Court desires current information about the Petitioner's criminal history and activities.

The Sheriff has information about criminal history and activity, or the lack thereof, not otherwise available to the Court but will not disseminate such information absent a court order.

Therefore, the Court hereby makes the following

ORDER

The Spokane County Sheriff's Office is directed to develop and provide to the Court, in time for a hearing on the _____ day of _____, 20_____, any and all information necessary to provide a complete and current sense of the criminal activity or lack thereof, particularly as to sexual activity, including but not limited to "NCIC III" information.

The information obtained hereby shall be provided directly to the Court. The Court will determine the circumstances under which the information shall be disseminated to the parties. In no event shall the information requested here be used for any other purpose, whatsoever, by any party beyond the determination of the instant Petition.

DATED this _____ day of _____, 20_____.

Judge

Presented by:

Presentment waived:

WSBA # _____
Attorney for Petitioner

WSBA # _____
Deputy Prosecuting Attorney

**Superior Court of Washington
County of Spokane**

Petitioner,

v.

LARRY HASKELL, Prosecuting Attorney
for Spokane County *Respondent*

No.

Order Granting

Relief from the Duty to Register
(ORGRDR)

Exemption from Community
Notification (ORGE CN)

Order Denying petition (ORDYMT)

Relief from the duty to register under this order is not a certificate of rehabilitation, or its equivalent, and does not restore the right to possess firearms as provided for in RCW 9.41.040.

I. Findings

The Court, having reviewed the petition, the relevant court records, and testimony, if any, and makes the following findings:

Basis to Grant Relief from Registration

A. Conviction in Adult Court:

10 Consecutive Years. The petitioner was required to register for a conviction in this state and:

- has spent **10** consecutive years in the community without being convicted of a disqualifying offense;
- is not otherwise prohibited by any provision in RCW 9A.44.142 from being relieved of his or her duty to register within the state of Washington;
- has proven by clear and convincing evidence that he or she is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

15 Consecutive Years. The petitioner was required to register for a federal, a tribal or an out-of-state conviction, and the petitioner:

- has spent **15** consecutive years in the community without being convicted of a disqualifying offense during that time period;

- is not otherwise prohibited by any provision in RCW 9A.44.142 from being relieved of his or her duty to register within the state of Washington;
- has proven by clear and convincing evidence that he or she is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

B. Sex or Kidnapping Offense Committed Under Age 18- RCW 9A.44.143:

The petitioner qualifies because of Adjudication in juvenile court or Adult conviction but crime committed prior to age 18 and juvenile jurisdiction lost only by passage of time (Note: Offenders subject to adult convictions after an RCW 13.40.110 decline hearing or pursuant to RCW 13.04.030 exclusive adult jurisdiction do not qualify for waiver under RCW 9A.44.143.)

Class “A” Felony at Age 15 or Older: The petitioner was required to register for class “A” felony sex or kidnapping offense(s) committed when the petitioner was 15 years of age or older, and:

6. at least 60 months (5 years) have passed since petitioner’s adjudication and release from confinement, whichever is later. The petitioner has not been adjudicated or convicted of a sex offense, a kidnapping offense, or for failure to register within 60 months (5 years) of filing the petition
7. is not otherwise prohibited by any provision in RCW 9A.44.143 from being relieved of his or her duty to register within the state of Washington;
8. has proven by at least a preponderance of evidence that he or she is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders; and
9. has not been determined to be a sexually violent predator as defined in chapter 71.09 RCW.

Class “A” Felony Under Age 15 or Any Other Type: The petitioner was required to register for class “A” felony sex or kidnapping offense(s) committed when the petitioner was 14 years old or younger; or, sex or kidnapping offense(s), other than a class “A” felony offense, committed when the petitioner was 17 years of age or younger, and:

6. at least 24 months (2 years) have passed since petitioner’s adjudication and release from confinement, whichever is later. The petitioner has not been adjudicated or convicted of a sex offense, a kidnapping offense, or for failure to register within 24 months (2 years) of filing the petition;
7. is not otherwise prohibited by any provision in RCW 9A.44.143 from being relieved of his or her duty to register within the state of Washington;
8. has proven by at least a preponderance of evidence that he or she is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders; and
9. has not been determined to be a sexually violent predator as defined in chapter 71.09 RCW.

Basis to Grant Exemption from Community Notification

Exemption from Community Notification Requirements: The petitioner is not eligible to be relieved from the duty to register. The petitioner has been in the community without being convicted of a disqualifying offense for 15 years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction. The petitioner should be exempted from any community notification requirements to which he or she is subject.

