



WASHINGTON
COURTS
ADMINISTRATIVE OFFICE OF THE COURTS

WASHINGTON STATE SUPREME COURT
**GENDER AND JUSTICE
COMMISSION**

MEETING

FRIDAY, JULY 13, 2012

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**



WASHINGTON
COURTS

GENDER AND JUSTICE COMMISSION

AOC SEATAC
FRIDAY, JULY 13, 2012
CHIEF JUSTICE BARBARA MADSEN, CHAIR
JUDGE ALICIA NAKATA, VICE CHAIR

AGENDA	PAGE
CALL TO ORDER	
• Introductions and Approval of Minutes	1
• Pattern Form Report	Merrie Gough 7
COMMISSION BUSINESS –	
Staff Report	Myra Downing 23
• Minority and Justice Commission	
• Tribal State Consortium	Judge Pouley 27
Chair Report	Chief Justice Madsen
• Education Programs	
Military Session.....	29
Cultural Issues Session	30
Leticia Nieto	Myra Downing..... 31
Immigration	Judge Schindler..... 33
Access to Justice Conference Report	Ron Miles
PROJECTS	
DV Benchguide Update Feedback Request	Grace Huang
Civil Benchguide Feedback Request	Grace Huang
Plain Language Forms	Janet Skreen 34
COMMITTEE REPORTS	
Immigration.....	Judge Ann Schindler
Legislative Work Group Update	Judge Brown 68
DV Protocol Committee	Judge Chris Wickham
NEW BUSINESS	
ADDITIONAL MATERIALS	70
ADJOURNMENT	



Gender and Justice Commission (GJCOM)

Friday, May 11, 2012 (8:45 a.m. – 12:30 p.m.)

AOC - SeaTac, 18800 International Blvd, Seattle, WA

MEETING NOTES

Members Present

Chair, Chief Justice Barbara Madsen
 Vice-Chair, Judge Alicia Nakata
 Judge Stephen E. Brown
 Ms. Barbara Carr
 Judge Vickie Churchill
 Ms. Laura Contreras

Judge Joan DuBuque
 Honorable Ruth Gordon
 Dr. Margaret Hobart
 Judge Cynthia Jordan
 Professor Natasha Martin
 Ms. Emily McClory

Mr. Ron Miles
 Judge Ann Schindler
 Justice Jane Smith
 Mr. David Ward
 Judge Chris Wickham

Myra Downing and
 Pam Dittman, staff

New Members as of July 1, 2012

Sara Ainsworth
 Terri Cooper
 Ms. Emily Henry

Judge Judy Jasprica
 Judge Rich Melnick
 Judge Mark Pouley

Leslie Savina
 Gail Stone

Guests

Pearl Gibson
 Kathleen Hopkins
 Anita Granbois
 Jaime Hawk (via phone)

Members Absent

Ms. Judith Lonquist
 Ms. Leslie Owen

The meeting was called to order and the March 9, 2012 meeting notes were approved with no changes.

INTRODUCTION OF NEW COMMISSION MEMBERS

The Commission invited and welcomed eight (8) new members who are filling upcoming vacant positions. Their terms will be July 1, 2012 through June 30, 2015. The new members are:

- Sara Ainsworth, Attorney-at-law
- Ms. Terri Cooper, Cheney Municipal Court Administrator
- Judge Judy Jasprica, Pierce County District Court
- Judge Rich Melnick, Clark County Superior Court
- Judge Mark Pouley, Swinomish Tribal Court
- Ms. Leslie Savina, Northwest Justice Project
- Ms. Gail Stone, King County Law and Justice Policy Advisor

Committee Chairs provided brief backgrounds and the current projects being worked on by their Committee and invited new members to volunteer on their Committee. Most Committee meetings are conducted via conference call.

Committee Overviews

- Domestic Violence (DV) Committee: Chair, Judge Chris Wickham

The purpose of this committee is to continually evaluate, recommend, and propose solutions to enhance the management of domestic violence and sexual assault cases within the court system. The outcome of this work is the enhanced safety of those who have been victims of domestic violence and sexual assault by ensuring a seamless response. The DV committee was instrumental in the writing of the domestic violence protocols and model policies on rescission and modification of domestic violence protection and no contact orders and protocols for reducing duplicative and conflicting no-contact and protection orders. They are currently researching sentencing options for those who batter and will be making recommendations to the courts.

- Incarcerated Women and Girls Committee: Chair, Judge Vickie Churchill

The purpose of this committee is to address gender needs and responses of incarcerated girls and women. The committee assisted in the work that led to passage of legislation preventing shackling of women/girls during child birth. The Committee is working on providing information to newly released offenders on how to gain back certain rights such as obtaining a driver's license, child visitation, and how to expunge records when applicable.

- Legislative Committee: Chair, David Ward

The purpose of this committee is to stay abreast of proposed legislation that may have an impact on areas of interest to the Commission and to work with others who may be crafting legislation to ensure it best meets the needs of the courts and court community. The Committee collaborates with law and justice partners in assessing the impact of proposed legislation on the courts and the people served by the courts.

- Gender Equality: Chair, Judith Lonquist

The purpose of this committee is to strive to ensure gender equality in the legal profession and leverage effective responses intended to address any inequities. Some of their activities include working with law students on gender specific research projects, responding to GLBT issues that arise in courts, and examining gender and justice implications of family law reform in general. Two ongoing projects are the annual judge and law student reception and participating in the Initiative for Diversity Governing Council (IDGC).

- Publications/Outreach: Chair, Ruth Gordon

The purpose of this committee is to be the voice to our partners and other interested parties regarding gender issues in the law and justice community. The Committee is currently working on updating the Gender & Justice Commission website and will begin working on the annual report.

- Immigration: Chair, Judge Ann Schindler

The purpose of the Immigration Committee is to explore and establish protocols to address the nexus of immigration, culture, and domestic violence. This Committee has provided educational sessions at judicial conferences. Presently, the Committee is overseeing a State Justice Institute (SJI) grant which is funding the development and distribution of a civil and a criminal bench guide on immigration, the offering of two (2) webinars, and another educational session at the fall judicial conference.

New Members – if you are interested in volunteering for any of the Committees, please contact Myra Downing at myra.downing@courts.wa.gov and indicate which Committee.

Ad-Hoc Committee Overviews (Ad-hoc committees are convened for specific and usually short-term projects.)

- **Nomination Committee:**
This Committee is comprised of the Chairs of the Standing Committees and provides input when new members are needed. They suggest, contact, and screen applications and select the individuals that will be presented to the Chief Justice for appointment.
- **Mission Statement Committee:** Chair, Ron Miles
The mission statement is being updated to be compelling and inspiring.

COMMISSION BUSINESS

STAFF REPORT – Myra Downing

- **Stop Grant Awards**
The DV Committee reviewed the thirteen (13) proposals that were submitted and selected six (6) for funding.
- **DV Manual Update**
The Commission has entered into a contract with the Washington State Coalition Against Domestic Violence to update the Domestic Violence Bench Guide. Grace Huang is the lead on the project.
- **In Her Shoes**
The Commission conducted six (6) educational programs focusing on domestic violence and using the simulated exercises “In Her Shoes” for the District and Municipal Court Managers Association. Commission members Judge Joan DuBuque, Dr. Margaret Hobart, Mr. Ron Miles, and Justice Jane Smith either taught, facilitated or assisted in the exercise along with staff Myra Downing, Pam Dittman, and Monto Morton.
- **Tribal/State Consortium**
A Washington Tribal-State Judicial Consortium is being developed under the auspices of the Gender and Justice Commission, the Commission on Children in Foster Care, and the

Minority & Justice Commission. Judge Patricia Clark and Judge Theresa Pouley will be the Co-Chairs for the Consortium. The consortium will seek to involve the 29 recognized Tribes in Washington State. A mission statement, goals, values, and scope of work has been drafted. A short survey was also sent out to various judicial and Commission listservs and responses are being collected which will assist the Consortium in identifying the issues, prioritizing the issues, and identifying other partners.

- Sexual Assault Bench Guide – Judge Carol Schapira, Chair
The Commission is developing a Sexual Assault Bench Guide. Law students are working on drafts outlines for review by the committee and other judicial officers. The law students will begin drafting the content for each chapter after the review of outlines has been completed. The draft of the bench guide is expected to be completed by September 2012.

CHAIR REPORT – Chief Justice Madsen

- Initiative for Diversity (IDGC)
PLEASE NOTE: The date for the Managing Partner CLE has been changed to October 15.
- ABA DV Commission on Domestic and Sexual Violence Reception and Presentation
The Commission and NAWJ co-sponsored a reception for the ABA Domestic and Sexual Violence Commission on Thursday, May 3. Approximately 60 people were in attendance. We were fortunate that the law firm of Graham and Dunn hosted the event. Chief Justice Madsen welcomed the Commission and thanked them for their contribution to enhancing the safety of victims of domestic and sexual violence.

On Friday, May 4, Judge James Riehl and Myra Downing made a presentation to the Commission highlighting our work and describing upcoming activities and projects.

- AOC Changes
Jeff Hall, State Court Administrator will be leaving the agency at the end of June.

GUEST PRESENTATIONS

Kathleen Hopkins and Jaime Hawk approached the Commission about working with the ABA Commission on Human Trafficking and the Pro Bono and Public Service Committee in presenting a Human Trafficking program scheduled for Saturday, October 13th at the Westin Hotel in Seattle. There are three primary topic areas:

1. A 2-hour presentation on the Kids in Need of Defense (KIND) project which represents unaccompanied children in immigration proceedings. Training manuals and information on KIND are available at www.americanbar.org/groups/gpsolo/initiatives/kind.html
2. A 2-3 hour training for judges, prosecutors, law enforcement and volunteers on issues relating to Human Trafficking (not limited to child victims)
3. A 3-hour “summit” which would include break out groups of judges, government officials, academics, project coordinators, volunteers, law enforcement. Each group would have a law student act as a reporter.

Gail Stone, Judge Schindler, Judge Wu and Judge Kondo will be working with the committee.

Department of Commerce Office of Crime Victim Advocates State STOP Grant Managers - Pearl Gipson-Collier, and Anita Granbois

Pearl and Anita provided updates to the STOP Grant funds received by AOC. They expressed how having AOC distribute the funds provides our state with opportunities that other states miss such as a coordination of efforts, state-wide training and facilitating state-wide practices. They also mentioned that finding ways to partner with others such as Sheriff's and Prosecuting Attorney Offices to leverage funds is an excellent idea and they are willing to assist staff in identifying funding resources and assisting with project scopes to ensure they meet the STOP Grant guidelines.

COMMITTEE UPDATES

- Publications – Website - Chair, Ruth Gordon
This Committee has been working on updating the GJCOM website. Ruth presented the updated GJCOM website and navigated through the various pages and explained the ideas and rationales behind the various pages. Thanks to the Committee members: Dr. Margaret Hobart, Ms. Emily McClory, Mr. Ron Miles, Justice Jane Smith and AOC staff: Paula Odegaard staff to the committee and Beth McGrath (design).

Comments from members were:

- Love the new design
 - Add pictures to break up content
 - Add member names to photo galleries
 - Promote site and keep information relevant and updated
 - Data can be collected on site/page hits
 - Provide a protocol/process on how to request something to be added to the site
 - Provide a search function just for the GJCOM site
 - Provide something on the DV page on if you are a victim click here and also on how abusers can monitor your computer usage and how to erase your tracks
 - When does it go live and how can we let people know
- Legislative Update – Chair, David Ward
A summary of the 2012 Legislation of Interest to the Courts was provided as a handout. David stated that the Attorney General's Office will be introducing the failed stalking protection order bill from last session.

OUTGOING MEMBERS

Eight members are leaving the Commission after their terms are up on June 30th. They were recognized for the service over the past few years. Members leaving are:

- Barbara Carr, Jefferson County Juvenile Court
- Judge Joan DuBuque, King County Superior Court
- Professor Natasha Martin, Seattle University School of Law
- Judge Craig Matheson, Benton/Franklin Counties Superior Court
- Ms. Emily McClory, Law Student Liaison
- Ms. Leslie Owen, Northwest Justice Project
- Mr. Bernie Ryan, Citizen

- Justice Jane Smith, Colville Tribal Court

MISCELLANEOUS

- Judge DuBuque provided a flyer on the Upcoming 4th Annual DV Symposium being held in Seattle on September 6 & 7. King County was awarded STOP Grant funds to assist with this symposium; specifically, to provide funds for registration fees for judicial officers from outside King County to attend. This year, the symposium will feature specific topics relevant to judicial officers.
- Gail Stone mentioned that the Seattle Attorney's Office will be providing Trauma Stewardship training on June 7th.

Meeting concluded at 12:45pm.



WASHINGTON COURTS

Washington State Supreme Court Gender and Justice Commission

COMMISSION MEMBERS

Honorable Barbara A. Madsen,
Chair
Washington State Supreme Court

Ms. Barbara L. Carr
Jefferson County Juvenile Court

Ms. Jeralita Costa
Indeterminate Sentence Review Board

Honorable Sara Derr
Spokane County District Court

Honorable Joan DuBuque
King County Superior Court

Ms. Lisa Hayes
Alliance for Justice

Ms. Grace Huang
WA State Coalition Against Domestic
Violence

Honorable Cynthia Jordan
Coeur d'Alene Tribal Court

Honorable Michael Killian
Franklin County Clerk

Professor Natasha T. Martin
Seattle University School of Law

Honorable Craig Matheson
Benton and Franklin Superior Courts

Ms. Leslie W. Owen
Northwest Justice Project

Ms. Yvonne Pettus
Tacoma Municipal Court

Honorable James M. Riehl
Kitsap County District Court

Mr. Bernard Ryan
Attorney at Law

Honorable John Schultheis
Court of Appeals Division III

Honorable Jane M. Smith
Colville Tribal Court of Appeals

Mr. Daniel L. Thieme
Littler Mendelson

Honorable Linda G. Tompkins
Spokane County Superior Court

Honorable Chris Wickham
Thurston County Superior Court

Ms. Myra Downing, Coordinator
Administrative Office of the Courts

August 1, 2008

Honorable Laura Gene Middaugh
Pattern Forms Committee Chair
King County Superior Court
Maleng Justice Center
401 4th Avenue N, Room 2D
Kent, WA 98032-4429

Dear Judge Middaugh:

The Gender and Justice Commission (Commission) would like to encourage the Pattern Forms Committee to create a separate form to be used by courts for issuing restraining orders in all dissolution, separation and invalidity cases, including domestic partnership cases. Use of a separate form would end the difficulty which parties now have in getting restraining orders which are embedded in decrees of dissolution, separation and invalidity entered into the law enforcement database and served by law enforcement.

At present, the form Decree of Dissolution/Legal Separation Concerning the Validity of the Marriage (Decree) sets forth the restraining orders in paragraph 3.8. The clerk of the court is directed to forward a copy of the order (the Decree) to the appropriate law enforcement agency to enter into the law enforcement electronic database.

The problem is that the Decree contains not only the restraining orders issued by the court, but provisions relating to the division of real and personal property, child support, maintenance and other orders issued by the court as part of the termination of the parties' marriage. The parties often attach exhibits to the Decree which become part of the court's order. As a result, the entire Decree may be quite lengthy, with only a small section pertaining to the restraining orders issued by the court. This creates confusion when the clerk transmits the Decree to the law enforcement agency, which only wants to enter the part of the Decree pertaining to the restraining orders into the law enforcement electronic database. It is the Commission's understanding that some law enforcement agencies do not enter the restraining orders into the electronic database because of the difficulty in separating out the restraining orders from the remainder of the Decree.

Additionally, many attorneys or litigants modify the standard Decree form to adapt it to their particular cases. It is generally impossible for judicial

Hon. Laura Gene Middaugh
August 1, 2008
Page 2

officers to police these changes and prevent them. This leaves the sections with protection order language vulnerable to amendments that limit or prevent their enforceability under state or federal law. A separate form for this purpose alone would significantly reduce or prevent this practice for those portions of final orders that may become the basis for a criminal prosecution.

Since some attorneys and litigants will continue to do this even if a separate form is used, your committee may want to consider amending the Format and Style Rules for Mandatory Forms (<http://www.courts.wa.gov/forms/?fa=forms.static&staticID=4>) to prohibit changes to the restraining orders and to require that the form contain a warning that if the language is changed so that it does not conform with federal and state law, the order may be unenforceable.

If the Pattern Forms Committee drafts a separate form for restraining orders issued in a dissolution or legal separation so that the clerk can transmit a separate, stand-alone page to the law enforcement agency for purposes of entering the information into the electronic database, the Commission believes that more law enforcement agencies would enter the orders into the law enforcement database, which would assist in the enforcement of restraining orders issued by courts in dissolutions, legal separations and invalidity cases.

The new form should also include all of the "Warnings to Respondent" and "Full Faith and Credit" provisions which are set forth on the domestic violence restraining orders, as well as the orders to the clerk and law enforcement to forward and serve the order and assist the petitioner in obtaining the relief ordered by the court. This will aid in enforcement and prosecution of the orders.

The Commission is happy to work with your committee on this matter. Please let us know what we can do to assist in the process of drafting the new form. If you need any additional information from the Commission, please do not hesitate to contact Myra Downing, the Commission Coordinator, at Myra.Downing@courts.wa.gov or (360) 705-5290. Thank you for your attention to this matter.

Sincerely,



Barbara A. Madsen
Justice

c: Myra Downing, Gender and Justice Commission
Merrie Gough, AOC ✓

**Superior Court of Washington
County of**

In re

and

Petitioner,

Respondent.

No.

Restraining Order

Temporary (TRO)

Final (RSTO)

Clerk's Action Required

Law Enforcement Notification

Use a separate order for each restrained person.

Name of person restrained: _____ Name of person(s) protected: _____

Names of Minors: No Minors Involved

First	Middle	Last	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Restrained Party's Identifiers

Sex	Race	Hair
Height	Weight	Eyes

Restrained Party's Distinguishing Features:

Caution: Access to weapons: yes no unknown

The court has jurisdiction over the parties, the minors, and the subject matter and restrained party has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the restrained person by personal service service by mail pursuant to court order service by publication pursuant to court order other _____.

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

This is a temporary restraining order the final restraining order signed by the court pursuant to a decree or final order, on this date or dated _____. the restrained party represents a credible threat to the physical safety of the protected party.

Violation of this Restraining Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

This restraining order is effective immediately and expires on:

It is Ordered, Adjudged and Decreed:

- (Name) _____ is restrained and enjoined from disturbing the peace of the other party or of any child.
- (Name) _____ is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the other party, or the day care or school of the following named children: _____
- (Name) _____ is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of the other party, or the day care or school of these children: _____
- (Name) _____ is restrained and enjoined from molesting, assaulting, harassing or stalking (name) _____. (The following firearm restrictions apply if this box is checked and the parties are intimate partners as defined under federal law: Effective immediately and continuing as long as this restraining order is in effect, the restrained person may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issue firearms. 18 U.S.C. § 925(a)(1).)
- Other:

The protected party or the protected party's attorney must complete a law enforcement information sheet and provide it with this order before this order will be entered into the law enforcement computer system.

Warnings to Restrained Person

A violation of any provision of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of this restraining order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.

A violation of any provision of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74 RCW.

If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

Previous Order

- There are no prior Restraining Orders *restraining the same person* issued under this cause number.
- This order replaces all prior Restraining Orders *restraining the same person* issued under this cause number.

Clerk's Action/Law Enforcement Action

This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to (name of appropriate law enforcement agency) _____ law enforcement agency where ***the protected party resides*** which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

Service

- The restrained party or attorney appeared in court or signed this order; service of this order is not required.
- The restrained party or attorney did not appear in court; service of this order is required. The protected party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

This Order is in Effect Until the Expiration Date on Page One.

Dated: _____

Judge/Commissioner

Petitioner or petitioner's attorney:
 A signature below is actual notice of this order.
 Presented by:
 Approved for Entry:
 Notice for presentation waived:

Respondent or respondent's attorney:
 A signature below is actual notice of this order.
 Presented by:
 Approved for Entry:
 Notice for presentation waived:

Signature of Petitioner or Lawyer/WSBA No.

Signature of Respondent or Lawyer/WSBA No.

Print or Type Name

Date

Print or Type Name

Date

- Further, the court finds that the nonrequesting party is absent and a) is on active duty as a National Guard member or Reservist residing in Washington, or b) is a dependent of a National Guard member or Reservist residing in Washington on active duty. Despite the service member's or dependent's absence, failure to enter the temporary orders below would result in manifest injustice to the other interested parties.

III. Order

It is Ordered:

3.1 Restraining Order

- There are no restraining orders in effect under this cause number and the court is not entering one now.
- The prior temporary restraining order restraining (name) _____ dated _____ remains in full force and effect.
- All prior **Restraining Order(s)** that restrain (name) _____ signed by the court under this cause number are terminated. **Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day to: _____ law enforcement agency where **the protected person** resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.
- The parties shall comply with the Restraining Order restraining (name) _____ signed by the court on this date or dated _____, under this cause number.

3.2 Temporary Relief

- The petitioner respondent shall pay the other party \$ _____ per month maintenance.
- Starting Date: _____
- Day(s) of the month payment is due: _____
- Payments shall be made to:
- the Washington State Child Support Registry (if child support is ordered).
- directly to the other spouse or domestic partner.
- the clerk of this court as trustee for remittance to the other spouse or domestic partner (if there are no dependent children).
- Other: _____
- Child support shall be paid in accordance with the order of child support, signed by the court.

- The parties shall comply with the Temporary Parenting Plan signed by the court.
- The parties shall comply with the Temporary Residential Time Re Military Parents signed by the court.
- The petitioner respondent is restrained and enjoined from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.
- The petitioner respondent is restrained and enjoined from removing any of the children from the state of Washington.
- The petitioner respondent is restrained and enjoined from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.
- The petitioner respondent shall surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:
(name or agency) _____.
- Each party shall be immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.
- Responsibility for the debts of the parties is divided as follows:

- The family home shall be occupied by the petitioner respondent.
- Use of property shall be as follows:

- The petitioner respondent shall vacate the family home. You have a right to keep your residential address confidential. (name) _____ waives confidentiality of the address which is: _____.
- The petitioner respondent shall pay temporary attorney fees, other professional fees and costs in the amount of \$ _____ to:
- Other:

3.3 Bond or Security

- Does not apply.
- The filing of a bond or the posting of security is waived.
- Other:

**Superior Court of Washington
County of**

In re the Marriage of:

and

Petitioner,

Respondent.

No.

Decree of Dissolution (DCD)

Decree of Legal Separation (DCLGSP)

Declaration Concerning Validity (DCINMG) (Marriage)

Clerk's action required

Law Enforcement Notification, ¶ 3.8

I. Judgment Summaries

1.1 Real Property Judgment Summary:

Does not apply. Real Property Judgment Summary is set forth below:

Name of Grantor:	Name of Grantee:
Assessor's property tax parcel or account number:	
Or	
Legal description of the property awarded (including lot, block, plat, or section, township, range, county and state):	
See Page _____ for full legal description	

1.2 Money Judgment Summary:

Does not apply. Judgment Summary is set forth below.

- A. Judgment creditor _____
- B. Judgment debtor _____
- C. Principal judgment amount \$ _____
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ _____
- F. Costs \$ _____
- G. Other recovery amount \$ _____
- H. Principal judgment shall bear interest at _____ % per annum
- I. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
- J. Attorney for judgment creditor _____

K. Attorney for judgment debtor _____

L. Other:

End of Summaries

II. Basis

Findings of Fact and Conclusions of Law have been entered in this case.

III. Decree

It Is Decreed that:

3.1 Status of the Marriage

- The marriage of the parties is dissolved.
- The husband and wife are legally separated.
- The marriage of the parties is invalid.
- The marriage of the parties is valid.

3.2 Property to be Awarded the Husband

- The husband is awarded as his separate property the property set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The husband is awarded as his separate property the property set forth in the separation contract or prenuptial agreement executed by the parties on (date) _____. The separation contract or prenuptial agreement is incorporated by reference as part of this Decree. The prenuptial agreement or, pursuant to RCW 26.09.070(5), the separation contract is is not filed with the court.
- The husband is awarded as his separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

3.3 Property to be Awarded to the Wife

- The wife is awarded as her separate property the property set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The wife is awarded as her separate property the property set forth in the separation contract or prenuptial agreement referenced above.
- The wife is awarded as her separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

3.4 Liabilities to be Paid by the Husband

- Does not apply.
- The husband shall pay the community or separate liabilities set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The husband shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The husband shall pay the following community or separate liabilities:

Creditor

Amount

Other:

Unless otherwise provided herein, the husband shall pay all liabilities incurred by him since the date of separation.

3.5 Liabilities to be Paid by the Wife

- Does not apply.
- The wife shall pay the community or separate liabilities set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The wife shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The wife shall pay the following community or separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

- Other:

Unless otherwise provided herein, the wife shall pay all liabilities incurred by her since the date of separation.

3.6 Hold Harmless Provision

- Each party shall hold the other party harmless from any collection action relating to separate or community liabilities set forth above, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.
- Other:

3.7 Maintenance

- Does not apply.
- The husband wife shall pay maintenance as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- The husband wife shall pay \$ _____ maintenance. Maintenance shall be paid weekly semi-monthly monthly.
The first maintenance payment shall be due on (date) _____.

The obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance unless otherwise specified below:

Payments shall be made:

- directly to the other spouse.
- to the Washington State Child Support Registry (only available if child support is ordered).
- to the clerk of this court as trustee for remittance to the other spouse (only available if there are no dependent children).
- If a maintenance payment is more than 15 days past due and the total of such past due payments is equal to or greater than \$100, or if the obligor requests a withdrawal of accumulated contributions from the Department of Retirement Systems, the obligee may seek a mandatory benefits assignment order under Chapter 41.50 RCW without prior notice to the obligor.
- The Department of Retirement Systems may make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3).
- Other:

3.8 Restraining Order

- No temporary personal restraining orders have been entered under this cause number.
- All **temporary Restraining Order(s)** signed by the court under this cause number are terminated. **Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day to: _____ law enforcement agency where **the protected person** resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.
- The parties shall comply with the final Restraining Order signed by the court on this date or dated _____, under this cause number. The Restraining Order signed by the court is approved and incorporated as part of this decree.

3.9 Protection Order

- Does not apply.
- The parties shall comply with the domestic violence antiharassment Order for Protection signed by the court on this date or dated _____, in this cause number. The Order for Protection signed by the court is approved and incorporated as part of this decree.

3.10 Jurisdiction Over the Children

- Does not apply because there are no dependent children.
- The court has jurisdiction over the children as set forth in the Findings of Fact and Conclusions of Law.

3.11 Parenting Plan

- Does not apply.
- The parties shall comply with the Parenting Plan signed by the court on this date or dated _____. The Parenting Plan signed by the court is approved and incorporated as part of this decree.

3.12 Child Support

- Does not apply.
- Child support shall be paid in accordance with the Order of Child Support signed by the court on this date or dated _____. This order is incorporated as part of this decree.

3.13 Attorney Fees, Other Professional Fees and Costs

- Does not apply.
- Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- Attorney fees, other professional fees and costs shall be paid as follows:

3.14 Name Changes

- Does not apply.
- The wife's name shall be changed to (first, middle, last name) _____.
- The husband's name shall be changed to (first, middle, last name) _____.



Administrative Office of the Courts Diversity Team Developing a More Effective Strategy and Strengthening Our Approach

In 2010, a workgroup was convened to assess the courts' efforts in reducing and mitigating bias in the justice system by ensuring inclusion, diversity, and cross-cultural competency. The workgroup was charged with identifying a solution that would:

- Advance the mission of diversity and inclusiveness in the courts.
- Improve communication and collaboration within and between groups.
- Encourage and support new ideas and creativity.
- Enable nimble and flexible response in an ever-changing environment.
- Identify and where feasible, eliminate conflicts, redundancy, and inefficiency.
- Improve priority setting and governance.

The workgroup proposed convening a governing council that would consist of representatives from eight Commissions or committees whose mission included some aspect of ensuring an equitable system, free of bias. The governing council would meet quarterly to discuss projects with the goal of reducing duplication and/or redundancy of work between the entities and encouraging collaboration.

Concerns were raised that establishing a council would simply add another layer of bureaucracy and that the entities might lose autonomy under that governance structure. As a result, other approaches have been discussed. This report presents an alternative approach toward reaching the goals articulated in the workgroup report and outlined above while maintaining independent commissions and/or committees.

Recommended Solutions:

1. The Chairs and Vice or Co-Chairs (Chairs) of the Gender and Justice and Minority and Justice Commissions will oversee and coordinate the activities of those Commissions to address cultural competency, bias, and inclusion and regularly advise the Supreme Court Administrative Committee of the Commissions' work.
2. A staff team approach, using existing positions, will be used to ensure on a daily basis that there is coordination and collaboration on work addressing cultural competency, bias, and inclusion.

The Commissions will share annual reports and prepare reports to the Administrative Committee on challenges they are facing, projects they are undertaking, and identify any overlapping agenda items. The Commissions leadership will meet with the Administrative Committee twice annually to discuss any conflicts or duplications, and, when appropriate, identify joint projects and the designated Commission or committee lead. These meetings will be staffed by the AOC Senior Court Program Analyst Lead position.

The staff team will be directly responsible for the work of the Washington State Supreme Court Gender and Justice Commission and the Washington State Supreme Court Minority and Justice Commission. This is an important step in creating a more effective and unified approach to addressing cultural competency, bias, and inclusion.

A Senior Court Program Analyst, the Lead for the team, will:

- Work with the Commission Chairs in developing short- and long-term plans and establishing outcomes and priority activities.
- Provide conceptual oversight for the work to include consultation and support to Commission Chairs and their members.
- Provide primary staff support for the Gender and Justice Commission and Minority and Justice Commission meetings.
- Be the liaison to the trial court associations.
- Oversee outreach to other entities addressing diversity and inclusion.
- Identify and share best and promising practices.
- Discuss and recommend to the Commission Chairs, if necessary, appropriate placement or assignment of a project between the Commissions.
- Identify gaps, redundancies, emerging issues, and provide information, and if appropriate, recommendations to the Commission Chairs and its members.
- Manage inter-jurisdictional, comprehensive programs or policy development.
- Mentor other staff assigned to Commission work in staffing projects and/or developing educational programs.
- Ensure that members are kept abreast of issues of importance to the Commissions.
- Oversee design, research and analysis, and provide feedback to the Commissions.
- Develop educational programs for the courts.
- Monitor budgets.

A Court Program Analyst will:

- Assist in designing, developing and implementing Commission plans and projects.
- Review, analyze, and recommend courses of action for consideration by Commission members.
- Provide information, consultation, and staff support to Commission committees.
- Identify and share best and promising practices.
- Identify opportunities, gaps, redundancies, emerging issues and provide information, and, if appropriate, recommendations to Commission committees.
- Carry out policies and programs agreed upon and/or set forth by Commission Chairs and lead staff.
- Assist in the development of educational programs for the courts.
- Liaison with legal communities and other entities in addressing diversity and inclusion.
- Assist in monitoring budgets.

A second Court Program Analyst will:

- Act as a liaison between the Commissions and the BJA Public Trust and Confidence Committee.
- Work on public outreach and education activities with legal entities, schools, and the general public.

A Court Program Assistant will:

- Document and track work proposed and completed on projects, programs, and policy development.
- Track budget expenditures.
- Assist in researching best and promising practices.
- Monitor grant projects and prepare Federal reports.
- Coordinate the development of annual reports.

A designated Administrative Secretary will:

- Manage meeting logistics.

- Arrange committee conference calls.
- Prepare bill tracker reports.
- Prepare materials for meetings, educational programs, and Commission and committee projects.

TEAM OPERATIONS

- There will be a weekly meeting of the team to review the work for the week and discuss any challenges that may prevent completion and progress on any work or project.
- The Lead staff will ensure that each Commission is informed of the work of the other Commission.
- Selection and prioritization of projects will be determined by the Commissions Chairs.
- The lead staff, in consultation with other staff, will develop and monitor execution of the work plan for the Commissions.
- The AOC Manager will be responsible for all personnel actions of staff and staff leaves and regularly advise the Commissions Chairs of any staff issues or conflicting priorities regarding workload or priorities. The allocation of staff and time shall be distributed equally between the Commissions as much as possible.
- The Lead and the two Court Program Analysts will staff most of the committees, and assignments will be according to ability, special knowledge of the subject area, and resources.
- The Court Program Assistant will maintain a matrix of existing and proposed project work, responsible parties, and progress that will be provided to Commission Chairs and members.

This approach will be reviewed twice annually by the Administrative Committee, Chairs, and AOC leadership to determine whether adjustments need to be made and to explore and recommend additional efforts that will lead to a more effective and unified response to ensuring diversity, cultural competency, and inclusion in our court system.

Barbara Madsen 7/5/12
 Chief Justice Barbara Madsen Date

Alicia Nakata 7-9-12
 Judge Alicia Nakata Date
 Gender and Justice Commission Vice-Chair

Carrie A. Dietz 7/11/12
 AOC State Court Administrator Date

Charles Johnson 7/6/12
 Justice Charles Johnson Date
 Minority and Justice Commission Co-Chair

Mary Yu 6/27/12
 Judge Mary Yu Date
 Minority and Justice Commission Co-Chair

Washington Tribal-State Judicial Consortium *“Walking on Common Ground”¹*

MISSION

In the spirit of mutual respect and cooperation, take the lead in resolving civil and criminal jurisdictional conflicts between Tribal and State Courts.

GOALS

- Build relationships and foster communications through the development of basic information about each court and its laws, customs, and values.
- Develop and review Tribal and State court system protocols and practices that address substantive overlapping areas such as domestic violence, services for Native children and their families, and the overrepresentation of Native youth in our justice system.
- Offer educational programs on overlapping areas of interest such as sovereignty, foreign orders, Indian Child Welfare Act, and Tribal and State system problem solving.
- Support ongoing evaluation of collaborative efforts and practices.

VALUES

Equal Representation— Equal representation from Tribal and State justice systems;

Cooperation—Actively fostering cooperation between Tribal Courts and the Courts of the State of Washington;

Sharing— Sharing available resources between Tribal Courts and the Courts of the State of Washington;

Improving Access to Justice— Working cooperatively to improve access to justice by addressing jurisdictional issues and the lack of services and other resources in Indian Country; and

Mutually Acceptable Solutions— Working cooperatively to identify and address areas of concurrent jurisdiction and establish mechanisms for the allocation, sharing and transfer of jurisdiction and working cooperatively to identify and address issues of full faith and credit and mutual enforcement of court orders.

¹ “Walking on Common is an on-going initiative to promote and facilitate tribal, state, and federal collaboration.” <http://walkingoncommonground.org>, last visited April 6, 2012.

SCOPE OF WORK

Jurisdictional Issues

The Consortium will identify jurisdictional issues across case types in order to ensure the recognition and enforcement of Tribal Court and State Court orders.

- a. Recognition and enforcement of protective orders.
- b. Recognition and enforcement of other kinds of civil orders (i.e., animal control, debt)
- c. Recognition and enforcement of other kinds of criminal orders (i.e., crimes occurring on tribal lands)

2. Sharing/coordination/transfer of jurisdiction and access to records between jurisdictions.

The Consortium will identify jurisdictional issues and make recommendations that will permit Tribal and State Courts to effectively share, allocate, and transfer jurisdiction across case types:

- a. Child protection and child welfare
- b. Juvenile offender
- c. Domestic Violence
- d. Other civil cases where there may be concurrent jurisdiction.

3. Data Issues

The Consortium will eliminate barriers to the collection and exchange of essential tribe-specific information and data.

- a. Law enforcement, child welfare/child protection, state court case information.



EDUCATION SESSION PROPOSAL

Proposed by: Gender and Justice Commission		Topic/Title: I Served My Country, Now How Can You Serve Me	
Type: <input checked="" type="checkbox"/> Plenary but can do a choice		Time: 3 Hours – can be flexible	Size Limit?: none
Target Audience: All judges			
Has any preparatory work been completed? The Commission presented an educational program a few years ago for the DMCJA and have been monitoring the work in this area since then.		Recommended persons to be involved in planning: Gender and Justice Commission, and Myra Downing, staff	Potential Faculty: <ul style="list-style-type: none"> • Expert on PTSD, Traumatic Brain Injury, and Military Sexual Assault • A judicial officer overseeing a Veteran's Court • A soldier
Description of session articulating key issues to be presented: <p>More and more individuals are returning from combat who have been deployed multiple times, assaulted during one or more of these experiences, and finding it difficult to separate the military experience from civilian life. Most judicial officers have not received additional training in managing these cases. This session is intended to do this.</p> <p>Soldiers that return from combat often display similar behaviors because of that experience. They may have trouble concentrating, be edgy or jumpy, be on guard – always alert – overly concerned about safety and security, drink too much, use drugs, drive aggressively, and sometimes behave aggressively. The point at which these behaviors become habitual or have a negative effect on others, or put others in harm's way, is the point at which our courts learn about these soldiers.</p> <p>This session will focus on those soldiers who appear before you, examine how the military experience may have influenced the criminal or inappropriate behavior, or not, and determine about how to respond.</p>			
Objectives for the Course. <p>Judicial officers will:</p> <ul style="list-style-type: none"> • Judicial officers will: • Identify what wrongful behaviors may be as of result of combat experience or redeployment • Identify when military sexual trauma for women and men is effecting the behavior of people in family and criminal court. • Assess and recommend sentencing or parenting plans that address the military trauma and ensure the safety of those involved. 			
Materials: Are there obvious materials for the session – case law, rules, seminal law review articles, etc.? Material and resources relevant to the topic, relevant court case information, and faculty materials.			
Anticipated Cost?		What costs are you sponsoring? This will be funded by the Gender and Justice Commission, except for the standard AV equipment.	



EDUCATION SESSION PROPOSAL

Proposed by: Gender and Justice Commission		Topic/Title: What Makes it Cultural and How Would You Respond?	
Type: <input checked="" type="checkbox"/> Plenary but can do a choice		Time: 3 Hours – could be 2 hours	Size Limit? none
Target Audience: All judges			
Has any preparatory work been completed? Yes. This session was offered at the National Association of Women Judges Conference		Recommended persons to be involved in planning: Gender and Justice Commission, and Myra Downing, staff	Potential Faculty: Our intention is to use some of the same faculty from the National Conference and Washington State Judicial Officers
Description of session articulating key issues to be presented: Washington State receives a relatively high percentage of immigrants directly from countries all over the world, making it a place where the dominant culture is in stark contrast to unassimilated communities with traditions and norms that are far removed from the personal experience of court personnel. As second and third generations blend with the mainstream culture, traditional attitudes and roles can remain strong, but be invisible to an outsider. It can be difficult for judicial officers to identify the cultural issues that may be relevant to cases before them. After resolution, it's not unusual for a judge to be criticized for not giving enough consideration to the cultural issues in decision making. Couple that with the fact that when allegations are made, concerns are usually not specifically articulated. The path to improvement is not clear. This session will use past cases around the United States to surface cultural considerations and provide the opportunity for participants to make their own decisions and compare and contrast their decisions with those of their colleagues. This session will be highly interactive, focusing on the gray areas, allowing judicial officers to weigh in using responder units, and will feature an accomplished facilitator who will create an atmosphere conducive to discussion.			
Objectives for the Course. Judicial officers will: <ul style="list-style-type: none"> • Assess and make a decision based on actual cases that have a cultural component. • Analyze and discuss the dilemma's that arise in these cases that make the decisions more complex. 			
Materials: Are there obvious materials for the session – case law, rules, seminal law review articles, etc.? Case materials.			
Anticipated Cost?		What costs are you sponsoring? This will be funded by the Gender and Justice Commission, except for the standard AV equipment.	



EDUCATION SESSION PROPOSAL

Proposed by: SCJA Equality and Fairness Committee, GJCOM, and MJCOM		Topic/Title: Beyond Inclusion: Beyond Empowerment Presented by the SCJA Equality and Fairness Committee	
Type: <input checked="" type="checkbox"/> Plenary		Time: 3 Hours	Size Limit? none
Target Audience: All judges			
Has any preparatory work been completed? This session is based on years of work researching and defining what works in understanding oppression and privilege.		Recommended persons to be involved in planning: SCJA Equality and Fairness Committee, Dr. Neito, and Myra Downing, staff	Potential Faculty: Dr. Leticia Neito was recently named Outstanding Faculty of the Year at St. Martin's College. She has a B.A in Theatre and Psychology, M.A. in Human Development, and a Ph.D in Clinical Psychology
Description of session articulating key issues to be presented: Creating a level playing field is something we strive for – a space where all feel heard and all feel equal to others. This is a goal of access to justice for all. This session will introduce frameworks for analyzing and understanding the various dynamics that underlie bias, oppression and privilege. Based on these frameworks, the session will also introduce the interpersonal skills that can be developed to promote justice in response to bias, oppression and privilege.			
Objectives for the Course. Judicial officers will: <ul style="list-style-type: none"> Analyze the complexities of power, rank and status in interactions Examine the dynamics of oppression and challenges of working across significant difference Increase their ability to recognize the dynamics of unintentional prejudices and how they affect interactions. 			
Materials: Are there obvious materials for the session – case law, rules, seminal law review articles, etc.? The session will be using the materials developed by Dr. Neito.			
Anticipated Cost?		What costs are you sponsoring? This will be funded by the SCJA and other entities working on supporting diversity.	



EDUCATION SESSION PROPOSAL

Proposed by: SCJA Equality and Fairness Committee, GJCOM, and MJCOM		Topic/Title: The Anatomy of an Interaction: Applying the Beyond Inclusion, Beyond Empowerment Models	
Type: <input checked="" type="checkbox"/> Choice		Time: 3 Hours	Size Limit? 40
Target Audience: All judges			
Has any preparatory work been completed? This session is based on years of work researching and defining what works in understanding oppression and privilege.		Recommended persons to be involved in planning: SCJA Equality and Fairness Committee, Dr. Neito, and Myra Downing, staff	Potential Faculty: Dr. Leticia Neito was recently named Outstanding Faculty of the Year at St. Martin's College. She has a B.A in Theatre and Psychology, M.A. in Human Development, and a Ph.D in Clinical Psychology
Description of session articulating key issues to be presented: New behavior requires practice to build skills. Limiting the number of individuals for this session allows participants to practice applying the principles in carefully crafted scenarios that are directly related to incidents that arise in our courts and within our court community. The purpose of this session is to begin building "skill sets". This will be accomplished by engaging participants in applying Dr. Neito's models of social rank, status, and power to incidents of social oppression. Judicial officers will work with Dr. Neito in comparing their current approach to the model that has been developed and tested by Dr. Neito.			
Objectives for the Course. Judicial officers will: <ul style="list-style-type: none"> • Gain the ability to analyze and identify status, rank, and power in specific situations • Acquire communication skills in defusing conflict and acquire the ability to assess these skills • Assess their own skills and resources in addressing oppression and privilege 			
Materials: Are there obvious materials for the session – case law, rules, seminal law review articles, etc.? The session will be using the materials developed by Dr. Neito.			
Anticipated Cost?		What costs are you sponsoring? This will be funded by the SCJA and other entities working on supporting diversity.	

PROPOSED EDUCATION SESSION PROPOSAL

Proposed by: Washington State Minority and Justice Commission and Gender and Justice Commission			
Topic/Title: A Benchguide for Washington Criminal Courts on Immigration Law			
53rd Annual Judicial Conference September 30 – October 3, 2012	TYPE: <input checked="" type="checkbox"/> Plenary <input checked="" type="checkbox"/> Choice	TIME: <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	SIZE LIMIT? Open
TARGET AUDIENCE:			
<input checked="" type="checkbox"/> All Court Levels <input type="checkbox"/> General <input type="checkbox"/> New Judges	<input type="checkbox"/> Appellate Court Level <input type="checkbox"/> Part-time <input type="checkbox"/> Mid-career Judges	<input type="checkbox"/> CLJ Court Level <input type="checkbox"/> Other: <input type="checkbox"/> Senior Judges	
Has any preparatory work been completed? Preparatory work has been completed by the Gender and Justice and Minority and Justice Commissions.			
Recommended persons to be involved in planning: Judge Mary I. Yu; Judge Linda Lee; Judge Susan Craighead; Judge Veronica Alicea-Galvan; Ann Benson; and Myra Downing.			
Potential Faculty: Judge Mary I. Yu; Judge Linda Lee; Judge Susan Craighead; and Judge Veronica Alicea-Galvan.			
Description of session articulating key issues to be presented. The Gender and Justice and Minority and Justice Commissions collaborated to produce <i>A Benchguide for Washington Criminal Courts on Immigration Law</i> (2012). The benchguide is designed to provide Washington criminal court judges with analysis of relevant concepts in immigration law and procedure, as well as recommendations for best practices for handling cases involving noncitizen defendants.			
Objectives for the Course (participants will be able to)?			
<ul style="list-style-type: none"> • Provided with an introduction to the benchguide and an overview of the concepts and issues addressed in it, including: <ul style="list-style-type: none"> ○ Judicial implications of <i>Padilla v. Kentucky</i> and <i>State v. Sandoval</i> and recommended best practices; ○ The impacts of ICE detainers on criminal proceedings; ○ The impact of the record of conviction on removal proceedings; ○ Judicial considerations at sentencing; ○ Issues regarding article 36(b) of the Vienna Convention on Consular Affairs; • Exposed to best practices for addressing current, relevant issues; • Encouraged to engage in discussion of the issues and share insights, challenges and experiences related to the impact of immigration issues in their work. 			
Materials: Are there obvious materials for the session, i.e., case law, rules, seminal law review articles, etc. –			
<ul style="list-style-type: none"> • Benchguide on Washington Criminal Courts & Immigration Law; • PowerPoint developed by planning group and presenters. 			
ANTICIPATED COST?	Do you have funding available, please describe:		
\$2,400 Honorarium: \$0 Travel: \$1200 Lodging: \$1200 Other: \$0	Funding will be provided by the Gender and Justice and Minority and Justice Commissions.		

The Supreme Court
State of Washington

BARBARA A. MADSEN
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
FAX (360) 357-2085
E-MAIL J.B.MADSEN@COURTS.WA.GOV

January 5, 2012

Re: ATJ/AOC/WSBA Plain Forms Project

Dear Friends of Access to Justice:

The members of the Washington State Supreme Court encourage you to join an important collaborative project that will have a significant and positive impact on family law litigants. The Access to Justice Board, the Washington State Bar Association, and the Administrative Office of the Courts are working collaboratively to create “plain language” forms for family law cases.

Most individuals who come to family court are facing untold challenges and turmoil in their lives and the lives of their children. Many times the parties cannot resolve their disputes in a cooperative fashion and must rely on the courts to help them reach justice. Adding to these stresses, all family law parties—some with attorneys and most without—have a myriad of paperwork to read and understand. Currently, the family law forms in use in Washington are often difficult to comprehend and complete because of legalistic and sometimes archaic language.

Plain language and more accessible formats allow parties to understand our forms and the legal concepts they convey easily and completely. Less confusion, greater clarity, better understanding, and achievement of personal and legal goals are just some of the benefits plain language forms offer. The benefits of plain language forms extend to attorneys and the courts as well.

The forms will undergo vigorous field testing to ensure they meet all legal requirements under statute and court rule. Protocols are being developed to make sure that the forms are not available for use until all testing and revisions have been done and to make

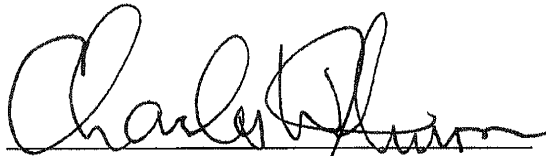
sure we have the smoothest transition possible as the new forms are put into use. Access to Justice partners, such as courthouse facilitators, pro bono legal programs, and dispute resolution centers, will help with both the testing and transition phases of this project.

Our Access to Justice partners will keep you informed as the plain language forms project proceeds. If you have suggestions, comments, or concerns, please share them with Ms. Merrie Gough, Senior Legal Analyst, at 360.357.2128 or at Merrie.Gough@courts.wa.gov, or with Ms. Janet Skreen, Senior Court Program Analyst at 360.705.5252 or at Janet.Skreen@courts.wa.gov, both with the Administrative Office of the Courts.

Sincerely,



Barbara A. Madsen
Chief Justice



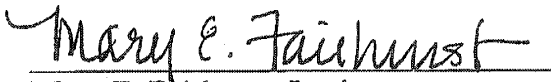
Charles W. Johnson, Assoc. Chief Justice



Tom Chambers, Justice



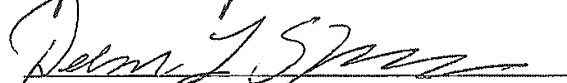
Susan Owens, Justice




Mary E. Fairhurst, Justice



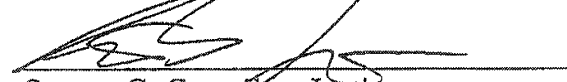
James M. Johnson, Justice



Debra A. Stephens, Justice



Charles K. Wiggins, Justice



Steven C. Gonzalez, Justice

Plain Language Court Forms

Janet Skreen

Administrative Office of the Courts

On behalf of the Washington State Access to Justice Board



PURPOSE

All Statewide Domestic Relations Forms Translated to
"Plain Language"

Goals:

Enhance the understandability and usability of the forms by
non-attorneys (or uninformed attorneys).

Retain flexibility for practitioners.



TOPICS TO BE ADDRESSED

1. History of the Project

2. Plain Language

3. Challenges

History

Integrated Pro Se Assistance Services Plan developed

2009 ATJ Board created the Pro Se Project

One component to provide pattern forms for litigants in
"plain language"

Forms Translation Process

**Company called Transcend has been contracted with
to translate the forms.**

NJP Family Law Attorney reviews each form.

**Form is then reviewed by a sub-group comprised of
judicial officers, practicing attorneys, the Clerk's
Office, DCS and facilitators.**

Project Status

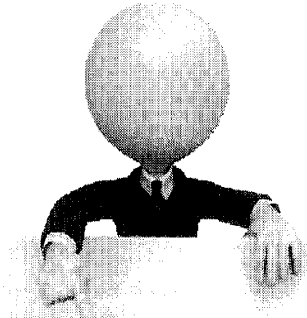
All 9 Supreme Court Justices Support the project.

**Rally Committee giving presentations to local
judiciaries, bar associations, clerk's office,
domestic violence advocates, etc.**

**Work groups are meeting weekly and reviewing the
translated forms.**

Projection for comment and implementation 2013.

Plain Language



Use short, simple sentences.

Use common words with well-understood meanings.

Use bullets for lists.

Use check-off boxes for lists of choices.

Use short, simple sentences

9. Family home

Does not apply.

Move out

Order my spouse/domestic partner to move out of the family home by (date): _____.

Stay in the home

I will continue to live in the family home.

My spouse/domestic partner will continue to live in the family home

Request for Temporary Order
Page 2 of Handout One

Use common words with well-understood meanings

04/11/2012 Draft for Training
AT, Pro Se Project

DRAFT

4. Stay away

Does not apply.

Order my spouse/domestic partner:

- Not knowingly to go or stay within _____ feet of my home, workplace, or school or the daycare or school of any child listed in 2.
- To stay away from my home, workplace, or school, and the daycare or school of any child listed in 2.

Request for Temporary Order

Page 2 of Handout One

Use check off boxes for lists of choices

> Check all temporary orders you are asking for:

7. Care for children

Does not apply.

Approve the parenting plan proposed by me my spouse/domestic partner.

Order my spouse/domestic partner not to take the children listed in 2 out of Washington State.

Appoint a person to investigate and report to the court about what is in the children's best interest. This person is called a Guardian ad Litem (GAL).

Other: _____

THE STATE OF WASHINGTON DEPARTMENT OF SOCIAL & HEALTH SERVICES
Mandatory Family Court p. 2 of 2
CR 04 000 00149 3

Request for Temporary Order

Page 2 of Handout One

Plain Language, Part 2

- Create headings to distinguish different parts.
- Number the steps on a form.
- Leave lots of white space.
- Use graphics when appropriate.

Create headings to distinguish different parts

Immediate Restraining Order and Hearing Notice

Superior Court of Washington
 County: _____
 Case No.: _____
 Clerk's action required (PROTSC/ORTSC)
 Notify law enforcement

In re the Marriage Domestic partnership of _____

Petitioner:
 (person who started this case) first _____ middle _____ last _____

Respondent:
 (other spouse/domestic partner) first _____ middle _____ last _____

1. This Order restrains (restrains) _____
 Warning: violation of this Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.060). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2260).

2. This Order protects (protects) _____

3. This Order protects the following children, who are under 18. None

Child's name	Age	Child's name	Age
1. _____	3	_____	_____
2. _____	4	_____	_____

4. Hearing notice - The court will consider the requests made by the protected person at a court hearing on _____ at (time) _____ a.m. p.m.
 in (Court Room/Dept.) _____

Immediate Restraining Order
 Page 1 of Handout Two

Number the steps on a form

Immediate Restraining Order and Hearing Notice

In the Marriage Domestic partnership of _____

Petitioner:
(person who started the case) first _____ middle _____ last _____

Respondent:
(other spouse/domestic partner) first _____ middle _____ last _____

Superior Court of Washington

County: _____

Case No.: _____

Clerk's action required (TFRD/TSC/ORTSC)

Notify law enforcement

1. This Order restrains (name) _____
Warning: Violation of this Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.050). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).
2. This Order protects (names) _____
3. This Order protects the following children, who are under 18: None

Child's name	Age	Child's name	Age
1	3		
2	4		
4. Hearing notice -- The court will consider the requests made by the protected person at a court hearing on:
 Date: _____ at (time) _____ a.m. p.m.
 In (Court Room/Dept.): _____

Immediate Restraining Order
Page 1 of Handout Two

Use graphics when appropriate

Immediate Restraining Order and Hearing Notice

In the Marriage Domestic partnership of _____

Petitioner:
(person who started the case) first _____ middle _____ last _____

Respondent:
(other spouse/domestic partner) first _____ middle _____ last _____

Superior Court of Washington

County: _____

Case No.: _____

Clerk's action required (TFRD/TSC/ORTSC)

Notify law enforcement

1. This Order restrains (name) _____
Warning: Violation of this Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.050). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).
2. This Order protects (names) _____
3. This Order protects the following children, who are under 18: None

Child's name	Age	Child's name	Age
1	3		
2	4		
4. Hearing notice -- The court will consider the requests made by the protected person at a court hearing on:
 Date: _____ at (time) _____ a.m. p.m.
 In (Court Room/Dept.): _____

Immediate Restraining Order
Page 1 of Handout Two

Challenges: Words vs. Concepts Facts vs. Law



Exactitude sometimes gets in the way of clarity.

Legal terms have a known precise meaning for an attorney that is lost on non-attorneys.

Forms are designed to present facts, not sophisticated legal arguments.

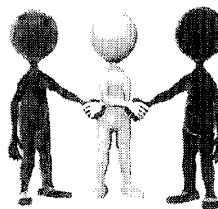
Orders must convey required statutory language, and must pass muster on appeal.

**Challenge is to balance these with the language
that comes directly from the statutes**

Acceptance

36 states have instituted some form of plain
language forms

None have been tested by litigation



The space above is for court use only.

Request for Immediate Restraining Order

In re the Marriage
 Domestic partnership of:

Superior Court of Washington

County: _____

Case No.: _____

(MTSC)

Petitioner: _____
(person who started this case) first middle last

Respondent: _____
(other spouse/domestic partner) first middle last

1. Who is filing these papers to ask the court for protection from his or her spouse/domestic partner? (Check one): Petitioner Respondent

2. The person asking for immediate protection must read and fill out below:

I ask the court to make an *Immediate Restraining Order* to protect me and/or my children. Without this Order, my children or I could be hurt or suffer damage or loss. This harm could be irreparable. (Explain how you or your children could be harmed beyond repair):

If you need additional space use the *Declaration* form DRPSCU 1-100.

I did not notify the other side that I am asking for an *Immediate Restraining Order* because my children or I could be irreparably harmed.

I have notified the other side that I am asking for an *Immediate Restraining Order*. (Describe anything you did to give your spouse/domestic partner or his or her lawyer notice of this Request):

3. Court hearing request

I ask the court to make an *Immediate Restraining Order* now, and hold a hearing later to consider all of my requests. I will notify my spouse/domestic partner about the hearing so the court can hear his/her side.

If approved, the *Immediate Restraining Order* will last for **14 days or until the hearing**, whichever is sooner.

- I ask the court to make the *Immediate Restraining Order* last longer than 14 days because (*specify reason, for example if a court hearing cannot be held within 14 days, or if you will need more time to serve the other side*):

4. Children

- Does not apply.
- Fill out below if you want your child(ren) under 18 to be included in this order:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

➤ ***I ask the court to make these orders immediately (check all that apply):***

5. Do not disturb

- Does not apply.
- Order my spouse/domestic partner not to disturb my peace or the peace of any child listed in **4**.

6. Stay away

- Does not apply.
- Order my spouse/domestic partner:
- Not knowingly to go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in **4**.
 - To stay away from my home, workplace, or school, and the daycare or school of any child listed in **4**.

My spouse/domestic partner and I live together. do not live together.

7. Do not hurt or threaten

- Does not apply.
- Order my spouse/domestic partner not to harass, assault, molest, or stalk me or any child listed in **4**. (If the court orders this, federal law says the restrained person **must not** possess or control firearms or ammunition until this Order ends (18 U.S.C. § 925(a)(1)). **Exception:** Law enforcement officers and military personnel may carry government-issued firearms.)

8. Turn in weapons

- Does not apply.
- Order my spouse/domestic partner **not** to possess or control any firearms or dangerous weapons until the Order ends. Also order my spouse/domestic partner to turn in any firearms or dangerous weapons that he/she possesses or controls to (check one):
 - the sheriff in this county. his/her lawyer.
 - a court-approved person (name): _____

If you checked this box, you must list your reasons here: _____

9. Protect children

- Does not apply.
- Order my spouse/domestic partner not to take the children listed in **4** out of Washington State.
- Until the hearing, the children in **4** will live with me my spouse/domestic partner.
- Other: _____

10. Protect property

- Does not apply.
- Order my spouse/domestic partner not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.)

11. Do not change insurance

- Does not apply.
- Order my spouse/domestic partner not to make changes to any medical, health, life, or auto insurance policy that covers either spouse/domestic partner or any child listed in **4**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

12. Other immediate orders you need

Does not apply.

(Specify): _____

➤ ***I ask the court to make these orders at the hearing (check all that apply):***

13. Extend immediate orders

Does not apply.

Extend the immediate orders I asked for above to stay in effect until the case is done.

14. Care for children

Does not apply.

Approve the parenting plan proposed by me my spouse/domestic partner.

Order my spouse/domestic partner not to take the children listed in **4** out of Washington State.

Appoint a person to investigate and report to the court about what is in the children's best interest. This person is called a Guardian ad Litem (GAL).

Other: _____

15. Provide support

Does not apply.

Order my spouse/domestic partner to:

Pay me spousal support. Amount: \$ _____ How often? _____
For how long? _____

Pay child support according to Washington state child support guidelines.

16. Family home

Does not apply.

Move out

Order my spouse/domestic partner to move out of the family home by (date): _____.

Stay in the home

I will continue to live in the family home.

My spouse/domestic partner will continue to live in the family home.

17. Use of property

- Does not apply.
- Order that I can possess and use (*specify*):
 - property in my possession now.
 - vehicle(s): _____
 - other: _____

- Order that my spouse/domestic partner can possess and use (*specify*):
 - property in his/her possession now.
 - vehicle(s): _____
 - other: _____

18. Protect property

- Does not apply.
- Order my spouse/domestic partner not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.)

19. Household expenses

- Does not apply.
- Order household expenses to be paid as follows:

Expense	Who Pays
<input type="checkbox"/> First Mortgage	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Second Mortgage/Line of Credit	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Rent or lease payment	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Utilities	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Homeowner's Insurance	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Property Taxes	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Vehicle (<i>specify</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Vehicle (<i>specify</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Child Care	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Other:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

20. Divide debts

- Does not apply.
- Order my spouse/domestic partner and me to:
 - Each be responsible for his/her own future debts, including debt from credit cards, loans, security interest, and mortgages.
 - Divide our debts as follows (*list debts and who will pay each one*):

Debt (<i>describe</i>)	Who Pays
1.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
2.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
3.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
4.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
5.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
6.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

21. Pay for insurance

- Does not apply.
- Pay insurance premiums as follows (*list policies and who will pay each one*):

Policy (<i>describe</i>)	Who Pays
1.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
2.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
3.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

22. Pay lawyer's fees and court costs

- Does not apply.
- Order my spouse/domestic partner to:
 - Pay lawyer fees for this case. *Amount:* \$ _____
 - Pay other professional fees and costs for this case. *Amount:* \$ _____
to (*name*): _____ for (*purpose*): _____

23. Other orders you want

- Does not apply.
- (*Specify*): _____

The space above is for court use only

Immediate Restraining Order and Hearing Notice

In re the Marriage
 Domestic partnership of:

Superior Court of Washington

County: _____
Case No.: _____
 Clerk's action required (TPROTSC / ORTSC)
 Notify law enforcement

Comment [LG1]: TESTING NOTE: Ask the clerks if this checkbox is necessary?

Petitioner: _____
(person who started this case) first middle last

Respondent: _____
(other spouse/domestic partner) first middle last

1. This Order restrains (name): _____



Warning! Violation of this Order with actual notice of its terms is a **criminal offense** under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.060). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).

2. This Order protects (name/s): _____

3. This Order protects the following children, who are under 18: None.

Child's name	Age	Child's name	Age
1.		3.	
2.		4.	

4. **Hearing notice** -- The court will consider the requests made by the protected person at a court hearing on:



(date): _____ at (time): _____ a.m. p.m.

in (Court, Room/Dept.): _____

Warning! If you do not go to the hearing, the court may make orders against you without hearing your side. If you disagree with this order, follow the steps on page 3 of this form.

DRAFT

5. Findings

The court has reviewed the Petitioner's Respondent's *Request for Immediate Restraining Order* (form DR 04-150), supporting documents, and any other evidence considered on the record. The court finds that there is reason to make this *Immediate Restraining Order*.

The court also finds that the Petitioner Respondent lives in the state of Washington, but was not able to go to the hearing because s/he is an active-duty National Guard member or Reservist (or a dependent of one). A failure to act despite the absence of the service member will result in a manifest injustice to the other party.

Comment [LG2]: TESTING NOTE: we'd like feedback on whether ex parte judicial officers want more detail or a list of documents here.

➤ **Court Orders to the Restrained Person(s):**

Warning! You must obey this Order until it ends. If you know about this Order, but do not obey the orders in **6**, **7**, and **8** below, you may be arrested and charged with a crime.

6. Do not disturb

- Does not apply.
- The Petitioner Respondent must not disturb the peace of the other spouse/ domestic partner or of any child listed in **3**.

7. Stay away

- Does not apply.
- The Petitioner Respondent must not knowingly go or stay within _____ feet of the other spouse's/domestic partner's home, workplace, or school, or the daycare or school of any child listed in **3**.
- The Petitioner Respondent must stay away from the other spouse's/ domestic partner's home, workplace, or school, and the daycare or school of any child listed in **3**.

8. Do not hurt or threaten

- Does not apply.
- The Petitioner Respondent must not harass, assault, molest, or stalk the other spouse/domestic partner or any child listed in **3**.

Warning! Federal law says the restrained person **must not** possess or control firearms or ammunition until this Order ends. *Exception:* Law enforcement officers and military personnel may carry government-issued firearms. (18 USC §§ 922(g)(8), 925(a)(1))

9. No guns or weapons

- Does not apply.
- The Petitioner Respondent must immediately turn in any firearm or dangerous weapon that s/he possesses or controls to (*name or agency*): _____
(RCW 9.41.800)

DRAFT

10. Protect children

- The Petitioner Respondent must not take the children out of Washington state.
- Until the hearing, the children listed in **3** will live with the Petitioner Respondent.
- Other: _____

11. Protect property

- Does not apply.
- The Petitioner Respondent must not move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic needs. Both spouses/domestic partners must notify the other about any expenses that are out of the ordinary.

12. Do not change insurance

- Does not apply.
- The Petitioner Respondent must not make changes to any medical, health, life, property, or auto insurance policy that covers either spouse/domestic partner or any child named in **3**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

13. Bond

- The Petitioner Respondent must file a bond or post security. Amount: \$ _____
- No bond or security is required.

14. Other Immediate Orders

- Does not apply.
- _____

The space above is for court use only.

<p>Parenting Plan</p> <p>In re the <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic partnership of:</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Superior Court of Washington</p> <p>County: _____</p> <p>Case No.: _____</p> <p><input type="checkbox"/> Proposed (PPP) <input type="checkbox"/> Final (PP) <input type="checkbox"/> Temporary (PPT)</p> </div>
<p>Petitioner: _____ <small>(person who started this case) first middle last</small></p>	
<p>Respondent: _____ <small>(other spouse/domestic partner) first middle last</small></p>	

1. This parenting plan is (check one):

- Proposed by the Petitioner Respondent Both parties and is not an order of the court.
- Signed by a judge or commissioner and is a court order. This order is (check one):
 - Temporary.
 - Final. The order deciding the divorce/separation/validity case was signed on (date): _____.
 - Modified. The court signed an order changing the last final parenting plan on (date): _____.

2. Children – This parenting plan is for the following children:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

3. Limitations on a Parent (RCW 26.09.191)

The court can, and sometimes must, limit parenting time and decision-making about the children, as well as participation in any dispute resolution process if there has been abandonment, abuse, domestic violence, sex offense conviction, neglect, serious behavior

or physical problems, drug or alcohol problems, lack of emotional ties, abusive use of conflict, withholding of the child from the other parent, or other serious issues that may be harmful for the child.

- These problems don't apply. (Skip to **4.** below.)
- These problems do apply. (Fill out below.)

Which parent has these problems? Petitioner Respondent

a. Reasons for limitations on that parent (Check all that apply):

- Abandonment, abuse, domestic violence, or sex offense.** If a parent has any of these problems, the court **must** limit that parent's contact with the child and decision-making. Describe the problems (check all that apply):
 - That parent intentionally abandoned a child named listed in **2.** for an extended time.
 - That parent substantially refused to perform his/her parenting duties for a child listed in **2.**
 - That parent (or someone living in that parent's home) abused or threatened to abuse a child. The abuse was physical, sexual, or repeated emotional abuse.
 - That parent (or someone living in his/her home) has a history of domestic violence as defined in RCW 26.50.010(1), or has assaulted someone causing serious physical harm or fear of such harm. (This includes sexual assault.)
 - That parent has been convicted of a sex offense as an adult.
 - Someone living in that parent's home has been convicted or adjudicated of a sex offense either as an adult or a juvenile.

- Other serious problems** that may harm the children's best interests. If a parent has any of these problems, the court **may** limit that parent's contact with the child and decision-making. Describe the problems (check all that apply):

That parent:

- Neglected his/her parental duties towards a child listed in **2.**
- Has a long-term emotional or physical problem that interferes with his/her ability to parent.
- Has a long-term problem with drugs, alcohol, or other substances that interferes with his/her ability to parent.
- Has few or no emotional ties with a child listed in **2.**
- Uses conflict in a way that endangers or damages the psychological development of a child listed in **2.**
- Has kept the other parent away from a child named in **2.** for a long time, without a good reason.
- Other (specify): _____

b. Limitations on that parent (check all that apply):

- No contact with children
- Limited contact (specify): _____

- Supervised contact. The supervisor shall be:
 - a professional supervisor (name): _____
to be paid by (name): _____
 - a non-professional supervisor (name): _____
 - determined by the court.

The dates and times of supervised contact shall be:

- as shown in **6 - 9** below as arranged by the supervisor
- as follows (specify): _____

- Contact is conditioned on starting and staying in treatment or completion of treatment as follows: _____

- Other limitations (specify): _____

- No limitations (explain why there are no limitations despite the problems checked above): _____

4. Decision-Making – Who can make decisions about the children?

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency health care.

a. Major decisions. Who makes important decisions affecting the children about:

- | | | | |
|-----------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| School / Educational | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Health care (not emergency) | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Religion and religious activities | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Other (specify): _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Other (specify): _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |

b. Reasons for limits on decision-making, if any.

- There are no limits on decision-making.
- The reason only one parent should make major decisions is (check all that apply):
 - One of the parents has serious problems as described in **3.a.** above.
 - Both parents are against shared decision-making.
 - One of the parents does not want to share decision-making because the other parent:
 - has serious problems as described in **3.b.** above,
 - has not shared in decision-making in the past,
 - has not shown he/she can cooperate with decision-making, or
 - lives far away, making it hard to make decisions together.

5. If you and the other parent disagree

From time to time, the parents may have disagreements about shared decisions or about what parts of this parenting plan mean.

a. To solve disagreements, the parents will go to (check one):

- Mediation (*mediator or agency name*): _____
If there are domestic violence issues, you may only use mediation if the victim asks for mediation, mediation is a good fit for the situation, and the victim can bring a support person to mediation.
- Arbitration (*arbiter or agency name*): _____
- Counseling (*counselor or agency name*): _____
- Court (without **first** having to go to mediation, arbitration, or counseling). (*If you check this box, skip b. and go to 6.*)

b. If mediation, arbitration, or counseling is required, one parent must notify the other parent by (check one): certified mail other (*specify*): _____

The parents will pay for the mediation, arbitration, or counseling services as follows (check one):

- Petitioner will pay _____ %, Respondent will pay _____ %.
- Based on the parents' relative income listed on line 6 of the *Child Support Worksheet*.
- The mediator, arbiter, or counselor will decide.

What to expect at mediation, arbitration, or counseling

- Unless there is an emergency, you must use the service checked in a. before going to court.
- If your disagreement is about money or support, you may go straight to court without first using the service checked in a.
- If you do not cooperate at mediation, arbitration, or counseling without a good reason, the court can fine you and order you to pay the other parent's legal fees or other costs.

- If you reach an agreement, it must be put into writing and both parents must get a copy.
- In mediation, arbitration, or counseling, preference shall be given to carrying out, and not changing, the parenting plan.
- If mediation, arbitration, or counseling doesn't solve the disagreement, you may go back to court. You can ask the court to clarify or change the parenting plan, or bring the other parent to court for not following the plan (called *Contempt*).



Parenting Schedules

Check here if the parenting schedules do not apply because one parent has **no** parenting time with the children **except** as stated in **3**. (Skip to **11**.)

6. School Schedules

a. Children under School-Age

- Does not apply. All children are school age.
- The schedule for children under school-age is the same as for school-age children.
- Children under school-age will live with the (*check one*): Petitioner Respondent except when they are scheduled to be with the other parent.

The other parent's parenting schedule is (*check all that apply*):

- WEEKENDS: every week every other week other (*specify*): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
- WEEKDAYS: every week every other week other (*specify*): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
- OTHER (*specify*): _____

b. School-Age Children

This schedule will apply when (*check one*): the youngest child the oldest child
 each child begins:

(*check one*): Kindergarten 1st grade Other: _____

The children will live with the (*check one*): Petitioner Respondent except when they are scheduled to be with the other parent.

The other parent's parenting schedule is (*check all that apply*):

- WEEKENDS: every week every other week other (*specify*): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

WEEKDAYS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

OTHER (specify): _____

7. Summer Schedule

The Summer Schedule is the same as the School Schedules. (Skip to **8**.)

The Summer Schedule will not apply until the summer before:

(check one): the youngest child the oldest child each child begins

(check one): Kindergarten 1st grade Other: _____

The Summer Schedule is the same as the School Schedules except that each parent shall spend _____ weeks of uninterrupted vacation time with the children each summer. The parents shall confirm their vacation schedules in writing by the end of (date) _____ each year. (Skip to **8**.)

The Summer Schedule is different from the School Schedules. During the summer the children will live with the (check one): Petitioner Respondent except when they are with the other parent.

The other parent's parenting schedule is (check all that apply):

WEEKENDS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

WEEKDAYS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

OTHER (specify): _____

8. Holiday Schedule (includes school breaks)

The Holiday Schedule is the same as the School Schedules in **6**. for all holidays and school breaks. (Skip to **9**.)

This is the Holiday Schedule for all children school-age children only:

Holiday	Petitioner	Respondent
Martin Luther King Jr. Day	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Presidents' Day	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Mid-winter Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 1 st half of school Mid-winter Break <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 2 nd half of school Mid-winter Break
Spring Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 1 st half of school Spring Break <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 2 nd half of school Spring Break
Easter / Passover / Ramadan	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Mother's Day	<input type="checkbox"/> Children shall spend every Mother's Day with Mother from 9 a.m. to 6 p.m. <input type="checkbox"/> Other Plan: _____	
Memorial Day Weekend	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Father's Day	<input type="checkbox"/> Children shall spend every Father's Day with Father from 9 a.m. to 6 p.m. <input type="checkbox"/> Other Plan: _____	

DRAFT, C-10

Holiday	Petitioner	Respondent
Fourth of July	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Follow the Summer Schedule in 7. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Labor Day Weekend	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Thanksgiving Day/Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____ _____ _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Winter Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____ _____ _____ _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Christmas	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Follow the Winter Break schedule above. <input type="checkbox"/> Other Plan: _____ _____ _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.

Holiday	Petitioner	Respondent
New Year's Eve/ New Year's Day (odd/even is based on New Year's Day)	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Follow the Winter Break schedule above. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Children's Birthdays	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
All three-day weekends not listed elsewhere	(Federal holidays, school in-service days, etc.) <input type="checkbox"/> The children shall spend any unspecified holiday or non-school day with the parent who has them for the attached weekend. <input type="checkbox"/> Other Plan: _____	
Other holiday important to the family:	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.

9. Conflicts in Scheduling

Sometimes holiday time may conflict with time set aside for the other parent. When this happens, the holiday time shall be observed over all other schedules. If there are conflicts within the Holiday Schedule (*check all that apply*):

- Named holidays shall be followed before school breaks.
- Child's birthdays shall be followed before named holidays and school breaks.
- Other (*specify*): _____

10. Transportation Arrangements (*check one*):

- When one parent's parenting time ends, the **other parent** will pick up the children at (*specify location*): _____

When one parent's parenting time ends, **that same parent** will take the children to the other parent at (*specify location*): _____

Other (*specify*): _____

11. Custodian

Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one parent be named the custodian. The custodian is the parent with whom the children spend more of their time. Both parents have parenting rights and responsibilities as described in this document, even though one parent is called the custodian.

Who is the custodian? (*check one*): Petitioner Respondent

12. Moving with the Children

(*This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.*)

If the custodian plans to move, s/he **must notify** every person who has court-ordered time with the children.

NOTICE

Move to a *Different* School District

If the move is to a different school district, the custodian must give written notice at least **60 days** before the intended move. The notice can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt. The notice must contain the information required by law. Use the form *Notice of Intended Relocation of Children* (form DRPSCU 07.0500).

Exceptions:

- If the custodian could not reasonably have known all the information about the move in time to give 60 days' notice, the custodian must give notice within **5 days** after learning the information.
- If the custodian is relocating to a domestic violence shelter or moving to avoid a clear, immediate and unreasonable risk to health or safety, notice may be delayed 21 days.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A custodian who believes that giving notice would put her/himself or the child at unreasonable risk of harm, may ask the court permission to leave things out of the notice or to be allowed to move without giving notice. This request may be made without giving the other party notice.

Move within the *Same* School District

If the move is within the *same* school district, the custodian still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way.

Failure to give notice

A custodian who does not give the required notice may be found in contempt of court. If that happens the court can impose sanctions. Sanctions can include requiring the custodian to bring the child back if the move has already happened, and ordering the custodian to pay the other side's costs and attorney's fees.

RIGHT TO OBJECT

Important! A person who has court-ordered time with the child can object to a move to a different school district and/or to the custodian's proposed changes to the parenting plan. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask for a change in the parenting plan under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule* (form DRPSCU 07.0700) with the court and serving a copy on the custodian and any other people who have court-ordered time with the child. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The objection must be filed and served no later than **30 days** after the notice of relocation was received.

RIGHT TO MOVE

During the 30 days after the notice was served, the custodian may not move to a different school district with the child unless s/he has obtained a court order allowing the move.

After the 30 days, the custodian may move with the child even if an objection has been filed **unless**:

- The other party gets a court order saying the custodian cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the objection was served on the custodian. However, the custodian may ask the court for an order allowing the move even though a motion is pending if the custodian believes that s/he or the child is at unreasonable risk of harm. This request may be made without giving notice to the other party.

If no objection is filed and served within 30 days after the notice was served, the custodian may move with the child.

13. Other Parenting Orders

14. Proposal

- Does not apply. This is a court order.
- This is a **proposed** parenting plan. (*The person proposing the plan must read and sign below.*)

I declare under penalty of perjury under the laws of the state of Washington that this plan was proposed in good faith and that the information in part **3.** is true.

▶ _____
Parent proposing plan signs here

_____ Signed at (city and date)

15. Court Order

- Does not apply. This is a proposal.
- The Court shall complete the box below:

**This box for Court use only.
Parties do not fill out anything in this box.**

a. Findings of Fact
Based on the pleadings or evidence considered:

- The Court adopts the findings about limitations set out in paragraph **3**.
- The Court makes additional findings which are:
 - contained in an order or findings of fact entered at the same time as this parenting plan.
 - attached as Exhibit A and incorporated into this parenting plan.
 - other: _____

b. Conclusions of Law

- This parenting plan is in the best interest of the children.
- Other: _____

c. Order

- The parties shall follow the terms of the parenting plan as set out above.

Judge or Commissioner signs here _____
Date

If this is a court order, Petitioner and Respondent or their lawyers sign below.

This order (check all that apply):

- is an agreement of the parties.
- is presented by me.
- may be signed by the court without notice to me.

This order (check all that apply):

- is an agreement of the parties.
- is presented by me.
- may be signed by the court without notice to me.

▶ _____
Petitioner signs here or lawyer signs here + WSBA #

▶ _____
Respondent signs here or lawyer signs here + WSBA #

Print Name

Date

Print Name

Date

Warning to Parents! If this order is signed by the court, you **must** obey it. Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

July 3, 2012

Memo

To: Gender & Justice Commission / Domestic Violence Committee

From: Judge Stephen E. Brown

Re: "Domestic Violence Protection Order Work Group" Updated Report

The Senate Committee on Health & Human Services sponsored Domestic Violence Protection Order Work Group held its second meeting June 1 in Everett. David Ward & I attended. Judge Wickham was unable to attend. Sen. Nick Harper chaired the meeting. Sen. Carroll and Sen. Stevens were unable to attend.

Mr. Kevin Black, staff to the Senate Committee, presented a "Recap of proposed scope of work and policy proposals" in a review of the first meeting held in March. Quoting from Mr. Black's document:

This suggested scope of work statement was proposed by staff, based on discussions that took place during Senate Human Services & Corrections committee hearings on Substitute House Bill 1565 (2011) and Senate Bill 6511 (2012) which led to the formation of the work group:

- Whether the Legislature should adopt standards for the court to use in deciding whether to issue a temporary or permanent civil protection order in response to an allegation or allegations of domestic violence.

Mr. Black presented the following "policy proposals" derived from the discussions during the March meeting. These "proposals" **do not** reflect the consensus of the work group nor were they voted on during the meeting.

- a) The courts should be encouraged to apply a more relaxed standard when granting an ex parte temporary protection order, while using a higher standard to review whether to grant a "permanent" protection order following a full hearing.
- b) Statewide forms used to apply for protection orders should be reviewed and revisions recommended if necessary to eliminate confusing and/or incorrect statements regarding burden of proof and other matters.
- c) Courts should be required to enter written findings of fact and conclusions of law when granting a protection order.
- d) A change should be made to reinforce consequences for petitioners who knowingly offer false testimony when applying for a protection order.

- e) Courts should not be permitted to freeze bank accounts or assets pursuant to an ex parte temporary protection order.
- f) The courts should apply the Rules of Evidence during a protection order hearing.
- g) Police reports should be admissible at a protection order hearing.
- h) More information/assistance about filing a petition for a protection order and preparing for a protection order hearing should be made available for both petitioners and respondents.
- i) A stronger linkage should be made between the protection order process and the criminal process when allegations of serious violent criminal behavior are present.
- j) Courts should not impose domestic violence perpetrator's treatment on a Respondent absent credible research demonstrating the efficacy of such treatment.

Mr. Black presented several "staff reports" reflecting the results of information gathered as a result of the March meeting discussions, which included the following:

- 1) The current procedure for obtaining a civil DVPO;
- 2) Court statistical information relating to DVPO proceedings in Washington;
- 3) Evidence and burden of proof requirements for a civil DVPO;
- 4) Procedure for appeal of adverse ruling in DVPO cases; and
- 5) Comparison of Washington's DVPO law to other states.

In my view, the statistical information supported the position taken by the Gender & Justice Commission & BJA, that "the great majority of [DVPO] cases are heard without attorneys." AOC statistical information indicated that in 2011, 3.5% of Superior Court DVPO civil filings had "Litigants with Counsel," 13.6% of Superior Court DVPO civil, domestic, adoption & dependency filings had "Litigants with Counsel," and 3.8% of Courts of Limited Jurisdiction DVPO civil filings had "Litigants with Counsel." The BJA letter indicated that "more than 55,000 protection and anti-harassment orders" were filed in 2011. The Work Group statistical information indicated the number of "DVPOs" was about 37,000. Under either measure (the definitions may be different) changing the procedural and evidentiary rules would severely impact the ability of pro se litigants to obtain the protection they need.

The statistical information also did not bear out the anecdotal claims made by some of the work group members that once a temporary protection order was entered, the party on the other side was put at a disadvantage. The ratio of cases with a permanent order (PRO) granted to cases that had a temporary order (TRO) granted in Superior Court was 1 : 2.3, and in District Court, 1 : 1.9.

Once the reports were presented, the meeting chair, Sen. Nick Harper, presided over some limited discussion of the staff reports and policy proposals. No decisions were made and no consensus was reached on any proposal at this point. Sen. Harper indicated that, because of the campaign season and Senators' schedules, having another meeting prior to this fall would be problematic. At this point, no date has been set for the next meeting.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2363

Chapter 223, Laws of 2012

62nd Legislature
2012 Regular Session

DOMESTIC VIOLENCE AND HARASSMENT--VICTIMS

EFFECTIVE DATE: 06/07/12

Passed by the House March 3, 2012
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 30, 2012, 11:45 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2363** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2012

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2363

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Kenney, Orwall, Darneille, Ryu, Roberts, Appleton, Dickerson, Ladenburg, Reykdal, Jinkins, Santos, and Kagi)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to protecting victims of domestic violence and
2 harassment; amending RCW 9A.46.040, 9A.46.080, 10.99.040, 26.09.013,
3 43.235.040, and 43.235.050; adding a new section to chapter 10.14 RCW;
4 adding a new section to chapter 26.12 RCW; adding new sections to
5 chapter 26.50 RCW; creating a new section; and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 9A.46.040 and 2011 c 307 s 4 are each amended to read
8 as follows:

9 (1) Because of the likelihood of repeated harassment directed at
10 those who have been victims of harassment in the past, when any
11 defendant charged with a crime involving harassment is released from
12 custody before trial on bail or personal recognizance, the court
13 authorizing the release may require that the defendant:

14 (a) Stay away from the home, school, business, or place of
15 employment of the victim or victims of the alleged offense or other
16 location, as shall be specifically named by the court in the order;

17 (b) Refrain from contacting, intimidating, threatening, or
18 otherwise interfering with the victim or victims of the alleged offense

1 and such other persons, including but not limited to members of the
2 family or household of the victim, as shall be specifically named by
3 the court in the order.

4 (2) (~~An intentional~~) Willful violation of a court order issued
5 under this section or an equivalent local ordinance is a gross
6 misdemeanor. The written order releasing the defendant shall contain
7 the court's directives and shall bear the legend: Violation of this
8 order is a criminal offense under chapter 9A.46 RCW. A certified copy
9 of the order shall be provided to the victim by the clerk of the court.

10 **Sec. 2.** RCW 9A.46.080 and 2011 c 307 s 5 are each amended to read
11 as follows:

12 The victim shall be informed by local law enforcement agencies or
13 the prosecuting attorney of the final disposition of the case in which
14 the victim is involved. If a defendant is found guilty of a crime of
15 harassment and a condition of the sentence restricts the defendant's
16 ability to have contact with the victim or witnesses, the condition
17 shall be recorded and a written certified copy of that order shall be
18 provided to the victim or witnesses by the clerk of the court. Willful
19 violation of a court order issued under this section or an equivalent
20 local ordinance is a gross misdemeanor. The written order shall
21 contain the court's directives and shall bear the legend: Violation of
22 this order is a criminal offense under chapter 9A.46 RCW and will
23 subject a violator to arrest.

24 **Sec. 3.** RCW 10.99.040 and 2010 c 274 s 309 are each amended to
25 read as follows:

26 (1) Because of the serious nature of domestic violence, the court
27 in domestic violence actions:

28 (a) Shall not dismiss any charge or delay disposition because of
29 concurrent dissolution or other civil proceedings;

30 (b) Shall not require proof that either party is seeking a
31 dissolution of marriage prior to instigation of criminal proceedings;

32 (c) Shall waive any requirement that the victim's location be
33 disclosed to any person, other than the attorney of a criminal
34 defendant, upon a showing that there is a possibility of further
35 violence: PROVIDED, That the court may order a criminal defense

1 attorney not to disclose to his or her client the victim's location;
2 and

3 (d) Shall identify by any reasonable means on docket sheets those
4 criminal actions arising from acts of domestic violence.

5 (2)(a) Because of the likelihood of repeated violence directed at
6 those who have been victims of domestic violence in the past, when any
7 person charged with or arrested for a crime involving domestic violence
8 is released from custody before arraignment or trial on bail or
9 personal recognizance, the court authorizing the release may prohibit
10 that person from having any contact with the victim. The jurisdiction
11 authorizing the release shall determine whether that person should be
12 prohibited from having any contact with the victim. If there is no
13 outstanding restraining or protective order prohibiting that person
14 from having contact with the victim, the court authorizing release may
15 issue, by telephone, a no-contact order prohibiting the person charged
16 or arrested from having contact with the victim or from knowingly
17 coming within, or knowingly remaining within, a specified distance of
18 a location.

19 (b) In issuing the order, the court shall consider the provisions
20 of RCW 9.41.800.

21 (c) The no-contact order shall also be issued in writing as soon as
22 possible, and shall state that it may be extended as provided in
23 subsection (3) of this section. By January 1, 2011, the administrative
24 office of the courts shall develop a pattern form for all no-contact
25 orders issued under this chapter. A no-contact order issued under this
26 chapter must substantially comply with the pattern form developed by
27 the administrative office of the courts.

28 (3) At the time of arraignment the court shall determine whether a
29 no-contact order shall be issued or extended. So long as the court
30 finds probable cause, the court may issue or extend a no-contact order
31 even if the defendant fails to appear at arraignment. The no-contact
32 order shall terminate if the defendant is acquitted or the charges are
33 dismissed. If a no-contact order is issued or extended, the court may
34 also include in the conditions of release a requirement that the
35 defendant submit to electronic monitoring. If electronic monitoring is
36 ordered, the court shall specify who shall provide the monitoring
37 services, and the terms under which the monitoring shall be performed.

1 Upon conviction, the court may require as a condition of the sentence
2 that the defendant reimburse the providing agency for the costs of the
3 electronic monitoring.

4 (4)(a) Willful violation of a court order issued under subsection
5 (2) ~~((or))~~ (3) or (7) of this section is punishable under RCW
6 26.50.110.

7 (b) The written order releasing the person charged or arrested
8 shall contain the court's directives and shall bear the legend:
9 "Violation of this order is a criminal offense under chapter 26.50 RCW
10 and will subject a violator to arrest; any assault, drive-by shooting,
11 or reckless endangerment that is a violation of this order is a felony.
12 You can be arrested even if any person protected by the order invites
13 or allows you to violate the order's prohibitions. You have the sole
14 responsibility to avoid or refrain from violating the order's
15 provisions. Only the court can change the order."

16 (c) A certified copy of the order shall be provided to the victim.

17 (5) If a no-contact order has been issued prior to charging, that
18 order shall expire at arraignment or within seventy-two hours if
19 charges are not filed. ~~((Such orders need not be entered into the
20 computer based criminal intelligence information system in this state
21 which is used by law enforcement agencies to list outstanding
22 warrants.))~~

23 (6) Whenever a no-contact order is issued, modified, or terminated
24 under subsection (2) or (3) of this section, the clerk of the court
25 shall forward a copy of the order on or before the next judicial day to
26 the appropriate law enforcement agency specified in the order. Upon
27 receipt of the copy of the order the law enforcement agency shall enter
28 the order for one year or until the expiration date specified on the
29 order into any computer-based criminal intelligence information system
30 available in this state used by law enforcement agencies to list
31 outstanding warrants. Entry into the computer-based criminal
32 intelligence information system constitutes notice to all law
33 enforcement agencies of the existence of the order. The order is fully
34 enforceable in any jurisdiction in the state. Upon receipt of notice
35 that an order has been terminated under subsection (3) of this section,
36 the law enforcement agency shall remove the order from the computer-
37 based criminal intelligence information system.

1 (7) All courts shall develop policies and procedures by January 1,
2 2011, to grant victims a process to modify or rescind a no-contact
3 order issued under this chapter. The administrative office of the
4 courts shall develop a model policy to assist the courts in
5 implementing the requirements of this subsection.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.14 RCW
7 to read as follows:

8 (1) A defendant arrested for violating any civil antiharassment
9 protection order issued pursuant to this chapter is required to appear
10 in person before a magistrate within one judicial day after the arrest.
11 At the time of the appearance, the court shall determine the necessity
12 of imposing a no-contact order or other conditions of pretrial release
13 in accordance with RCW 9A.46.050.

14 (2) A defendant who is charged by citation, complaint, or
15 information with violating any civil antiharassment protection order
16 issued pursuant to this chapter and not arrested shall appear in court
17 for arraignment in accordance with RCW 9A.46.050.

18 (3) Appearances required pursuant to this section are mandatory and
19 cannot be waived.

20 **Sec. 5.** RCW 26.09.013 and 2007 c 496 s 401 are each amended to
21 read as follows:

22 In order to provide judicial officers with better information and
23 to facilitate decision making which allows for the protection of
24 children from physical, mental, or emotional harm and in order to
25 facilitate consistent healthy contact between both parents and their
26 children:

27 (1) Parties and witnesses who require the assistance of
28 interpreters shall be provided access to qualified interpreters
29 pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and
30 within available resources, interpreters shall also be made available
31 at dissolution-related proceedings.

32 (2) Parties and witnesses who require literacy assistance shall be
33 referred to the multipurpose service centers established in chapter
34 28B.04 RCW.

35 (3) In matters involving guardians ad litem((s)), the court shall
36 specify the hourly rate the guardian ad litem may charge for his or her

1 services, and shall specify the maximum amount the guardian ad litem
2 may charge without additional review. Counties may, and to the extent
3 state funding is provided therefor counties shall, provide indigent
4 parties with guardian ad litem services at a reduced or waived fee.

5 (4) Parties may request to participate by telephone or interactive
6 videoconference. The court may allow telephonic or interactive
7 videoconference participation of one or more parties at any proceeding
8 in its discretion. The court may also allow telephonic or interactive
9 videoconference participation of witnesses.

10 (5) In cases involving domestic violence or child abuse, if
11 residential time is ordered, the court may:

12 (a) Order exchange of a child to occur in a protected setting;

13 (b) Order residential time supervised by a neutral and independent
14 adult and pursuant to an adequate plan for supervision of such
15 residential time. The court shall not approve of a supervisor for
16 contact between the child and the parent unless the supervisor is
17 willing to and capable of protecting the child from harm. The court
18 shall revoke court approval of the supervisor if the court determines,
19 after a hearing, that the supervisor has failed to protect the child or
20 is no longer willing or capable of protecting the child. If the court
21 allows a family or household member to supervise residential time, the
22 court shall establish conditions to be followed during residential
23 time.

24 (6) (a) In cases in which the court has made a finding of domestic
25 violence or child abuse, the court may not require a victim of domestic
26 violence or the custodial parent of a victim of child abuse to disclose
27 to the other party information that would reasonably be expected to
28 enable the perpetrator of domestic violence or child abuse to obtain
29 previously undisclosed information regarding the name, location, or
30 address of a victim's residence, employer, or school at an initial
31 hearing, and shall carefully weigh the safety interests of the victim
32 before issuing orders which would require disclosure in a future
33 hearing.

34 (b) In cases in which domestic violence or child abuse has been
35 alleged but the court has not yet made a finding regarding such
36 allegations, the court shall provide the party alleging domestic
37 violence or child abuse with the opportunity to prove the allegations
38 before ordering the disclosure of information that would reasonably be

1 expected to enable the alleged perpetrator of domestic violence or
2 child abuse to obtain previously undisclosed information regarding the
3 name, location, or address of a victim's residence, employer, or
4 school.

5 (7) In cases in which the court finds that the parties do not have
6 a satisfactory history of cooperation or there is a high level of
7 parental conflict, the court may order the parties to use supervised
8 visitation and safe exchange centers or alternative safe locations to
9 facilitate the exercise of residential time.

10 **Sec. 6.** RCW 43.235.040 and 2000 c 50 s 4 are each amended to read
11 as follows:

12 (1) An oral or written communication or a document shared within or
13 produced by a ((~~regional~~)) domestic violence fatality review panel
14 related to a domestic violence fatality review is confidential and not
15 subject to disclosure or discoverable by a third party. An oral or
16 written communication or a document provided by a third party to a
17 ((~~regional~~)) domestic violence fatality review panel, or between a
18 third party and a ((~~regional~~)) domestic violence fatality review panel
19 is confidential and not subject to disclosure or discovery by a third
20 party. Notwithstanding the foregoing, recommendations from the
21 ((~~regional~~)) domestic violence fatality review panel and the
22 coordinating entity generally may be disclosed minus personal
23 identifiers.

24 (2) The ((~~regional~~)) review panels, only to the extent otherwise
25 permitted by law or court rule, shall have access to information and
26 records regarding the domestic violence victims and perpetrators under
27 review held by domestic violence perpetrators' treatment providers;
28 dental care providers; hospitals, medical providers, and pathologists;
29 coroners and medical examiners; mental health providers; lawyers; the
30 state and local governments; the courts; and employers. The
31 coordinating entity and the ((~~regional~~)) review panels shall maintain
32 the confidentiality of such information to the extent required by any
33 applicable law.

34 (3) The ((~~regional~~)) review panels shall review, only to the extent
35 otherwise permitted by law or court rule when determined to be relevant
36 and necessary to an investigation, guardian ad litem reports, parenting
37 evaluations, and victim impact statements; probation information;

1 mental health evaluations done for court; presentence interviews and
2 reports, and any recommendations made regarding bail and release on own
3 recognizance; child protection services, welfare, and other information
4 held by the department; any law enforcement incident documentation,
5 such as incident reports, dispatch records, victim, witness, and
6 suspect statements, and any supplemental reports, probable cause
7 statements, and 911 call taker's reports; corrections and postsentence
8 supervision reports; and any other information determined to be
9 relevant to the review. The coordinating entity and the ((~~regional~~))
10 review panels shall maintain the confidentiality of such information to
11 the extent required by any applicable law.

12 **Sec. 7.** RCW 43.235.050 and 2000 c 50 s 5 are each amended to read
13 as follows:

14 If acting in good faith, without malice, and within the parameters
15 of this chapter and the protocols established, representatives of the
16 coordinating entity and the statewide and regional domestic violence
17 fatality review panels are immune from civil liability for an activity
18 related to reviews of particular fatalities.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 26.12 RCW
20 to read as follows:

21 The court shall act in accordance with the requirements of the
22 address confidentiality program pursuant to chapter 40.24 RCW in the
23 course of all proceedings under this title. A court order for
24 information protected by the address confidentiality program may only
25 be issued upon completing the requirements of RCW 40.24.075.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 26.50 RCW
27 to read as follows:

28 (1)(a) No court or administrative body may compel any person or
29 domestic violence program as defined in RCW 70.123.020 to disclose the
30 name, address, or location of any domestic violence program, including
31 a shelter or transitional housing facility location, in any civil or
32 criminal case or in any administrative proceeding unless the court
33 finds by clear and convincing evidence that disclosure is necessary for
34 the implementation of justice after consideration of safety and

1 confidentiality concerns of the parties and other residents of the
2 domestic violence program, and other alternatives to disclosure that
3 would protect the interests of the parties.

4 (b) The court's findings shall be made following a hearing in which
5 the domestic violence program has been provided notice of the request
6 for disclosure and an opportunity to respond.

7 (2) In any proceeding where the confidential name, address, or
8 location of a domestic violence program is ordered to be disclosed, the
9 court shall order that the parties be prohibited from further
10 dissemination of the confidential information, and that any portion of
11 any records containing such confidential information be sealed.

12 (3) Any person who obtains access to and intentionally and
13 maliciously releases confidential information about the location of a
14 domestic violence program for any purpose other than required by a
15 court proceeding is guilty of a gross misdemeanor.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 26.50 RCW
17 to read as follows:

18 (1) The Washington state institute for public policy shall conduct
19 a statewide study to assess recidivism by domestic violence offenders
20 involved in the criminal justice system, examine effective community
21 supervision practices of domestic violence offenders as it relates to
22 Washington state institute for public policy findings on evidence-based
23 community supervision, and assess domestic violence perpetrator
24 treatment. The institute shall report recidivism rates of domestic
25 violence offenders in Washington, and if data is available, the report
26 must also include an estimate of the number of domestic violence
27 offenders sentenced to certified domestic violence perpetrator
28 treatment in Washington state and completion rates for those entering
29 treatment.

30 (2) The study must be done in collaboration with the Washington
31 state gender and justice commission and experts on domestic violence
32 and must include a review and update of the literature on domestic
33 violence perpetrator treatment, and provide a description of studies
34 used in meta-analysis of domestic violence perpetrator treatment. The
35 institute shall report on other treatments and programs, including
36 related findings on evidence-based community supervision, that are
37 effective at reducing recidivism among the general offender population.

1 The institute shall survey other states to study how misdemeanor and
2 felony domestic violence cases are handled and assess whether domestic
3 violence perpetrator treatment is required by law and whether a
4 treatment modality is codified in law. The institute shall complete
5 the review and report results to the legislature by January 1, 2013.

6 NEW SECTION. Sec. 11. If specific funding for the purposes of
7 section 10 of this act, referencing section 10 of this act by bill or
8 chapter number and section number, is not provided by June 30, 2012, in
9 the omnibus appropriations act, section 10 of this act is null and
10 void.

Passed by the House March 3, 2012.

Passed by the Senate February 29, 2012.

Approved by the Governor March 30, 2012.

Filed in Office of Secretary of State March 30, 2012.

INLANDER

SPOKANE ■ EASTERN WASHINGTON ■ NORTH IDAHO
Wednesday, June 20, 2012

There Is No Escape

How abusers manage to torment their lovers, even as police and courts try to protect them

Jordy Byrd



Even inside her Spokane Valley home, with a security camera turned on, Traci doesn't feel safe. She avoids the windows at night, knowing that he might be outside again, standing in the shadows, watching. One day she counted the number of times he called and texted her phone: 42. His messages haunt her.

"By the way, I have a key to the house," he said in a text. "Want me to tell you how I got it?"

Traci, a former medical assistant, says she's tried to be reasonable with her ex-husband. Through their parenting plan, he is still allowed to visit their 7-year-old son. Yet on several occasions the boy has returned home with a message from his father.

"He told me, 'Daddy is going to kill Mommy,'" recalls Traci, speaking on the condition her last name not be published. "He said, 'Daddy was going to bash Mommy's head in with a hammer, stab her and blow off her head.'"

Traci has called the cops at least 17 times, reporting that her ex, Kale Holten, has broken into her house; destroyed property, stalked and threatened her, records show. She also filed for protection orders, which stated that he couldn't be within two blocks of her or have any contact with her by phone, email or through other people.

But Traci still doesn't feel safe. Holten has twice been found guilty of violating the protection orders. He's spent two days in jail and paid the courts \$86, records show. Holten's attorney declined to comment for this article.

“Every time I go to court, the judge says, ‘The next time anything happens, if you even so much as drive by her house and we find out about it, you will go to jail,’” Traci says. “But he doesn’t. He knows he can get away with it.

“The more he gets away with, the bolder her gets,” she adds.



“When the community gets together and hold people accountable, homicide rates drop,” says Patty Wheeler of the YWCA.

One in four women in the United States has been the victim of severe physical violence by a boyfriend or husband, according to the Centers for Disease Control and Prevention. It’s the most common 911 call that Spokane Police receive — amounting last year to more than 6,700 calls for that agency alone. And the numbers, year after year, keep growing.

It’s a complicated problem with no easy solution. Police say they’re making arrests as required by law, but they can only do so much. Victims’ advocates point to the courts, saying they give too many chances to offenders. Judges and prosecutors say they’re following the law, but also have to respect the rights of the accused abusers.

Meanwhile, examples abound in which local women have been murdered by the men they had tried to escape.

- Rebecca Schiering of Spokane Valley broke up with her fiancée in 2010 after a domestic dispute. About two months later, he shot and killed her and her 9-year-old-son, and attempted to slit the throat of Schiering’s 17-year-old son.
- Becky Brosnan of Spokane obtained a non-contact order two months after she and her husband were married in 1997, claiming he destroyed her property, choked her, verbally abused her and isolated her from friends and family, according to records. The couple was going through a yearlong divorce and custody battle over their children in 2009 when he beat her to death with a hammer and a metal rod.

- Michelle Canino of north Spokane was stabbed to death by her husband, Jeffrey Canino, in 2009. Her 11-year-old son watched the attack. According to court documents, he told their son he stabbed Canino because she wanted a divorce.

“I’m just outraged at our state, local politicians and policy makers all the way down,” says Patty Wheeler, director of programs at the YWCA. “The violence and potential for violence is not taken seriously in our courts. Budget cuts are decreasing our ability to serve.

“All of this is snowballing down on people who have no way to survive.”

‘A GOOD WIFE’

It was Valentine’s Day. Traci, then a 40-year-old single mother, had just put her three children to bed. She wanted to meet someone, but the bar scene wasn’t a good fit. Online dating wasn’t common yet, so she called a telephone dating service and created her two-minute profile.

“Hey, I’m a country girl. I don’t need a man,” Traci recalls saying. “I’m perfectly OK on my own. I’m just looking for some companionship.”

That night, in 2004, Holten called her. He was charming and made Valentine’s a little sweeter. They chatted for a month before agreeing to meet at a sports bar in Spokane Valley.

But when Holten walked in, Traci left without introducing herself. She says something about him scared her. “I got this gut feeling that I should leave,” she says. “I should have followed my gut feeling.”

GET HELP

If you or someone you know needs help, call the Alternatives to Domestic Violence 24-hour hotline at (509) 326-2255. In Idaho, call the North Idaho Violence Prevention Center at (208) 664-9303. There is also the National Domestic Violence Hotline at (800) 799-7233.

But he asked to meet up again, and she agreed. They met at a bar on East Trent Avenue where Traci sang karaoke. Holten said all the right things, Traci recalls. He was a single mother’s dream. He helped around the house and helped shuttle Traci’s children back and forth from school and sports.

Their courtship was brief, and later that year, Holten moved into Traci’s house. But soon, she says, he started to drink all night and sleep all day. He took the children’s allowance money and, during one argument, punched the wall next to Traci’s head. Within less than a year of dating, she kicked him out. Then she discovered she was pregnant.

Their son was born on Feb. 25, 2005, and by August they were married. But the couple would break up in July 2007 after arguing about finances. Traci had grown scared of Holten, so she obtained a domestic violence protection order prohibiting contact.

It had little effect, she says. She would later complain to law enforcement that he broke into the house. And slashed tires. And called her all the time. Then on Thanksgiving, he showed up on her doorstep, asking for forgiveness.

“I never trusted him again, but I felt like I had to give it one last try,” she says. “You got to keep your family together at all costs, you know? I tried to do all the things a good wife should do.”

57 People in Washington were killed by their abusers in 2011, up from 50 the year before, according to the Washington Association of Sheriffs and Police Chiefs. In Idaho, 22 people were killed by their abusers in 2011, up from 13 the year before, according to the Idaho Coalition Against Domestic Violence.

The calm wouldn't last. In December 2009, Holten called the police during an ugly altercation. Cops arrested Holten for violating the 2007 protection order. He pleaded guilty and paid the courts a fine of \$43.

She got another protection order in 2010. Within the next year, Holten violated it, paying another \$43.

“I'd take the kids to the park and come home and my doors would be open,” she says. “I'd look out my sliding glass doors at night and wonder: Is he out there?”

Later this month, Holten will be in court again. Prosecutors have filed charges against Holten alleging that he violated protection orders filed by Traci and another woman. If convicted of the felony charges, Holten could face up to five years in jail and a \$10,000 fine.

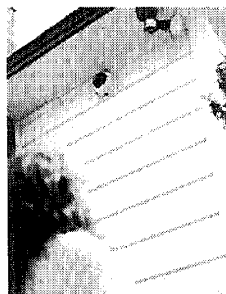
Traci holds out hope that something will be done, but those charges have been pending since last year, and she's had to live in limbo in the meantime.

“I'm just disgusted by the whole thing,” Traci says, thumbing through a more than a foot-high stack of police reports and court documents. “I understand the court system has its checks and balances, but this has gone on long enough.”

Traci's not the first woman who has sought protection from Holten. In 1997, Holten rammed the back of a car carrying his ex-wife and two other people, forcing them off the road. He was sentenced to 29 months in jail, according to records.

His ex-wife obtained a no-contact order from the court, but the next year Holten showed up at her house. When she refused to let him in, he threw a “boulder” through her bedroom window, and another one through her sliding glass door, records state. He was sentenced to 26 months in jail and sent to a domestic violence perpetrator treatment program.

But in 1999, he violated the no-contact order again. He spent two days in jail and his treatment program was suspended.



Tracy keeps a watchful eye on her home security camera.

More recently, he's been accused of stalking a third woman. According to court records, Holten and a new girlfriend separated in January. Since the breakup that woman's accused him of watching the entrance of her place of employment, breaking into her house, stalking her daughter and sending threats.

In March, she obtained a one-year protection order against Holten. The woman's daughter also got an anti-harassment protection order against him.

While researching her own cases, Traci has discovered Holten criminal history. She can only shake her head. The pattern is so clear now. An ex-wife. Her. A new girlfriend. The girlfriend's daughter. And yet Holten is still a free man.

"The thing that bothers me the most is I know he won't stop," she says. "I'm afraid of what might happen to other women."

FIRST RESPONDERS

Spokane County Sheriff Ozzie Knezovich relates the same tale often. The story describes "what domestic violence really looks like," he says.

"Domestic violence is when you pull up to the house and you see Christmas presents and the tree in the front yard," Knezovich says. "You see the door askew off the hinges. You walk in, there's blood splattered all over the wall, and there's a female curled up in the fetal position on the couch crying.

"You turn the corner and there's a little girl with the biggest brown eyes you've ever seen asking why Daddy hit Mommy."

Domestic violence is the most common call the Spokane Police Department responds to. For Knezovich's agency, domestic violence is second only to traffic incidents.

"Domestic violence is still that dirty little crime that no one wants to talk about," Knezovich says.

Washington is a mandatory-arrest state, meaning that when an officer responds to a domestic violence call and has probable cause to believe a crime has been committed within the last four hours, an arrest must be made. In Idaho, unless physical assault, battery, stalking or violation of a protection order occurs, an arrest is made at the officer's discretion.

But Knezovich says budgets have lowered the number of law enforcement officers on the streets and impacted their ability to respond.

"My concern is that the safety nets are rapidly being stripped away with funding," he says. "As safety nets slip away, it will increase the number of calls, and number of violent calls we respond to."

He acknowledges that jailing abusers again and again isn't treating the problem. But when he looks at his jail facilities, 80 percent of inmates charged with a crime against a person are facing domestic violence offenses.

"We are the first responders," Knezovich says. "That's when the system starts kicking in. But there are times that people are out [of jail] before the deputy's reports are done. We're working very diligently to try and fix the criminal justice system, but as resources get taxed, all these dynamics feed into a never-ending cycle.

"How do you keep perpetrators off the street when the system is not handling that task?" the sheriff asks.

In 2010, the Washington State Coalition Against Domestic Violence released a report examining domestic violence-related murders committed in the state in the past 13 years. Panels made up of judges, lawyers and advocates analyzed 135 separate cases (only a portion of the 755 related homicides during that period).

"One of the things we noted was a lack of consistent response and follow-up within the legal system," says Jake Fawcett, lead researcher on the study.

Of the 135 murders they reviewed, the panelists found that authorities had documented 157 related incidents of domestic violence. Yet only five abusers spent more than 30 days in jail. Fewer than half of the incidents resulted in the abuser's arrest, and only 4 percent of abusers actually completed their full sentence.

The report concludes that courts failed to address victims' safety, minimize patterns of domination, impose meaningful consequences or intervention for abusers and offer sufficient post-sentencing supervision.

"We saw a million different ways where people tried to get safe," Fawcett says. "The common denominator was that when people reached out for help, the supports weren't there."

The support system in Spokane is under pressure. Requests for help have increased by 21 percent over the last two years, says Wheeler, of the YWCA, which runs the Alternatives to Domestic Violence program.

“The increase doesn’t mean that more violence is occurring,” Wheeler says. “It means that these women have no other place to turn.

“If we can’t provide shelter, if we can’t provide counseling, transitional housing and legal aid, women won’t be able to get out of their situations and we are going to have more major crimes.”

Wheeler says budget cuts are also crippling their ability to serve. Funding from the city and county for the Alternatives to Domestic Violence was cut by 76 percent in 2010. The impact, she says, is seen everywhere.

“The police are doing all this arresting and getting people into the system but nothing happens,” Wheeler says. “Jail becomes a revolving door because there are mandatory arrest laws, but there aren’t mandatory consequences.”

Wheeler says prosecution is overwhelmed with cases. Unless the allegations are egregious, many abusers are arrested and released within a 24-hour period without consequences, she says.

“You have to treat aggressors swiftly,” she says. “Not when it’s their 10th time in court. Victims need the court telling their abusers that their behavior was wrong. Aggressors need to know they can’t get away with it.”

A COURT, DIVIDED

In 1997, the city received a \$1.6 million grant from the Justice Department to create one of the nation’s first specialized domestic violence courts.

Superior Court Judge Annette Plese helped organize the court. Today, her judges chambers look like an old-fashioned library, where books are neatly stacked, floor to ceiling.



“We had one good unit that was trying to resolve the issue rather than just process cases.” says Superior Court Judge Annette Plese.

“We were truly innovative and moving forward,” Plese says. “I truly believed we were going to make some changes instead of just jailing and punishing people. We wanted to stop people from coming back in the system.”

Plese says the goal of the court was to give specialized attention to domestic violence cases by placing the same prosecutors, public defenders, probation officers and judges on the same cases — regardless of city and county jurisdictions. They hoped that specialized treatment and standardized responses would hold offenders accountable.

Judges required perpetrators to be evaluated and receive domestic violence perpetrator treatment. The judges held treatment reviews, which required offenders to not only check in with probation officers, but also with judges themselves.

The city and county continued to support the court after federal monies ran out, but then something happened at the end of 2008. Two men convicted of misdemeanor DUI won an appeal on the argument that the county's District Court didn't have jurisdiction over misdemeanors within the city limits.

Rather than fight the ruling, or attempt to have state law rewritten, the city decided to establish its own Municipal Court to handle misdemeanors.

Plese, then-Mayor Mary Verner and city officials discussed maintaining the domestic violence court, but in the end it was dismantled.

"It was very depressing when the city pulled out," Plese says. "Financially, I think they thought they could do it better, cheaper and have more control ... but it seems like we've gone backwards."

As a result of the split, misdemeanor domestic violence cases are handled separately depending whether the cases originated in the city or other parts of the county. Now, three judges handle domestic violence cases in Municipal Court, and one handles cases in District Court.

Plese says it's now not uncommon for offenders to have two public defenders, two prosecuting attorneys, two judges, two probation officers and multiple protection orders and sentences on multiple cases.

"Now attorneys and judges are looking at their cases in a little tunnel of either a city or county case and not seeing the big picture," Plese says.

Attorneys and judges working in Municipal Court say blame is wrongly being directed at them. They say the loss of the specialized court hasn't affected their ability to protect victims and hold offenders accountable.

Nevertheless, domestic violence case filings for the city have increased by 50 percent since Municipal Court was formed in 2009, says Mike Reinken, chief assistant for the Spokane City Prosecutor's Office.

"I don't think the court expected the volume of domestic violence cases we're seeing," Reinken says. "I'm not saying the volume increase we're seeing is because of the split. I think it's increasing because of the economy and the added tension on families as a result of the economy."

He says prosecutors do continue to communicate with their counterparts across jurisdictions.

“Within the constraints that we are currently working, we are still emphasizing domestic violence cases in our office,” Reinken says. “There is some normal fallout from budget cuts, a poor economy and lack of funding in general, but given the increased volume we have experienced lately, we do a pretty fantastic job of prosecuting domestic violence cases.”

Municipal Court Judge Mary Logan says she and her fellow judges treat the crime no differently on the bench. She says she understands that victims’ advocates are frustrated, but says everyone has their role to play in the criminal justice system.

“We cannot be in the role of advocates for anybody. We are in the role of advocates for public safety,” Logan says. “But that’s a big label that gets diluted in the process because really, we are just trying to have a very neutral court setting where people can come in and experience justice.”

Logan says Municipal Court tries to treat cases just as they would have been when the domestic violence court existed. She adds that allocating cases to three separate judges, instead of one, allows them to be more sensitive to each case.

The Municipal Court has decided, though, not to order treatment as often as before. Logan says perpetrator treatment has not been persuasively proven to change recidivism rates.

She raised the issue and her concerns with local treatment providers last year, she says.

“Why would I, in good conscience, just accept treatment that hasn’t been proven to work?” she says. “We are really trying to engage in evidence-based sentencing to create change on every single case. There should be no expectation of a cookie-cutter approach to any of these cases.”

Treatment providers say it’s clear that fewer offenders are now being sent to perpetrator treatment. And of those who are sent, providers estimate that less than 20 percent complete their full treatment program.

Penalties for offenders who violated the conditions of their sentence have also been weakened, say treatment providers.

Bonnie Scott, director of Social Treatment Opportunity Programs (STOP), says probation departments regularly file non-compliance reports to the court but sanctions are rarely imposed. It’s even rarer, she says, that offenders are reinstated back into treatment.

Scott points to the files stacked almost two feet high on her office floor. Each file represents an abuser who has not completed his court-ordered treatment.

“People don’t understand that these women live in terror,” she says. “They are not just abused but terrorized. They never know what mood he’s going to come home in. It’s a constant battle just to get dinner on the table and the kids in bed without a fight. It’s like living in war zone.”

Yet Scott says the majority of batterers can be helped.

“Right now I’m allowed to do about an eighth of my job because I don’t have the backing of the legal system,” she says. “Instead of saying, ‘Hey let’s get this guy some help so he doesn’t end up in a murder-suicide setting,’ they are suspending treatment or not issuing it at all.”

NO LACK OF WARNING

Law enforcement was familiar with 28-year-old Veniamin Gorkovchenko long before they were called to an apartment on East Fifth Avenue on Oct. 10.

There they found Gorkovchenko dead on the front lawn in a pool of blood. He had shot himself in the right temple. Next to him was a .22-caliber shell and a still burning, half-smoked Marlboro cigarette.

Upstairs, officers found Gorkovchenko’s ex-girlfriend on a couch by a window, blood streaming down her head, neck and chest. At the center of her forehead, near the hairline, was a bullet hole. She was alive.

“Help me, I’ve been shot. I’ve been shot,” she told officers. “My ex-boyfriend shot me, he came in here and shot me.”

Paramedics lifted the 21-year-old woman on a gurney. They carried her down the narrow stairwell and into an ambulance headed to Sacred Heart Medical Hospital. In the ambulance on the way there, she said Gorkovchenko had a handgun and was “pointing it at me and then I heard it go off.”

Gorkovchenko had pushed his way into the apartment on East Fifth, where his ex had stayed the night visiting friends, according to police reports. Another woman in the apartment confronted Gorkovchenko, and he put the gun to her forehead and asked, “Are you ready to die?”

Screaming, crying, in English and Russian, Gorkovchenko then confronted his ex: “Why did you leave me?”

He pointed the gun at her. She shouted back, saying she didn’t need him anymore and that he was a woman hater.

Then she heard a boom. Everything went fuzzy. She knew she had been shot.

The bullet, she would later learn, had cracked her skull, and bullet fragments had wedged themselves in the fracture, but didn’t enter the brain cavity. She would make a full recovery.

The Inlander met with the woman for this article, but she declined to be interviewed. The following account comes from police reports.

She started dating Gorkovchenko in May 2009, and soon, she says, he became possessive. One day that year, while she and a friend chatted in a car, Gorkovchenko arrived angry and began arguing with her.

In Olympia: Adding Protections

In March, the state Legislature approved progressive domestic violence legislation. Rep. Roger Goodman, D-Kirkland, sponsored a bill that provides increased protections for victims who risk being stalked by their abusers and stiffens penalties for violating domestic violence no-contact orders. “Domestic violence is a chronic problem and nobody wants to talk about it,” Goodman says. “Not in the Legislature, not in the media, not in polite society. Nobody wants to step up to the plate. ... This is a societal problem that can only be addressed through cultural change. The Legislature can only respond after it’s happened. Society must wake up to the issue.” — JORDY BYRD

He walked to his car and came back with a small pickaxe — a tool with a wooden handle and an axe on one end and a hammer on the other. He shouted at her friend: “Bitch, do you want to see this down your throat?”

When the woman tried to intervene, Gorkovchenko swung the axe at the car, hitting the center of the driver side hubcap. The woman told the responding police officer that Gorkovchenko “probably wouldn’t hurt me,” but she thought he was going to strike her friend with the axe.

Gorkovchenko was arrested and charged with domestic violence-related malicious mischief and the judge issued a no-contact order to protect Gorkovchenko’s ex-girlfriend. He got out of jail the next day.

A month later he was arrested again and charged with violating the order. Again, he got out of the jail the next day.

Gorkovchenko’s defense attorney said he would volunteer to attend a 24-hour domestic violence perpetrator treatment program at STOP counseling services in Spokane.

Bonnie Scott, director of the program, denied Gorkovchenko’s entrance into the program after an hour-long evaluation. She says he was too violent for a 24-hour program and recommended instead that he complete a full domestic violence perpetrator treatment program, which would take one to two years.

Scott sent the evaluation and denial to the program to his ex-girlfriend and his public defender.

“He would be alive and she wouldn’t have a bullet in her head if he would have had to follow through with treatment,” Scott says. “But nobody made him. They just let him go.”

His case was continued three more times. He failed to show up for court twice, was arrested and then, in 2010, he entered into a 24-month stipulated “order of continuance,” which is a contractual agreement and probation period with the court. The no-contact order was dropped. Domestic violence perpetrator treatment was suspended.

Two months later, Gorkovchenko got drunk and kicked a 12-inch hole through his parent’s living room wall. He walked off while his mother ran across the street and asked the neighbor to call the cops.

In 2011, a year after the incident, the Office of the Spokane City Prosecutor filed domestic violence-related malicious mischief charges against Gorkovchenko because of the incident with his parents. This case was also continued three times, until eventually the prosecutor dropped the charges.

Donna McBride, chief probation officer for the City of Spokane, remembers Gorkovchenko well.

“Oh, I know exactly who this is,” she says. “This is the attempted murder-suicide. This is everyone’s worst nightmare.”

On June 23, 2010, the probation department sent a letter to prosecutors reporting that, because Gorkovchenko had been charged with trespassing, he had violated his probation.

On January 26, 2011, the probation department sent a letter to prosecutors reporting that Gorkovchenko had violated his probation — again.

“The prosecutors saw both violations but chose not to proceed,” McBride says.

Less than a year later, he would shoot himself and his ex-girlfriend.

LIFE ON HOLD

Traci’s coffee table is covered with her son’s LEGOs. On the floral print couch are his crayon drawings of circles and stars.

Traci wrings her hands when talking about the boy’s father. She has chocolate brown eyes and waves of hazelnut hair. She sips coffee from a mug covered in jokes about menopause in her Spokane Valley home, and flips through the petitions and the police reports she’s filed against Holten, her ex-husband.

She waits for resolution in the courtroom and has prepared her evidence and statement for Holten’s felony trial, scheduled for next month.

IDAHO: ONE FAMILY, ONE JUDGE

Domestic violence courts operate in five judicial districts in Idaho. One judge handles all criminal domestic violence cases and related family issues such as divorce, custody and civil

protection orders. Idaho's domestic violence courts accelerate the disposition of criminal domestic violence cases resulting in offenders entering treatment earlier. Offenders also receive on-going judicial review hearings to ensure immediate consequences for non-compliance.

According to the Idaho Supreme Court, since the inception of Idaho's domestic violence courts in 2006, Idaho has seen a 23 percent decrease in violations of criminal no-contact orders and civil protection order charges and a 14 percent decrease in criminal misdemeanor and felony domestic assault and battery charges filed with the court.

She isn't ashamed of the choices she has made and the chances she gave Holten. She simply wishes the court hadn't given him so many chances. She wishes the courts would have protected her when she didn't have the strength to do so herself.

At home she points to the "beware of dog" sign on her garage door and the motion detector lights at the front of the house. Across the street, waist-high weeds engulf the teal-colored abandoned house where she says Holten used to sit at night and watch her.

Plywood now covers the broken windows. Traci boarded up some of the windows herself.

"I used to be afraid of my own shadow," she says. "I didn't know what I was doing. All victims ever do is wonder what they did wrong."

The year 1992 was dubbed the Year of the Woman in American politics and no state exemplified the phenomenon more than Washington.

After that election, Washington's Legislature became No. 1 among the states in the percentage of female lawmakers. Four women won statewide elected offices, including three newcomers.

And a previously obscure state senator from Shoreline who called herself the "Mom in Tennis Shoes" became the state's first female U.S. senator and helped Congress go from 32 women to 54.

Washington later increased its hold on being the nation's most receptive state to female candidates. The state Supreme Court had five women among the nine justices. And in 2005, Washington became the first state to have women filling both U.S. Senate seats and the governorship.

"You were considered a mecca for women," Debbie Walsh, the director of the Center for American Women and Politics at Rutgers, said of the state.

Which is why the closing line in Kathleen Drew's speech at the state Democratic Party convention Saturday was so jarring. Drew, running for secretary of state, told delegates she is the only Democratic woman running for a statewide elected office.

The same convention nominated U.S. Sen. Maria Cantwell for a third term. But of the state executive offices ranging from governor to insurance commissioner, Drew is the only Democrat.

It is no better on the Republican side where Kim Wyman, the Thurston County auditor seeking the same position as Drew, is the only woman preferring that party among candidates for state executive office.

Even the presence of two other open offices – auditor and attorney general – wasn't enough to attract more female candidates. The lack of them for attorney general is especially troubling. It is the one state job that has proven to be a stepping stone to U.S. senator or governor, so much so that the National Association of Attorneys General (NAAG) has been nicknamed the "National Association of Aspiring Governors."

And there is a possibility that a recent trend of declining numbers of women in the Legislature will continue. At its peak, 60 of the 147 members of the House and Senate were women – just under 41 percent.

This past session, 47 women were in the Legislature, 32 percent of the total. Washington is now behind five other states in the presence of women among its lawmakers, according to numbers compiled by Walsh's institute. It could fall again after this election. At least three state Senate seats held by women who are retiring will likely go to men.

All these numbers raise two questions: Why is the number falling? And what does it matter?

Taking the second question first, it matters because representative bodies like the Legislature work better when they are representative of the body politic.

"Our research shows that women bring a different set of perspectives and experiences," Walsh said. "They will give higher priority to issues of women, families and children."

The why is anyone's guess but Walsh notes that the number of women running is declining both in Washington and nationally.

"It's not that the women aren't winning, it's that they're not running," Walsh said. In that year of the woman in 1992, 85 female legislative candidates were on the November ballot and 53 won. In 2010, 57 female candidates made the general election ballot and 36 won.

Cathy Allen, a Democratic political consultant in Seattle is working with a national effort called Project 2012 with the goal of increasing the number of female candidates. Allen said of the 46 women she tried to recruit this year, only six said yes.

A common reaction after she asked them to run was, "I thought you liked me."

"They'd rather get a job, they'd rather raise their kids, they'd rather have balance in their lives," Allen said of those who opted against running.

"Women are deciding they don't want this crap," Allen said. And that's different for men? Apparently so. For every two men she recruited, two said yes.

"Women, more than men, realize how tough the job is and the sacrifice to their soul that is required."

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States cracking down on strangulation attempts

ERIC TUCKER

By the time the late-night argument ended, Jacqi Galles had been hoisted off the ground in a tight stranglehold and choked so vigorously that she says she nearly passed out. She fled her home and called the police on her then-boyfriend, who was charged with a misdemeanor and spared a prison sentence after pleading guilty.

Moved by that case and others like it, South Dakota this year joined a growing list of states that have made non-fatal choking a felony crime, which is more serious and can carry stiffer penalties. Anti-domestic violence groups behind the effort say the laws are intended not only to secure tough prison sentences for domestic abusers but also to promote awareness of a crime they say often precedes homicide - yet is chronically under-prosecuted.

"For decades, we've simply lumped it into assault or battery or causing injury to another," said Scott Burns, executive director of the National District Attorneys Association. "But there's a heightened awareness that this is something different. This is far more serious."

Attempted strangulation cases have long vexed police and prosecutors seeking stiff penalties for attacks. The act can leave victims close to death, but unlike blows that produce a black eye or broken nose, it often leaves few, if any, external signs of injury needed to prove a felony assault charge. An attempted murder charge is also hard to sustain in cases where suspects intend to frighten rather than kill their victim. As a result, advocates say, suffocation cases have historically been handled as misdemeanors that don't reflect the act's severity or carry meaningful punishment.

About 30 states have passed laws, most in the past decade, making it a felony under certain conditions to knowingly impede someone's breathing. Iowa, South Dakota, California and Tennessee are among recent states to act, and Virginia's governor signed a law just last week. A New York law that took effect in 2010 added three classifications, from a misdemeanor requiring no proof of physical injury to a Class "C" felony, and yielded more than 11,000 charges in its first 14 months, according to the office on Domestic Violence Prevention.

The laws, part of a multi-pronged effort to draw attention to strangulation attempts, come as advocates train police on identifying the more nuanced signs - including a raspy voice, blood-red eyes from burst capillaries, difficulty breathing and involuntary urination.

Leading the campaign is the National Family Justice Center Alliance, a San Diego anti-domestic violence group that has received a \$400,000 U.S. Justice Department grant to fund a strangulation training institute. The group's executive director, Gael Strack, has traveled the country helping lawmakers draft bills, identifying witnesses for legislative hearings and leading seminars for police. A former prosecutor, she said she was inspired by the mid-1990s murders of two teenage domestic violence victims, including one who was strangled and whose body was set on fire.

"We all go, 'Oh my gosh, she's in danger,' but when a victim is strangled and survives, no one seeks the blood or the bruising or the swelling," she said. "It's hard for them to understand that she's just like the victim who was stabbed or shot and survived."

Still, bills have stalled in some states as opponents, including defense lawyers, say that enough laws are in place to protect victims and that new measures will create excessive prosecution.

William Umansky, a former domestic violence prosecutor and a criminal defense lawyer in Orlando, Fla., said he thought his state's law was flawed because it allows for felony prosecution without

objective proof of a victim's injury. He said it gave prosecutors too much leverage to secure guilty pleas.

"Domestic violence is always bad, but the way I see it commonly prosecuted, there's no ligature marks on the woman's throat, no evidence of bruising. Just the verbal allegation, and all of a sudden, there's a felony charge," Umansky said.

Lawmakers in some states have been inspired by testimony from victims and their families. New Hampshire passed its statute two years ago following the October 2009 murder of Melissa Charbonneau, who was fatally shot by her estranged husband a couple of days after he was released on bail after choking her. Jonathan Charbonneau killed himself after shooting his wife. The state's law treats attempted strangulation as a second-degree felony, carries a sentence of three and a half to seven years in prison and allows police to detain suspected abusers to keep violence from escalating.

"If we had the strangulation law at that time, I believe there would have been a cooling-down period, and a lot of this may not have happened," said Melissa Charbonneau's father, John Cantin.

Some laws don't require bodily injury - only that the attacker intended to cause harm or induce fear. That may ease prosecutors' burden, but advocates acknowledge that strengthening penalties alone won't make cases easier to prove. They say the laws need to be paired with extensive training so that police, prosecutors and medical professionals know what to look for.

The Family Justice Center Alliance offers free training, presentations aimed at police, court personnel and emergency responders are sponsored by hospitals and at some least police departments are spreading the message. In Rochester, N.H., for instance, a detective specializing in domestic violence trains all new officers on the topic.

A Justice Department official involved in anti-domestic violence efforts said heightened awareness is an important first step.

"When states get new laws about strangulation, it shines a light on it, shows the severity of the crime," said Bea Hanson, acting director of the department's Office on Violence Against Women, which awarded the grant for the California training center.

Galles, of Rapid City, S.D., said the confrontation with her then-boyfriend, a trained professional fighter, began after he returned home drunk and tried to touch her while she was in bed. At one point, she said, he clutched her by the throat and she nearly lost consciousness. After pleading guilty to a misdemeanor, domestic violence simple assault, he was sentenced to time already served in jail - 24 days - and released.

The experience moved Galles, 28, to advocate her state's law change, tearfully recounting her experiences to lawmakers. She said in an interview that she hopes the new laws will encourage more victims to come forward, knowing that their complaints will be taken seriously.

"The victim needs to be able to get away, and part of that is having the perpetrator be held accountable," she said. "The perpetrator needs to know that it's not OK and he's not going to keep getting away."

Read more here: <http://www.theolympian.com/2012/05/13/v-print/2104162/states-cracking-down-on-strangulation.html#storylink=cpy>

