

NO. 75146-8-1

IN THE COURT OF APPEALS, DIVISION I,
OF THE STATE OF WASHINGTON

JOSE MALDONADO,

Petitioner/Appellant,

v.

NOEMI LUCERO MALDONADO,

Defendant/Respondent.

BRIEF OF *AMICI CURIAE*
LEGAL VOICE AND THE WASHINGTON STATE
COALITION AGAINST DOMESTIC VIOLENCE

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I. INTRODUCTION

Washington State is a national leader in the fight to eradicate domestic violence. Over the last four decades, Washington State has enacted numerous legal and policy changes designed to hold perpetrators accountable, prevent further violence, and protect victims and their children from its effects. Of these protections, one of the most significant is the civil domestic violence protection order.

Domestic violence protection orders work. As a University of Washington study demonstrated, *during the time their protection orders were in effect, and increasing in strength over time*, protected victims were significantly less likely to suffer renewed acts of violence at the hands of their perpetrators.¹ Research from other jurisdictions showed similar rates of efficacy of protection orders.

The violence, suffering, and fear that is prevented when a protection order is in place cannot be underestimated. As this Court understands, domestic violence can be lethal. In 2015 alone, 47 Washington State residents were the victims of domestic violence-related

¹ Victoria L. Holt et al., *Do Protective Orders Affect the Likelihood of Future Partner Violence and Injury?*, 24 AM. J. PREVENTIVE MED. 16, 20 (2003) (finding that civil protection orders are one of the few domestic violence intervention mechanisms that are demonstrably effective).

homicides.² It is critical, then, that domestic violence protection orders remain meaningful, accessible tools to prevent further violence.

Unfortunately, recent shifts in trial court practices around the state threaten the efficacy of domestic violence protection orders and put victims at additional risk. The practice of entering a very short-term protection order, rather than granting a successful petitioner the minimum one-year relief contemplated by the statute, is finally reaching the appellate courts. As Division III of this Court recently held, trial courts abuse their discretion when they enter short-term orders based on the belief that a victim and her children may gain relief in a separate family law proceeding. *Juarez v. Juarez*, 2016 Wn. App. LEXIS 2150 (Div. III, Sept. 8, 2016). The case before this Court presents the identical issue.

The Legislature correctly has called domestic violence a “serious crime against society” and has expressed its intent “to assure the survivor of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide.” RCW 10.99.010. The entry of a protection order of duration far shorter than the one year contemplated by RCW 26.50, the Domestic Violence Prevention Act, particularly in cases where the parties have children in common, threatens the safety of

² Washington State Coalition Against Domestic Violence, *Domestic Violence Fatality Review*, <http://dvfatalityreview.org/category/dv-stats/washington-state/fatality-review/annual-summary/> (last visited October 11, 2016).

victims and undermines Washington State's policies designed to prevent violence. *Amici* urge this Court to adopt the reasoning of Division III, and hold that entry of short-term protection orders violates both the letter and spirit of the DVPA.

II. IDENTITY AND INTERESTS OF *AMICI CURIAE*

Amici are leading regional experts on domestic violence. Legal Voice, founded in 1978 as the Northwest Women's Law Center, is a non-profit public interest legal organization dedicated to advancing women's legal rights. To that end, Legal Voice brings impact litigation, pursues legislative advocacy, and provides legal rights information to the public. The organization has a long history of advocacy for an improved legal response to domestic violence, including advocating for the initial enactment of RCW 26.50, the Domestic Violence Prevention Act. Legal Voice has since sought to ensure that the Act's implementation and enforcement live up to its promise of preventing violence and ensuring the safety of survivors and their families.

The Washington State Coalition Against Domestic Violence (WSCADV) is the non-profit network of domestic violence programs in Washington State. Founded by domestic violence survivors and their allies, WSCADV's mission is to mobilize and support its member organizations to eradicate domestic violence through advocacy and action

for social change. WSCADV has long advocated for laws and policies that promote safety and justice for domestic violence survivors, and, like Legal Voice, has worked to ensure the efficacy and proper implementation of the Domestic Violence Prevention Act.

III. STATEMENT OF THE CASE

Amici rely on the Statement of the Case set forth in the Opening Brief of Appellant Jose Maldonado, filed August 4, 2016.

IV. ARGUMENT

A. **Short-Term Protection Orders Undercut the Law and Intent of the Domestic Violence Prevention Act.**

Domestic violence is a “serious crime against society.” RCW 10.99.010. More than 10 million people in the United States endure violence at the hands of an intimate partner every year.³ In 2013, 679,000 United States children were abused, the majority of them by their parents; 18% of those children experienced physical abuse.⁴ On average, more than 50,000 domestic violence reports are filed each year in Washington State,⁵ and domestic violence calls “constitute the single largest category of

³ Nat’l Coalition Against Domestic Violence, *NCADV National Fact Sheet* (Sept. 2014) <http://www.ncadv.org/files/Domestic%20Violence%20Stylized--GS%20edits.pdf>.

⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau, *Child Maltreatment 2013* 20, 23, 65, available at <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.

⁵ Patricia Sully, *Taking It Seriously: Repairing Domestic Violence Sentencing in Washington State*, 34 SEATTLE U. L. REV. 963, 966 (2011) (internal citation omitted).

[emergency] calls received by police” nationwide.⁶ Domestic violence takes a terrible toll on survivors’ physical and psychological wellbeing. *See, e.g.*, RCW 10.99.010 (noting the “serious consequences of domestic violence to society and to the survivors”). It also imposes immense public costs: nationwide, the health-related costs of intimate partner violence exceed \$5.8 billion annually, and survivors’ lost productivity and earnings account for an additional \$1.8 billion lost each year.⁷

1. *The Legislature created the domestic violence protection order to improve the State’s response to domestic violence.*

In 1984, recognizing the serious societal scourge of domestic violence, the Washington State Legislature enacted the Domestic Violence Prevention Act (DVPA). Laws of 1984, ch. 263, § 3; *Juarez*, 2016 Wn. App. at ¶ 23. The DVPA created the civil domestic violence protection order process, and enacted penalties for violations. *Id.* Almost immediately, the Legislature began revisiting the law to ensure the utmost protections for survivors of abuse. *Id.*; *see also* RCW 26.50.030 Findings – 1992 c 111 (“While the existing protection order process can be a valuable tool . . . specific problems in its use have become evident. . . Refinements are needed so that victims have the easy, quick, and effective

⁶ ANDREW R. KLEIN, NAT’L INSTITUTE OF JUSTICE, PRACTICAL IMPLICATIONS OF CURRENT DOMESTIC VIOLENCE RESEARCH: FOR LAW ENFORCEMENT, PROSECUTORS, AND JUDGES (2009).

⁷ Sully, *supra* note 5, at 967-68.

access to the court system envisioned at the time the protection order process was first created.”).

To that end, the Legislature has amended the DVPA many times since 1984. *See, e.g.*, Laws of 1985, ch. 303, § 5 (codified at RCW 26.50.060(4)) (allowing a court to realign the parties when it finds that the original petitioner is actually the perpetrator, and the respondent is the victim); Laws of 1995, ch. 246, § 5 (codified at RCW 26.50.040) (eliminating all filing fees for domestic violence protection orders); Laws of 1999, ch. 184, § 2 (codified at RCW 26.52.005) (ensuring full faith and credit for foreign protection orders). The Legislature has also removed logistical and language barriers facing domestic violence survivors seeking protection orders. *See* RCW 26.50.050 (permits courts to schedule telephonic hearings “to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence”); RCW 26.50.030(3) (requires clerks’ offices to make available forms, informational brochures, and instructions in both English and other languages); RCW 26.50.055 (requires appointment of an interpreter for any party who cannot readily speak or understand English).

All of these changes were made to further the DVPA’s purpose: to provide domestic violence survivors with “easy, quick, and effective access” to protection orders. Laws of 1992, ch. 111, § 1. *See also In re*

Marriage of Stewart, 133 Wn. App. 545, 552, 137 P.3d 25 (2006).

(Domestic violence prevention should be “rapid and efficient.”).

2. *The Legislature recognized that protection orders should be a minimum of one year in duration.*

The DVPA does not explicitly state that every protection order be a minimum of one year in duration. *Juarez*, 2016 Wn. App. at ¶ 21 (“RCW 26.50.025(2) does not expressly preclude the trial court from shortening the period of protection.”). However, numerous provisions of the statute, as well as its legislative history, demonstrate the Legislature’s expectation that protection orders should be issued for one year.

When the Legislature first enacted the DVPA in 1984, it provided that a domestic violence protection order “shall be for a fixed period *not to exceed* one year.” Laws of 1984, ch. 263, § 7 (emphasis added). Unlike today’s statute, then, the original law prohibited a court from extending a protection order longer than one year, and made no provision for the entry of permanent orders. Currently, longer orders – and permanent orders – are allowed in cases where a court finds that the respondent is likely to continue acts of domestic violence when the order expires. *See* RCW 26.50.060(2); Laws of 1992, ch. 143, § 2.

Other aspects of the 1992 legislation indicate that the Legislature expected courts to enter orders that were one year in duration. For

example, that bill established a process for survivors to renew protection orders, providing that they may file “a petition for renewal at any time within the three months before the order expires.” *See* Laws of 1992, ch. 143 § 4 (codified at RCW 26.50.085). The timelines of this renewal provision make no sense in the context of very short-term domestic violence protection orders, and indicate that the Legislature did not consider short-term domestic violence protection orders to be the norm.

Similarly, the 1992 legislation added provisions to the DVPA to permit service of protection orders by publication. *Id.* Significantly, that legislation expressly provides that publication of the summons must inform the respondent that “[i]f you fail to respond, an order of protection will be issued against you pursuant to the provisions of the [DVPA], chapter 26.50 RCW, for a *minimum of one year* from the date you are required to appear.” *Id.* (emphasis added). This provision explicitly reflects the Legislature’s intent that non-permanent protection orders should, in fact, be issued for at least one year. Indeed, the Senate Bill Report for the 1992 legislation refers repeatedly to “one-year orders” and the provisions for their reissuance. *See* Bill Report SB 2745 (Wa. 1992).

In short, the context of the DVPA and its other provisions related to duration of orders show that the Legislature understood that protection orders should be entered for at least one year. Moreover, in this case, as in

Juarez, the trial court’s granting of a very short-term protection order was done in the context of the availability of other family proceedings – an action *expressly* prohibited by the DVPA.

3. *The DVPA prohibits denying or delaying relief to successful protection order petitioners simply because relief is available in a separate proceeding.*

Courts may not limit the relief granted in a protection order based on the possibility that a survivor could pursue a family law action, such as a modification of a parenting plan. RCW 26.50.025(2). The Legislature made this clarification more than two decades ago, when it amended the DVPA to provide that “[r]elief under this chapter [RCW 26.50] shall not be denied or delayed on the grounds that the relief is available in another action.” Laws of 1995, ch. 246 § 2(2) (codified at RCW 26.50.025(2)). In enacting this amendment, the Legislature intended to ensure that domestic violence survivors with children are not denied protection under the DVPA on the grounds that they could pursue such relief in another action.

4. *Entry of short-term orders is, therefore, statutorily impermissible if done because relief is available in another proceeding, and, in any case, undermines the Legislature’s intent and the purpose of the DVPA.*

Unfortunately, courts across the state have, of late, routinely ignored the Legislature’s express direction and incorrectly entered short-term orders designed to compel domestic violence survivors to pursue relief in a family law case, rather than issuing full one-year protection

orders under RCW 26.50. In these cases, in *amici*'s experience, the courts have reasoned that protection order petitioners should file a separate, RCW 26.09 family law proceeding, to obtain the relief they seek. This is a throwback to an earlier time, when civil protection order statutes did not exist, and "battered women had to initiate divorce proceedings before requesting an order [for protection]." ⁸

That is not at all what the Legislature intended as it has crafted the DVPA over the last thirty-two years. The DVPA was intended to provide a wide range of immediate, sustained relief to survivors of domestic violence and their children. *See, e.g.*, RCW 26.50.060(1)(b) (allowing a court to exclude the respondent from coming near the school, daycare, or workplace of petitioner or a child); RCW 26.50.060(1)(i) (permitting a court to restrain the respondent from "harassing, following...or monitor[ing] the communication of a victim of domestic violence, the victim's children, or members of the victim's household"). The law expressly allows courts to make residential provisions for survivors and respondents' minor children, RCW 26.50.060(1)(d), precisely because the domestic violence protection order is a stand-alone proceeding, where relief is provided despite the presence or absence of other forms of relief.

As the *Juarez* court held, domestic violence protection order

⁸ ELIZABETH M. SCHNEIDER, ET AL., DOMESTIC VIOLENCE AND THE LAW: THEORY AND PRACTICE 221 (3d ed. 2013).

petitions must be adjudicated based on the DVPA alone, and petitions should be granted accordingly. Juarez at ¶ 21. This ensures that the intent of the Legislature is carried out: it also provides victims with one of the most effective forms of relief from future violence that the law provides.

B. Meaningful Domestic Violence Protection Orders Effectively Prevent Domestic Violence.

“Several studies have found that survivors’ safety improved after obtaining a protective order.”⁹ Such studies typically consider a protection orders’ efficacy through one of two lenses: (1) its subjective efficacy from the survivor’s perspective, or “women’s reports that their lives have improved since getting the order, that they feel better about themselves, and that they feel safer;”¹⁰ and (2) its efficacy in reducing incidents of re-abuse.¹¹ Domestic violence protection orders offer multiple advantages over other legal remedies available to survivors and are significantly effective, viewed through either lens.

1. *Protection orders offer more advantages than other legal remedies, such as criminal prosecution.*

⁹ WASHINGTON STATE DEP’T. OF HEALTH, *Health of Washington State: Domestic Violence* (May, 2013), available at <http://www.doh.wa.gov/Portals/1/Documents/5500/IV-DV2013.pdf>.

¹⁰ SUSAN KEILITZ, PAULA L. HANNAFORD, & HILERY S. EFKEMAN, U.S. DEP’T. OF JUSTICE, CIVIL PROTECTION ORDERS: THE BENEFITS AND LIMITATIONS FOR SURVIVORS OF DOMESTIC VIOLENCE, 4 (1998).

¹¹ Carolyn N. Ko, *Civil Restraining Orders for Domestic Violence: The Unresolved Question of “Efficacy,”* 11 S. CAL. INTERDISC. L.J. 361, 368 (2001-02).

“Although [domestic violence protection orders] are not the only remedies available to battered women, they are probably the most attractive.”¹² They are preferred because they not only allow survivors of domestic violence to initiate the proceeding on their own, but because these orders provide survivors immediate relief by enjoining abusive conduct. For example, they can make the survivor’s home, school, and workplace safe by prohibiting an abuser’s presence. *See* RCW 26.50.060(1)(a) (the court may “[r]estrain the respondent from committing acts of domestic violence”); RCW 26.50.060(1)(b) (the court may “[e]xclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child”); *see also* RCW 26.50.060(1)(c) (the court may “[p]rohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location”).

By contrast, criminal proceedings often encounter delays, during which the defendant may be allowed to live with the survivor.¹³ Further, the domestic violence survivor has no control over the criminal

¹² *Id.* at 367.

¹³ *Id.* at 368.

proceeding. Also, civil proceedings “are less time consuming” and thus “less burdensome for survivors who have children or are employed.”¹⁴

More important, statutes providing for civil domestic violence protection orders offer survivors a wider array of remedies that courts can tailor to individual survivors’ and families’ specific circumstances. The DVPA, for example, allows courts to restrain the respondent from further violence for at least one year; exclude the respondent from the survivor’s residence, workplace, or school; prohibit the respondent from coming within a certain distance of specified locations; order the respondent to participate in a domestic violence treatment program; and “[o]rder other relief as [the court] deems necessary for the protection of the petitioner and other family or household members.” RCW 26.50.060(1). Domestic violence protection orders also serve a preventive, rather than punitive, purpose, and may be less likely to make the abuser angry or lead to reprisal against the survivor.¹⁵ This purpose—to prevent future violence, rather than to punish abusers—“often directly parallels the desired interest

¹⁴ *Id.* (citing Barbara Hart, *Battered Women and the Criminal Justice System*, in DO ARRESTS AND RESTRAINING ORDERS WORK?, 98, 102 (EVE BUZAWA & CARL BUZAWA eds., 1996)).

¹⁵ *Id.* at 367.

of the survivors.”¹⁶ Protection orders are a vital part of domestic violence prevention because they protect *survivors*’ interests.

2. *Domestic violence protection orders are effective in improving domestic violence survivors’ psychological wellbeing.*

Relationships marked by domestic violence “involve[] a pattern of domination and control by the abuser” that may create an “inherent feeling of helplessness” in the survivor.¹⁷ Applying for and obtaining a protection order “is a way to give the survivor her voice again.”¹⁸ The vast majority of survivors who obtain domestic violence protection orders feel that such orders help document the abuse;¹⁹ communicate to the abuser that battering is wrong;²⁰ and give survivors more control over their relationships and lives.²¹

It is not surprising, therefore, that “[e]mpirical studies have consistently shown a high level of satisfaction among women who have

¹⁶ *Id.* at 368- 9 (noting numerous reasons why a survivor may not want to press criminal charges against her abuser; for example, an abuser’s prosecution and incarceration may stop the violence, but it may also deprive the survivor of an important source of income).

¹⁷ *Id.* at 369.

¹⁸ *Id.* (internal quotation omitted).

¹⁹ Adele Harrell & Barbara E. Smith, *Effects of Restraining Orders on Domestic Violence Survivors*, in *DO ARRESTS AND RESTRAINING ORDERS WORK?* 214, 218 (EVE BUZAWA & CARL BUZAWA eds., 1996).

²⁰ *Id.*

²¹ Karla Fischer & Mary Rose, *When “Enough is Enough”*: *Battered Women’s Decision Making Around Court Orders of Protection*, 41 *CRIME & DELINQ.* 414, 417 (1995).

obtained [domestic violence protection orders].”²² A 1994 National Center for State Courts study found that, one month after receiving such orders, 72% of women believed their lives had improved.²³ Most significant, 74% reported that they felt safer.²⁴ The orders’ positive effects improved over time: 93% of women interviewed six months after obtaining protection orders felt their lives were better, and 81% felt safer.²⁵ Finally, 95% of women said they would seek such orders again if needed.²⁶

A 2009 study by the University of Kentucky (the “Kentucky Study”) found that, six months after receiving a protection order, women believed, on average, that the orders were “fairly effective.”²⁷ Of the women whose protection orders had not been violated, 95.3% believed the orders to be effective.²⁸ Even more telling, the vast majority (77.2%) of women whose orders *had* been violated still believed the orders were effective.²⁹ In addition, women’s fear of future harm decreased dramatically from the six-week period after they first obtained an order

²² Sally F. Goldfarb, *Reconceiving Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship?*, 29 *CARDOZO L. REV.* 1487, 1510 (2007-08).

²³ Keilitz et al., *supra* note 10 at 5.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ TK LOGAN, ROBERT WALKER, WILLIAM HOYT, & TERI FARAGHER, *THE KENTUCKY CIVIL PROTECTIVE ORDER STUDY: A RURAL AND URBAN MULTIPLE PERSPECTIVE STUDY OF PROTECTIVE ORDER VIOLATION CONSEQUENCES, RESPONSES, AND COST*, 103 (2009).

²⁸ *Id.*

²⁹ *Id.*

(the “baseline” period) to six months after.³⁰ For example, where 75.9% of women feared threats and harassment at baseline, only 42.4% feared similar abuse six months after obtaining the order, and where 57.6% of women feared physical injury at baseline, six months after obtaining orders, only 37.1% feared physical injury.³¹ In sum, domestic violence protection orders give survivors their voices back, provide survivors with considerable psychological benefits, and reduce survivors’ fear of future abuse.

3. *Domestic violence protection orders effectively prevent and reduce future domestic violence.*

Domestic violence protection orders also effectively prevent and reduce the severity of domestic violence. One study based on interviews with Seattle-area survivors found that, over nine months, women who obtained such orders experienced 70% fewer incidents of physical violence than women who did not receive orders.³² Women with domestic violence protection orders in place were also less likely to experience almost all other forms of abuse.³³

Similarly, a Texas study found that the mere act of *applying* for an order significantly reduced average levels of violence for a year following

³⁰ See *id.* at 101.

³¹ *Id.*

³² Victoria L. Holt et al., *supra* note 1.

³³ *Id.*

application, with even greater reductions reported by survivors who actually received protection orders.³⁴ And the Kentucky Study confirmed that domestic violence protection orders effectively prevent or, at minimum, drastically reduce the severity and frequency of re-abuse.³⁵

Over a six-month period, half of the Kentucky Study participants' protection orders prevented *any* incidents of re-abuse.³⁶ In addition, "even among those who experienced violations, the severity score was significantly reduced at follow-up."³⁷ The Kentucky Study examined the number of women (of those whose protection orders were violated) who experienced several types of abuse, ranging from financial control to physical assault, before and six months after obtaining protection orders. Its results show that these orders were immensely effective at preventing or drastically reducing most types of abuse.³⁸ For example, the vast majority of these women experienced threats of death (72.4%) or serious harm (83.8%), as well as actual moderate (76.2%) or severe (58.1%) physical harm, prior to obtaining domestic violence protection orders.³⁹ In the six months after obtaining orders, however, fewer than half received

³⁴ Julia Henderson Gist et al., *Protection Orders and Assault Charges: Do Justice Interventions Reduce Violence Against Women*, 15 AM. J. FAM. L. 59, 67-68 (2001).

³⁵ Logan et al., *supra* note 27, at 103.

³⁶ *Id.* at 97.

³⁷ *Id.* at 98.

³⁸ *See id.* at 99.

³⁹ *Id.*

threats from their abusers (25.7% received death threats and 30.5% received threats of serious harm) and fewer than one-fifth experienced moderate (15.2%) or severe (10.5%) physical harm.⁴⁰ Not only did fewer women experience abuse after orders were in place, but those that did experience abuse experienced it less frequently: “of those who experienced a specific abuse tactic, the average number of days each of the tactics was experienced was lower at follow-up compared to baseline for almost all of the abuse tactics.”⁴¹

4. *Short-term orders undermine the positive effects of protection orders and burden survivors in ways that directly contradict the Legislature’s intent.*

Each of these studies measured the impact on survivors of having protection orders in place (with the exception of Texas, which also found a positive effect even from the filing of a petition). As can be seen from these studies, the positive impacts of the protection orders in preventing abuse and improving survivors’ lives improved *over time*. Limiting domestic violence protection orders to a short duration, then, undermines their efficacy, and limits their role as “a valuable tool to increase safety for victims and hold batterers accountable.” *See* Laws of 1992, ch. 111, § 1.

Moreover, short-term domestic violence protection orders impose additional barriers to victim safety. *See, e.g., Juarez* at ¶ 28 (“The issuance

⁴⁰ *Id.*

⁴¹ *Id.* at 98.

of the short-term order exposed Anna [Juarez] to the potential for additional violence because she needed to return to court to repeatedly confront her abuser.”). As the prime sponsor of the 1992 amendments to the DVPA, Rep. Holly Myers, explained “[i]t is very traumatizing for a person who wants to renew a protection order to have to convince a judge and possibly face the respondent every time the order expires. It is also financial costly.” *See* Bill Report SB 2745 (Wa. 1992). Short-term protection orders like the one entered in this case require exactly that: they force survivors to return repeatedly to court, whether to renew inadequate, short-term protection orders or to pursue complex, expensive, and time-consuming family law cases to obtain the protection they need.

Such barriers are antithetical to the purpose of the DVPA. *See Juarez*, ¶ 23. Indeed, they undermine numerous other Washington State laws and policies designed to prevent domestic violence, hold abusers accountable, and protect victims and their children. *See Danny v. Laidlaw Transit Servs., Inc.*, 165 Wn.2d 200, 213, 193 P.3d 128 (2008) (describing the various policies that the Washington State Legislature and government entities have adopted over the last several decades to address domestic violence). Meaningful domestic violence protection orders fulfill the Legislature’s purpose by preventing and reducing the severity of domestic

violence. Washington State's courts should ensure that domestic violence survivors receive the DVPA's full protection.

V. CONCLUSION

Amici urge this Court to adopt the reasoning of Division III, and reverse the trial court's entry of a four-month protection order and the directive to "modify the parenting plan if you want to look into other protections for the children." RP 11:21-23. Short-term domestic violence protection orders fail meaningfully to improve survivor wellbeing and prevent future abuse, and put them at risk by requiring them to return repeatedly to court. Such orders also improperly condition survivors' protection on separate proceedings, and in so doing, undermine the intent and purpose of the Domestic Violence Prevention Act.

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