



GENDER AND JUSTICE COMMISSION

AOC SEATAC CONFERENCE ROOM
 18000 INTERNATIONAL BLVD, SUITE 1106
 FRIDAY, JANUARY 8, 2015 (8:45 AM – NOON)
 CHIEF JUSTICE BARBARA MADSEN, CHAIR
 JUSTICE SHERYL GORDON MCCLOUD, VICE CHAIR

Agenda (Subject to Change)

Page

8:45–8:55 AM CALL TO ORDER

- Approval November 13, 2015, Meeting Notes 1

8:55–9:30 AM COMMISSION BUSINESS

Objective: Chair and staff report on past and upcoming activities and interactions that affect the Commission.

- Chair Report Chief Justice Madsen
 - Women’s History Month (March)
- Vice Chair Report Justice Gordon McCloud
 - Summit
- Staff Report Pam Dittman, Cynthia Delostrinos
 - Activities, Updates, Collaborative Efforts
 - Budgets: GJCOM and Grants 6

GUEST SPEAKER(S) & EXPLORATORY PROJECTS

Objective: Forum for members to discuss items of interest they are involved in or would like the Commission to explore.

- 9:30-10:00 AM – Diversity bar survey results Ms. Joy Williams, WSBA
- 10:00-10:10 AM **BREAK**
- 10:10-10:40 AM - Sexual Assault Protection Order Legislation Ms. Laura Jones, KCSARC 8
 - Future & Suggested Guest Speakers/Topics
 - Alison Holcomb, National Director ACLU re: Campaign for Smart Justice (reform mass incarceration)
 - Washington Women Lawyers (state-wide)
 - MAMA Seattle (Mother Attorneys Mentoring Association)

10:40-Noon COMMITTEE REPORTS

Objective: Committee chairs will report on progress of work plans, discuss new areas of interest, problems that have arisen, ask for feedback, ask for assistance.

- Communications Judge Paja
- Domestic Violence Judge Jasprica
- Education Judge Melnick & Staff 18
- Equality in the Profession
 - Judicial Officer/Law Student Reception – January 22, 2016 - Spokane 21
 - Gender Bias Study
- Incarcerated Women & Girls Gail Stone
- Legislative David Ward



GENDER AND JUSTICE COMMISSION

AOC SEATAC CONFERENCE ROOM
18000 INTERNATIONAL BLVD, SUITE 1106
FRIDAY, JANUARY 8, 2015 (8:45 AM – NOON)
CHIEF JUSTICE BARBARA MADSEN, CHAIR
JUSTICE SHERYL GORDON McCLOUD, VICE CHAIR

Agenda (Subject to Change)

Page

- | | |
|---------------------------------|-----------------------|
| ➤ Sexual Violence | Kelley, Emily & Staff |
| ➤ Tribal State Court Consortium | Judge Mark Pouley |

Miscellaneous

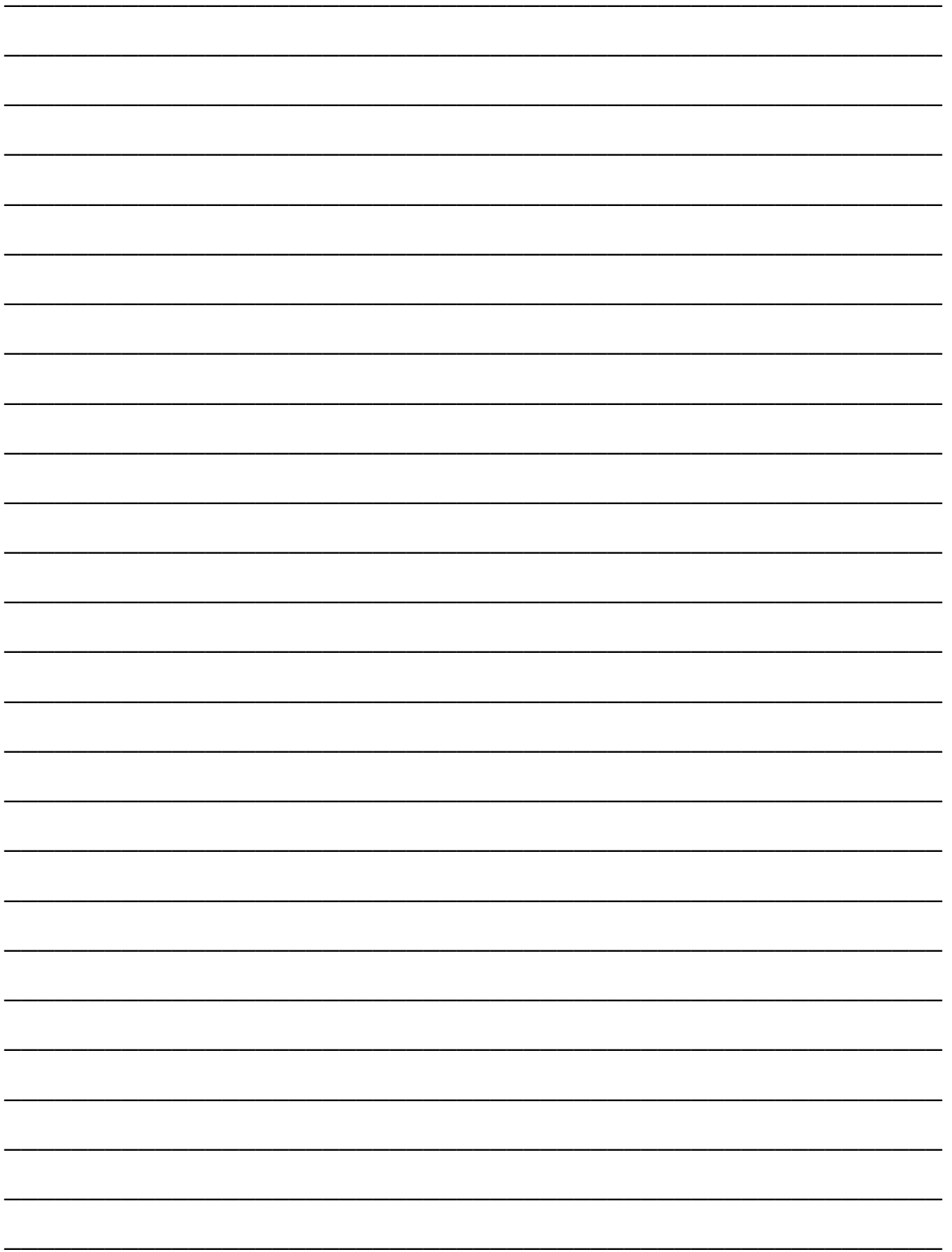
Noon **ADJOURNMENT**

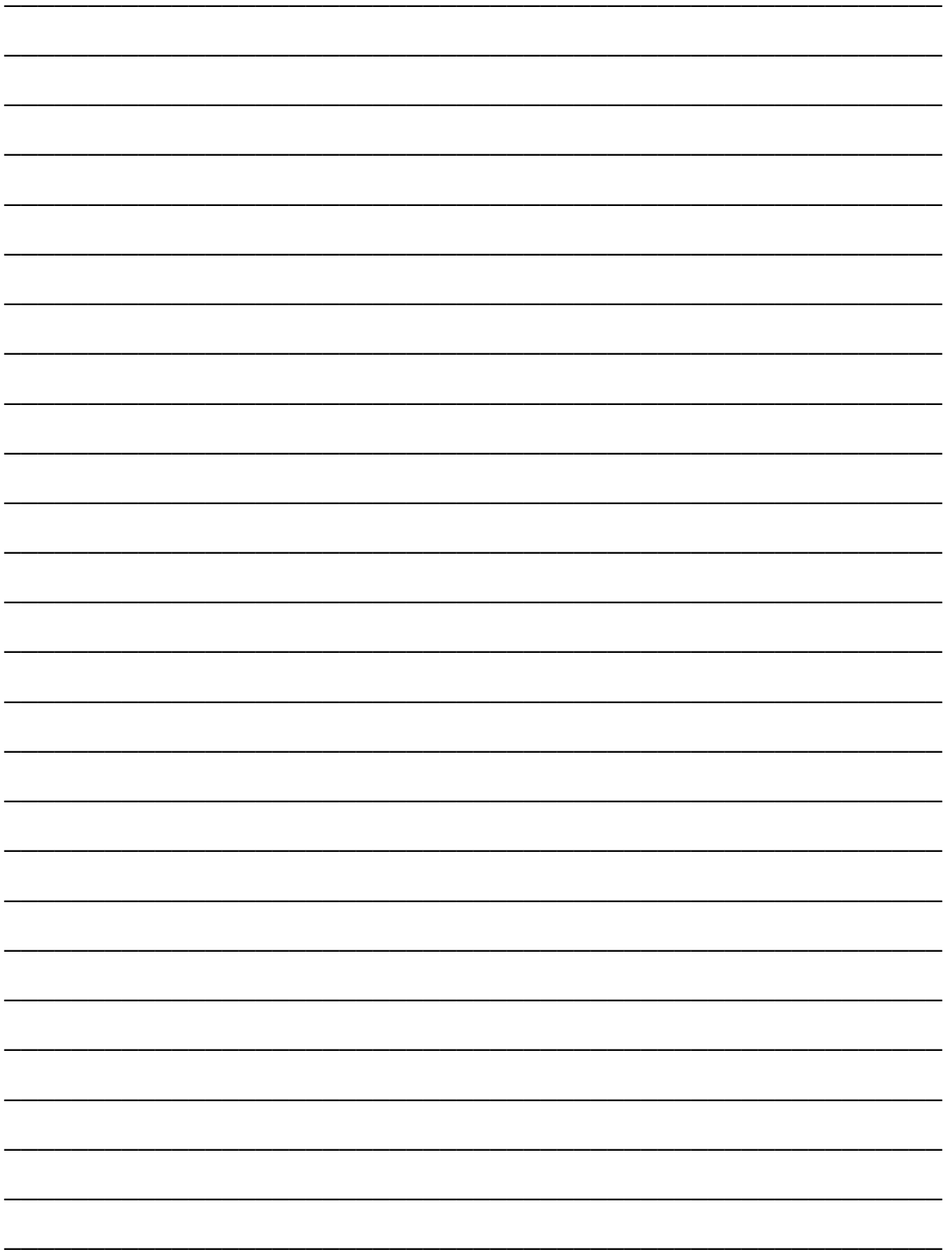
Note: The Incarcerated Women & Girls Committee will be meeting after the GJCOM meeting in one of the smaller conference rooms.

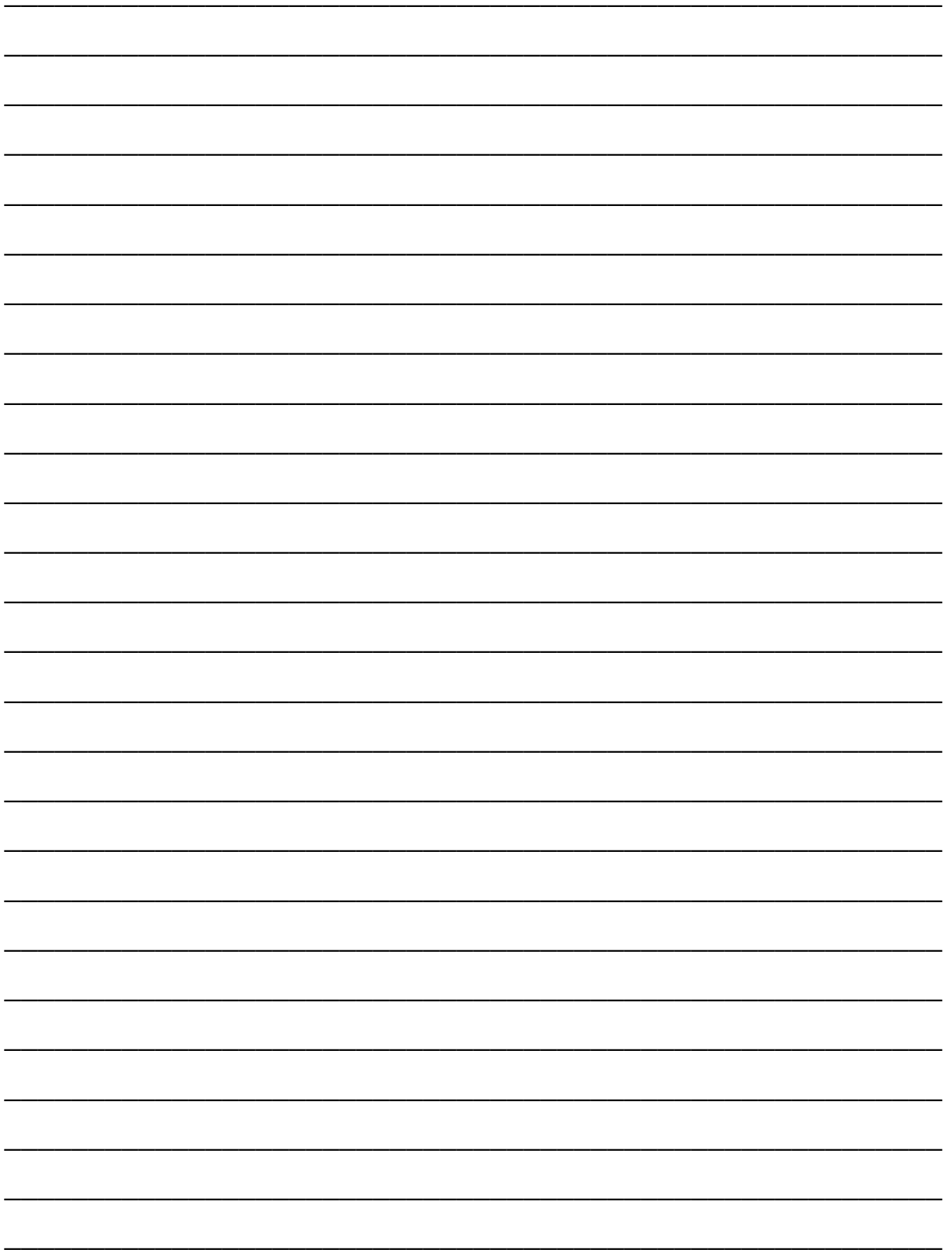
2016 Meeting Dates

- January 8 – SeaTac Office
- March 4 – Temple of Justice, Olympia (Tentative time 9:30 AM to 2:00 PM)
- May 13 – SeaTac Office
- July 8 – SeaTac Office
- September 2 – SeaTac Office
- November 4 – SeaTac Office

Updated 1.5.2016









**GENDER AND JUSTICE COMMISSION (GJCOM)
AOC SEATAC OFFICE
18000 INTERNATIONAL BLVD, SUITE 1106
SEATAC, WASHINGTON
FRIDAY, NOVEMBER 13, 2015 (8:45 A.M. – NOON)**

MEETING NOTES

Present: Chief Justice Barbara A. Madsen, Chair; Justice Sheryl Gordon McCloud, Vice-Chair; Ms. Kelley Amburgey-Richardson, Ms. Rita Bender, Ms. Emily Cordo, Judge Anita Crawford-Willis, Ms. Josie Delvin, Judge Michael Evans, Ms. Gail Hammer, Ms. Grace Huang, Judge Judy Jasprica, Ms. Trish Kinlow, Judge Eric Lucas, Judge Richard Melnick, Judge Marilyn Paja, Judge Mark Pouley, Dr. Dana Raigrodski, Ms. Leslie Savina, Ms. Gail Stone, Ms. Vicky Vreeland, Mr. David Ward

AOC Staff: Ms. Cynthia Delostrinos, Ms. Kathy Bradley, Ms. Pam Dittman, and Ms. Nichole Kloepper

Excused: Ms. Sonia M. Rodriguez True

Guests: Judge Elizabeth Berns, Ms. Deborah Greenleaf

CALL TO ORDER

The meeting was called to order at approximately 8:45 AM.

COMMISSION BUSINESS

Chair Report

- September 4, 2015 Meeting Notes

The September 4, 2015 meeting notes were approved and adopted as presented.

- New Member Welcome

All Commission members were asked to introduce themselves and include what was their impetus in becoming part of the Commission, how does the work you do intersect with the work of the Commission; and for new members, what do you hope to contribute/bring to the Commission, are there other questions you have for members, are there Committees or projects you would like to be a part of, etc.

All Commission members were provided the newly revised Member Packet which includes general information, roles and responsibilities, member contact information, committee structure and descriptions, and other useful forms and information.

Members are encouraged to look through this packet and suggest additions and/or changes.

- Washington Initiative for Diversity Award (WID)
The WID received an award from the Washington State Bar Association (WSBA) for their contribution and work on diversity issues and in particular, their Judicial Institute. The Judicial Institute's purpose is to "prepare qualified, diverse attorneys for judicial positions through the development of a comprehensive education and mentorship program." The Commission has supported this training since its inception.
- National Association of Women Judges (NAWJ) 2016 Conference and Mission Creek Re-Entry Symposium - Judge Marilyn Paja
Judge Paja reported that the 2016 NAWJ conference will be held October 5-9, 2016 at the Seattle Sheraton. The yearly conference brings together judges and other associate members such as lawyers, legal experts, and others to provide a myriad of educational opportunities on emerging issues affecting judicial officers.

The Commission and the NAWJ worked with the Mission Creek Corrections Center for Women (MCCCW) for the second year in a row on a re-entry symposium. Judges Marilyn Paja, Jill Johanson, G. Helen Whitener, Janet Garrow, Karen Donohue, and Michelle Gehlsen were able to attend and participate in the event. Judge Johanson provided an inspirational opening presentation, which resonated with the inmates.

Staff Report – Pam Dittman and Cynthia Delostrinos

- Budgets GJCOM and Grants
Budgets have not been included in the meeting packet. Staff continue to work with AOC administration to establish a fair and equitable solution to the conundrum of which budget (or Commission) should pay for the Supreme Court Commissions Manager (SCCM) position.

The FFY14 STOP grant expires at the end of the calendar year. The FFY15 STOP Grant funds will be available on January 1, 2016 and it is anticipated there will be a \$5,000-\$10,000 decrease from FFY14. STOP funds address issues on domestic, sexual, and dating violence and stalking.

The GTEA grant expires September 30, 2016. GTEA funds are used to support the tribal state court consortium regional and annual meetings. Unfortunately, these funds are very limited to those functions and as such, we have only spent approximately \$6,000 of \$20,000. Staff have asked grant monitors for exceptions, but have been turned down because of the intricacy of modifying federal grants. We are planning several more meetings prior to the end of the grant cycle and do anticipate using more funds.

GUEST SPEAKERS & EXPLORATORY PROJECTS

- Child Maltreatment Manual Update and Q&A

Judge Elizabeth Berns and Ms. Deborah Greenleaf provided Commission members an opportunity to discuss the newly revised and distributed “Domestic Violence & Child Maltreatment: Coordinated Response Guideline.” The guideline can be found at http://www.courts.wa.gov/programs_orgs/gjc/documents/Child%20Maltreatment%20Guidelines.pdf.

COMMITTEE REPORTS

Committee reports were conducted a bit differently this meeting to ensure that new members were given an idea of each Committee’s purpose and provided an opportunity to volunteer and/or ask questions regarding the work of each Committee.

If you are interested in working on any of these Committees or individual projects within a Committee’s purview, please contact Pam Dittman at pam.dittman@courts.wa.gov.

- Communications - Judge Marilyn Paja, Chair

This Committee is responsible for helping produce the annual report, review the Commission’s website, and assist with ways to communicate to the judiciary and our partners and allies about the work of the Commission.

This Committee will begin working on the 2015 annual report and needs persons willing to review and edit. Additionally, the Committee will be working on a plan to best distribute and communicate the updates to the sexual offense bench guide and the revisions and additions to the domestic violence bench guide.

- DV Committee – Judge Judy Jasprica, Chair

This Committee works on issues involved gender-based violence. For 2016, this Committee will be rolling out a plan to conduct “roadshows” in six to ten places throughout the state. These roadshows incorporate stakeholder meetings to gather information on specific court-related issues, communicate the Commission’s perspective on issues, and develop protocols or guidelines for courts to address specific issues such as legislation on forfeiture of firearms as related to domestic violence protection orders. The Committee will also be sponsoring and working with staff on a judicial education session for DMCJA Spring Conference.

- Education – Judge Rich Melnick, Chair

The purpose of this Committee is to provide a conduit between Commission members, staff, associations, and other partners. There was discussion on the need to include judicial officers in the planning of workshops, conference presentations, and/or other trainings to ensure expectations are laid out and the judicial perspective is included.

Further discussion needed to be had in regards to speakers and content for the upcoming conference.

Slated for 2016:

- Judicial College – DV session
- Appellate Conference – Same sex marriage session
- SCJA Spring Conference (April) – Incarcerated Women & Girls Session (90 minutes)
- DMCJA Spring Conference (June) – The state of batterers’ intervention programs nationally and locally and other accountability options (Opening Plenary)
- Fall Conference (September) – Session proposals are being accepted
- NAWJ (October) – Not an AOC conference, but the Commission is providing input on specific sessions and may be providing monetary support through STOP grant funds on related sessions.

○ Equality in the Profession

This Committee looks at how to promote legal equality in the justice system. Areas of focus for this Committee has been planning the annual Judicial Officer and Law Student Reception, planning a Women’s History Month event; and providing oversight and input to the update to the 1989 Gender bias report.

This Committee presently does not have a Chair. If you are interested in being the Chair, please contact Pam.

○ Incarcerated Women & Girls – Gail Stone, Chair

Gail Stone has stepped into the chair position for this committee and Cynthia Delostrinos is providing staff support. This Committee focuses on issues that are unique to incarcerated women and girls. This group meets after the Commission meetings and by telephone.

○ Tribal State Court Consortium – Judge Mark Pouley

This is a collaborative effort amongst all the Commissions. The TSCC provide a forum for discussion on inter-jurisdictional issues between tribal and state courts.

September 21 Regional Meeting hosted by Swinomish Indian Tribal Community

Judge Pouley indicated this meeting was well-attended. Judge Steven Aycock from the National Council of Juvenile and Family Court Judges facilitated sessions covering full faith and credit and comity and prioritizing areas of mutual concern and sustainability. The participants indicated they would like to see the TSCC assist with:

- 1) Communication. Foster and create relationships

- 2) Training. Have state and tribal judicial officers co-train/present/facilitate relevant training sessions. Ensure historical trauma issues are included. Develop tools for judicial officers (bench guides/cards, etc.)
- 3) Technology/Policy. Share court records/orders.
- 4) Facilitate regular meetings of the TSCC. To cover jurisdictional and historical trauma issues.
- 5) Joint Projects. To foster communication, relationships, training opportunities, etc.
- 6) Formalize protocols or procedures for filing protection orders. Possibly conduct a survey and implement a model MOU.
- 7) Share resources.

October 4 Annual Meeting at Fall Conference

The annual meeting was well received. Judge Lori K. Smith, King County Superior Court agreed to be the co-chair of the TSCC with Judge Pouley. The meeting included: a year in review of the work and regional meetings conducted by the TSCC; a presentation on the Statewide Automated Victim Information and Notification System by Jamie Yoder from the Washington Association of Sheriffs and Police Chiefs; and 3) a roll-out of the TSCC website (<http://www.courts.wa.gov/?fa=home.sub&org=tsc&layout=2>).

Participants discussed formalizing the TSCC structure to include:

- 1) Annual meetings at each Fall Conference
- 2) Hold two to three regional meetings each year. Possible timeframes are February, April, September (fall conference), and possibly November.
- 3) Include “learning/training” components in the meetings

Several participants indicated they would be available to assist with the next regional meeting slated for Eastern Washington and others indicated they would be able to assist with populating the TSCC website.

The next meeting is January 8, 2015 at the SeaTac Office from 8:45 AM – Noon.

The meeting Adjourned at approximately noon.

Gender & Justice Commission
Proposed Budget July 1, 2015 - June 30, 2016

Other Commission Expenses	Proposed Budget	FY15-16
Commission Meetings	Travel-related costs for members (lodging, per diem, mileage, airfare, etc.) (<i>July, Sept, Nov, Jan, March, May</i>)	\$9,000
	Miscellaneous	\$1,500
General Operating Expenses	Printing, conference calls, supplies, etc.	\$6,500
Staff Travel & Training	Registration Fees, Travel-related costs Local and National conferences	\$6,000
LSAC Grant Support	<i>Stakeholder Mtg (11/15) & Follow-up</i>	\$0
Communications	<i>Possible outsource design & print of Annual Report</i>	\$2,500
Education Programs	<i>SCJ Spring Program</i> <i>DMCJ Spring Program</i> <i>Fall Conference</i> <i>Appellate Conference</i>	\$4,000
Support	Judicial Officer & Law Student Reception Washington Initiative for Diversity <i>Legal Exec Summit</i>	\$2,500 \$1,000
	ICW&G Committee Mtg Support Stakeholder Mtg (12/15) Mission Creek Re-entry Symposium	\$300 \$406 \$1,835
Requests	Justice for Girls <i>Beyond Pink 3 Conference</i>	 \$2,500

Starting Budget	\$43,854
All Other Commission Expenses	\$38,041
<i>Balance</i>	\$5,813

Updated 12.28.2015

STOP BUDGET FFY15 - PROPOSED
January 1, 2016 - December 31, 2016

Projected Allotment		Total = \$133,192	\$98,266 <small>(max amt)</small>	\$34,926 <small>(min amt)</small>
			DV Projects	SA Projects
Salaries & Benefits	Staff (Manager, Coordinator, Support Staff)		\$25,917	\$17,276
Office Supplies, Copies, Printing	Supplies, Copies, etc.		\$1,500	\$750
Staff Training & Education	Staff to attend local and national conferences and training events		\$6,500	\$1,000
Committee Meetings	Support travel-related & pro tem costs for in-person Committee mtgs		\$2,000	\$0
Scholarship Support	Scholarships for judicial officers & court staff to attend local and national conferences & training events as related to DV/SA			
	<i>Enhancing Judicial Skills in DV (Work w/NJIDV for scholarships)</i>		\$5,000	
	<i>NCJFCJ National Conference (Registration only) (\$870*5)</i>		\$4,350	
	<i>Children's Conference (Courthouse Facilitators-Registration) (\$199*10)</i>		\$1,990	
	<i>DV Symposium (Judicial Officers)</i>		\$5,000	
	<i>DV Symposium (Court staff/facilitators \$800*3)</i>		\$2,400	
Education Programs	<i>SCJ Spring Conference (April 2016)</i>		\$0	\$0
	<i>DMCJ Spring Conference (June 2016)</i>		\$5,000	\$0
	<i>Fall Conference (September 2016)</i>		\$2,500	\$0
	<i>Appellate (March 2016)</i>		\$0	\$0
	<i>NAWJ (October 2016)</i>		\$0	\$5,000
	<i>Judicial College (January 2016)</i>		\$250	\$0
	<i>Interpreter Training (1st Qtr 2016)</i>		\$0	\$10,000
	<i>GAL Title 26 Training (1st Qtr 2016)</i>		\$5,000	
	<i>Courthouse Facilitators/Line Staff (March/April 2016)</i>		\$1,500	\$5,000
Proposals/Undetermined	<i>Firearms legislation support (HB1840)</i>		\$10,000	
	<i>DV Open House Work</i>		\$7,500	
	<i>Undetermined</i>		\$7,759	
		SUB-Totals per portion of grant	\$94,166	\$39,026
		Total	\$133,192	

Updated 12.30.2015

Fact Sheet

A Sexual Assault Protection Order (SAPO) is a civil order issued by the court that requires the perpetrator to stay away from the victim and place(s) that the victim frequents (home, work, school, etc.), and to have no further direct or indirect contact with the victim.

SAPOs provide critical protection for victims of sexual violence. Since the law's enactment in 2006, advocates have identified several areas-- including duration and the burden of proof on reissuance-- where SAPOs need to be improved to better serve victims. A SAPO is often the only protection that a victim can obtain if the offender is not charged with a crime. This is significant because in a 5 year review of cases filed in King County, criminal charges were filed in fewer than 25% of reported cases at the time when a victim sought a SAPO in King County.

Overview of what HB 2033 proposes:

This bill modifies the duration and burden of proof on reissuance elements of the statute, which will bring SAPOs in line with other Washington protection orders, affording the same protections to sexual assault victims as those granted to victims of domestic violence, stalking, or harassment. Unlike other protection orders, SAPOs currently can only be issued for up to two years. If a victim still desires protection after two years, she must reapply for the order and appear in court to re-prove her case.

This bill has broad bi-partisan support. Last year it overwhelmingly passed the House, and passed unanimously out of the Senate Law & Justice Committee before stalling in the Senate Rules Committee

Issue 1 - Duration:

Presently SAPOs can only be granted for up to two years. Two years is often an inadequate amount of time for the SAPO because the risk posed and the fear of harm remains after that period of protection expires.

Issue 2 - Re-Issuance:

As the current language stands regarding burden of proof on reissuance, victims are required to go back to court, they often have to face the person who assaulted them, and have to re-present their case in order to get the order reissued. The SAPO process is difficult—in King County Superior Court, fewer than half of the SAPO petitions filed over the past five years resulted in the entry of a protection order. And when a SAPO is effective in keeping the respondent away from the petitioner, it is not unusual for this to be an argument against reissuance, rather than acknowledging the effectiveness of the SAPO.

Summary:

The fixed two-year time period for SAPOs and burden of proof on reissuance have presented significant barriers for sexual assault victims to successfully receive adequate protection. Modifying these components of the statute will mirror other orders of protection in Washington State and increase critical protections for sexual assault victims.

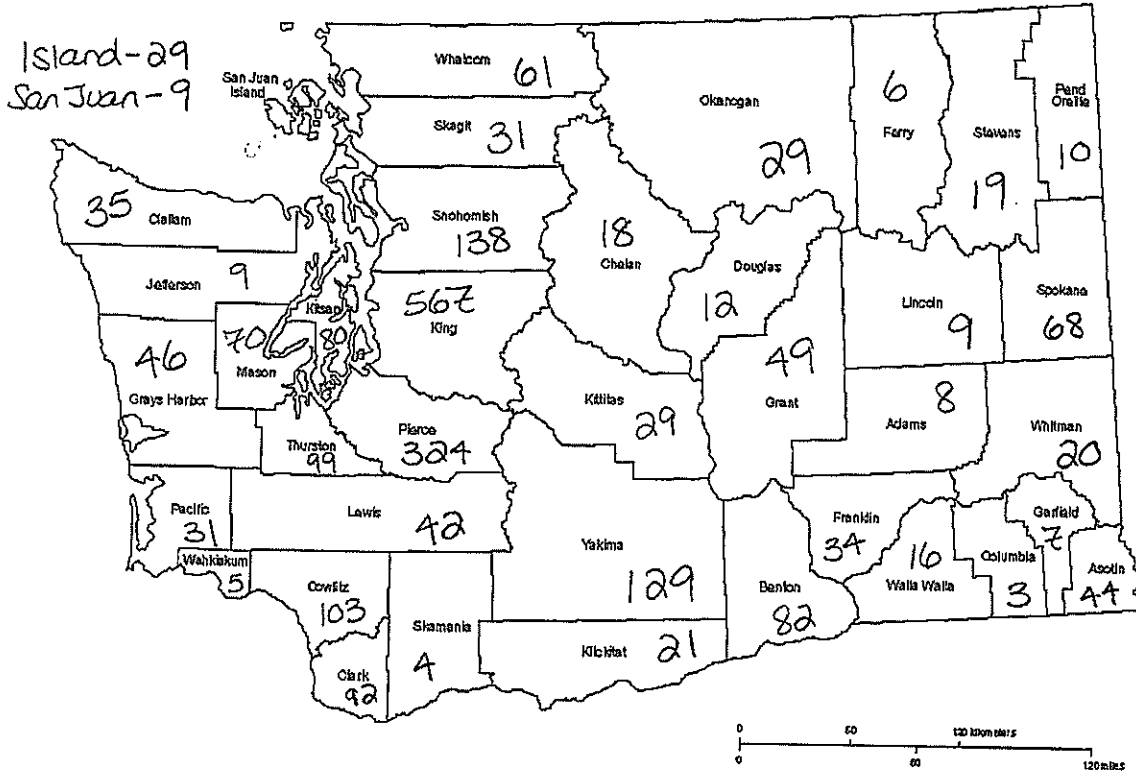
For more information contact:

Mary Ellen Stone, Executive Director
King County Sexual Assault Resource Center
200 Mill Ave S – Renton, WA 98057
(425) 282-0354 – mstone@kcsarc.org

Andrea Piper-Wentland, Executive Director
Washington Coalition of Sexual Assault Programs
4317 Sixth Avenue SE, #102 – Olympia, WA 98503
(360) 754-7583 – policy@wcsap.org

SAPOs Filed (2010 – 2014)

WASHINGTON



**Introduction to the Anti-Harassment/Sexual Assault Protection Order Calendar
King County Superior Court**

- Greet the participants
- Notify the gallery that this is the Anti-Harassment/Sexual Assault Protection Order Calendar. State where people can go for more information if they are in the wrong place
- Go over any courtroom rules
- Let the gallery know the order that the cases will be called in (see p. 9-18 of Washington's Sexual Offense Bench Guide re: recommended best practice for calling cases, available at: <http://www.courts.wa.gov/content/manuals/SexualOffense/chapter9.pdf>)
- State where the parties will sit/stand to present their cases and which side each party sit/stand on once their case is called
- Let the parties know where to wait while paperwork is completed
- Read key elements of the Anti-Harassment and SAPO statutes aloud (definitions, what must be proven by a preponderance)
- Announce policy on application of the rules of evidence (E.g. If the court will not consider hearsay, such an announcement affords the parties the opportunity to request a continuance to bring in witnesses or documentation)
- Call the cases

Other tips to make the process more accessible and safe for participants:

- Label seating in the gallery, petitioners and respondents on separate sides
- Include a list of cases on the courtroom door
- Ensure that there is correct signage about where the calendar will be held
- Stagger dismissal of the parties from your courtroom to minimize potential for interaction

HOUSE BILL 2033

State of Washington

64th Legislature

2015 Regular Session

By Representatives Goodman, Rodne, Orwall, Jinkins, Griffey, Fey, Pollet, and Ormsby

Read first time 02/09/15. Referred to Committee on Judiciary.

1 AN ACT Relating to sexual assault protection orders; and amending
2 RCW 7.90.120 and 7.90.121.

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

4 **Sec. 1.** RCW 7.90.120 and 2013 c 74 s 3 are each amended to read
5 as follows:

6 (1)(a) An ex parte temporary sexual assault protection order
7 shall be effective for a fixed period not to exceed fourteen days. A
8 full hearing, as provided in this chapter, shall be set for not later
9 than fourteen days from the issuance of the temporary order or not
10 later than twenty-four days if service by publication or service by
11 mail is permitted. If the court permits service by publication or
12 service by mail, the court shall also reissue the ex parte temporary
13 protection order not to exceed another twenty-four days from the date
14 of reissuing the ex parte protection order. Except as provided in RCW
15 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally
16 served with a copy of the ex parte temporary sexual assault
17 protection order along with a copy of the petition and notice of the
18 date set for the hearing.

19 (b) Any ex parte temporary order issued under this section shall
20 contain the date and time of issuance and the expiration date and

1 shall be entered into a statewide judicial information system by the
2 clerk of the court within one judicial day after issuance.

3 (2) Except as otherwise provided in this section or RCW 7.90.150,
4 a final sexual assault protection order shall be effective for a
5 fixed period of time(~~(, not to exceed two years))~~ or be permanent.

6 (3) Any sexual assault protection order which would expire on a
7 court holiday shall instead expire at the close of the next court
8 business day.

9 (4) The practice of dismissing or suspending a criminal
10 prosecution in exchange for the issuance of a sexual assault
11 protection order undermines the purposes of this chapter. This
12 section shall not be construed as encouraging that practice.

13 **Sec. 2.** RCW 7.90.121 and 2013 c 74 s 4 are each amended to read
14 as follows:

15 (1) Any ex parte temporary or nonpermanent final sexual assault
16 protection order may be renewed one or more times, as required.

17 (2) The petitioner may apply for renewal of the order by filing a
18 motion for renewal at any time within the three months before the
19 order expires. The motion for renewal shall state the reasons why the
20 petitioner seeks to renew the protection order.

21 (3) (~~(If the motion for renewal is uncontested and the petitioner~~
22 ~~seeks no modification of the order, the order may be renewed on the~~
23 ~~basis of the petitioner's motion or affidavit stating that there has~~
24 ~~been no material change in relevant circumstances since entry of the~~
25 ~~order and stating the reason for the requested renewal.)) The court~~

26 shall grant the motion for renewal unless the respondent proves by a
27 preponderance of the evidence that the respondent will not engage in
28 or attempt to engage in physical or nonphysical contact with the
29 petitioner when the order expires. The passage of time and compliance
30 with the existing protection order shall not, alone, be sufficient to
31 meet this burden of proof. The court may renew the sexual assault
32 protection order for another fixed time period or may enter a
33 permanent order as provided in this section.

34 (4)(a) If the motion is contested, upon receipt of the motion,
35 the court shall order that a hearing be held not later than fourteen
36 days from the date of the order.

37 (b) The court may schedule a hearing by telephone pursuant to
38 local court rule, to reasonably accommodate a disability, or in
39 exceptional circumstances to protect a petitioner from further

1 nonconsensual sexual conduct or nonconsensual sexual penetration. The
2 court shall require assurances of the petitioner's identity before
3 conducting a telephonic hearing.

4 (c) The respondent shall be personally served not less than five
5 court days prior to the hearing. If timely personal service cannot be
6 made, the court shall set a new hearing date and shall either require
7 additional attempts at obtaining personal service or permit service
8 by publication as provided in RCW 7.90.052 or service by mail as
9 provided in RCW 7.90.053. The court shall not require more than two
10 attempts at obtaining personal service and shall permit service by
11 publication or service by mail unless the petitioner requests
12 additional time to attempt personal service. If the court permits
13 service by publication or service by mail, the court shall set the
14 hearing date not later than twenty-four days from the date of the
15 order.

16 (5) Renewals may be granted only in open court.

--- END ---

SENATE BILL 6151

State of Washington

64th Legislature

2016 Regular Session

By Senator Litzow

Prefiled 12/15/15.

1 AN ACT Relating to sexual assault protection orders; and amending
2 RCW 7.90.120 and 7.90.121.

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

4 **Sec. 1.** RCW 7.90.120 and 2013 c 74 s 3 are each amended to read
5 as follows:

6 (1)(a) An ex parte temporary sexual assault protection order
7 shall be effective for a fixed period not to exceed fourteen days. A
8 full hearing, as provided in this chapter, shall be set for not later
9 than fourteen days from the issuance of the temporary order or not
10 later than twenty-four days if service by publication or service by
11 mail is permitted. If the court permits service by publication or
12 service by mail, the court shall also reissue the ex parte temporary
13 protection order not to exceed another twenty-four days from the date
14 of reissuing the ex parte protection order. Except as provided in RCW
15 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally
16 served with a copy of the ex parte temporary sexual assault
17 protection order along with a copy of the petition and notice of the
18 date set for the hearing.

19 (b) Any ex parte temporary order issued under this section shall
20 contain the date and time of issuance and the expiration date and

1 shall be entered into a statewide judicial information system by the
2 clerk of the court within one judicial day after issuance.

3 (2) Except as otherwise provided in this section or RCW 7.90.150,
4 a final sexual assault protection order shall be effective for a
5 fixed period of time(~~(, not to exceed two years))~~ or be permanent.

6 (3) Any sexual assault protection order which would expire on a
7 court holiday shall instead expire at the close of the next court
8 business day.

9 (4) The practice of dismissing or suspending a criminal
10 prosecution in exchange for the issuance of a sexual assault
11 protection order undermines the purposes of this chapter. This
12 section shall not be construed as encouraging that practice.

13 **Sec. 2.** RCW 7.90.121 and 2013 c 74 s 4 are each amended to read
14 as follows:

15 (1) Any ex parte temporary or nonpermanent final sexual assault
16 protection order may be renewed one or more times, as required.

17 (2) The petitioner may apply for renewal of the order by filing a
18 motion for renewal at any time within the three months before the
19 order expires. The motion for renewal shall state the reasons why the
20 petitioner seeks to renew the protection order.

21 (~~(If the motion for renewal is uncontested and the petitioner~~
22 ~~seeks no modification of the order, the order may be renewed on the~~
23 ~~basis of the petitioner's motion or affidavit stating that there has~~
24 ~~been no material change in relevant circumstances since entry of the~~
25 ~~order and stating the reason for the requested renewal.))~~ (a) The
26 court shall grant the motion for renewal unless the respondent proves
27 by a preponderance of the evidence that there has been a material
28 change in circumstances such that the respondent is not likely to
29 engage in or attempt to engage in physical or nonphysical contact
30 with the petitioner when the order expires.

31 (b) For purposes of this subsection (3), a court shall determine
32 whether there has been a material change in circumstances by
33 considering only factors which address whether the respondent is
34 likely to engage in or attempt to engage in physical or nonphysical
35 contact with the petitioner when the order expires. The passage of
36 time and compliance with the existing protection order shall not,
37 alone, be sufficient to meet this burden of proof. The court may
38 renew the sexual assault protection order for another fixed time
39 period or may enter a permanent order as provided in this section.

1 (c) In determining whether there has been a material change in
2 circumstances, the court may consider the following unweighted
3 factors, and no inference is to be drawn from the order in which the
4 factors are listed:

5 (i) Whether the respondent has committed or threatened sexual
6 assault, domestic violence, stalking, or other violent acts since the
7 protection order was entered;

8 (ii) Whether the respondent has violated the terms of the
9 protection order and the time that has passed since the entry of the
10 order;

11 (iii) Whether the respondent has exhibited suicidal ideation or
12 attempts since the protection order was entered;

13 (iv) Whether the respondent has been convicted of criminal
14 activity since the protection order was entered;

15 (v) Whether the respondent has either acknowledged responsibility
16 for acts of sexual assault that resulted in entry of the protection
17 order or successfully completed sexual assault perpetrator treatment
18 or counseling since the protection order was entered;

19 (vi) Whether the respondent has a continuing involvement with
20 drug or alcohol abuse, if such abuse was a factor in the protection
21 order;

22 (vii) Whether the respondent or petitioner has relocated to an
23 area more distant from the other party, giving due consideration to
24 the fact that acts of sexual assault may be committed from any
25 distance such as via cybercrime;

26 (viii) Other factors relating to a material change in
27 circumstances.

28 (4)(a) If the motion is contested, upon receipt of the motion,
29 the court shall order that a hearing be held not later than fourteen
30 days from the date of the order.

31 (b) The court may schedule a hearing by telephone pursuant to
32 local court rule, to reasonably accommodate a disability, or in
33 exceptional circumstances to protect a petitioner from further
34 nonconsensual sexual conduct or nonconsensual sexual penetration. The
35 court shall require assurances of the petitioner's identity before
36 conducting a telephonic hearing.

37 (c) The respondent shall be personally served not less than five
38 court days prior to the hearing. If timely personal service cannot be
39 made, the court shall set a new hearing date and shall either require
40 additional attempts at obtaining personal service or permit service

1 by publication as provided in RCW 7.90.052 or service by mail as
2 provided in RCW 7.90.053. The court shall not require more than two
3 attempts at obtaining personal service and shall permit service by
4 publication or service by mail unless the petitioner requests
5 additional time to attempt personal service. If the court permits
6 service by publication or service by mail, the court shall set the
7 hearing date not later than twenty-four days from the date of the
8 order.

9 (5) Renewals may be granted only in open court.

--- END ---



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Callie Dietz
State Court Administrator

January 4, 2016

Honorable Barbara Madsen, Chair
Gender and Justice Commission
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Dear Chief Justice Madsen:

On behalf of Justice Susan J. Owens, chair of the 2016 Annual Judicial Conference Planning Committee, you are invited to submit a session proposal for the *58th Washington Judicial Conference*. The conference is scheduled for September 11 – 14, 2016 and will be held at the Red Lion Inn at the Park, Spokane.

This request is for an educational proposal from your commission, committee, or group that meets the needs of all levels of court and provides thought-provoking, educational content. For those on association education committees, **it is important that we receive your input, especially if we can accommodate your curricula**. If there were programs you were unable to bring to your spring programs, due to costs or space on the conference agenda, please submit them for review.

To submit a proposal, please complete the attached Session Proposal Form and include any additional information you would like the committee to review.

Proposals are being accepted until **January 15, 2016**. The Committee will convene in late January to determine the educational programming for the Annual Conference and will advise you of their decision by the end of February.

If you have any questions or concerns, please do not hesitate to contact me at (360) 705-5231 or judith.anderson@courts.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Judith M. Anderson".

Ms. Judith M. Anderson, Court Education Coordinator
The Office of Trial Court Services and Judicial Education

JMA
Enclosure
cc: Pam Dittman

STATE OF WASHINGTON
1206 Quince Street SE • PO Box 41170 • Olympia, WA 98504-1170
360-753-3365 • 360-586-8869 • www.courts.wa.gov



58TH WASHINGTON JUDICIAL CONFERENCE

September 11 – 14, 2016

EDUCATION SESSION PROPOSAL FORM

PROPOSAL DEADLINE: January 15, 2015 to
Judith.Anderson@courts.wa.gov

Proposed by:		
Type: <input type="checkbox"/> Plenary <input type="checkbox"/> Choice	Time: <input type="checkbox"/> 60 Minutes <input type="checkbox"/> 90 Minutes <input type="checkbox"/> 120 Minutes <input type="checkbox"/> 180 Minutes <input type="checkbox"/> Other:	Limit Class Size? <input type="checkbox"/> Yes How Many? <input type="checkbox"/> No
Target Audience		
Court Level: <input type="checkbox"/> All Levels <input type="checkbox"/> Appellate <input type="checkbox"/> Superior <input type="checkbox"/> District <input type="checkbox"/> Municipal	Job Type: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Other:	Career Level: <input type="checkbox"/> All Judges <input type="checkbox"/> Senior Judges <input type="checkbox"/> Mid-Career Judges <input type="checkbox"/> New Judges <input type="checkbox"/> Retired
Session Information		
<i>Session Topic/Title:</i>		
<i>Session Description (articulating key issues to be presented):</i>		
<i>Session Objectives (Participants will be able to . . .):</i>		
Materials		
<i>Are there materials for the session? (i.e., case law, rules, seminal law review articles, etc.) If so, please briefly describe:</i>		



58TH WASHINGTON JUDICIAL CONFERENCE

September 11 – 14, 2016

EDUCATION SESSION PROPOSAL FORM

PROPOSAL DEADLINE: January 15, 2015 to
Judith.Anderson@courts.wa.gov

Faculty & Planning

Recommended person(s) to be involved in planning:

Has any preparatory work been completed?

Recommended or Potential Faculty:

Funding

Please estimate any expenses associated with this session:

- Honorarium: \$
- Travel: \$
- Lodging: \$
- Audio Visual: \$
- Other: \$

What expenses are you sponsoring?

Judicial Officer & Law Student Reception and NAWJ 2016 Conference Kick-Off event

January 22, 2016
5:00 – 6:30 PM

Winston & Cashatt Lawyers
601 W. Riverside Ave, Suite 1900
Spokane, Washington
Approximately 15- 20 minutes from airport

Ground Transportation Options

- **Taxi:** There are several taxi options from Spokane Airport. The fare is \$2.80 a mile or approximately \$25.00 each way.
- **Shuttle:** All hotels provide a hotel to and from hotel for no fee. There is also an airport shuttle for a nominal fee.
- **Rental Vehicle:** If there are a bulk of individuals flying in the same time, we can arrange for a rental vehicle to be picked up at airport.

Possible Flights:

- Times out of Seattle: Cost through AOC - round trip. **(\$258.20)**
 - 12:00 PM
 - 1:00 PM
 - 2:00 PM
 - 4:05 PM
- Times out of Spokane
 - **Friday evening *ONE flight only***
 - **7:30 PM**
 - Saturday (if you choose to stay overnight)
 - 8:30 AM
 - 10:30 AM
 - 1:15 PM
 - 3:00 PM
 - 4:30 PM
 - 6:45 PM
 - 9:15 PM

Lodging Possibilities: (That can be booked by AOC staff and direct-billed.)

- Spokane Red Lion Hotel at the Park (.7 miles from the law firm)
Jan 22, rooms available, \$88 a night government rate
- Red Lion River Inn (.9 miles from the law firm)
Jan 22, rooms available, \$88 a night government rate
- Davenport Hotel (around the block from law firm)
 - Jan 22 rooms are available, \$184 a night.