



# GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, SEPTEMBER 7, 2018 (8:45 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, CHAIR

JUDGE MARILYN PAJA, VICE CHAIR

## Agenda

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### 8:45AM – 9:00 AM CALL TO ORDER & WELCOME

- Welcome new G&J member Elizabeth Hendren Justice Gordon McCloud & All
- Approval of June 21, 2018 Meeting Notes 1

### 9:00 AM – 9:30 AM GUEST SPEAKER *(tentative)*

- Pattern forms updates related to “X” gender marker Mx. Jill Mullins, QLaw & WA State Pattern Forms Comm. 8

### 9:30 – 10:15 AM COMMITTEE AND PROJECT UPDATES

- **Member Engagement Ad Hoc Committee** Ms. Patty Eakes, Ms. Heather McKimmie, Dr. Dana Raigrodski, Ms. Sonia Rodriguez True, Judge Anita Crawford-Willis
  - Discussion on member engagement and meeting purpose and participation
- **Meeting Structure Discussion** Justice Gordon McCloud & Judge Paja
  - Committee Chair written reports proposal
- **Domestic & Sexual Violence Committee** Ms. Erin Moody & Committee
  - Model sexual harassment policy updates
  - DV & firearms surrender projects
  - In person meeting November 8<sup>th</sup>
- **Tribal State Court Consortium** Judge Cindy K. Smith
  - Annual Meeting – September 24<sup>th</sup>
- **Incarcerated Women & Girls Committee** Ms. Elizabeth Hendren & Committee
  - Success Inside & Out Conference
  - DOC Kiosks update
  - Yakima jail transfers Ms. Heather McKimmie
- **Communications Committee** Judge Marilyn Paja & Committee
  - 2017-2018 G&J Biennial Report



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10:15 AM – 10:30 AM **BREAK**

10:30 AM – 11:30 AM **COMMITTEE AND PROJECT UPDATES, Continued**

- **Judicial Officer & Law Student Reception** Ms. Vicky Vreeland
  - October 29<sup>th</sup> at 5:30 p.m., Seattle University School of Law 10
  
- **Liaison Reports**
  - Washington Women Lawyers Ms. Jennifer Ritchie
  - Access to Justice Board Mr. Sal Mungia
  
- **Education Committee** Judge Melnick & Committee
  - Upcoming Programs
    - Annual Fall Judicial Conference
    - DMCMA Line Staff Conference
    - Judicial College
    - Appellate Program
  - New Session Proposals
    - SCJA & AWSCA Spring Programs
    - DMCJA Spring Program
  
- **Gender Bias Study** Justice Gordon McCloud
  - Meeting with NCSC
  - SJI Grant press release 11
  
- **Announcements & Open Discussion** All
  - Events of interest
  - New project ideas

11:30 AM – 12:00 PM **CHAIR AND STAFF REPORTS**

- **Chair Report** Justice Gordon McCloud
  - BJA Legislative Proposal submitted 13



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|-----------------------------------|-------------------------------------------------------------|----|
| ➤ <b>Vice Chair Report</b>        | Judge Paja                                                  |    |
| ➤ International Delegation visit  |                                                             |    |
| ➤ DMCJA Pro Tem Training          |                                                             |    |
| ➤ HB 1163 Reports press release   |                                                             | 18 |
| <br>                              |                                                             |    |
| ➤ <b>Staff Report</b>             | Ms. Kelley Amburgey-Richardson<br>& Ms. Cynthia Delostrinos |    |
| ➤ Project/member recognition      |                                                             |    |
| ➤ Calendar invitations & RSVPs    |                                                             |    |
| ➤ Next meeting – November 1, 2018 |                                                             |    |

## APPENDIX

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| ➤ GJCOM Budgets                       | 20 |
| ➤ 2019 Gender & Justice Meeting Dates | 23 |

**The Incarcerated Women & Girls Committee will meet in the large conference room immediately following the Commission meeting.**



**Gender and Justice Commission (GJCOM)**  
**SeaTac Office**  
**18000 International Blvd**  
**Thursday, June 21, 2018 (8:45 AM – 12:00 PM)**

**MEETING NOTES**

**Present:** Justice Sheryl Gordon McCloud, Chair, Ms. Patty Eakes, Ms. Trish Kinlow, Ms. Heather McKimmie, Judge Richard Melnick, Ms. Erin Moody, Ms. Riddhi Mukhopadhyay, Mr. Sal Mungia (ATJ Board Liaison), Ms. Sonia Rodriguez True, Ms. Gail Stone

**Guests:** Ms. Jaqueline Franklin, Judge Helen Whitener

**AOC Staff:** Ms. Kelley Amburgey-Richardson, Ms. Cynthia Delostrinos, Ms. Nichole Kloepper

**Excused:** Judge Anita Crawford-Willis, Ms. Josie Delvin, Judge Michael Evans, Ms. Gail Hammer, Ms. Grace Huang, Judge Eric Lucas, Justice Susan Owens, Judge Marilyn Paja, Dr. Dana Raigrodski, Ms. Jennifer Ritchie, Judge Cindy K. Smith, Ms. Vicky Vreeland

**CALL TO ORDER**

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

**May 4, 2018 Meeting Notes**

Minutes approved as presented.

**WELCOME & INTRODUCTIONS**

- Justice Gordon McCloud gave brief introductions.
- This is Ms. Gail Stone's last meeting. She will be greatly missed, was thanked for her many contributions to the Commission, and will still serve as an ad hoc member of the Incarcerated Women and Girls Committee.

**COMMITTEE & PROJECT UPDATES**

**Gender Bias Study** – Justice Gordon McCloud, Chair

- The Commission has been awarded \$150,000 in grant funds from the State Justice Institute (SJI), with \$150,000 in matching funds provided in part by the Gender & Justice budget and primarily by AOC, to conduct a multi-year study on gender bias in WA state courts.
- The grant starts July 1<sup>st</sup>, and Kelley & Cynthia will be working with AOC and the National Center for State Courts on all the contract and budget paperwork needed for the grant work to begin.
- The first six months will be working with NCSC to review all available research on identified priority areas and conduct a research gap analysis.
- The results of this study will provide a model for other states to conduct their own, and will help identify the Commission's priority issues and projects for future years.

- NAWJ also received a project grant award from SJI to develop a sexual harassment education program.

#### Education Committee - Judge Melnick

- Recent Programs
  - DMCJA Conference session on Tech Misuse in DV Cases was well received. Evaluations will be shared when they are available.
- Upcoming Programs
  - Fall Conference - planning is underway for a plenary session on Procedural Justice (how to run court room in fair unbiased manner) with Center for Court Innovation faculty and a choice session on Immigration & Implementing ER 413 with Grace Huang and other panelists.
  - DMCMA Conference - the Commission is sponsoring a session on Transgender Parties for the DMCMA Line Staff Conference on October 29th. Ms. Trish Kinlow & Mr. David Ward are working a session description and faculty.
- Appellate Conference Proposal
  - Judge Melnick has been in discussion with Jonathan Shapiro about doing a joint program w/ MJC. He is an attorney with a very interesting and relevant background. He won an Emmy for a PSA he did for the National Association of Women Judges.
  - This will be a three-hour writing seminar. Will talk about how to incorporate gender and race issues and avoid biased language/implicit bias when writing opinions.
  - MJC has agreed to co-sponsor.
- SCJA Conference proposals
  - The Education Committee discussed submitting a proposal on GAL-related issues. Justice Gordon McCloud, Mr. David Ward, and Ms. Claire Carden will work on this.
  - Will also work on other proposals, submit more than one.
- Ms. Gail Stone suggested a reentry simulation as a future conference proposal or stand-alone for judicial officers.
  - The group discussed the possibility of stand-alone regional trainings.
  - Gail is willing to work with Judge Melnick and the committee on this based on her experience with King County implementation.

#### Domestic & Sexual Violence Committee – Ms. Erin Moody, Co-Chair

- An in-person meeting is scheduled for Tuesday, June 26<sup>th</sup>. The purpose of the meeting is to plan for priorities moving forward. It's an ambitious agenda, and the meeting may be postponed due to attendance, as it would be best to have the majority of committee members participate in these discussions. A phone meeting will be scheduled if the in-person meeting is postponed.
- Justice Gordon McCloud expressed interested in attending the meeting if it is rescheduled.
- Sexual harassment model policy
  - Ms. Moody has developed a draft model sexual harassment policy, and is working with a group of consultants to review and refine it. Ms. Patty Eakes and Ms. Katie Chamberlain have recently joined the group.

- Since the last GJCOM meeting, the group met and addressed issues including policy scope. For the most part came to consensus.
- Ms. Kinlow asked if the policy will address independent contractors.
  - The #MeToo/Employment Law CLE discussed the responsibilities of employers with regard to contractors who engage in sexual harassment and was thought provoking.
  - It might be beneficial to reach out to the Interpreter Commission, as they are responding to a relevant issue.
  - Ms. Moody said policies typically have contractors listed as non-employees like customers, but will bring it to the table.
- Division II and Supreme Court each updated and adopted their own sexual harassment policies recently. Judge Melnick also mentioned that Division II adapted the Attorney General's Office flyer on sexual harassment and will share.
- The BJA asked GJCOM to take this on for the judiciary as an employer. Other issues may be considered as the policy develops. The committee will plan to update BJA about their progress.

**ACTION: Judge Melnick will share the adapted Attorney General's Office flyer for distribution to the working group.**

Tribal State Court Consortium – Ms. Nichole Kloepfer

- The regional meeting was held June 1, 2018. Tulalip Tribal Court was the host. There were 32 participants including representatives from 13 tribal courts, five state courts, and three Supreme Court Justices.
- Workgroup #1 - Discussed draft rule 82.5 which outlines the formalities of cross jurisdictional collaboration and communication between state and tribal courts. Lots of good feedback to take back to the workgroup.
- Workgroup #2 - Justice Owens discussed barriers around getting the ICWA workgroup to meet.
- Justice Owens also reported on the request she and Justice Madsen submitted for an opinion from the Washington Attorney General's Office around protection orders and cross jurisdictional enforcement. Intent is that it will act as back up like other states, to tell state courts and law enforcement they must enforce.
- Jennifer Walter, Consultant with the Tribal Law Policy Institute and former staff to the California Tribal Forum, presented on Consortium structures and specific areas for problem solving such as child welfare, domestic violence, school to prison pipeline, bail reform, and trafficking.
- The Consortium decided to focus on work plans for smaller committee groups on protection orders, dependency cases, and exploring joint jurisdictional court pilots.
- Overall, great conversation, food, and host. Next steps are developing work plans, discussing consortium structure discussion, and developing an agenda for the Annual Meeting, which will be held at fall conference on September 24, 2018 at 5:30pm, with the theme of "Planning the Future for a Collaborative Consortium."

- The next in person planning committee meeting is July 16, 2018 from 12:00-2:00pm at the SeaTac Office, and the TSCC will solicit any feedback needed on the Annual Meeting agenda after that.

#### Incarcerated Women & Girls Committee – Ms. Gail Stone & Committee

- Success Inside & Out
  - The Conference at Mission Creek is planned for October 11-12<sup>th</sup>.
  - Justice Gordon McCloud has been asked to speak at lunch on the 12<sup>th</sup>.
  - The planning committee is working on other workshops and resource exhibitors.
  - Ms. Hendren will be an exhibitor for the Northwest Justice Project again and Ms. McKimmie’s organization, Disability Rights WA, has also joined as an exhibitor.
- DOC Kiosks update – Justice Gordon McCloud
  - Justice Gordon McCloud sat down with Sec. Sinclair of the Department of Corrections, Victoria Dalseg (DOC’s Gender Responsive Programming Manager, Elizabeth Hendren (via phone), and Kelley Amburgey-Richardson.
  - Justice Gordon McCloud and Sec. Sinclair agreed in spirit that access to legal resources for incarcerated parents to participate in their family law and dependency cases is important.
  - Barriers include: safety, technology, internet access in prisons, staff time, there were not NJP or DOC tech people in the room.
  - No specific solutions were agreed upon. Positive feeling about ability to come to consensus that will not impose too much on DOC staff or create security risks.
  - Agreed to meet again in 30 days after Sec. Sinclair has had the opportunity to discuss options with his staff. Will be scheduling this soon.
- Justice Gordon McCloud has spoken with Ms. Tarra Simmons, who is interested in joining the committee. She will also be speaking at the Success Inside & Out conference.
- IWG is waiting for Ms. Hendren to come back from parent leave before moving forward with an in-person meeting of the Court Access for Incarcerated Parents Workgroup leads.

#### Communications Committee – Committee

- No update at this time.

#### HB 1163 DV Workgroups -- Judge Paja & Judge Lucas

- The legislative reports are being finalized and will be submitted to the legislature next week.
- Kelley Amburgey-Richardson presented on the key recommendations from the Section 7 report and Cynthia Delostrinos presented on the key recommendations from the Section 8 report. Many of them focus on the need for more data to be collected and research to be conducted.

#### Liaison Reports

- Washington Women Lawyers - Justice Gordon McCloud
  - The King County Branch of WWL is hosting the 2018 Judicial Appreciation and Honors Luncheon, June 27, 11:30am-1:15pm, Fairmont Olympia Hotel 411 University Street, Seattle, WA 98101. Information on this event can be found [HERE](#).

- Access to Justice Board – Mr. Sal Mungia
  - ATJ Board has been discussing the following rules with proposed revisions:
    - Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RAJ) 9.3 Costs. A summary may be found [HERE](#).
    - Admission to Practice Rule (APR) 8. Amendment would allow tribal court attorney licensed in another state to represent a tribe’s interest in WA State Courts.
  - The ATJ Board is conducting advocacy around the Public Service Loan Forgiveness program, which many legal aid attorneys benefit from. There are federal proposals to restrict it in the future.
  - Save the Date: The Access to Justice Board conference will be June 14-16, 2019, Spokane, WA.
  - Mr. Sal Mungia will be chair to the ATJ Board in September. He would like feedback on how ATJ can collaborate with the Commissions and improve access to justice.

**SPEAKER**

Color of Justice Program, National Association of Women Judges – Judge Helen Whitener, Pierce County Superior Court

- Judge Helen Whitener with the Pierce County Superior Court presented on the Color of Justice Program. General information on the Color of Justice Program may be found [HERE](#).
- Her goal was to inspire and empower youth of color to consider careers in the courts. Her target audience was youth who experience extrinsic and intrinsic marginalization, including race, gender, ethnicity, nationality, sexual orientation, and disability.
- Held a program in Pierce County Superior Court, August 14, 9:00am-3:00pm which was very successful. Judge Whitener highlighted how she incorporated judicial officers who are not people of color in the event, and the importance of collaborative efforts.
- Program speakers included Judge Linda Lee, Judge Veronica Alicea-Galvan, and Justice Mary Yu.
- Highlights from the Pierce County event may be found [HERE](#). Information on Judge Whitener may be found [HERE](#).

**CHAIR & STAFF REPORTS**

Chair Report – Justice Gordon McCloud

- Membership updates
  - Thanked Ms. Gail Stone for her service and contributions to the Commission and as Chair of the IWG committee.
  - Ms. Elizabeth Hendren with the Northwest Justice Project has been approved as a new appointed member by the Nominations Committee, and will serve as the next Chair of the IWG Committee. Her three-year term will start later this summer.
  - The Chairs and Judge Melnick are working on identifying future Chairs of the Education Committee, who will learn from Judge Melnick on for an additional partial term.
  - BJA Legislative Agenda – the BJA is looking for legislative proposals for its session priorities for 2019. Proposals are due in August.



- Justice Gordon McCloud announced that the new Director for the Women's Commission in the Office of the Governor is Ms. Michelle Gonzalez. This new Commission will be a good partner for GJCOM.
- The Council on Public Defense (“CPD”) Mental Health Committee developed performance guidelines for attorneys who represent respondents in Involuntary Treatment Act (ITA) proceedings. They have requested comments from GJCOM by July 19<sup>th</sup>.

**ACTION: Commissioners should send any ideas they have for BJA legislative proposals to Justice Gordon McCloud and/or Kelley Amburgey-Richardson.**

**ACTION: The Incarcerated Women and Girls Committee will review and draft comments on the CPD guidelines. Ms. Heather McKimmie and Ms. Sonia Rodriguez True volunteered.**

Staff Report – Kelley Amburgey-Richardson

- Ms. Kelley Amburgey-Richardson reported on STOP grant spending to date and talked about changes to the upcoming G&J state funds budget given new SJI grant cash match requirements.
- On the STOP grant, we are halfway through the grant year and we have a project that will not spend all of its allocation. If anyone has ideas for projects the Commission could take on, please let Kelley or the DSV Committee Co-Chair know.
  - Justice Gordon McCloud suggested funds could be used for consultants on the sexual harassment policy, if needed.
- With the G&J state funds budget, our commitment to matching funds for the SJI grant will not impact regular activities, but we will have less funds to take on new sponsorships or projects, unless they fit under the STOP grant.
  - Justice Gordon McCloud suggested the WPI Committee may have funds available and be interested in supporting study-related work.

Member & Project Recognition – Cynthia Delostrinos

- Cynthia Delostrinos recognized Judge Lucas and Judge Paja, for their work on the HB 1163 workgroups. The legislature gave us a year to get these groups done and to make recommendations and they have done a great job leading. Ms. Laura Jones has been an asset to the completion of this project.
- Cynthia recognized Ms. Nichole Kloepfer for her work with the Tribal State Court Consortium. Our last regional meeting had the most tribal judge representation since the Consortium started in 2005. This is due to the site visits she has been conducting to introduce herself and the TSCC to tribal courts. It’s great she is growing this effort and bring more attention to the project.
- Cynthia thanked Judge Melnick, Kelley, and the IWG committee for the SCJA presentation on Court Access for Incarcerated Parents. It was a follow-up to a judicial conference session a few years ago and the Court Access for Incarcerated Parents Convening held in June 2017. Participants who attended multiple events saw the progress in this work and how their input was taken into account and built on. This shows the education we are doing is working.
- Cynthia thanked Mr. Sal Mungia for doing multiple Batson and GR 37 Jury Selection presentations for the Minority and Justice Commission. Accolades to Judge Paja as well for serving as faculty for the DMCJA version of this presentation.

- Kelley thanked Justice Gordon McCloud for her unwavering leadership with the Gender Bias Study project.
- Ms. Gail Stone thanked Kelley for her work to keep the IWG committee moving forward.

### **ANNOUNCEMENTS**

- King County Superior Court and [QLaw](#) co-sponsored CLE, Two Steps Forward; One Step Back: The State of LGBTQ Rights, June 25, 5:30-7:30pm, [Seattle Municipal Court Jury Room, 12th Floor](#). More information can be found [HERE](#).
- The Incarcerated Women and Girls Committee will meet in the large conference room immediate following the Commission meeting.
- The next meeting is September 7, 2018.

The meeting adjourned at approximately 11:45am.

Washington State  
Pattern Forms  
Committee



# Annual Report

2018

The Washington State Pattern Forms Committee develops and maintains standard court forms for the public, the courts, and the legal profession.

We break down barriers to justice by creating accurate and easily-accessible statewide court forms.

# Pattern Forms Committee 2018 Annual Report

**Committee Chair:** Rebekah Zinn,  
Thurston County Superior Court  
Commissioner

**AOC Staff:** Merrie Gough & Mark  
DeForrest, Senior Legal Analysts

## Quick Facts:

- The Committee is maintaining **829** court forms.
- The Washington State Supreme Court created the Committee in 1978. This is our **40<sup>th</sup> anniversary!**
- The Superior Court Judges' Association appoints the chairs of the committee and its eight subcommittees and workgroups.
- **92 volunteers** represent the judiciary, clerks, lawyers, government agencies, public interest groups, and law enforcement.
- None of this work can be accomplished without the determination and talent of our staff, consisting of **1.5 FTE** in the Administrative Office of the Courts.

## Goal One: Increase Participation

-A **public comment tool** was launched on the Washington Courts web site, and will be advertised more widely. Anyone can now easily comment on forms.

-The Committee and Subcommittee **member seats** are being reviewed to ensure that key interest groups and diverse geographic regions are represented, without overburdening our resources.

## Goal Two: Use Resources Efficiently & Effectively

-The Committee is setting standard **work flow** expectations to bring uniformity and reduce duplicative decision-making.

-Work load and **priorities** are being assessed to ensure that we can accomplish our core missions well, while innovating in a strategic manner.

## Goal Three: Increase Access

-The **web site** is difficult to use, and we are taking the first steps to redesign it.

-**Technology** is changing, and we would like to explore how to best serve our community's needs in a digital world.

# SAVE THE DATE

## 7<sup>th</sup> Annual Judicial Officer & Law Student Reception

Please join us for the 7<sup>th</sup> Annual Judicial Officer & Law Student Reception which provides the opportunity to meet, mingle, and support the professional development of women who will be entering the legal profession. In addition, scholarships will be awarded to two Seattle University law students.

**Monday, October 29, 2018  
5:30 p.m. to 7:00 p.m.**

Seattle University School of Law  
Sullivan Hall, 2nd Floor Gallery  
901 12th Avenue  
Seattle, Washington 98122

For more information, contact:  
Kelley Amburgey-Richardson

[kelly.amburgey-richardson@courts.wa.gov](mailto:kelly.amburgey-richardson@courts.wa.gov)

Hosted by:

- National Association of Women Judges
- Seattle University School of Law & Women's Law Caucus
- Washington State Association for Justice
- Washington State Supreme Court Gender and Justice Commission



**For immediate release**

July 20, 2018

From: Lorrie Thompson  
(360) 705-5347

[Lorrie.Thompson@courts.wa.gov](mailto:Lorrie.Thompson@courts.wa.gov)

## Gender bias in today's court system to be examined by WA Gender and Justice Commission

**Olympia, WA** – The degree to which gender affects justice in Washington today will be examined in depth by the Washington Supreme Court Gender and Justice Commission, which received a national grant to help fund the study.

The Gender and Justice Commission was awarded \$150,000 by the State Justice Institute, and will match the grant with another \$150,000, to conduct a modern examination of gender impacts on justice with a particular focus on how race and poverty impact women when they access the courts, participate proceedings, or work in the court environment, as well as the consequences they experience once they leave the courthouse. The Commission will engage the help of the National Center for State Courts to complete the research.

A ground-breaking Washington state study in 1989 found significant gender impacts in a number of justice areas — treatment of domestic violence victims, rape victims and women lawyers and judges — and launched establishment of the G&J Commission in 1994 to address the serious, systemic problems discovered.

The new study will review the recommendations of the 1989 study and the effectiveness of steps taken to meet those recommendations and address those problems. The Commission also plans to use information gained from the new study to develop pilot projects addressing specific areas of gender bias that are identified.

“We are very excited about this grant and breaking ground in new areas of research on how gender impacts justice,” said Washington Supreme Court Justice Sheryl Gordon McCloud, chair of the Gender and Justice Commission. “We will be using an evidence-based research model to look at the status of women in the courts with a particular focus on the women most often overlooked, that is, women of color and women in poverty.”

Members of the G&J Commission have worked for more than 18 months laying groundwork for the research, identifying new potential areas of study and connecting with other justice entities interested in supporting the project.

“Recent public awareness regarding the extent to which gender bias and sexual harassment remain significant issues in the workplace make the timing of the study appropriate and necessary,” the Commission said in its grant proposal to the State Justice Institute. “Both the national Conference of Chief Justices and national Conference of State Court Administrators have expressed renewed interest in addressing gender bias in the courts.”

The work of the study, including some pilot project implementations and monitoring and a final report, is expected to be completed by the end of 2020.

*The Washington State Gender and Justice Commission was established by the state Supreme Court in 1994 to identify measures for preventing gender bias in the courts. The Commission followed the work of the Gender and Justice Task Force, created by the Supreme Court in 1988 to thoroughly research and identify specific gender bias in the judicial system, and to develop recommendations for addressing it.*

CONTACT: Washington Supreme Court Justice Sheryl Gordon McCloud, Chair, Gender and Justice Commission, (360) 357-2046; Cynthia Delostrinos, Administrative Manager for Supreme Court Commissions, (360) 705-5327, [Cynthia.Delostrinos@courts.wa.gov](mailto:Cynthia.Delostrinos@courts.wa.gov).



WASHINGTON  
COURTS

## Board for Judicial Administration Legislative Committee 2019 Legislation Proposal Form

Please submit completed forms and any supporting documentation to Brady Horenstein, AOC Associate Director, Legislative and Judicial Relations at [brady.horenstein@courts.wa.gov](mailto:brady.horenstein@courts.wa.gov).

Proposals should be submitted by August 15, 2018.

### Request Title

Refine Definition of Domestic Violence

### Requesting Entity (Organization & Contact Person)

Gender & Justice Commission, Justice Gordon McCloud, Chair & Judge Marilyn Paja, Vice Chair; Kelley Amburgey-Richardson, staff contact.

### Request Background

HB 1163 was signed into law on May 10, 2017, creating a new recidivist law and bringing stakeholders together throughout the state of Washington to address offender risk and treatment. This legislation recognizes Domestic Violence (DV) as one of the greatest public safety challenges faced by our communities.

Pursuant to Sections 7 and 8, the Legislature established the DV Perpetrator Treatment Work Group and the DV Risk Assessment Workgroup. The Gender and Justice Commission was charged with convening these workgroups of statutorily designated stakeholders. The recommendation to refine the definition of domestic violence in Washington State law was developed by the HB 1163 DV Work Groups.

### Summary/Request Justification

The work groups recommended that the legislature refine Washington's definition of Domestic Violence to distinguish between intimate partner violence and other categories of domestic violence (such as intimate partners as compared to cohabiting non-intimate partners such as siblings or parents). The work groups proposed this amendment as a refinement to bifurcate the definition, not a substantive change that would impact remedies currently available to potential petitioners under the current statutory scheme. The intent is to enable the courts and others to track and analyze data on the effectiveness of domestic violence risk assessment and perpetrator treatment.

In 2013, the Washington State Institute for Public Policy (WSIPP) published a meta-analysis concluding that batterer's intervention programs, specifically those using the Duluth model, were ineffective. The conclusions were controversial within the judiciary; however, in the years since publication of that report, Washington judges have decreased referrals to batterer's intervention programs. This lack of confidence by the judiciary in part is reflected in the legislative mandates of HB 1163.



This proposal is responsive to the principal policy goals of the judicial branch. The ability to collect and analyze accurate data about the effectiveness of risk assessment conducted as part of court processes and court ordered treatment is essential to the fair and effective administration of justice.

**RCW(s) Impacted**

This change would entail adding subsections to current DV statutes defining relationships. A full chart of impacted RCWs and proposed statute language may be found in pages 39-40 of the attached excerpt from the HB 1163 Domestic Violence Risk Assessment Report.

**Court Level Impact**

This change would primarily impact CLJs and Superior Courts. Education would be needed to ensure courts are aware of the change and know how to input case data accordingly.

**Fiscal Impact**

AOC IT staff time would be needed to make the technical changes necessary to input and track data according to the new bifurcated definition. Trial court judicial officer and court staff education would also be needed.

**Legislative Strategy Recommendations**

Representative Goodman was the primary sponsor of HB 1163. WAPA has already been in conversations with him about potential legislative proposals as a result of the work group reports and he is supportive.

**Stakeholder Impact**

All of the likely stakeholder organizations were represented on the HB 1163 workgroups that proposed this change in their near-unanimous reports. These include: WSU Dept. of Criminal Justice, SCJA, DMCJA, WASPC, WAPA, WDA, WACDL, OPD, DOC, DSHS, WSAC, AWC, WSIPP, WSCCR, UW Evidence-Based Practice Institute, legal aid attorneys, WSBA family law section, DV treatment providers, court administrators, court probation officers, victim advocates.

**Potential Opposition**

The Washington State Coalition Against Domestic Violence has expressed concern that any legislative change not have a negative collateral consequence to victim safety or affect victim remedies. This is not the intent of the proposed change, and we hope that WSCADV would be willing to work together to address these concerns in any proposed legislation.

# Domestic Violence Risk Assessment

---

Report to the Washington State Legislature and Governor Jay Inslee

*“Various forms of intimate partner violence risk assessment predict different outcomes, are intended to be used within different systems, and require different information to complete.”*

*(J.T. Messing and J. Thaller, 2013)*

intimate partner violence and other categories of domestic violence (such as intimate partners as compared to cohabiting non-intimate partners such as siblings or parents).<sup>68</sup>

A starting point for this proposed statutory amendment is contained in footnote 68. The workgroup proposes this amendment as a *refinement* to bifurcate the definition, not a substantive change that would impact remedies currently available to potential petitioners under the current statutory scheme. It would entail adding subsections to current DV statutes defining relationships as follows:

Relationship Between Parties	Applicable Statutes	Proposed Statutory Breakdown
<b>FAMILY OR HOUSEHOLD INTIMATE PARTNERS:</b>		
Current Spouses	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(a) RCW 10.99.020(3)(a)
Current Domestic Partners	RCW 26.50.010(2)	RCW 26.50.010(2)(a)
Former Spouses	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(b) RCW 10.99.020(3)(b)
Former Domestic Partners	RCW 26.50.010(2)	RCW 26.50.010(2)(b)

<sup>68</sup> For example, the following changes to RCW 26.50.010 could be made:  
 26.50.010(3): "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner, or (b) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.  
 26.50.010(6): The definition of "family or household members" could be narrowed to include "adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren."  
 A new subsection could then be added to define "intimate partner" as: "Intimate partner" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship."

Parents of Child in Common (regardless of whether ever married or lived together)	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(c) RCW 10.99.020(3)(c)
Adult Persons Presently or Previously Residing Together who had or have had a Dating Relationship	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(d) RCW 10.99.020(3)(d)
Persons 16 years or older Presently or Previously Residing Together who have or have had a Dating Relationship	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(e) RCW 10.99.020(3)(e)
Persons 16 years or older who have or have had a Dating Relationship (never lived together)	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(f) RCW 10.99.020(3)(f)
<b>FAMILY OR HOUSEHOLD NON-INTIMATE PARTNERS:</b>		
Persons who have a Biological or Legal Parent-child Relationship (including stepparents/stepchildren, grandparents/grandchildren)	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(g) RCW 10.99.020(3)(g)
Adult Persons Currently or Previously Residing Together	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(h) RCW 10.99.020(3)(h)
Adult Persons Related by Blood or Marriage	RCW 26.50.010(2) RCW10.99.020(3)	RCW 26.50.010(2)(i) RCW 10.99.020(3)(i)

The Washington State Coalition Against Domestic Violence (WSCADV) has expressed concerns about whether a definitional refinement is really necessary and would like to be involved in a larger discussion about specifically proposed language to be certain that any implementation would avoid or minimize potential negative unintended consequences for survivors. The work group understands this hesitation and recognizes that WSCADV is unable to support this recommendation in its current form.



## For immediate release

August 3, 2018

From: Lorrie Thompson  
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## **Gender and Justice Commission convenes workgroups and reports to lawmakers:**

**Olympia, WA** – Domestic violence treatment practices and court processes in Washington need to be restructured for better system-wide effectiveness and accountability, according to recommendations of the broad-based workgroups convened by Washington Supreme Court Gender and Justice Commission in two reports to the Legislature and Governor Jay Inslee.

After nearly a year of investigation and collaborative discussion, the Gender and Justice Commission delivered two reports to the state legislature concerning treatment for domestic violence (DV) offenders and assessment of risk from arrest to sentencing and treatment. The Section 7 report identifies 10 primary problems with the current system of court-mandated domestic violence treatment which could make treatment less effective in reducing repeat offenses. This workgroup, composed of persons and agencies experienced in the field of prevention of and response to Domestic Violence recommends a comprehensive new approach to adequately assign, monitor and complete treatment. The workgroup strongly recommends improved data collection to improve effectiveness of treatment and risk assessment tools.

The examination and reports facilitated by the Gender and Justice Commission and its collaborators which include Washington State University (WSU) researchers and the Washington State Coalition Against Domestic Violence (WSCDV) as well as prosecutors, defense lawyers, advocates and treatment providers from around the state, were required by House Bill 1163, adopted by the state Legislature in May 2017. Established in 1994 by the Washington State Supreme Court, the Gender and Justice Commission was the logical choice of the legislature to facilitate the year-long examination of these important community issues.

HB 1163 addresses gaps in Washington's laws and policies regarding the serious problem of repeat domestic violence crimes. According to the Senate Bill Report, 54 percent of mass shootings in the U.S. are related to domestic violence, law enforcement officers are three times more likely to die responding to domestic violence calls than any other calls with shots fired, and progression of violence is prevalent among DV offenders.

“The workgroups carefully examined the processes involved to mandate and enforce effective treatment. Until very recently we have used a one-size-fits-all treatment regime that is largely seen as unsatisfactory,” said Kitsap County District Court Judge Marilyn Paja, who with Snohomish County Superior Court Judge Eric Lucas, co-chaired the G&J Commission’s HB 1163 Workgroups. Recent changes to treatment and assessment implemented by the Department of Social and Health Services (DSHS) are seen as promising practices that require on-going data collection and study.

“Because the gaps identified involve system-wide processes, the solutions are not simple,” Judge Lucas said. “Our new approach, if it’s accepted, will mean a long-term statewide commitment to improving domestic violence perpetrator treatment.” The Section 7 Workgroup dubbed its treatment recommendation an “Integrated System Response” with six key components such as moving domestic violence treatment into a therapeutic court model, establishing multiple treatment levels with required competencies for providers and perpetrators, enabling collection of statewide data and information, establishing policies and systems for monitoring, funding and training.

In the Section 8 report to the Legislature, also required by HB 1163, a different Workgroup convened by the Gender & Justice Commission and also with WSU and WSCADV, recommended steps for creating effective, evidence-based risk assessment tools that should be used by law enforcement officers, courts, treatment providers and others for assessing the degree and potential of lethality of risk in domestic violence situations and of perpetrators to the victim and the community as a whole. The report stressed that at all stages of intervention by law enforcement, advocates and the courts, quality assessment tools must be affordable and accessible for local jurisdiction use, and further emphasized that the state legislature must adequately fund data collection and monitor research over a period of years.

The Workgroups’ two reports to the Legislature and Governor Jay Inslee can be found on the Gender & Justice Commission web page at:

[http://www.courts.wa.gov/programs\\_orgs/gjc/?fa=gjc.Legislation&parent=res](http://www.courts.wa.gov/programs_orgs/gjc/?fa=gjc.Legislation&parent=res)

*The Washington State Gender and Justice Commission was established by the state Supreme Court in 1994 to identify measures for preventing gender bias in the courts. The Commission followed the work of the Gender and Justice Task Force, created by the Supreme Court in 1988 to thoroughly research and identify specific gender bias in the judicial system, and to develop recommendations for eliminating it.*

CONTACT: Kitsap County District Court Judge Marilyn Paja, (360) 337-7109, mpaja@co.kitsap.wa.us; Snohomish County Superior Court Judge Eric Lucas, (425) 388-3215, eric.lucas@snoco.org; Washington Supreme Court Justice Sheryl Gordon McCloud, Chair of the Gender and Justice Commission, (360) 357-2046; Cynthia Delostrinos, Administrative Manager for Supreme Court Commissions, (360) 705-5327, Cynthia.Delostrinos@courts.wa.gov.

**Gender & Justice Commission**  
**Budget July 1, 2018 - June 30, 2019**

<b>Commission Expenses</b>		<b>FY 19</b>
<b>Meetings</b>		
	Commission meetings	\$10,000
	Committee meetings (in person)	\$1,500
<b>General Operating Expenses</b>	Printing, conference calls, supplies, etc.	\$3,000
<b>Staff Travel &amp; Training</b>	Registration Fees, travel-related costs	\$2,000
<b>Communications</b>	Annual Report	\$2,500
<b>Education Programs</b>		
	DMCMA Line Staff Conference	\$1,500
	Fall Conference	\$2,500
	Appellate Conference	\$1,500
	SCJA/DMCJA Conferences	\$5,000
<b>Sponsorships/Events</b>		
	Judicial Officer & Law Student Reception	\$1,000
	Women's History Month CLE	\$1,000
	Mission Creek - Success Inside & Out	\$1,000
	Color of Justice	\$500
	Tech Summit for Girls	\$1,000
<b>Projects</b>	Gender Bias Study staffing, contracts, travel (SJI Grant Cash Match)	\$15,000

<b>Starting Budget</b>	<b>\$50,000</b>
<b>All Allocated Commission Expenses</b>	<b>\$49,000</b>
<i>Unallocated</i>	<b>\$1,000</b>

Updated 8.28.18

**STOP BUDGET FFY17**

**January 1, 2018 - December 31, 2018**

<b>Total = \$143,825</b>		<b>\$100,677</b> <small>(max amt)</small>	<b>\$43,148</b> <small>(min amt)</small>
		<b>Statewide</b>	<b>Tribal Courts</b>
<b>Salaries &amp; Benefits</b>	<b>Staff</b>	\$31,107	\$14,862
<b>Office Supplies, Copies, Printing</b>	<b>Supplies, Copies, etc.</b> <i>Benchguides (printed, flash drive, DVD/CD)</i>	\$6,750	\$1,286
<b>Staff Training &amp; Education</b>	<b>Staff to attend local and national conferences &amp; training events</b>	\$2,500	\$2,000
<b>Committee Meetings</b>	<b>Support travel-related &amp; pro tem costs for in-person Committee mtgs</b> <i>Gender Bias Study - DV/SA Related Meetings; DSV Committee; TSCC - DV/SA Related Meetings</i>	\$5,000	\$5,000
<b>Scholarship Support</b>	<b>Scholarships for judicial officers &amp; court staff to attend trainings.</b>  <i>Enhancing Judicial Skills in DV (All Judicial Officers)</i> <i>Continuing Judicial Skills in DV (All Judicial Officers)</i> <i>NCJFCJ National Conference (All Judicial Officers)</i> <i>Women are Sacred Conference (Tribal Courts)</i> <i>National Indian Nations Conference (Tribal Courts)</i>	\$10,000	\$10,000
<b>Education Programs</b>	<b>Monies for support of educational sessions</b> <i>Judicial College (January 2018)</i> <i>SCJA Spring Conference - Immigration Session (April 2018)</i> <i>DMCJA Conference (June 2018)</i> <i>TSCC Regional Meeting (June 2018)</i> <i>Fall Conference (September 2018)</i> <i>Neurobiology of Trauma Webinar</i>	\$2,500 \$2,500 \$2,500 \$8,000 \$1,000	\$10,000
<b>Projects</b>	<b>SA Benchguide - Editor for New Chapters</b>	\$5,000	
<b>Requests</b>	<b>Requests from others for support</b> <i>DV Symposium (Judicial Officers &amp; Court Personnel)</i>	\$10,000	
<b>Legislative Requests</b>	<b>HB 1163 - Convene workgroups, write legislative reports</b>	\$6,500	
<b>SUB-Totals per portion of grant</b>		<b>\$93,357</b>	<b>\$43,148</b>
<b>Total</b>		<b>\$136,505</b>	
<b>Non-dedicated Funds</b>		<b>\$7,320</b>	

Updated 3.26.18



# STATE JUSTICE INSTITUTE

## PROJECT BUDGET

(TABULAR FORMAT)

**Applicant:** \_\_\_\_\_

**Project Title:** \_\_\_\_\_

**For Project Activity from** \_\_\_\_\_ **to** \_\_\_\_\_

**Total Amount Requested for Project from SJI \$** \_\_\_\_\_

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							
Fringe Benefits							
Consultant / Contractual							
Travel							
Equipment							
Supplies							
Telephone							
Postage							
Printing / Photocopying							
Audit							
Other (specify)							
<b>Subtotal, Direct Costs</b>							
<b>Indirect Costs</b>							
<b>Grand Total</b>							

**Remarks:**

# Gender and Justice Commission Meeting Schedule

**2019**

Meetings are held at  
AOC SeaTac Office  
18000 International Blvd  
11<sup>th</sup> Floor, Suite, 1106

Meeting Day & Time: Friday (unless noted)  
8:45 AM to Noon

**2019**

- January 25
- March 1
- May 3
- June 20 (Thursday)
- September 6
- November 1

AOC Staff: Kelley Amburgey-Richardson, G&J Court Program Analyst  
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