

No. 82283-2

**SUPREME COURT
OF THE STATE OF WASHINGTON**

ROBIN M. FREEMAN,
N/K/A ROBIN ABDULLAH,
Petitioner

and

ROB R. FREEMAN,
Respondent

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**BRIEF OF AMICI CURIAE LEGAL VOICE,
WASHINGTON STATE COALITION
AGAINST DOMESTIC VIOLENCE,
AND SEXUAL VIOLENCE LAW CENTER**

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Table of Contents

I.	IDENTITY AND INTEREST OF AMICI	1
II.	STATEMENT OF THE CASE.....	1
III.	ARGUMENT.....	1
1.	Domestic Violence Involves More Than Physical Harm	2
2.	Permanent Protection Orders Reflect Washington’s Clear Public Policy of Preventing Domestic Violence.....	3
3.	The Court of Appeals Erred In Terminating the Permanent Protection Order.....	6
a.	The Passage of Time And An Abuser’s Relocation To Another State Does Not Ensure A Survivor’s Safety	6
b.	An Abuser’s Employment Situation Is Not A Legitimate Reason To Terminate A Permanent Protection Order	9
c.	The Court of Appeals Seriously Minimized and Misstated Evidence of Domestic Violence in the Record	12
4.	A Minor Does Not Lose Protection Under A Permanent Protection Order When She Turns Eighteen.....	15
5.	Civil Rule 60 Provides An Appropriate Standard for Evaluating Motions to Terminate Permanent Protection Orders	17
IV.	CONCLUSION.....	20

TABLE OF AUTHORITIES

Cases

Carfango v. Carfango, 672 A.2d 751 (N.J. Super. Ct. Ch. Div. 1995) ... 20

Danny v. Laidlaw, 165 Wn.2d 200, 193 P.3d 128 (2008) 3

Dvorak v. Dvorak, 635 N.W.2d 135 (N.D. 2001) 18

In re Marriage of Freeman, 146 Wn. App. 250,
 192 P.3d 369 (2008) *passim*

In re Marriage of Muhammad, 153 Wn.2d 795,
 103 P.3d 779 (2005) 10-11

Mitchell v. Mitchell, 821 N.E.2d 79 (Mass. App. 2005) 18

M.V. v. J.R.G., 711 A.2d 1379 (N.J. Super. Ct. Ch. Div. 1997) 10

Pacific Sec. Cos. v. Tanglewood, Inc., 57 Wn. App. 817, 790 P.2d 643
 (1990) 18

Roberts v. Bucci, 218 S.W.3d 395 (Ky. Ct. App. 2007) 18

Statutes and Court Rules

RCW 10.99.010 3, 13, 15

RCW 26.50.010(1) 2

RCW 26.50.010(1)(c) 15

RCW 26.50.020(1) 16

RCW 26.50.060(2) 5, 7, 16

RCW 26.50.060(3)	5, 19
RCW 26.50.130(1)	4
Laws of 1984, ch. 263	4
Laws of 1992, ch. 111	3
Laws of 1992, ch. 143	4
N.J. Stat. § 2C:25-29(d)	19
18 U.S.C. § 922(g)(8)	11
Civil Rule 60	2, 17-20

Other Authorities

Lundy Bancroft, <i>Why Does He Do That? Inside the Minds of Angry & Controlling Men</i> (2002)	9, 13
Jake Fawcett <i>et al.</i> , <i>Now That We Know: Findings & Recommendations from the Washington State Domestic Violence Fatality Review</i> (2008) ..	11
Victoria L. Holt <i>et al.</i> , <i>Civil Protection Orders & Risk of Subsequent Police-Reported Violence</i> , <i>Journal of the American Medical Ass'n</i> , Vol. 288 (5) (Aug. 7, 2002)	4
T.K. Logan <i>et al.</i> , <i>The Kentucky Civil Protective Order Study: A Rural & Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, & Cost</i> (Sept. 2009)	4
Cindy Southworth <i>et al.</i> , <i>National Network to End Domestic Violence, A High-Tech Twist on Abuse: Technology, Intimate Partner Stalking, & Advocacy</i> (2005)	8
Evan Stark, <i>Coercive Control: How Men Entrap Women in Personal Life</i> (2007)	9, 17

U.S. Department of Justice, *Stalking Victimization in the United States*
(2009)..... 8

Wash. Senate Bill Report, SHB 2745 (1992) 5

Washington State Gender & Justice Comm'n, *Domestic Violence Manual
for Judges* (2006)..... 2, 3

I. IDENTITY AND INTEREST OF AMICI

See Appendix and Motion for Leave to File Amicus Brief.

II. STATEMENT OF THE CASE

Amici adopt the Statement of the Case set forth in Robin Abdullah's Petition for Review and in her Supplemental Brief.

III. ARGUMENT

In this case, the Court of Appeals held that the trial court abused its discretion by denying Rob Freeman's motion to terminate a permanent domestic violence protection order entered in 1998 on behalf of Robin Abdullah and her children. In reaching this decision, the Court of Appeals made a number of critical errors. Among other things, the court:

- Erroneously held that the permanent protection order must be terminated because: (1) time had passed since the order was entered; (2) Mr. Freeman lived in another state and had a "lack of opportunity for contact" with Ms. Abdullah; and (3) Mr. Freeman showed a "compelling need" for lifting the order.
- Significantly minimized and misstated the evidence of domestic violence in the record.
- Erroneously held that Ms. Abdullah's daughter Yasmeen was not covered by the order because she was no longer a minor.

These errors reflect a serious misunderstanding of the nature of domestic violence and Washington's Domestic Violence Prevention Act. To uphold

Washington's clear public policy of preventing domestic violence, the Court of Appeals' decision must be reversed. As Ms. Abdullah suggests, the Court should hold that motions to terminate permanent protection orders should be evaluated under Civil Rule 60. The Court should also hold that the passage of time, the distance that an abuser lives from a protected party, and an abuser's employment situation are not sufficient reasons to terminate a permanent protection order. Finally, the Court should hold that a permanent protection order entered on behalf of a minor does not automatically expire when the minor turns eighteen.

1. Domestic Violence Involves More Than Physical Harm

At the outset, it is important to note that domestic violence is not limited to physical or sexual assaults between family or household members. Under the Domestic Violence Prevention Act (DVPA), domestic violence also includes stalking of one family or household member by another, as well as the infliction of fear of imminent physical harm between family or household members. RCW 26.50.010(1).

From a behavioral perspective, domestic violence is understood as a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks. *See Wash. State Gender & Justice Comm'n, Domestic Violence Manual for Judges*, at 2-2 (2006). Although the

DVPA's definition of domestic violence does not include all of these behaviors, evidence of such behaviors indicates a pattern of abusive control and domestic violence. *Id.* at 2-6.

2. Permanent Protection Orders Reflect Washington's Clear Public Policy of Preventing Domestic Violence

Washington has a "clear public policy to prevent domestic violence." *Danny v. Laidlaw*, 165 Wn.2d 200, 213, 183 P.3d 128 (2008). Empowering domestic violence survivors to obtain and maintain permanent protection orders against their abusers is an important part of this clear public policy.

In 1979, the Washington Legislature enacted legislation stressing "the importance of domestic violence as a serious crime against society" and sought "to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide." RCW 10.99.010. Several years later in 1984, the Legislature enacted the Domestic Violence Prevention Act (DVPA), RCW 26.50 *et seq.*, which empowered domestic violence survivors to obtain civil protection orders against abusers. *Danny*, 165 Wn.2d at 209.

The Legislature has "recognized protection orders as 'a valuable tool to increase safety for victims and to hold batterers accountable.'" *Id.* (quoting Laws of 1992, ch. 111, § 1). There is ample evidence to support

this conclusion. A University of Washington study found that protection orders resulted in an 80 percent reduction in police-reported physical violence in the 12 months after a domestic violence incident. Victoria L. Holt *et al.*, *Civil Protection Orders & Risk of Subsequent Police-Reported Violence*, *Journal of the Am. Med. Ass'n*, Vol. 288 (5) (Aug. 7, 2002). A recent study funded by the National Institute of Justice similarly found that protection orders were associated with significant reductions in abuse, violence, and fear. T.K. Logan *et al.*, *The Kentucky Civil Protective Order Study: A Rural & Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, & Cost*, at 7 (Sept. 2009).¹

When first enacted in 1984, the DVPA only permitted protection orders to be issued one year. Laws of 1984, ch. 263, § 7. It also did not include provisions for renewing a protection order, but instead required a survivor to initiate the process again after a one-year order expired. Although the legislation provided that a court “may modify” the terms of an existing protection order, it did not specify the standards to apply in determining whether to modify an order. *See* RCW 26.50.130(1).

In 1992, the Legislature amended the DVPA to authorize courts to issue permanent protection orders. Laws of 1992, ch. 143, § 2. The

¹ Available at <http://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.

sponsor of the legislation, Rep. Holly Myers, testified in support of the bill in committee, which the Senate Bill Report summarized as follows:

It 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 financially costly. This bill would allow protection and civil antiharassment orders to be permanent in some cases.

Wash. Senate Bill Report, SHB 2745 (1992), at 3.² As Rep. Meyers noted, the bill authorized permanent protection orders in “some cases.” Specifically, it authorized permanent orders in cases where the court finds that the respondent “is likely to resume acts of domestic violence against the petitioner or the petitioner’s family or household members or minor children when the order expires.” RCW 26.50.060(2).

This legislation also set standards for renewing a protection order that had been issued for a fixed time period. The renewal provision requires the petitioner only to “state the reasons why” she seeks renewal. RCW 26.50.060(3). The burden then shifts to the respondent to prove “by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner’s children or family or household members when the order expires.” *Id.*

² Available at <http://apps.leg.wa.gov/documents/billdocs/1991-92/Pdf/Bill%20Reports/Senate/2745-S.SBR.pdf>

This legislation is an important part of Washington’s clear public policy of preventing domestic violence. The Court of Appeals’ decision undermines that policy by allowing permanent protection orders to be vacated simply because time has passed, an abuser has relocated, and/or the abuser has a “compelling need” to lift the order – factors the Legislature never suggested are appropriate reasons to terminate such an important protection for domestic violence survivors.

3. The Court of Appeals Erred In Terminating the Permanent Protection Order

The Court of Appeals’ decision reflects a serious misunderstanding of domestic violence, the DVPA, and the record in this case. In particular, the court erred by: (1) finding that passage of time and Mr. Freeman’s relocation to Missouri made it unreasonable for Ms. Abdullah to fear him; (2) basing its ruling on Mr. Freeman’s employment situation; and (3) minimizing and misstating evidence of domestic violence.

a. The Passage of Time And An Abuser’s Relocation To Another State Does Not Ensure A Survivor’s Safety

The Court of Appeals held that “due to time and distance, there is no evidence to support a current fear that physical harmful acts or threats of imminent harm would occur upon lifting the order.” *In re Marriage of Freeman*, 146 Wn. App. 250, 257, 192 P.3d 369. The court also indicated that due to “changed circumstances,” Ms. Abdullah’s “current fear [of Mr.

Freeman] is not reasonable.” *Id.* at 258. These determinations reflect a cramped view of domestic violence, the DVPA, and the record.

As discussed more fully in Ms. Abdullah’s briefing, the DVPA imposes no burden on her to show that she has a “current fear that physical harmful acts or threats of imminent harm would occur upon lifting the order” in order to maintain the protection order. But even if such a requirement existed, “time and distance” do not ensure safety.

First, the passage of time after a permanent protection order is entered provides no assurance that domestic violence will not resume if the order is lifted. Even if there is no evidence of violations of the order (which is not the case here, as discussed below in Section 3(c)), the fact that time has passed without a violation may simply mean that the order is serving its purpose of preventing abuse. It does not follow that a survivor will continue to be safe if the order is lifted. Such an assumption runs counter to the finding that a trial court must make to issue a permanent order: That the respondent is “likely to resume acts of domestic violence” when the order expires. RCW 26.50.060(2).

The Court of Appeals also suggested that because Mr. Freeman lives in Missouri, he showed a “lack of opportunity for contact” with Ms.

Abdullah. This conclusion ignores the realities of modern society, as well as forms of domestic violence that may be committed from a distance.

Obviously, a person can travel from Missouri to Washington in a matter of hours. But perhaps less obviously, a person in Missouri is fully capable of committing acts of domestic violence against a person in Washington without leaving home. Abusers can readily continue to commit domestic violence from a distance by threatening or stalking survivors through abusive or harassing telephone calls, text messages, electronic mail, instant messages, or the mail.³ Rapid advances in technology have dramatically increased the ability of abusers to stalk and monitor their victims from any distance. *See* Cindy Southworth *et al.*, National Network to End Domestic Violence, *A High-Tech Twist on Abuse: Technology, Intimate Partner Stalking, & Advocacy* (2005).⁴ Abusers can also have friends or other third parties who live nearby commit acts to threaten or intimidate a survivor.

³ A recent survey by the U.S. Department of Justice found that the two most common stalking behaviors are: (1) unwanted phone calls and messages; and (2) unwanted letters and e-mails. *See* U.S. Dep't of Justice, *Stalking Victimization in the United States* at 1 (2009). The survey also found that the risk for stalking victimization is highest for individuals who are divorced or separated. *Id.* at 2.

⁴ Available at http://nnedv.org/docs/SafetyNet/NNEDV_HighTechTwist_PaperAndApxA_English08.pdf.

When a survivor leaves a relationship, the abuser “may stalk or threaten her, and this dangerous harassment can continue for a long time.” Lundy Bancroft, *Why Does He Do That? Inside the Minds of Angry & Controlling Men*, at 100 (2002). An abuser who stalks his former partner may “break in and leave anonymous ‘calling cards.’” Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life*, at 131 (2007). Notably, Ms. Abdullah indicated that these types of acts occurred for years after entry of the protection order.⁵ To be sure, she did not see Mr. Freeman commit those acts. But understanding the dynamics of domestic violence, it is plainly reasonable for her to suspect that Mr. Freeman had committed those acts and to fear continued abuse.

In short, “time and distance” do not make domestic violence survivors safe, and, consequently, do not constitute a legitimate basis to terminate a permanent protection order.

b. An Abuser’s Employment Situation Is Not A Legitimate Reason To Terminate A Permanent Protection Order

Mr. Freeman asserted that the protection order prevents him from obtaining security clearances for certain jobs. The Court of Appeals

⁵ See, e.g., CP at 89 (Ms. Abdullah notes that after the protection order was entered, the driver’s seat in her car would be moved to the position it would be in when Mr. Freeman drove the car, flower vases that had disappeared during the divorce would reappear on her dresser, and a hole was kicked in her bedroom wall.)

placed significant weight on this factor – despite indicating that this consideration is not part of the standard for deciding whether to terminate the order. Specifically, the Court stated:

Rob notes the hardship the order visits on his career, which is, *though not part of the standard*, rather compelling when considering the amount of time that has passed since the entry of the order and considering the current status of the parties.

146 Wn. App. at 258 (emphasis added). The court then opined that Mr. Freeman “showed more than the mere passage of time,” but also “showed a compelling need for lifting the order.” *Id.*

The DVPA does not suggest a protection order’s impact on an abuser’s career is relevant in deciding whether to issue or terminate a protection order. If it were, a survivor’s ability to obtain and keep an order would depend on the abuser’s needs, rather than on her need for protection. This would turn the purpose of the DVPA on its head.

Other courts recognize that it is not appropriate to terminate a protection order due to the restrained party’s employment situation. *See, e.g., M.V. v. J.R.G.*, 711 A.2d 1379, 1381 (N.J. Super. Ct. Ch. Div. 1997) (“there is . . . nothing in the statute to suggest that certain victims are entitled to less protection than others by virtue of the employment or personal situation of the defendant.”) Similarly, this Court has rejected suggestions that a victim should be punished for obtaining a protection

order that impacts the restrained party's career. *See In re Marriage of Muhammad*, 153 Wn.2d 795, 108 P.3d 779 (2005) (domestic violence survivor should not receive lower property distribution in dissolution because ex-husband lost his job after she obtained protection order).

It would be especially dangerous to terminate a permanent protection order to allow a restrained party to qualify for a job involving firearms, which the record suggests is the type of employment Mr. Freeman is seeking.⁶ With limited exceptions, Congress has prohibited persons who are subject to domestic violence protection orders from possessing firearms. *See* 18 U.S.C. § 922(g)(8). Vacating a civil protection order so that a restrained party may have access to firearms would contradict Congressional intent. It would also make light of the reality that firearms are the weapons most often used in domestic violence homicides and pose a significant lethality risk. *See Jake Fawcett et al., Now That We Know: Findings & Recommendations from the Washington State Domestic Violence Fatality Review*, at 31 (2008).

The trial court in 1998 was mindful that issuing a permanent order could have consequences on Mr. Freeman "over the years." The court

⁶ *See* CP at 42 ("the work that [Mr. Freeman] is capable of doing is security guard and every time he puts in an application for that he does not get the security clearance because of this protective order . . .").

“allowed extensive testimony” because it took “cases involving service members and law enforcement officers very seriously because I am aware of the ramifications these orders can have over the years and it is not my intention to enter an order that would not be well thought out or well grounded because I wouldn’t want those ramifications to occur without good cause.” CP at 31-32. The trial court’s determination in 1998 that a permanent order was warranted should not be second-guessed now.

c. The Court of Appeals Seriously Minimized and Misstated Evidence of Domestic Violence in the Record

The Court of Appeals repeatedly minimized and even misstated the evidence of domestic violence in the record. These errors suggest an unfortunate misunderstanding of the nature of domestic violence and of Washington’s clear public policy of preventing domestic violence.

In 1998, the trial court found that Mr. Freeman committed acts of domestic violence, noting “there is a reasonable fear on the part of Ms. [Abdullah] as to her husband based on the previous incidents involving her daughter [Yasmeen] and the incidents involving weapons.” CP at 31. But the Court of Appeals treated those acts of domestic violence in a remarkably dismissive manner, stating “[a]t worst, the past acts in this case involve an assault to the then-16-year-old daughter and a perceived threat of the use of firearms.” *Freeman*, 146 Wn. App. at 256.

The use of the term “at worst” minimizes the seriousness of these offenses. Such minimization is inconsistent with the Legislature’s mandate that violence against family members must be treated as seriously as violence between strangers. *See* RCW 10.99.010. It is obviously a serious offense to assault a minor and to threaten a person with guns.

The Court of Appeals also suggested there was merely a “perceived” threat involving firearms. However, the trial court found that “incidents involving weapons” caused a reasonable fear to Ms. Abdullah. Indeed, it is difficult to imagine who would not be afraid if a partner pulled out rifles during an argument, as Ms. Abdullah testified.⁷ Domestic violence experts describe abusers who use similar tactics to terrorize and control their partners. *See, e.g.*, Bancroft, *supra*, at 100 (discussing abuser who “would take out his gun when he was angry at his partner but insist that he was just going to clean it and it had nothing to do with her.”)

The Court of Appeals also erroneously stated that “there is no evidence that Rob had hurt his wife or the other children at any time.” In fact, Ms. Abdullah testified that Mr. Freeman had hurt her or threatened to

⁷ The Court of Appeals states that “according to [Ms. Abdullah], she accused Rob of taking her jewelry from the home, and Rob pulled his rifles out to show her that he did not have the jewelry among his possessions.” *Freeman*, 146 Wn. App. at 256. In fact, Ms. Abdullah testified that Mr. Freeman “inventoried his guns during the argument

hurt her on other occasions. *See, e.g.*, CP at 7 (Ms. Abdullah's testimony that "when we first got married he made threats to me that if I ever left him there would be car bombs or burn the house and he would never be caught" and that Mr. Freeman "has hit me on the arms or the hands leaving bruises during the first year of our marriage and has made statements to the fact that he was trying not to leave bruises so people would not think that he abused me."). Although the trial court did not make specific findings about those incidents, Ms. Abdullah's testimony plainly constitutes other evidence of domestic violence by Mr. Freeman.⁸

The Court of Appeals also minimized and misstated testimony by Yasmeen regarding incidents where Mr. Freeman came to her school to watch her after the protection order was entered. The court suggested that Yasmeen "thought" she saw Mr. Freeman on those occasions. 146 Wn. App. at 257. In fact, Yasmeen testified without qualification that she saw Mr. Freeman across the street from her school and in the student parking lot. CP at 44 ("Twice during that school year I was walking and when I

pulling all of his rifles out." CP at 7; *see also* CP at 25-26 (similar). She did not say he pulled his rifles out to show her that he did not have the jewelry.

⁸ The Court of Appeals also misstated the record by asserting that Mr. Freeman was injured "on a mission in Iraq." 146 Wn. App. at 253. In fact, Mr. Freeman never indicated that he was injured in Iraq, only that he was "seriously injured in 2001." CP at 36. The U.S. did not invade Iraq until March 2003. N.Y. Times, *Overview: The Iraq War* (available at www.nytimes.com/ref/timestopics/topics_iraq.html).

turned around I saw him”). The trial court found her testimony was credible. CP at 55, ¶ 2.23.

The Court of Appeals also found it “unclear” that those incidents violated the protection order, which barred Mr. Freeman from coming within 1,000 feet of the school. But it defies reason to suggest Yasmeen could identify Mr. Freeman from more than 1,000 feet, a distance of more than three football fields. And while the court stated that Mr. Freeman did not “threaten” or “attempt to contact” Yasmeen, the court failed to recognize that coming to Yasmeen’s school to watch her is consistent with stalking, a form of domestic violence under RCW 26.50.010(1)(c).

The Legislature has stressed that “the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated.” RCW 10.99.010. The Court of Appeals’ minimization of domestic violence is not consistent with this mandate, nor does it assure domestic violence survivors “the maximum protection from abuse which the law and those who enforce the law can provide.” *Id.*

4. A Minor Does Not Lose Protection Under A Permanent Protection Order When She Turns Eighteen

The Court of Appeals held that Ms. Abdullah’s daughter Yasmeen is no longer protected by the permanent protection order because she is no

longer a minor. The only authority the court cites for this conclusion is RCW 26.50.020(1), which provides that a person “may petition for relief on behalf of himself or herself and on behalf of minor family or household members.” But by its terms, this language speaks of an adult’s ability to petition for protection for her minor family or household members. It does not suggest if a petition is granted, the protection for a minor will expire automatically she turns eighteen.

In fact, other provisions of the DVPA indicate the Legislature intended that minor children named in a permanent protection order would continue to be protected regardless of their age. The DVPA provides:

[I]f the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner’s family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner’s family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

RCW 26.50.060(2). By its terms, this language contemplates that a court may issue a permanent protection order on behalf of a petitioner’s minor children on a finding that the abuser is likely to resume domestic violence against the petitioner or the petitioner’s minor children when the order expires. It would make no sense for the Legislature to authorize the court

to enter a “permanent” order on behalf of a petitioner’s minor children if the order would expire automatically once the child turned eighteen.

There are also important policy reasons to continue to apply a permanent protection order to a petitioner’s child after the child turns eighteen. If an abuser is unable to have contact with an intimate partner, he may seek other ways to harm her – including causing harm to her children. As one expert on batterers’ behavior observed:

[T]he offender treats the child as an extension of the mother and as a way to hurt or control her, often when she is less accessible, during a separation or divorce for instance, or has stopped responding to direct threats or violence.

Stark, *supra*, at 251. Yasmeen’s need for protection did not end when she turned eighteen, and she should continue to be protected under the order.

5. Civil Rule 60 Provides An Appropriate Standard for Evaluating Motions to Terminate Permanent Protection Orders

For the reasons discussed above and in Ms. Abdullah’s briefs, it is clear that the Court of Appeals did not apply an appropriate standard for determining whether to terminate a permanent protection order. But this leaves open the question of what standards should apply. In her supplemental brief, Ms. Abdullah suggests that motions to terminate permanent protection orders should be evaluated under Civil Rule 60.

Amici agree that CR 60 may provide an appropriate means for evaluating

such motions. However, for the reasons discussed above, *amici* urge the Court to make it clear that factors such as the passage of time, the abuser's relocation to another state, or the abuser's employment situation are not adequate reasons to terminate a permanent protection order under CR 60.

A number of other states have looked to their versions of CR 60 to evaluate motions to vacate or modify domestic violence protection orders. *See, e.g., Roberts v. Bucci*, 218 S.W.3d 395 (Ky. Ct. App. 2007); *Mitchell v. Mitchell*, 821 N.E.2d 79 (Mass. App. 2005); *Dvorak v. Dvorak*, 635 N.W.2d 135 (N.D. 2001). The CR 60(b)(6) standard authorizing a court to provide relief from judgment when it "is no longer equitable that the judgment should have prospective application" is also consistent with a court's inherent authority to modify injunctions. *See Pacific Sec. Cos. v. Tanglewood, Inc.*, 57 Wn. App. 817, 820-21, 790 P.2d 643 (1990).

Mr. Freeman suggests that Washington should look to New Jersey law rather than to CR 60 for guidance in determining whether permanent protection orders should be vacated. *See Resp. Supp. Br.* at 3. The Court should decline this suggestion.

First, New Jersey statutes specifically provide that a protection order (known as a "final restraining order") may be dissolved or modified "upon good cause shown." N.J. Stat. § 2C:25-29(d). This language

establishes a “good cause” standard for evaluating such motions, which is different from the standard that would apply under CR 60. By contrast, the Washington Legislature did not specify any standard in the DVPA for evaluating motions to terminate protection orders. In the absence of legislative direction, it would be logical here to apply the CR 60 standard in evaluating motions to terminate a permanent protection.

It should also be noted that Washington law specifies that to renew a fixed-duration protection order, a survivor must simply “state reasons” for renewal, which shifts the burden to the respondent to prove that he will not resume domestic violence after the order expires. RCW 26.50.060(3). This is a strict standard, which appears on its face to be more difficult for a restrained party to satisfy than New Jersey’s standard for terminating permanent protection orders. It would be incongruous for Washington to adopt a standard for terminating permanent protection orders that is less stringent than the standard for renewing a protection order.

Finally, some factors applied by New Jersey courts are not considerations that Washington statutes or case law suggest would be appropriate. This would include the victim’s “good faith” in opposing termination of the order – a factor that New Jersey courts include based on a view that “sometimes one party to a divorce action abuses the Act to

gain advantage in an underlying matrimonial action” – and the “age/health” of the respondent. *Carfango v. Carfango*, 672 A.2d 751 (N.J. Super. Ct. Ch. Div. 1995). As a result, the test adopted by New Jersey courts would not be consistent with Washington law.

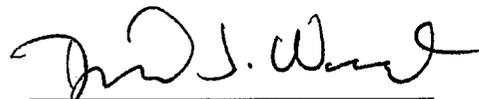
Therefore, *amici* agree with Ms. Abdullah that it would be appropriate to apply a CR 60 standard in determining whether to terminate a permanent protection order. At the same time, the Court should make it clear that factors such as time, distance, and an abuser’s employment situation are not sufficient reasons to terminate an order.

IV. CONCLUSION

For the reasons set forth above and in Ms. Abdullah’s briefs, the decision of the Court of Appeals should be reversed.

Respectfully submitted this 18th day of December, 2009.

By:



David Ward, WSBA No. 28707
Attorney for *Amici Curiae*

APPENDIX: STATEMENT OF INTEREST OF AMICI CURIAE

Legal Voice, formerly known as the Northwest Women's Law Center, is a non-profit public interest organization dedicated to protecting the rights of women through litigation, education, legislation and the provision of legal information and referral services. Legal Voice has participated as counsel and as *amicus curiae* in cases throughout the Northwest and the country, and is a leading regional expert on domestic violence issues. Since its founding in 1978, Legal Voice has worked actively on all fronts to protect and advance the legal rights of women.

Of particular relevance to this case, Legal Voice has long been a leader in shaping the law on domestic violence in Washington state, including efforts to ensure that survivors of domestic violence are able to obtain civil protection orders. Legal Voice's recent advocacy on domestic violence issues in this Court includes serving as plaintiff's counsel in *Danny v. Laidlaw*, 165 Wn. 2d 200, 193 P.3d 128 (2008), and in *Gourley v. Gourley*, 158 Wn. 2d 460, 145 P.3d 1185 (2006).

The Washington State Coalition Against Domestic Violence (WSCADV) is a non-profit organization, incorporated in the state of Washington. Founded in 1990, WSCADV is a statewide membership organization committed to eradicating domestic violence through

advocacy and action for social change. WSCADV's core membership is comprised of domestic violence shelters and advocacy programs statewide that provide direct advocacy services for victims of domestic violence.

Founded by domestic violence survivors, the WSCADV was organized to share resources, develop common strategies, and strengthen community responses to domestic violence around the state. The core commitment of the WSCADV is to support domestic violence survivors and emergency shelter and advocacy programs by advocating for laws and public policies that promote safety, justice, and autonomy for domestic violence victims.

WSCADV works closely with courts, legislators, the police, prosecutors, and the media in providing a more effective net of protection for battered women who ask for assistance through protection orders, including participation in the Washington State Domestic Violence Pattern Forms Committee, and through the Washington State Domestic Violence Fatality Review Project, which reviews systemic barriers to safety for domestic violence victims which may ultimately result in death. In WSCADV's work, it has seen first-hand the positive effects that protection orders have in restoring safety and confidence for domestic

violence survivors, as well as the effects of protection orders on perpetrators.

The Sexual Violence Law Center (SVLC), formerly the legal program at the Washington Coalition of Sexual Assault Programs, was founded in 2008 to continue providing legal advocacy on behalf of sexual assault survivors and legal resources to rape crisis centers throughout the state. SVLC is a statewide agency and provides direct legal services to sexual assault survivors in King County. SVLC staff is the state expert on the sexual assault protection order and has conducted numerous trainings on the topic. Similarly, SVLC staff were key partners in creating the American Bar Association, Commission on Domestic Violence, *Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases.*