



**WASHINGTON STATE SUPREME COURT
DISSOLUTION TASK FORCE**

FINAL REPORT

DECEMBER 1, 2008



**“ . . . TO ADVANCE THE EFFICIENT AND
EFFECTIVE OPERATION OF THE
WASHINGTON JUDICIAL SYSTEM”**

Administrative Office of the Courts Mission Statement

The Supreme Court Dissolution Task Force gratefully acknowledges Michael Santana and Lynette Combs of AOC, and Vicky Daniels, Program Coordinator, Gonzaga University School of Law, for their invaluable assistance. The work of the Task Force would not have been possible without their help.

"Expect Excellence"



December 1, 2008

To All Interested Parties:

This is the final report of the Washington Supreme Court Dissolution Task Force. It is significantly different from the Interim Report of September 1, 2008. Most of these differences occur in discussion of the Section 201 program.

The legislation directed the Task Force to establish statewide protocols in dissolution actions. There were requests to consider a variety of topics that could fit under that broad description. Eventually, the Task Force decided to limit the scope to topics that the legislation specifically described. Those topics touched on a variety of issues that required detailed consideration.

Task Force members represented many perspectives and there was robust discussion of several issues. The Report was approved at the final meeting of the Task Force on November 17, 2008. The Task Force rules allow for a minority report, but none was received by that date.

The Task Force members appreciate the opportunity to serve the state of Washington.

Yours truly,

A handwritten signature in cursive script that reads "Helen Donigan".

Helen Donigan, Chair
Washington Supreme Court Dissolution Task Force
Professor of Law, Gonzaga University
Spokane, WA 99258-3528

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I. INTRODUCTION

A. THE SUPREME COURT DISSOLUTION TASK FORCE

Under section 306(1) of Second Substitute Senate Bill 5470, Laws of 2007, Chapter 496 (2SSB 5470; the legislation) the Supreme Court Dissolution Task Force (Task Force) is to develop statewide protocols for dissolution cases. The legislation directs the Task Force to do the following:

Develop:

1. Clear and concise dispute resolution procedures.
2. A sexual assault training curriculum.
3. Consistent standards for parenting evaluators.
4. A domestic violence training curriculum for individuals making evaluations in dissolution cases.

Study issues related to:

1. Venue for filing and modifying petitions.
2. The program established under Section 201 of the legislation.

In addition, the Task Force is to make recommendations concerning specialized evaluators for dissolution cases, dissolution forms and procedures, and fees. The legislation requires the Task Force to present its preliminary findings and conclusions in September 2008, with a final report and recommendations due on December 1, 2008.

The Task Force first convened on October 30, 2007, and between then and December 1, 2008, the Task Force met 11 times. Its members were appointed by the governor, chief justice of the Washington State Supreme Court, the president of the Senate, and speaker of the House of Representatives. Membership consists of parents (two custodial and two non-custodial), judicial officers, attorneys, representatives from various human services organizations involved in family law, and elected officials. A complete membership list with biographies appears as Appendix A to this report.

The Task Force began its work by creating four subcommittees: (1) dispute resolution, (2) parenting evaluators, (3) training, and (4) §201 Program. These subcommittees met regularly when the entire Task Force convened, and in addition met in person or by telephone conference when necessary. Many members participated in more than one subcommittee. The subcommittees reported on a regular basis to the entire Task Force, and the full membership reviewed the reports and voted on whether it agreed with the general ideas presented by each subcommittee. The Task Force then integrated the full discussion and work of the subcommittee into the September 1, 2008, interim

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report. The interim report was published on the Task Force's web page and by electronic message to additional individuals who had expressed interest.

The public was encouraged to submit comments about the interim report by sending comments to the web page. Members of the Task Force also discussed the report with various stakeholder groups. The Task Force met in October and November 2008 to discuss the public comments and other concerns raised as a result of additional workgroup discussions. This final report was approved at the Task Force's November 17, 2008, meeting.

B. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

1. *Dispute Resolution Procedures*

1. In considering any reforms or changes regarding dispute resolution or any other aspects of dissolution, the legislature and courts should measure success by how well the process promotes the safety and well-being of children affected by dissolution, not its effectiveness in easing courts' administrative burdens.
2. The legislature should consider ensuring attorney representation of indigent and low-income parents in dissolution processes with systems similar to those in place for criminal defendants.
3. All superior courts should have a facilitator program. Appropriate training and consistency in the programs are needed. The legislature should provide state funding to support courthouse facilitator programs.
4. The Task Force supports the legislature in:
 - Encouraging jurisdictions to create Unified Family Courts or otherwise organize themselves to allow one judicial officer or team to hear all matters in a particular dissolution. This would include ensuring that whenever possible, judicial officers who have issued a decree after a trial retain responsibility for dissolution cases for 18 months from the date of the decree, whether or not they continue to sit in family court.
 - Ensuring that Unified Family Courts have adequate resources to do their work well.
 - Requiring that all judges, commissioners, and pro tem judges hearing family court matters receive training on (1) domestic violence, (2) identifying and ending abusive use of court systems, and (3) other types of training, such as that offered by the National Council of Juvenile and Family Court Judges.

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5. The legislature should increase statewide funding for nonprofit dispute resolution and mediation centers in order to create strong and viable alternatives to private providers.
6. In addition to other qualifications, all alternative dispute resolution providers should be required to demonstrate that they have received training on recognizing and responding to domestic violence, and to demonstrate they have a protocol in place for responding to domestic violence in ways that protect the victim's safety. Courts should give referrals for only those providers who meet these criteria.
7. Parties need basic information about the various forms of dispute resolution and their relative merits so they can make informed choices. Thus, the Task Force recommends that existing services be strengthened with increased state funding, improved staff training and better coordination.
8. Court rules and mandatory forms must set forth consistent standards and procedures for obtaining relief from the court when the dispute resolution method fails or the process is abused. The Task Force recommends that the parenting plan form include language explaining that if non-arbitration forms of alternative dispute resolution fail to provide a resolution to a specific issue because of non-response by one party or failure to agree by both parties, then either party may ask the court for a decision on that specific issue by appropriately filing, noting and serving a motion along with an affidavit or declaration.
9. The Task Force recommends adoption of a court rule that clarifies the process for requesting a change of dispute resolution provider or process.

2. Training Curricula

1. The intent of the legislation is to create curricula for both evaluators and guardians ad litem.
2. It is critical that evaluators have the training necessary to produce evaluations that place the best interests and well-being of children at the center of consideration and are:
 - Well informed by research and current best practices.
 - Informed by a highly developed set of ethics.
 - Useful and relevant to the dissolution proceedings.
 - Accurately reflective of the impact of domestic violence and sexual assault.

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3. The Task Force realized that it was unrealistic for the Task Force to create two fully developed curricula. A full curriculum would include specific learning objectives, training exercises, handouts, resource materials for participants, specific instructions to trainers regarding key teaching points, and how to facilitate the training.
4. Effective curricula require collaboration with subject matter experts, testing, and regular updates.
5. The Task Force reviewed multiple curricula and found that no one curriculum addressed all the elements the Task Force identified as necessary. In particular, no curriculum existed that specifically addressed the evaluator's role, evaluator ethics, and appropriate use of information about domestic violence and sexual assault. The Task Force recommends that an entirely new curriculum be created.
6. The Task Force decided to focus on creating recommendations about administrative oversight of a curriculum and content to be covered in the curricula, including substantive knowledge, analysis and practice skills.
7. While the Task Force did not have the capacity to develop a complete curriculum, the expertise did exist to define the knowledge, analysis, and practice skills that a curriculum should address. The Task Force recommends that the curriculum author incorporate those elements to create an effective learning process.
8. The Task Force recommends that the curriculum author collaborate with an advisory group comprised of subject matter experts, including representatives from the Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, practitioners from the field, and judicial officers.
9. Although the legislation uses the term sexual "assault," the Task Force prefers the term sexual "abuse." The curriculum on sexual abuse focuses on child victimization. The domestic violence curriculum addresses the sexual abuse of adult victims as a potential part of a pattern of abuse.

3. Standards for Parenting Evaluators

1. The intent of 2SSB 5470 was to develop consistent standards for individuals who hold themselves out as parenting evaluators qualified to evaluate the parenting abilities of each parent in a parenting plan proceeding. The legislature did not intend the Task Force to develop standards and make recommendations for guardians ad litem or family court evaluators.

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2. The Task Force proposes court rules that will apply to all individuals who hold themselves out as parenting evaluators qualified to evaluate the parenting abilities of each parent in a parenting plan proceeding. The rules set forth minimum standards for parenting evaluators only; they do not apply to family court evaluators or to guardians ad litem.
3. The Task Force recommends that the Washington State Supreme Court adopt rules setting forth consistent standards for guardians ad litem and family court evaluators. These standards should include a review of the criteria for becoming a guardian ad litem or family court evaluator, clarification of their roles, standards for fees, continuing education requirements, standards for grievance procedures, and guidelines for conflicts of interest. The legislature should provide stable and adequate funding for guardians ad litem and family court evaluators for low-income parties.

4. Study of the §201 Program

The Task Force recommends a §201 Program, which if funded will:

1. Remove the pre-filing compliance certification requirement in the legislation.
2. Provide information about the dissolution process and referrals to local and state services.
3. Allow a party's attorney to provide the party with the §201 Program information and referrals.
4. Provide a means for self-screening for identification of issues.
5. Be administered by the superior courts.
6. Receive adequate and stable state funding.
7. Utilize standardized statewide information and training provided by the Administrative Office of the Courts.

5. Study of Venue

The Task Force makes no recommendation regarding changes in venue rules.

6. Fees

The Task Force joins Justice in Jeopardy's recommendation that the state's share of trial court funding be more equitable – approximately 50% – so that court funding is stable and equal across the state.

II. DISPUTE RESOLUTION PROCEDURES

A. SYSTEMIC PROBLEMS

In Task Force discussions aimed at articulating clear and concise dispute resolution procedures, it became evident that some systemic problems cause confusion and delay in dispute resolution. Thus, this report includes discussion of systemic problems that, if addressed, will facilitate clear and concise dispute resolution.

1. *Rethinking Success*

Court personnel may assume that cases settled outside of court represent a success because they ease the burden on courts. This perspective is understandable and reflective of available but often insufficient resources. However, it is court-centered and not family-centered. In many cases, settling out of court and resolving disputes prior to a trial may represent a success. However, it may not represent a success in cases involving significant imbalance of financial resources between the two parties, domestic violence, or sexual abuse.

Many individuals suffer from unenforceable or inappropriate court orders and parenting arrangements because they do not wish to reenter a court system that they perceive to be insensitive to their needs or those of their children. All participants in the legal system must balance the need of the court system to minimize trials with the family's need to create a resolution that protects the best interests of the children and is enforceable, workable, and safe for the children and any adult victims of domestic violence. Ideally, in each case all participants should err on the side of safety and the best interests of the children rather than quick settlement.

When reforms or changes regarding dispute resolution or any other aspect of dissolutions are considered, the legislature and courts need to measure success by how well the process promotes the safety and well-being of children affected by dissolution, not its effectiveness in easing courts' administrative burdens.

2. *Assuring Representation*

It is virtually impossible for individuals without representation to master all the information necessary to protect and advocate for their own and their children's best interests and ensure that court orders are enforceable and fair. Representation of the parties at the start of the court process is the most effective means to minimize disputes before as well as after the decree. Litigants may avoid many disputes if they have better access to high quality representation at the beginning of the process.

The Washington State Supreme Court has addressed whether an indigent parent has the right in a dissolution proceeding to an attorney at public expense under the Washington and U.S. Constitutions. *King v. King*, 162 Wn.2d 378, 174 P.3rd 659 (2007). The Court ruled that indigent parents do not have such a right, but acknowledged that more than the minimum constitutional protections might be good public policy because of the complexity in dissolution proceedings; and that “the decision to publicly fund actions other than those that are constitutionally mandated falls to the legislature. Outside of that scenario, it is not for the judiciary to weigh competing claims to public resources.” *King* at 398. The Task Force encourages the legislature to consider providing for attorney representation for indigent and low-income parties in contested dissolution and parenting plan modification proceedings similarly to those provisions in place for criminal defendants.

B. THE NEED FOR INFORMATION

Currently, most courts have local rules that require or encourage dispute resolution and settlement conferences at various stages of dissolution and other family law proceedings. In addition, state law either provides for or requires the use of alternate dispute resolution (ADR). Except as set forth herein, the Task Force does not believe there is a need for major changes in the law regarding dispute resolution. Rather, the Task Force encourages providing additional resources to the courts, contingent on each court’s local adoption of dispute resolution procedures that meet best practice standards.

Information is critical to good decision making. Parties require information about court processes, parties’ rights, services, dispute resolution, and the impact of conflict on children. A dissolution action may be an individual’s first contact with the judicial system. Litigants have questions and need to understand the process that will have a significant impact on their lives for years to come. The information should be provided at an early stage in the process and be available throughout the process. Litigants cannot always absorb all the information at one time. Increased coordination and funding can enhance the ability of current programs to provide the necessary information. This report discusses various methods of providing the information in the §201 Program in section VII. C on page 59.

C. INCREASING ACCESS TO INFORMATION AND RESOURCES BY STRENGTHENING AND EXPANDING EXISTING SERVICES

The Task Force considered several models for handling dispute resolution but is hesitant to recommend additional procedures. Parties need basic information about the various forms of dispute resolution and their relative merits so that they can make informed choices. Each jurisdiction must provide this critical information. Further, the Task Force recommends strengthening and expanding

existing services so the parties can receive necessary information at an early stage of the proceeding. Existing services should be strengthened with increased funding, improved staff training, and better coordination. Existing services and resources include:

- Courthouse Facilitators.
- Court Orientation Classes.
- The Family Law Handbook.
- Dispute Resolution Centers.
- Unified Family Courts.

1. Courthouse Facilitators

Most counties have courthouse facilitator programs that provide services to family law litigants who are self-represented. Facilitators provide information and assist in completing family law forms. They also explain legal terms and basic court procedures. The parties may require the assistance of the facilitator a number of times during the dissolution process. Some jurisdictions require these parties to meet with facilitators prior to specific hearings or prior to finalizing their paperwork. Unfortunately, this contact is often too late to avoid escalating conflict or to provide meaningful referrals and resources to use during the process.

A strong and adequately funded courthouse facilitator program can be effective in avoiding future disputes by providing education about dispute resolution methods and by calling attention to possible inconsistencies and deficiencies in the dissolution paperwork. Currently, no state funding is provided to support courthouse facilitator programs and there is a strong need to provide such funding. All superior courts should have a facilitator program. Appropriate training and consistency among the programs are needed.

2. Court Orientation Classes

Some courts use an orientation class to educate litigants about the dissolution process and the ways of resolving disputes. This gets critical information to litigants early in the process. In addition to providing information about court procedures, the classes can provide information about a variety of dispute resolution processes, both in and out of court. All superior courts should provide orientation classes. The orientation classes should provide guidance as to when some types of dispute procedures are not appropriate. For example, there are circumstances when ADR is not appropriate, or must include safeguards because of the presence of domestic violence or other limiting factors that create a power imbalance between the parties.

3. Family Law Handbook

Section 202 of 2SSB 5470 directs the Administrative Office of the Courts (AOC) to provide the Family Law Handbook to the petitioner and respondent at the time of dissolution. AOC must revise the handbook on an annual basis, and it must contain information about an extensive list of topics. These topics include property and spousal maintenance considerations at the time of dissolution and information about issues involving children, including residential schedules, parental relocation, child support and the effects of dissolution on children. Finally, it must give information about the court process for dissolutions and information on domestic violence, child abuse, and neglect.

The handbook should be a key tool in delivering much of the information that the §201 Program is to provide. In addition, the handbook should provide information about ADR. Each court or judicial district should supplement the handbook's information with details about local services and procedures.

Currently, information about dissolution of domestic partnerships is not included in the handbook. It is anticipated that individuals seeking a dissolution of their domestic partnership would seek the assistance of the §201 Program. To make the Family Law Handbook beneficial to those individuals, it must include information relevant to domestic partnerships. The Task Force recommends that AOC amend the Family Law Handbook to include information about dissolution of domestic partnerships and ADR.

4. Parenting Seminars

Court rules in most counties require the parties to attend a parenting seminar prior to finalizing a parenting plan. Courts should be encouraged to devise ways to compel the completion of a parenting seminar as early as possible to educate the parents on focusing on the best interests of the children and safeguarding children against adverse effects of the marriage dissolution. The legislature should provide the resources needed to accomplish this.

5. Unified Family Courts and Judicial Expertise

The Task Force agreed that some individuals (particularly domestic violence abusers) exploit legal processes to continue a pattern of abuse, harassment, and control, potentially leading to many post-decree disputes. Courts, mediators, arbitrators, evaluators, and guardians ad litem can unwittingly become tools for an abuser if those individuals do not have the training to identify abusive use of conflict, or if institutional structures do not facilitate courts' identification of abusive use of conflict. Abusive use of conflict is a factor under RCW 26.09.191(5)(e) that can restrict a parent's contact with a child.

Research points to Unified Family Courts as one of the most effective ways to avert this problem. The following principles characterize Unified Family Courts:

- One judicial officer or team per family.
- Longer rotations for judicial officers hearing family matters.
- Specialized training for judicial officers.
- Mandatory mediation (except in cases with limiting factors).
- Case management.

The legislature should provide adequate funding and encourage jurisdictions to create Unified Family courts or otherwise organize themselves to allow one judicial officer or team to hear all actions in a particular dissolution and post-dissolution. The Task Force recommends that whenever possible, judicial officers who have issued a decree after a trial should retain responsibility for dissolution cases for 18 months from the date of the decree, whether or not they continue to sit in family court.

Specialized training should include training on identifying and ending abusive use of court systems, and training on domestic violence, such as that offered by the National Council of Juvenile and Family Court Judges.

6. Dispute Resolution Centers

Existing nonprofit dispute resolution centers often work well with the courts in their regions. Effective centers have processes that are consistently transparent, closely supervised, and aligned with best practices. The same type of supervision and control may not exist if a private provider offers the service. Individuals are free to choose a private dispute resolution provider, but should not have to choose one because no nonprofit alternative exists. Current funding for the nonprofit centers does not allow them to meet demand throughout the state, and should be increased. ADR providers should be required to demonstrate that they have received training on recognizing and responding to domestic violence, and demonstrate they have a protocol in place for responding to domestic violence in ways that promote victim safety. Courts should give referrals for only those providers who meet these criteria.

D. PROVIDING POST-DECREE DISPUTE RESOLUTION

If children are part of the dissolution action, it is probable that modifications and clarifications of parenting plans and child support orders will occur after the decree. The parties in dissolutions need to understand what to do when their chosen dispute resolution process fails or the other party refuses to participate in the process. Currently, no consistent or clearly understood procedure exists for these common situations. A subcommittee of the Superior Court Judges' Association Family and Juvenile Law Committee is in the process of drafting

rules and recommending pattern form changes in accordance with the recommendations below.

1. Relief When the Chosen Dispute Resolution Process Fails

The parties and court can consider a variety of factors, including the financial situation of the parties, when choosing the dispute resolution process. RCW 26.09.187. However, current law is not clear as to what should happen if the chosen dispute resolution process is unsuccessful. The statutes and mandatory forms give incomplete, confusing, and conflicting information. It became evident to the Task Force that there is no consistency as to the appropriate procedure when the chosen dispute resolution process fails. For example, a statute provides a “right of review” from the dispute resolution process, RCW 26.09.184(4), but it is not clear what this means. Arbitration decisions might be subject to review, but if mediation or counseling fails, there is no decision to review.

Parties need access to court if the process fails, and the procedure for gaining access needs to be clear. The law allows for sanctions if a party abuses the process or uses it without good reason, but it does not describe a procedure for seeking those sanctions. Some Task Force members believe a motion for contempt or a motion for modification is appropriate. On the other hand, the parenting plan form notifies parties they must use dispute resolution in some instances before filing a motion for contempt or modification. The procedure for gaining access to the court varies from county to county. Court rules and mandatory forms must set forth consistent standards and procedures for obtaining relief from the court when the dispute resolution method fails or the process is abused.

The Task Force recommends that the parenting plan form include language explaining that if non-arbitration forms of ADR fail to provide a resolution to a specific issue because of non-response by one party or failure to agree by both parties, then either party may ask the court for a decision on that specific issue by filing an appropriate motion and supporting declaration, scheduling a hearing and serving the other party in accordance with court rules.

2. Standard for Changing the Parenting Plan regarding the Dispute Resolution Choice

A parenting plan must contain provisions for the resolution of future disputes between the parents. Individuals filing for dissolution may not know any dispute resolution providers or how to evaluate them. Consequently, they may choose a process inappropriate for their situation, or they may specify a dispute resolution provider who proves to be inadequate or otherwise unsuited to the task of facilitating dispute resolution in their particular case.

Under current law, a court action to adjust or modify the parenting plan may be required before a party can change the provider or the chosen dispute resolution process. It can be difficult to change a parenting plan. In addition to a hearing on adequate cause, the statutory standard may require a change of circumstances of the parents or child. The primary goal of the current statute is to address changes involving the child. There is a need for a different standard for changes concerning the narrower issue of changing the dispute resolution process or provider.

The Task Force recognizes the need to provide for parties to change the provider of ADR process when ADR has failed or does not support the best interests of the children, while at the same time protecting families from the instability that may be caused by continual or excessive changes in ADR provider. At present, no clear and simple pathway out of an inappropriate ADR provider or process exists. Thus, court rule should clarify the process for requesting a change of dispute resolution provider or process such that:

- A party may request a change from ADR to court, or a change to the provider or process for ADR after the one-year anniversary of the first contact with the ADR process by filing an appropriate motion and supporting declaration, scheduling a hearing, and providing notice to the other party in accordance with court rules.
- When the party makes this request, the party will be guaranteed a right to a change in the ADR process or provider, with the judge as the final decision maker about the provider or process.
- Judicial officers should be directed by court rule to consider the best interests of the child, any potential for abuse of process by a party, the cost of the ADR process and ability of each party to pay when deciding whether the process should be court or a new ADR provider or process.
- Parties may also, while waiting for the motion to be heard, mutually agree on a different mechanism or provider, but the court shall make the final decision.

Because the ability to request a change of ADR process can be abused, and overly frequent changes may bring instability to children's lives as well as consume time and resources, the ability to make changes in ADR processes should be clearly limited. For example, court rule may specify that a request for change to court or of ADR process or provider may be made no more frequently than every 36 months, and that for these subsequent requests, unlike the first request, a change will not be guaranteed.

III. TRAINING CURRICULA – IN GENERAL

A. SCOPE

1. *Determining Who Is to Be Trained*

Section 306 of 2SSB 5470 instructs the Task Force to develop two training curricula. It is to develop a sexual assault training curriculum, in conjunction with the Office of Crime Victims (OCVA). The Task Force’s work has been a collaborative effort with full participation by OCVA. The Task Force is also to develop a domestic violence training curriculum for individuals making evaluations in dissolution cases. Although the legislation uses the term sexual “assault,” the Task Force prefers the term sexual “abuse.” Additionally, section 305(1) of the same legislation provides:

In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under section 306 of this act, when it is available.

The Task Force determined the training curricula are to apply to both guardians ad litem and investigators when there are limiting factors, as well as other individuals making evaluations in dissolution cases.

2. *Characteristics of Effective Evaluations and Curricula*

Individuals performing evaluations in dissolution cases have a profound impact on the lives of children and adults involved in the dissolution process. The evaluation process may protect or compromise the safety and well-being of both children and adults. Thus, evaluators must have the necessary training to conduct evaluations based on current research, best practices, and a highly developed set of ethics. The evaluations must be useful and relevant to the dissolution proceedings, place the best interests and well-being of children at the center of consideration, and accurately reflect the impact of domestic violence and sexual abuse. Training in these areas is critical for anyone performing evaluations or making recommendations regarding children’s lives. A thoughtful, deliberate approach to the curriculum development is necessary in order to ensure the excellence of the resultant product.

A curriculum must include specific learning objectives, training exercises, handouts, and resource materials for participants, as well as fully developed content. It must provide instructions on the key content and instructions on how to facilitate the training. The writers and developers must be experts in both the subject matter and adult learning styles. The developers must have the time and

resources to collaborate with potential participants and subject matter experts regarding content and delivery. Finally, the curriculum must provide for testing, revisions and updates, and specify the funding source and entities that have responsibility for the updates.

B. THE TASK FORCE’S APPROACH TO THE CURRICULA

The enabling legislation did not specify the time or resources that would be available for the training, what agency or entity would have administrative responsibility for the curricula, whether the training would be mandatory or elective, and whether tracking would exist to document who had completed the training. After due consideration, the Task Force realized it was unrealistic for the Task Force to create of two fully developed curricula given its time, staffing, and funding constraints.

Initially, the Task Force hoped to identify existing curricula and adapt them for evaluators. Members reviewed multiple curricula. Some curricula provided excellent models and guidance. These included “Enhancing Judicial Skills in Domestic Violence Cases” from the National Council of Juvenile and Family Court Judges; “Domestic Violence: a National Curriculum for Child Protective Services” by Anne Ganley and Susan Schecter; and “Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge’s Guide” from the State Justice Institute. However, no one curriculum addressed all the elements the Task Force identified as necessary. In particular, no existing curriculum specifically addressed the role of evaluators, their ethics, and the appropriate use of information about domestic violence and sexual abuse in an evaluation. The Task Force could not escape the conclusion that new curricula are necessary.

Even an excellent curriculum will be functionally meaningless without regular updates and monitoring the quality of its delivery. The Task Force determined that AOC or another appropriate entity should be charged with the creation, maintenance, and delivery of the curricula in collaboration with an advisory group comprised of subject matter experts, including representatives from the Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, practitioners from the field and judicial officers.

The Task Force members agreed that there is a need for curricula focusing on domestic violence and sexual abuse. Because of the seriousness of domestic violence and sexual abuse, excellent training is critical for anyone performing evaluations or making recommendations regarding children’s lives. Even a minimal curriculum requires a thoughtful and deliberate approach, and the Task Force’s time is limited. Realizing that, the Task Force decided to focus on creating recommendations about administrative oversight, guidelines, learning objectives, and content of curricula for domestic violence and sexual abuse training. Some of the considerations are similar for these two curricula, but there

IV. SEXUAL ABUSE TRAINING CURRICULUM

are differences so the recommendations for each curriculum are presented separately.

The context in which an evaluator does his or her work is as important as a particular degree or training. Ideally, evaluators need to work in a context that requires regular review of written reports for quality and allows for consultation with peers, peer supervision and access to subject matter experts in multiple disciplines, including domestic violence, sexual abuse, substance abuse, and mental health. This premise is assumed in the Task Force's recommendations regarding curricula content.

The domestic violence curriculum addresses the sexual abuse of adult victims as a potential part of a pattern of abuse. The curriculum on sexual abuse focuses on child victimization. In defining elements of the two curricula, the Task Force divided them into three major sections:

- Understanding and Recognizing Domestic Violence or Sexual Abuse.
- Evaluations in Dissolution Proceedings.
- How Domestic Violence or Sexual Abuse Impacts Evaluation Recommendations in Dissolution Proceedings.

Under each of these headings are numerous subheadings that identify critical topic areas. For each topic area, the Task Force has set forth the necessary knowledge, analysis, and practical skills that a training curriculum should address.

IV. SEXUAL ABUSE TRAINING CURRICULUM

A. GUIDING PRINCIPLES FOR THE LEARNING OBJECTIVES OF THE SEXUAL ABUSE TRAINING CURRICULUM

1. The best interests of the children should be the central consideration in any professional's mind when providing advice and information.
2. When a person makes the choice to sexually abuse a child, it is harmful to the child and the rest of the family.
3. Considerations regarding child safety and victim safety should take precedence in any evaluation and in any recommendations regarding residential time, exchanges, decision making and parenting plans.

4. Evaluators must always be alert to the possibility of sexual abuse of children throughout the evaluation process. Evaluators should consistently utilize processes reflective of best practices to assist in identifying sexual abuse.
5. When sexual abuse is identified in the course of an evaluation, it must be responded to appropriately. This includes satisfying any mandatory reporting requirements. It also includes assessing the impact of the sexual abuse on the child, the non-perpetrating parent(s), and any other children in the home, as well as gauging the perpetrator's parenting and caretaking capacity in light of the abuse.
6. Evaluators must have a full understanding of the depth and breadth of sexual abuse and its ongoing impact on child victims and secondary victims in the family.
7. Because evaluators in dissolution and parenting plan proceedings have such a profound impact upon the lives of children and their parents, they must operate with the highest possible standards of professionalism, fairness, and ethical responsibility.

B. OUTLINE OF TOPICS FOR CURRICULUM

1. Understanding and Recognizing Sexual Abuse in Children

(a) Definition of sexual abuse

Knowledge:

- Definition of sexual abuse, including the many types of victimization which occur any time a person is coerced or manipulated into any unwanted sexual activity.
- Difference between criminal, civil and behavioral definitions, and why attending to the broader behavioral definition is critical to addressing best interests of the children.
- Understanding that sexual violence is a learned and chosen behavior motivated by the need to control, humiliate, and harm, and violates a person's trust and feeling of safety.

Analysis:

- Ability to:
 - distinguish between behavioral and legally actionable sexual abuse.
 - understand the difficulty in proving sexual abuse claims in the legal system.

- understand relationship of past sexual abuse to future parenting arrangements.

Skill:

- Ability to:
 - assess prior knowledge about sexual abuse and articulate any differences between prior understanding and definition presented in training.
 - discuss sexual abuse in hypothetical interviews and practice conversations.
 - comfortably speak and interview using words, phrases and terms often used in describing sexual abuse.
 - convey a full understanding of behavioral definition of sexual abuse including the broad spectrum of ways that a person may be violated.

(b) Incidence and prevalence

Knowledge

- Overview of research of sexual abuse on children as it relates to incidence and prevalence of victims and perpetrators.
- Understanding of the dynamics of child sexual abuse, who the victims are, who the perpetrators are, and stranger and known assailant rates.
- Understanding of same-sex sexual abuse.

Analysis:

- Ability to use general knowledge about sexual abuse dynamics and apply it to make informed assessments about behavior that may indicate sexual abuse.
- Recognition of high prevalence of child sexual abuse and low reporting and disclosure rates.

Skill:

- Ability to:
 - understand and synthesize the research on sexual victimization of children.
 - recognize dynamics and common patterns of child sexual abuse.

(c) Identification and assessment

Knowledge:

- Understanding of:
 - the importance of routine screening for sexual abuse and why this is critical to children's best interests regarding parenting arrangements.
 - wide range of behaviors that constitute sexual abuse used by abusers.
 - assessment techniques to identify sexual abuse of children.

- grooming and other tactics used to manipulate and coerce children into sexual activity.

Analysis:

- Ability to sensitively screen for sexual abuse.
- Identify instances when sexual abuse may be present even though it has not yet been reported or disclosed.
- Recognize the difficulty victims have in disclosing sexual abuse.

Skill:

- Ability to:
 - practice identifying sexual abuse in realistic hypothetical situations.
 - practice interviewing techniques that allow for disclosure of sexual abuse, particularly when abuse is not a presenting issue or initially disclosed.
 - apply the research and information about child sexual abuse dynamics to hypothetical practice assessments and incorporate this knowledge into evaluations.

(d) Child development information

Knowledge:

- Understanding of:
 - child development and how children of different ages may behave in response to sexual abuse victimization.
 - how developmental ability impacts how different children may behave in response to sexual abuse victimization.
 - how family dynamics and conflict impact a child's response to sexual victimization.
 - risk factors for child sexual abuse.

Analysis:

- Ability to identify when collaboration with other professionals is appropriate.
- Recognition that obtaining sensitive information from young children may require a mental health clinician with a background in child development and child psychology and up-to-date training on appropriate interviewing techniques.
- Ability to factor in children's age and developmental ability when interviewing, seeking information and making recommendations.
- Ability to factor in family dynamics and the impact of family conflict when interviewing, seeking information and making recommendations.

Skill:

- Ability to:
 - seek consultation or collaborate with other professionals when appropriate.
 - accurately convey an understanding of child development.
 - sensitively interview children and the ability to adjust information-gathering techniques based on a child's age and developmental level.
 - incorporate the age and developmental ability of a child when assessing sexual abuse and making recommendations.
 - incorporate understanding of the impact of family conflict on children of various ages when assessing abuse and making recommendations.

(e) Recognizing sexual abuse in children

Knowledge:

- Understanding of behavioral indicators of sexual abuse in children.
- Understanding how these behaviors exhibit at various ages.
- Full knowledge of tactics that perpetrators use to coerce and manipulate child victims of sexual abuse.
- Understanding how sexual victimization impacts children.
- Understanding of trauma stages and how behavior indicators of sexual abuse may change over time.

Analysis:

- Recognition of certain behaviors as indicators of possible sexual abuse.
- Ability to assess how behavioral indicators of sexual abuse exhibit at different ages and developmental levels.
- Ability to recognize possible behavioral indicators of child victims of sexual abuse from information gathered from collateral sources.
- Ability to assess parents' understanding of children's behavior that may be the result of sexual abuse.

Skill:

- Ability to:
 - recognize behavioral indicators of possible sexual abuse in children at various ages and developmental abilities.
 - interview parents and collateral sources.
 - sensitively interview children in a developmentally appropriate manner.
 - recognize behavioral indicators of sexual abuse from information gathered from collateral sources, parents and children.
 - appropriately incorporate and explain behavioral indicators in evaluations and recommendations.

(f) Counter-intuitive responses of child sexual abuse victims

Knowledge:

- Understanding of child sexual abuse accommodation syndrome, a pattern that commonly occurs as children attempt to cope with sexual abuse.
- Full knowledge of responses that child sexual abuse victims may exhibit, including those that may appear counter-intuitive to those who are not trained.
- Understanding of non-reporting of sexual abuse by child victims.
- Understanding of delayed, conflicted and unconvincing disclosure and retraction by child sexual abuse victims.
- Understanding of substance abuse and running away as coping mechanisms by child sexual abuse victims.
- Understanding of sexualized behavior by child sexual abuse victims.

Analysis:

- Ability to:
 - assess behavioral responses which may be the result of sexual abuse.
 - identify responses, including counter-intuitive responses, of child sexual abuse victims.

Skill:

- Ability to:
 - convey full understanding of child sexual abuse accommodation syndrome.
 - interview children in a developmentally appropriate manner that overcomes the tendency for victims to cope through secrecy or avoidance and leads to information being provided.
 - incorporate knowledge of counter-intuitive responses of child sexual abuse victims when faced with non-reporting; delayed, conflicting or unconvincing disclosure; or retraction.
 - incorporate knowledge of counter-intuitive responses of child sexual abuse victims when faced with substance abuse issues, running away, truancy or sexualized behavior.
 - accurately explain counter-intuitive responses of child sexual abuse victims orally and in writing.
 - incorporate knowledge of counter-intuitive responses to sexual victimization into an evaluation and recommendations when applicable.

(g) Impacts of sexual abuse in children

Knowledge:

- Understanding of the immediate impacts of trauma experienced by a child sexual abuse victim.

- Understanding of the longer-term consequences when sexually abused children do not receive intervention, support and treatment.
- Understanding how sexual abuse interferes with developmental stages of children.

Analysis:

- Ability to:
 - assess behavior that may be the result of recent sexual abuse.
 - recognize longer-term impacts when sexually abused children do not receive intervention, support, and treatment.
 - assess information from parents or other sources that may identify immediate and long-term impacts of sexual victimization of children.

Skill:

- Ability in hypothetical situations to demonstrate recognition of behavior that may indicate recent sexual abuse.
- Ability in hypothetical situations to demonstrate recognition of long-term consequences when sexually abused children have not received intervention, support and treatment.
- Ability to effectively interview children in a developmentally- and age-appropriate manner to identify both short and long-term impacts of sexual victimization.
- Ability to effectively interview parents and collateral sources to identify both short and long-term impacts of sexual victimization of children.

2. Evaluations in Dissolution Proceedings

(a) Role of evaluators and other professionals in dissolution and parenting plan proceedings

Knowledge:

- Definitions of evaluators and professionals involved in dissolution and parenting plan proceedings.
- Definition of a parenting plan and the required or recommended elements.
- Understanding of the purpose of the parenting plan.

Analysis:

- Ability to:
 - distinguish own role from others involved.
 - recognize when parties are acting outside their role.

Skill:

- Ability to:
 - negotiate with others to act or return to role.
 - perform duties within boundaries of the role.

(b) Ethics for evaluators: dual relationships with attorneys, self referrals, child abuse reporting, limits of confidentiality, and referrals to supplemental evaluators

Knowledge:

- Confidentiality requirements and limits to confidentiality.
- Disclosure requirements.
- Procedures for above.
- Policy regarding referrals for services.
- Mandatory reporting laws.
- Policies and procedures regarding reporting.
- Definition of supplemental evaluators.
- Resource list of supplemental evaluators.
- Policies and procedures regarding making referrals to supplemental evaluators.

Analysis:

- Ability to:
 - recognize ethical issues in referrals.
 - discern ethical questions.
 - identify ethical implications for actions proposed.
 - recognition of when others may be approaching an ethical dilemma.

Skill:

- Ability to:
 - work within appropriate role boundaries.
 - seek consultation when faced with ethical questions.
 - address ethical issues when others are acting outside that standard.

(c) Information that should be given to parties at the start of the process regarding scope, confidentiality and child abuse reporting

Knowledge:

- Full working knowledge of:
 - dissolution process.
 - legislative requirements of parenting plan.
 - applicable confidentiality statutes.
 - child abuse reporting statutes.
 - policy and procedures regarding dissolution process.
 - policy and procedure requirements for parenting plan.
 - applicable confidentiality policy and procedures.
 - child abuse reporting policies and procedures.

Analysis:

- Ability to:
 - recognize situations when statutes, policies, and procedures should guide a particular action.
 - identify relevant statutes, policies, and procedures.

Skill:

- Ability to:
 - present clear, accurate, and timely information to the parties involved.
 - explain legal and ethical boundaries, requirements, and processes.
 - act in compliance with statutes, policies, and procedures involving confidentiality and child abuse reporting.

(d) Information gathering

Knowledge:

- Sources of available and applicable information.
- What information is relevant, valuable, and appropriate.
- Importance of collateral interviews, even though not admissible in court.
- Confidentiality statutes, policies, and guidelines.
- Policies and procedures for release of information.

Analysis:

- Judgment regarding appropriate and useful information.
- Judgment regarding appropriate and useful sources of information.
- What information may fall within child abuse reporting requirements.
- When to require release of information.
- What information may be guarded by confidentiality statutes, policies, or procedures.

Skill:

- Ability to:
 - search official documents, data bases, and other resources.
 - establish rapport quickly.
 - communicate clearly.
 - be non-judgmental in interviewing and seeking information.
 - comply with legal document requirements.
 - convey the complexity, fullness, and depth of information and the impact of the experience.
 - respond to interviewee's distress and responses to the trauma experienced.
 - keep information confidential.

(e) Access to information and the need for waivers or releases

Knowledge:

- Policies and procedures regarding waivers and releases.
- Statutes which govern confidentiality of information.

Analysis:

- Identification of instances where requests for information may require a waiver or release.
- Judgment about when a waiver or release is appropriate.

Skill:

- Ability to:
 - clearly explain the purpose and need for a waiver or release.
 - complete appropriate waiver or release forms.
 - keep accurate records of releases or waivers.

(f) Cultural competency and interpretation of language and need for certified interpreter

Knowledge:

- Definition of cultural competency and understanding of its relevance.
- Theoretical framework of purpose of cultural competence.
- Research regarding the cultural needs of children and racial and cultural identify formation.
- Differing family and societal frameworks within various cultural groups relative to family, children, and divorce.
- Resources for cultural competency learning, guidance, and consultation.
- Definition of Washington State court certified language interpretation.
- Mechanics of interpretation.
- Cultural aspects of using American Sign Language interpreters.
- Resources for obtaining Washington court certified interpreters.

Analysis:

- Ability to:
 - determine when cultural factors may be part of people's responses, questions, and actions.
 - consider cultural context when interviewing, seeking information, and making recommendations.
 - consider social and legal context (i.e., parties' or collateral contacts' fears regarding immigration status and deportation, lack of information about the U.S. legal system and racial bias) when interviewing, seeking information, and making recommendations.

- identify instances when obtaining information may be compromised without efforts to increase safety regarding immigration status and language access for informants.
- think reflectively about one's own biases.
- recognize when others may be acting from cultural or racial bias.

Skill:

- Ability to:
 - recognize preexisting beliefs about a culture.
 - recognize and generate processes to obtain information while decreasing and minimizing the impact of power imbalances, given societal norms, including use of immigration system, fear of deportation, unfamiliarity with U.S. legal system, and racial bias.
 - determine what language parties and witnesses are most comfortable speaking and provide interpreters when appropriate.
 - forego classifying, labeling persons with cultural misinformation, or assuming the evaluator's worldview is the norm.
 - accurately and respectfully convey an understanding of an commitment to cultural competency.
 - match cultural needs with available resources.
 - act in a culturally competent, respectful and supportive manner.

3. How Sexual Abuse Impacts Evaluation Recommendations in Dissolution Proceedings

(a) Documentation of information regarding sexual abuse

Knowledge:

- Full understanding of laws relevant to child sexual abuse, residential time, and parenting evaluations.
- What courts need to make a determination of sexual abuse.
- Expectations of the court regarding documentation.
- Forms to be submitted to the court.
- The policies and procedures regarding writing and reviewing of reports.
- Full working knowledge of how to document information regarding sexual abuse.
- Disclosure of information, confidentiality, and mandatory reporting policies, procedures and forms.

Analysis:

- Assessment of adequacy of information to include in the report.
- Judgment of what information is applicable.

Skill:

- Ability to:
 - write clearly and accurately describe the experience of children.
 - maintain accurate records of reports, interviews, and other materials used in developing reports.
 - organize.

(b) Assess impact of sexual abuse on the parties

Knowledge:

- Full knowledge of sexual abuse dynamics.
- Impacts of sexual abuse on adults.
- Impacts of sexual abuse on adults abused as children.
- Impacts of sexual abuse on children.
- Depth of understanding of children's developmental stages.
- Depth of understanding of how sexual abuse interferes with developmental states of children.
- Full working knowledge of how to work with victims of sexual abuse.
- Confidentiality requirements.
- Mandatory reporting.
- Trauma stages.

Analysis:

- Assess behavior that may be the result of sexual abuse.
- Assess parents' understanding of children's behavior which may be the result of sexual abuse.
- Assess parents' support for children who have disclosed sexual abuse.
- Assess parental skill in helping children cope and recover from sexual abuse.
- Assess parental knowledge and understanding of sexual abuse.
- Assess parent's belief of children who have disclosed sexual abuse.
- Disclosure requirements.

Skill:

- Ability to:
 - recognize behavior that may indicate sexual abuse.
 - build rapport with children quickly and naturally.
 - interview children in an age appropriate manner.
 - interview parents.
 - determine appropriate questions.
 - respond to trauma of victims.

(c) Making proper use of information identified in evaluation

Knowledge:

- Courts' expectations regarding reports.
- How information is used in court.

Analysis:

- Ability to:
 - exercise judgment.
 - identify pertinent information.
 - recognize useful and appropriate information.
 - synthesize information while maintaining best interests of children.

(d) Creating safety for victims and children in responses and recommendations

Knowledge:

- Definition of safety for victims and children.
- Resources available to ensure safety of victims and children.
- Knowledge of different safety needs for adults and children.
- Understand purpose of responses and recommendations.
- Knowledge of services available.

Analysis:

- Recognition of safety concerns based on responses and recommendations.
- Appropriate planning to ensure viable safety plans.

Skill:

- Ability to:
 - explain responses and recommendations.
 - explain safety plan to parents and children.
 - provide clear and concise recommendations and responses.
 - support parties based on recommendations and responses.
 - identify safe and unsafe responses and recommendations and how to handle conflict.
 - refer victims to services.

(e) Making use of information and assessments to create good recommendations for safe contact with children (supervised, unsupervised, residential time, and decision-making)

Knowledge:

- Definition of good recommendation.

- Policies and procedures for creating recommendations.
- Definition of safe contact with children (supervised, unsupervised, residential time, and decision-making).
- Understanding of safe types of contact with children (supervised, unsupervised, residential time, and decision-making).

Analysis:

- Ability to:
 - synthesize information.
 - make appropriate judgments regarding safe contact with children.
 - explain recommendations to parties.

Skill:

- Ability to:
 - synthesize information and assessments in recommendations.
 - recommend exchanges that ensure safety.
 - write clear and concise recommendations.
 - explain in the best interests of the child.

(f) Parenting plan provision for safe exchange of children

Knowledge:

- Full working knowledge of:
 - safe exchange requirements and protocols.
 - parenting plans.
 - developmental stages of children and appropriate contact with children.
 - patterns of behavior and manipulation.

Analysis:

- Ability to:
 - effectively assess parents' situations.
 - recommend safe exchange plan.
 - recognize patterns of behavior and manipulation.

Skill:

- Ability to write safe exchange recommendations.
- Ability to coordinate safe exchange.
- Ability to explain recommendations and obtain agreement regarding the best interests of the child.

(g) Appropriateness of recommendations for service to address issues

Knowledge:

- Definition of appropriate recommendations given age and issues presented.
- Awareness of issues associated with recommendations.
- Working knowledge of services available.
- Policies and procedures for referring parents, children and individuals to services.

Analysis:

- Ability to:
 - communicate recommendations to parties.
 - identify issues related to recommendations.
 - match services with need.

Skill:

- Ability to:
 - connect parties with appropriate services.
 - support parents, children, and individuals seeking services.

V. DOMESTIC VIOLENCE TRAINING CURRICULUM

A. CURRICULUM ELEMENTS AND TEACHING GOALS

1. The best interests of the children should be the central consideration in any professional's mind when providing advice and information.
2. When a person makes the choice to abuse a child's parent or other adult, it is harmful to the child and the rest of the family.
3. Child safety and adult domestic violence victim safety should take precedence in any evaluation and in any recommendations regarding residential time, exchanges, decision making, and parenting plans.
4. Evaluators must always be alert to the possibility of sexual abuse and domestic violence throughout the evaluation process. Evaluators should consistently utilize processes reflective of best practices to assist in identifying domestic violence and sexual abuse perpetrated by one adult intimate partner against the other.

5. When domestic violence or sexual abuse is identified in the course of an evaluation, it must be responded to appropriately within the context of the evaluator's duties. To gauge appropriate response, evaluators must assess the impact of domestic violence or sexual abuse on the adult victim and the children. Evaluators should also understand how domestic violence or sexual abuse against one's intimate partner bears upon parenting, judgment and capacity.
6. Evaluators must understand the depth and breadth of domestic violence and sexual abuse and the ongoing impact it has on children and adult victims.
7. Because evaluators in dissolution and parenting plan proceedings have such a profound impact upon the lives of children and their parents, they must operate with the highest possible standards of professionalism, fairness and ethical responsibility.

B. OUTLINE OF TOPICS FOR CURRICULUM

1. Understanding and Recognizing Domestic Violence

(a) Definition of domestic violence

Knowledge:

- Behavioral definition: A pattern of abusive and coercive behavior including physical, psychological, and sexual attacks as well as economic control perpetrated against an intimate partner. Domestic violence is learned and is a chosen behavior.
- Difference between legal definitions (criminal and civil) and the behavioral definition.
- Why the behavioral definition is critical to understanding the impact of abusive behavior on the family and addressing the best interests of the children.
- Information regarding separation violence, escalation and continued control efforts.
- Research regarding post separation violence, and particularly its impact on children.
- How to tell if the abuse has ended.

Analysis:

- Understanding that domestic violence perpetrators are responsible for domestic violence.

- Distinguishing between particular incidents of physical violence (i.e., a slap), inappropriate verbal behavior (name-calling) and a pattern of abusive actions that aim to increase coercive control.
- Understanding of relevance of past domestic violence to future parenting arrangements.
- Understanding of how child safety and well-being are connected to adult domestic violence victim safety.

Skill:

- Ability to:
 - assess one's own prior knowledge about domestic violence.
 - recognize a pattern of abuse in realistic hypothetical situations.
 - distinguish between behavioral and legally actionable abuse.
 - sensitively discuss domestic violence in hypothetical interviews and practice conversations.
 - identify and distinguish between coercive controlling behavior and other dysfunctional behavior or violence that does not result in control.

(b) Definition of sexual abuse of adults

Knowledge:

- Range of types of victimization with common thread of coercion or manipulation into any unwanted sexual activity.
- Sexual abuse is not about sex; it is about exerting power and control over another person.
- Research regarding planned nature of crime and lack of victim provocation.
- Difference between criminal, civil and behavioral definition; why attending to the broader behavioral definition is critical to addressing the best interests of the children.
- Motivations of perpetrators of sexual abuse.
- Impact on victims.

Analysis:

- How to consider prior sexual abuse in future parenting arrangements.
- Understanding the full impact of sexual abuse on victims and secondary victims in the family.
- How to tell when or if the sexual abuse has ended.

Skill:

- Ability to:
 - assess prior knowledge about sexual abuse.
 - identify and assess sexual abuse in hypothetical interviews or conversations.
 - interview effectively regarding sexual abuse.
 - distinguish between behavioral and legally actionable abuse.

- assess claims of sexual abuse that are not documented through criminal justice reports or convictions.
- sensitively discuss sexual abuse in hypothetical interviews.

(c) Incidence and prevalence of sexual abuse

Knowledge:

- Overview of research of sexual abuse as it relates to incidence and prevalence.
- Recognition of high prevalence of sexual abuse and sexual coercion in the context of intimate relationships.
- Research regarding false allegations of rape.
- Gender and sexual abuse victimization.
- Research regarding victim relationship to attacker in both adult and juvenile populations.
- Victim demographics.
- Recognition of same-sex sexual abuse.

Analysis:

- Judgment of sexual abuse in the context of intimate relationships.

Skill:

- Ability to:
 - synthesize and critically assess the value of research regarding adult sexual abuse.
 - recognize common patterns of sexual abuse perpetration and victimization.
 - discern whether the configuration of victim and abuser in a case is atypical or typical.

(d) Incidence and prevalence of domestic violence

Knowledge:

- Overview of research regarding incidence and prevalence of domestic violence.
- Demographics regarding victims and perpetrators.
- Debates within the research field about how to measure and identify domestic violence and how this shapes research findings.
- Research regarding tools for identification of same-sex domestic violence.
- Research findings regarding the high correlation of domestic violence with child abuse and neglect.
- Research regarding domestic violence perpetrators' parenting, especially regarding physical and sexual abuse, as well as ability to co-parent.

Analysis:

- Judgment regarding debates on gender symmetry and asymmetry including understanding of the strengths and limitations of studies relying exclusively on the Conflict Tactics Scale.

Skill:

- Ability to:
 - synthesize and critically assess the value of research regarding domestic violence.
 - recognize common patterns of domestic violence perpetration and victimization.
 - discern whether the configuration of the victim and abuser in a case is atypical or typical.

(e) Identification and assessment

Knowledge:

- Importance of a consistent, sensitive, and deliberate process in identifying domestic violence and sexual abuse throughout the evaluation.
- Connection between identifying domestic violence and identifying children's best interests.
- The range of tactics used by domestic violence abusers.
- Using best practice and evidence based tools for identification and assessment of abusive tactics and their impact on the perpetrator, adult victim, and children.
- Safety considerations in domestic violence screening and assessment.
- Understanding of the variety of ways abuse may manifest in the context of an evaluation.
- Understanding of why victims may be afraid to disclose abuse.
- Potential impact of abusive behavior by domestic violence perpetrator on children.
- Research regarding post-separation abuse and risks posed to children and adult victims by domestic violence abusers.
- Community and institutional responses to domestic violence perpetration or victimization, and the impact on domestic violence perpetrators, victims and children.

Analysis:

- Discern impact of abuse on children as well as each parent and implications for parenting arrangements.
- Judgment regarding children's normal responses to domestic violence abusers, especially in context of allegations of estrangement.
- Judgment regarding what constitutes domestic violence.

Skill:

- Ability to:
 - use the domestic violence assessment tool.
 - anticipate safety issues and plan for safety around the evaluation process with domestic violence victims and their children.
 - apply research and information about domestic violence to hypothetical practice assessments.
 - recognize contextual factors that may reduce or increase the abuser's ability and choice to exercise coercive controls.
 - recognize domestic abuse in varied situations.

(f) Distinguishing domestic violence from other forms of physical violence or dysfunction

Knowledge:

- The difference between domestic violence and other forms of physical violence in relationships that do not have a controlling, coercive function in relationship.
- Models and conceptual tools for evaluating domestic violence, self-defense and non-coercive physical violence.
- Approaches to accurately identifying the domestic violence perpetrator and domestic violence victim.
- Obligation to make accurate assessments based on best available information.

Analysis:

- Insight regarding negative consequences of misidentification of domestic violence.
- Judgment to distinguish between pattern of domestic violence and other dysfunctional behaviors.

Skill:

- Ability to distinguish between dysfunctional relationships, individual incidents of physical violence, and patterned behavior of domestic violence as defined in the behavioral definition.

(g) Victim behavior

Knowledge:

- How victims cope with domestic violence.
- Barriers to leaving and escape for domestic violence victims.
- Barriers to revealing abuse.
- What evaluators can do to build the victim's confidence in the process of evaluation, and to protect the victim's safety.

- How victims seek to protect their children from domestic violence and abuse.
- Effects of the abuser's behavior on the victim's parenting.

Analysis:

- Distinguish between behaviors caused by response to battering versus behaviors independent of abuse.
- Recognition of barriers faced by domestic violence victims to leaving, including institutional failures to interrupt abuse as well as the abuser's tactics.
- Judgment regarding the ways in which the domestic violence victim's parenting is complicated and undermined by domestic violence abuse.
- Recognition of the domestic violence victim's survival focused behavior.

Skill:

- Ability to:
 - discern and articulate strategies victim has used to protect children from domestic violence.
 - discern and articulate victim's coping strategies.
 - recognize own biases about domestic violence victims and make decisions independent of these.
 - describe a history of domestic violence within the relationship, and its impact on victim and children without being pejorative about the domestic violence victim's choices and coping mechanisms.

(h) Perpetrator behavior

Knowledge:

- Research regarding identification of domestic violence perpetrators and their ability to function outside their families.
- Domestic violence perpetrator goals.
- Common strategies used by abusers to control their partners.
- Common elements of domestic violence perpetrator behavior.
- Risk of abuse after a physical separation or change in legal status.
- Research regarding domestic violence perpetrators as fathers.

Analysis:

- Judgment regarding accusations of estrangement.

Skill:

- Ability to:
 - interview abusers regarding their behavior.
 - identify abusive tactic and their connection to coercive control in hypothetical cases and to articulate these in writing.
 - identify the impact of abuse on parenting abilities and discern abuser's ability to set own needs aside to meet needs of children.

- write recommendations that incorporate understanding of perpetrator behavior and need for victim safety.

2. *Evaluations in Dissolution Proceedings*

(a) Role of evaluators and other professionals in dissolution and parenting plan proceedings

Knowledge:

- Definitions of evaluators and professionals involved in dissolution and parenting plan proceedings.
- Definition of parenting plan and the required or recommended elements.
- Understanding of the purpose of the parenting plan.

Analysis:

- Ability to:
 - distinguish one's own role from others involved.
 - recognize when parties are acting outside their roles.

Skill:

- Ability to:
 - negotiate with others to act or return to role.
 - perform duties within boundaries of the role.

(b) Ethics for evaluators: dual relationships with attorneys, self-referrals, child abuse reporting, limits of confidentiality, and referrals to supplemental evaluators

Knowledge:

- Confidentiality requirements and limits of confidentiality.
- Disclosure requirements.
- Confidentiality and disclosure procedures.
- Policies regarding referrals for services.
- Mandatory reporting laws.
- Policies and procedures regarding reporting.
- Definition of supplemental evaluators.
- Resource list of supplemental evaluators.
- Policies and procedures regarding making referrals to supplemental evaluators.

Analysis:

- Recognition of ethical issues in referrals.
- Ability to discern ethical questions.

- Identification of ethical implications for actions proposed.
- Recognition of when others are involved in ethical dilemmas.

Skill:

- Ability to:
 - work within appropriate role boundaries.
 - seek consultation when faced with ethical questions.
 - address ethical issues when others are acting outside that standard.

(c) Information that should be given to parties at the start of the process regarding scope, confidentiality and child abuse reporting

Knowledge:

- Full working knowledge of:
 - dissolution process.
 - parenting plan requirements.
 - applicable confidentiality statutes.
 - child abuse reporting statutes.
 - policies and procedures regarding dissolution process.
 - parenting plan policies and procedures.
 - applicable confidentiality policies and procedures.
 - child abuse reporting policies and procedures.

Analysis:

- Recognition of situations when statutes, policies, or procedures should guide a particular action.
- Identification of relevant statutes, policies, or procedures.

Skill:

- Ability to:
 - present clear, accurate, and timely information to the parties involved.
 - explain legal and ethical boundaries, requirements, and processes.
 - comply with statutes, policies, or procedures involving confidentiality, and child abuse reporting.

(d) Information gathering

Knowledge:

- Sources of available and applicable information.
- What information is relevant, valuable, and appropriate.
- Importance of collateral interviews, even if not admissible.
- Confidentiality statutes, policies, and guidelines.
- Release of information policies and procedures.

Analysis:

- Judgment regarding appropriate and useful information.
- Judgment regarding appropriate and useful sources of information.
- What information may fall within child abuse reporting requirements.
- When to seek release of information.
- What information may be guarded by confidentiality statutes, policies, or procedures.

Skill:

- Ability to:
 - search official documents, databases, and other resources.
 - establish rapport quickly.
 - communicate clearly.
 - be non-judgmental in interviewing and seeking information.
 - process information and comply with legal requirements.
 - convey the impact of the experience and the complexity, fullness, and depth of information in legal documents.
 - respond to interviewee's distress and responses to the trauma experienced.
 - keep information confidential.

(e) Access to information and the need for waivers and releases

Knowledge:

- Policies and procedures regarding waivers and releases.
- Statutes that govern confidentiality of information.

Analysis:

- Identification of instances where requests for information may require a waiver or release.
- Judgment about when a waiver or release is appropriate.

Skill:

- Ability to:
 - clearly explain the purpose and need for a waiver or release.
 - accurately fill out or complete appropriate waiver or release forms.
 - keep accurate records of releases or waivers.

(f) Assessing for lethality

Knowledge:

- Statistics and research on the correlation between child fatalities and domestic violence.
- Importance of assessing for lethality with domestic violence victim and perpetrator.

- Assessment tools such as Jacqueline Campbell’s research.
- Research and information regarding identifying risk of actions that led to the death of a child not preceded by child abuse in custody cases.
- What can minimize lethality risks by creating safe contact with potentially lethal abusers: Is it possible and under what circumstances?

Analysis:

- Judgment regarding risk of lethality to domestic violence victims and to children.
- Ethical obligations and duty to warn of potentially lethal behavior.

Skill:

- Ability to:
 - recognize lethality indicators.
 - recognize when an ethical duty exists to warn a domestic violence victim of homicidal danger from the perpetrator.
 - sensitively and effectively discuss lethality issues with domestic violence victims.
 - provide safety planning with domestic violence victims and children when high lethality is indicated.

*3. How Domestic Violence Impacts Evaluation
Recommendations in Dissolution Proceedings*

**(a) Assess impacts of domestic violence on
parenting abilities**

Knowledge:

- Risks of harm to children by domestic violence perpetrators.
- Assessing impact of perpetrator’s choice to abuse on perpetrator’s parenting abilities.
- Assessing impact of perpetrator’s abuse on domestic violence victim’s parenting abilities.
- Familiarity with research regarding post-separation violence, and ability to assess domestic violence perpetrator’s likelihood to continue with abusive behavior post-separation.

Analysis:

- Recognize when a perpetrator is unable to set aside own needs and the choice to abuse, in order to act as a nurturing parent.
- Recognize impacts of perpetrator behavior on victim’s and perpetrator’s parenting.
- Distinguish between deficits in parenting likely to be healed or rectified post-separation and those which are unlikely to change.

Skill:

- Ability to:
 - use assessment tools.
 - accurately and clearly describe the impact of abuse on all parties.
 - clearly relate information regarding abuse to parenting capacities.
 - integrate information regarding abusive tactics and impacts of abuse into recommendations.

(b) Assess impacts of domestic violence on children

Knowledge:

- Assessment tools for impact.
- Research regarding the range of impacts on children.
- Tactics abusers may use to involve children in the process of abuse.
- Domestic violence abusers as parents.
- Effect of domestic violence abuser actions on domestic violence victim's parenting.
- Understanding of the immediate impacts of trauma experienced by children affected by domestic violence.
- Understanding of the longer-term consequences when children do not receive intervention, support and treatment.
- Understanding how exposure to a parent's abusive behavior can interfere with developmental stages of children.
- Signs of trauma in children.
- Resiliency factors for children affected by domestic violence.

Analysis:

- Assess impact on children.
- Assess behavior, which may be the result of exposure to perpetrator's abuse.
- Assess the domestic violence perpetrator's understanding of the effects of the perpetrator's own actions upon children.
- Assess parents' support for children in recovering from trauma or other impacts of perpetrator's behavior.
- Assess parents' ability and willingness to help children cope and recover from trauma caused by the perpetrator's abusive behavior.

Skill:

- Ability to:
 - effectively interview children in a developmentally and age-appropriate manner to identify both short and long-term impacts of exposure to domestic violence perpetrator's abusive behavior.
 - effectively interview parents and collateral sources to identify both short and long-term impacts of children's exposure or involvement in domestic violence perpetrator's abusive behavior.

- recognize behavior that may be caused by abuse and exposure to abuse.
- write recommendations that incorporate knowledge and create conditions for building children's resiliency.
- write clearly about impact on children.

**(c) Documentation of findings of information
regarding domestic violence**

Knowledge:

- Laws relevant to domestic violence, residential time, and parenting plans.
- Court requirements for a determination of domestic violence.
- Court expectations regarding documentation.
- Forms expected to be used to submit to the court.
- Policies and procedures regarding writing and reviewing of reports.
- Full working knowledge of how to document information regarding domestic and sexual violence.
- Forms and procedures regarding disclosure of information, confidentiality and mandatory reporting.

Analysis:

- Assessment of adequacy of information to include in the report.
- Judgment of what information is applicable.

Skill:

- Ability to:
 - clearly and accurately describe the experiences of adult domestic violence victims and children.
 - document information regarding domestic violence and sexual abuse while at the same time optimizing the safety of the adult victim, children and collateral contacts.
 - maintain accurate records of reports, interviews, and other materials used in developing reports.
 - organize.

**(d) Creating good recommendations for parenting
time and exchanges**

Knowledge:

- Strategies used with children to continue abuse or control of domestic violence victims and the impact on children.
- Definition of safety for domestic violence victims and children.
- Definition of children's best interests.
- Knowledge of different safety needs of adults and children.
- Resources available to adult domestic violence victims and children.

- How to relate recommendations to specific information and make recommendations based on specific information.
- Resources to support safe parenting time and low conflict exchanges.
- Strategies to increase safe parenting time and reduce likelihood of continuing abuse.
- Research about facilitating children's healing after exposure to domestic violence.
- Research about increasing children's resilience to exposure to domestic violence.

Analysis:

- Prioritizing children's and the victim's safety.
- Recognition of safety concerns based on information available.
- Appropriate planning to ensure viable safety plan for children and adult victims.
- Judgment to identify when to recommend no, limited, supervised, or unsupervised parental time.

Skill:

- Ability to:
 - explain recommendations.
 - relate recommendations to specific information.
 - explain concerns about safety and any safety plans to adults and children.
 - incorporate understanding of a perpetrator's tactics and the impact on the victim and children into recommendations to minimize the abuser's ability to use coercive and abusive tactics in the exchange arrangements, parenting time, and decision-making.
 - articulate a clear and reasoned set of recommendations based on the case materials.

(e) Making use of information and assessments to create good recommendations about contact with the child

Knowledge:

- Definition of a good recommendation.
- Policies and procedures for creating recommendations.
- Definition of safe contact with the child, supervision, and decision-making.
- Understanding safe contact with the child, supervision, and decision-making.
- Research on parenting decision making in domestic violence cases.

Analysis:

- Incorporate information and assessments into parenting plan.

- Determine appropriateness of judgments regarding safe contact.
- Incorporate best interests of child into all recommendations.

Skill:

- Ability to:
 - synthesize information and assessments.
 - ensure safe exchanges and contact when making recommendations.
 - write clear and concise recommendations.
 - explain in terms of the best interests of the child.

(f) Safe exchange of children

Knowledge:

- Full working knowledge of:
 - safe exchange requirements and protocols.
 - parenting plans.
 - developmental stages of children and appropriate visitation.
 - perpetrator patterns of behavior and manipulation.

Analysis:

- Ability to:
 - effectively assess parents' situations.
 - recommend a safe exchange plan.
 - recognize patterns of behavior and manipulation.

Skill:

- Ability to:
 - create safe exchange recommendations.
 - coordinate safe exchange with parenting plan.
 - explain recommendations.

(g) Appropriateness of recommendations for services

Knowledge:

- Definition of appropriate recommendations given the child's age and issues presented.
- Awareness of issues associated with recommendations.
- Working knowledge of services available.
- Policies and procedures for service referrals.

Analysis:

- Ability to:
 - identify issues related to recommendations.
 - match services with need.

Skill:

- Ability to:
 - communicate recommendations to parties.
 - connect parties with appropriate services.
 - support parents, children and individuals in seeking services.

(h) Cultural competency and interpretation of language and need for certified interpreters

Knowledge:

- Definition and relevance of cultural competency.
- Theoretical framework of purpose of cultural competence.
- Research regarding the cultural needs of children and racial or cultural identity formation.
- Ability to consider the social and legal context (i.e., parties' or collateral contacts' fears regarding immigration status and deportation, lack of information about the U.S. legal system and racial bias) when interviewing, seeking information, and making recommendations.
- Identification of instances when obtaining information may be compromised without efforts to increase safety regarding immigration status and language access for informants.
- Ability to think reflectively about one's own biases.
- Ability to recognize when others may be acting from cultural or racial bias.
- Differing familial and societal frameworks within various cultural groups relative to family, children and divorce.
- Resources for cultural competency, learning, guidance, and consultation.
- Definition of Washington State court certified language interpreters and mechanics of interpretation.
- Cultural aspects of using American Sign Language interpreters.
- Resources for obtaining Washington court certified interpreters.

Analysis:

- Ability to:
 - recognize preexisting beliefs about a culture.
 - recognize and generate processes to obtain information while decreasing and minimizing the impact of power imbalances, given societal norms, including use of immigration system, fear of deportation, unfamiliarity with the U.S. legal system and racial bias.
 - determine what language parties and witnesses are most comfortable speaking and provide interpreters when appropriate.
 - avoid classifying or labeling persons with cultural stereotypes, or assuming the evaluators' facilities and practices are culturally neutral.
 - determine when cultural factors may be part of a person's responses, questions, and actions.
 - consider cultural context when interviewing, seeking information and making recommendations.

Skill:

- Ability to:
 - convey an understanding of and commitment to cultural competency.
 - match cultural needs with available resources.
 - act in a culturally competent, respectful and supportive manner.

VI. PARENTING EVALUATOR STANDARDS

A. DEFINING PARENTING EVALUATOR

The legislation directs the Task Force to develop statewide protocols for dissolution cases, including developing “consistent standards for parenting evaluators.” 2SSB 5470 §306(1)(b). The terms “parenting evaluator,” “guardian ad litem,” and “family court evaluator” are mistakenly used interchangeably by the public, attorneys, judges and court personnel. The Task Force decided it was important to define the scope of this directive in the legislation. It determined that the intent of 2SSB 5470 was to develop consistent standards for individuals who hold themselves out as parenting evaluators qualified to evaluate the parenting abilities of each parent in a parenting plan proceeding. The members agreed that the legislation did not intend the Task Force to develop standards for individuals who are functioning as guardians ad litem or family court evaluators.

The Task Force made this decision based on several rationales. First, the plain language of the legislation uses the term “parenting evaluator” rather than “guardian ad litem” or “family court evaluator.” Second, there are systems in place to oversee both guardians ad litem and family court evaluators. Those systems may be inadequate, but they do exist.

Washington State Court Rules GALR 1-7 govern guardians ad litem. These rules define the role and authority of a guardian ad litem appointed pursuant to RCW Titles 11, 13 and 26. They also establish minimum standards for guardians ad litem. Finally, the rules require each county in the state to have a grievance procedure for complaints regarding guardians ad litem. All counties in the state appear to use guardians ad litem in family law cases. Most superior courts have local rules describing the grievance procedure and policies regarding the qualifications for placement on the GAL registry. While the rules differ from county to county, there is a system in place for the selection, training, and payment of guardians ad litem.

Similarly, family court evaluators are a part of a court structure that hires, trains, and supervises the individuals who conduct these assessments. Family court evaluators are available only in a few counties that have family court services: King, Snohomish, Clark, and Cowlitz counties. Judges appoint family court

evaluators to evaluate the needs of the children and the ability of each parent to meet the children's needs. In many of these counties family court evaluators serve a similar function to a guardian ad litem; however, they do not have all the powers of a guardian ad litem.

There was a consensus on the Task Force that there is a great need for increased statewide standards and consistency with respect to guardians ad litem and family court evaluators. To that end, it recommends that either the Washington State Legislature or the Board for Judicial Administration develop consistent standards for guardians ad litem and family court evaluators. These standards should include a review of the criteria for becoming a guardian ad litem or family court evaluator, clarification of their roles, standards for fees, funding for counties to provide guardians ad litem or family court evaluators for low-income litigants, continuing education requirements, standards for grievance procedures, and guidelines for conflicts of interest.

Parties in the Puget Sound region, most notably in King County, are increasingly hiring mental health professionals to evaluate the parenting abilities of the parties in family law cases. Since these individuals are not guardians ad litem they are not governed by any established standards or rules, with the exception of psychologists. The Washington State Department of Health (DOH) licenses psychologists. DOH regulations provide standards for psychologists who conduct parenting evaluations (see WAC 246-924-445). WAC 246-924-445 was adopted in 2007, approximately one month after the legislature passed 2SSB 5470. These standards apply only to psychologists and not to other mental health professionals. Further, the DOH regulations are licensing standards and are generally unknown to the courts, attorneys or the public. The Task Force concluded that these regulations provided a significant place to start in developing standards for parenting evaluators.

B. COURT RULES FOR PARENTING EVALUATORS

In the process of discussing how to develop standards for the use of parenting evaluators and evaluations in court, the Task Force considered and rejected the development of a certification system similar to the one established for professional guardians. The cost of establishing this type of public enforcement mechanism did not appear justified for the limited number of professionals that operate throughout the state as parenting evaluators.

The Task Force reviewed model standards for custody and parenting evaluations from the American Psychological Association, the Association of Family and Conciliation Courts, the Oregon Chapter of the National Association of Social Work, as well as custody evaluation standards from several states including Hawaii, New Jersey, Louisiana and Florida. The Task Force determined that court rules modeled after the DOH regulation for psychologists provide the best model for establishing standards for courts in Washington.

The Task Force proposes the following court rules to provide minimum standards for parenting evaluators in family law matters. They should apply to individuals who hold themselves out as parenting evaluators qualified to evaluate the parenting abilities of both parents. They should not apply to family law evaluators or guardians ad litem.

1. Suggested Superior Court Parenting Evaluator Rules (PER)

Rule 1. Scope and Purpose of Rules

These rules apply to parenting evaluators as defined in PER 2(a)(1). These rules do not apply to guardians ad litem or individuals employed by Family Court Services to conduct an evaluation ordered by the court. Family Court Services means a unit or division of a superior court that offers services such as parent seminars, mediation, parenting plan evaluations, domestic violence assessments, and adoption services. The purpose of these rules is to establish a minimum set of standards applicable to all Title 26 RCW superior court cases where a party hires, or the court appoints or orders, a parenting evaluator to perform a parenting evaluation.

Rule 2. General Provisions

a) Definitions.

1. Parenting evaluators shall mean qualified mental health professionals who hold themselves out as parenting evaluators.
2. A parenting evaluation shall mean an impartial evaluation to assess the parent's capacity to meet the psychological and developmental needs of the children. The parenting evaluation process involves a compilation of information and the formulation of opinions and recommendations pertaining to the residential placement or parenting of a child and the dissemination of that information, those opinions and recommendations to the court, to the litigants, to court appointed guardians ad litem, and to the litigants' attorneys.
3. Residential time shall mean the time the child spends with a parent, as provided in the residential schedule of a parenting plan, nonparental custody decree, or other court order under Title 26 RCW.
4. Parenting plan shall mean a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation. In Chapter 26.26 RCW proceedings, a residential schedule (WPF PS 01.0450) may be entered in lieu of a parenting

plan and in those cases the term “residential schedule” shall have the same meaning as parenting plan.

5. Access shall mean in-person contact between a parent and a child, or by means of telephone, texting, e-mail, web-based technology, or standard mail.
6. Advanced knowledge shall mean employing specialized knowledge, with depth in more than one area of the subject matter, to analyze, reformat, and evaluate a wide range of information.
7. Court shall mean any superior court in the state of Washington and all divisions thereof.
8. Judge shall mean a judicial officer of the superior court, including commissioners and judges pro tempore.

b) Minimum qualifications. Parenting evaluators shall have the minimum of a master’s degree in a mental health or social work field that includes formal education and training in the legal, social, familial, and cultural issues involved in residential time decisions and shall be duly licensed. Parenting evaluators shall have a minimum of five years experience working with families and children.

c) Education and training. Parenting evaluators’ formal education and training shall include child development, child and adult psychopathology, interviewing techniques, and family systems. By formal education or supervised work experience, evaluators shall possess advanced knowledge of the complexities of divorce or separation process, a working knowledge of the legal issues in divorce or separation in their jurisdictions, knowledge of the sources of evaluator bias, and methods for maintaining neutrality. Because research and laws pertaining to the fields of dissolution of marriage or domestic partnerships, legal separation, and residential placement are continually changing and advancing, parenting evaluators shall secure ongoing specialized training.

1) Areas of expected substantive training for all parenting evaluators include:

- i. The psychological and developmental needs of children, especially as those needs relate to decisions about parenting responsibilities, including allocation of residential time.
- ii. Family dynamics, including, but not limited to, parent-child relationships, blended families, domestic partnerships, and extended family relationships.

VI. PARENTING EVALUATOR STANDARDS

- iii. The effects of abandonment; separation; divorce; domestic violence; substance abuse; and child maltreatment, including child neglect and child sexual abuse; the effects of relocation; sexual orientation issues; and inter-parental conflict on the psychological and developmental needs of children, adolescents, and adults.
 - iv. The significance of culture and religion.
- 2) With regard to the evaluation process, parenting evaluators shall have training in these areas:
- i. How to screen parties to determine whether domestic violence and limiting factors under RCW 26.09.191 exist.
 - ii. When and how to interview or assess adults, infants, and children.
 - iii. How to gather information from collateral sources.
 - iv. How to collect and assess relevant data and recognize the limits of the reliability and validity of different sources of data.
 - v. How to address issues such as general mental health, medication use, and learning or physical disabilities.
 - vi. How to apply comparable interview, assessment, and testing procedures that meet generally accepted forensic standards.
 - vii. When to consult with or involve additional experts or other appropriate persons.
 - viii. How to inform litigants, children, other participants, and collateral sources of the purpose, nature, and method of the evaluation and limits of confidentiality.
 - ix. How to assess parenting capacity and co-parenting capacity and construct effective parenting plans.
 - x. How to maintain professional neutrality and objectivity when conducting parenting evaluations.
- 3) With regard to the court process, parenting evaluators shall have training in these areas:
- i. The legal context within which residential placement and residential time issues are decided and additional legal and ethical standards to consider when serving as a parenting evaluator.
 - ii. How to write reports for the courts to which they will be presented.

- iii. How to prepare for and give testimony at deposition and trial.
- 4) With regard to statutes and legal precedents, parenting evaluators shall have knowledge in these areas:
- i. The legal and professional standards, laws, and rules applicable to the jurisdiction in which the evaluation is requested.
 - ii. The criteria for original determination of residential placement and for modification of parenting plans.
 - iii. The use of parenting evaluations, qualifications for parenting evaluators, and the legal requirements of the parenting evaluation process of the jurisdictions in which the evaluators will be performing their evaluations.

Comment

In order to identify and assess domestic violence or sexual abuse as a limiting factor, the evaluator must have expertise in: screening for domestic violence and sexual abuse; determining the perpetrator and adult victim; assessing the impact of domestic violence on the adult victim, including but not limited to the victim's parenting; assessing the impact on children; assessing the impact of the domestic violence or sexual abuse on the parenting of the perpetrator; and assessing the risk posed to children by sexual abuse or by domestic violence, which includes but is not limited to detailed descriptions of the pattern of domestic violence, impact on the adult victim, impact on the children, lethality of domestic violence and protective factors. If screening for domestic violence or sexual abuse and other RCW 26.09.191 limiting factors is beyond the scope of the parenting evaluator's expertise, the evaluator should seek an evaluation of the parties by, or should consult with, an expert before conducting the interviews with the parties.

Rule 3. General Responsibilities

Individuals appointed or ordered by the court to conduct a parenting evaluation shall secure from the court reasonably detailed information concerning their role and the purpose and scope of the evaluation. All parenting evaluators shall perform the responsibilities set forth below.

- a) Child's best interests.** A parenting evaluator must focus on the best interests of the child. In the event there is more than one child in the family, these rules apply to each child in the family.

- b) **Limiting factors.** The parenting evaluator shall screen and determine whether limiting factors under RCW 26.09.191 exist.
- c) **Parenting plan factors.** The parenting evaluator shall assess the parents based on the criteria/factors identified in RCW 26.09.184 and RCW 26.09.187(3).
- d) **Discrimination prohibited.** In conducting parenting evaluations, the parenting evaluator shall not discriminate based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis prohibited by law.
- e) **Recommendations.** The parenting evaluator may make recommendations regarding the primary residential parent, shared residential time, decision-making authority, or other variable involving more than one of the parties. If recommendations are made, the parenting evaluation must include an assessment of each of the relevant parties being considered and their ability to function as a parent.
- f) **Limiting factors to be considered in recommendations.** In reaching a conclusion or making a recommendation, the parenting evaluator must consider the existence of limiting factors outlined in RCW 26.09.191. The parenting evaluator shall be familiar with or obtain consultation regarding the psychological aspects of child abuse, domestic violence, substance abuse, sexual abuse and family conflict.
- g) **Multiple sources of information.** Recommendations and conclusions, if any, reached in an evaluation shall be based on information from more than one source and must be supported by the data collected. Before a written report is submitted to the court, the parenting evaluator must have conducted a direct observation of the children with each parent, absent exigent circumstances found by the court. Comparable evaluation techniques shall be used with all parties taking into consideration location, duration, activities, cultural competency, and the presence of other persons.

Sources of information may include:

1. Face-to-face interviews with the parties and or their children.
2. Collateral contact interviews.
3. Written submissions from each party.
4. A review of pleadings.
5. Written input from collateral sources.
6. Written documentation from the parties.
7. Psychological testing of the parties and or their children.

8. A review of relevant records (e.g., school or counseling records, child protective services records and substance abuse evaluations).
9. Prior criminal convictions.
10. Current involvement of law enforcement.

If the parenting evaluator reviews records 8, 9, or 10 above, the evaluator must request the records of both parties. If no records exist for a party, the parenting evaluator shall state in the report that a search was performed and no records were found.

Information from appropriate outside sources, such as pediatricians, therapists, teachers, health care providers, and day-care personnel, shall be obtained where such information is deemed necessary and related to the issues at hand. Prior to the seeking or gathering of such information releases signed by the parents shall be obtained; these releases shall specifically indicate the areas in which the information is sought and limit the use of this information to use by the parenting evaluator in the preparation of the evaluation report.

h) Psychological testing. The parenting evaluator shall obtain the court's approval of psychological testing of the parents or children. Any psychological testing is to be conducted by a licensed or certified psychologist who adheres to the ethical standards of the jurisdiction in which he or she is licensed. If the parenting evaluator uses psychological testing as a part of the evaluation, the parenting evaluator must interpret the test(s) consistently with current research or standards of practice.

i) Restrictions on parenting evaluator activities.

1. Upon appointment a parenting evaluator shall immediately disclose any previous relationship with either parent or the children.
2. A parenting evaluator who has provided therapeutic services to a party shall not perform a parenting evaluation involving that party without court authorization.
3. If the parenting evaluator has a previous or current relationship with either party and this relationship is substantially likely to impair his or her objectivity, the parenting evaluator shall decline the appointment or withdraw. The parenting evaluator shall disclose multiple relationships to the parties or their legal representatives and document the disclosure in the client records.
4. Even if they are qualified to do so, parenting evaluators shall not provide legal advice to those whom they are evaluating

or to others with whom they may interact in the course of an evaluation.

5. Even if they are qualified to do so, a parenting evaluator shall not serve as a guardian ad litem in any case involving a party or child for whom the individual has served as a parenting evaluator.

j) Persons not evaluated. Relevant comments about a person not personally evaluated may be included in the evaluation report if the report clearly identifies the source of the comment and states that the person to which the comment relates was not evaluated by the parenting evaluator.

k) Written records. Parenting evaluators shall maintain a written record of the evaluation. At a minimum, the written record shall include the following:

1. Court order or signed consent from all parties to conduct the evaluation.
2. Written retainer agreement.
3. Appropriate court order or signed authorizations for release of information.
4. Documentation of dates of service, nature of service, and fee charged.
5. A copy of the evaluation report.
6. The information and sources used for the evaluation.

l) Disclosure of information. The parenting evaluator shall disclose the following specific information to the parties in writing at the outset of the evaluation assignment. All requests for records must be processed in accordance with Chapter 70.02 RCW.

1. The entity or individual that has requested the evaluation if it is done at the request of a third party.
2. The entity or individual who is responsible for payment of fees for parenting evaluator services and costs.
3. The fee structure.
4. The entity, agency, or individual who will receive the evaluation report.
5. Limits on confidentiality.
6. General procedures to be followed to conduct the evaluation.

m) Requests for documents. The parenting evaluator shall make available upon request to the parties or their counsel the following:

1. The documents relied upon during the evaluation process.
2. The identity of all collateral contacts.

3. Notes taken during all interviews with the parties or collateral sources. However, if the parenting evaluator believes that the release of information provided by the child or either parent may result in emotional or physical harm to the child, the parenting evaluator may withhold those notes unless directed to do otherwise by the court. The parenting evaluator shall document the reasons for withholding the information in the file.
 4. Dates of evaluation procedures.
 5. All fees and charges.
 6. All correspondence associated with the case.
- n) **Raw data.** The parenting evaluator shall not provide raw test data including test questions, answer sheets, profile scores, computer generated interpretations, or copyrighted materials to others, with the exception that the parenting evaluator may provide this information to another parenting evaluator or another individual who is qualified to interpret it with the proper authorization from a party or the party's counsel. Protected test materials and raw data may be provided as directed by the court.
- o) **Filing report.** If a parenting evaluator has been appointed or ordered by the court to conduct a parenting evaluation, the parenting evaluator shall file a written report with the court and the parties as required by court order no later than ten (10) days prior to a hearing for which a report is required. The report shall be accompanied by a list of documents considered by or brought to the attention of the parenting evaluator and a list of the persons interviewed during the course of the evaluation.
- p) **Limiting factors in report.** Any written report must contain an assessment regarding the existence or nonexistence of RCW 26.09.191 limiting factors and the relevance of these factors to the parenting evaluator's recommendations.

Comment

In Washington State, the standard for determining and allocating parenting responsibilities is the best interests of the child. RCW 26.09.002. Balancing the rights and interests of the parents, or considering what either parent may construe as fair or unfair, are not appropriate standards for parenting evaluators to use when recommending parenting responsibility allocations to the court for inclusion in a parenting plan.

VII. §201 PROGRAM

A. INTRODUCTION

2SSB 5470 establishes a program (§201 Program) for providing services for parties in RCW 26.09 cases. The §201 Program is required if the legislature provides funding, and it must provide services to all parties involved in proceedings under RCW 26.09.

Those proceedings include:

- Dissolutions of marriage, or domestic partnerships.
- Legal separations.
- Declarations regarding validity of marriage or domestic partnerships.
- A separate parenting or child support action, when there has been no prior Washington action regarding the status of the parties or support for the minor child.

1. The Legislative Description of the §201 Program

The legislation requires a petitioner to contact the §201 Program prior to filing a petition unless there is a need for emergency orders. Although the §201 Program is required to assist all parties, a respondent is not required to use the §201 Program unless a victim of domestic violence or child abuse requests mediation under RCW 26.12.016. Minimum components of this §201 Program must include an individual to serve as an initial point of contact for parties filing petitions for dissolutions or legal separations, and screening for referral to services in the areas of domestic violence, child abuse, substance abuse, and mental health.

In general, the §201 Program must inform the parties of the following: courthouse facilitator programs and orientations, alternatives to litigation, and family services available in the community. The §201 Program is to provide assistance to the superior court in these cases, but it is not to provide legal advice. Participation in the §201 Program does not create an attorney-client relationship or a privilege between the individuals providing information and the participants.

2. Tasks Assigned to the Task Force

Section 306 of the legislation requires the Task Force to study issues related to the §201 Program, including, but not limited to:

- Minimum components and extent of the §201 Program.
- Selection of appropriate short screen tools for administering the §201 Program.
- Administration of the §201 Program and the handling of confidential information.

B. MINIMUM COMPONENTS UNDER THE LEGISLATION

1. In-Person Contact

The legislation requires a petitioner to have an in-person contact with the §201 Program prior to filing a petition unless there is a need for emergency orders. Petitioners would need to meet on a walk-in or appointment basis with the §201 Program's staff, and receive referrals and information about alternatives to dissolution, local resources, courthouse facilitators, orientations, and dispute resolution. The §201 Program would also screen for referrals in the areas of domestic violence, child abuse, substance abuse, and mental health.

The §201 Program should complement existing court programs and services. Extensive resource materials, including the Family Law Handbook, should be available. Ideally the §201 Program would have the ability to provide the most pertinent and necessary information to assist families navigating this very difficult experience. The ability to coordinate with other programs and local service providers is critical.

The Task Force considered how the §201 Program would work in different sized counties. The basic level of services must reflect the demographics of the county. Counties with larger populations may have a more diverse population; §201 Program programs in those counties would likely require more multi-lingual materials and interpreters. The number of employees needed for the §201 Program in the larger counties would increase significantly if the §201 Program services are to be provided in a timely and effective manner.

In smaller counties or judicial districts, the number of dissolution filings may not support a full-time employee for the §201 Program position. For example, the Superior Court 2007 Annual Caseload Report indicates that 29 counties had fewer than an average of ten dissolution petitions filed per week. The legislation requires that "an individual" serve as the §201 Program. Requiring personnel to be present at all times and in sufficient capacities to handle the limited number of petitioners in small counties and the significantly larger numbers in large counties would be difficult to accomplish. Full, complete, and continued funding will be necessary given the above considerations.

2. *Screening*

The §201 Program must screen for referrals in the areas of domestic violence, child abuse, substance abuse, and mental health. Although the attempt to identify areas of concern at the beginning of the dissolution process is laudable, designing a process that is both effective and respectful of the rights of the litigant is difficult.

The Task Force recognized that some individuals might not seek the relief afforded by a dissolution if they must first undergo a person-to-person screening about highly sensitive issues. Some Task Force members expressed concern that the person-to-person screening might cause a re-victimization of domestic violence victims. The Task Force reviewed a variety of screening approaches but ultimately determined that it could not recommend person-to-person screening. The negative consequences of person-to-person screening outweigh its benefits.

Instead, the Task Force considered whether a self-executing screening process could satisfy the intent of the legislation. A self-executing screening process should be minimally intrusive and yet accomplish the intent of the legislation as much as possible. A series of questions might allow the petitioner to evaluate the need for services in the various areas of domestic violence, mental health, substance abuse, options to dissolution, and mediation. One very good reason to proceed with the self-evaluation is to avoid confidentiality issues.

However, there is even concern about a self-executing screening process. Preliminary questions to the Washington State Human Rights Commission and research of both state and federal disability and privacy laws have raised concerns that need further investigation.

Screening questions must be appropriate to the context in which they are administered, taking into account their method of delivery, the local resources, the training of the person administering the screen, and the destination of the information unearthed in the screening. The Task Force reviewed several examples of questions used in a variety of contexts across the country, including protection order advocacy and model mediation protocols. The questions were administered by various professionals, including social workers, advocates, psychologists, and mediators.

The Task Force did not find any screening tools administered in programs similar to the §201 Program and is not comfortable with any of the examples reviewed. Generally, the screening tools were too detailed and invasive for the §201 Program as envisioned. The Task Force recognizes that well intentioned, but poorly drafted or inappropriate screening mechanisms can do more harm than good. Therefore, the Task Force strongly recommends that any screening questions be developed by subject matter experts.

Any screening questionnaire should be available at courthouses, libraries, and similar locations. Attorneys should have them to assist their clients. The questionnaire should be available in both paper and electronic forms. The electronic approach has the advantage of eliminating a written document that someone may leave, or show to the staff, which would create concerns about confidentiality.

If the screening is mandatory, there must be access for those who have language, cognitive, or other communication issues. Full and appropriate accommodations will be required in even the most remote areas of the state, regardless of costs or convenience to those administering the §201 Program. The Task Force has no specific suggestions as to how this might be accomplished, but notes that it could be a significant burden.

Not all communities have services available for mental health concerns, domestic violence, and substance abuse problems. When this is the case, the utility of screening for problems in these areas may be questionable. Asking invasive questions when no actual assistance is available may yield a higher cost than any potential benefit.

3. Pre-Filing Requirement

The legislation currently requires the petitioner to certify in the petition that the moving party has met and conferred with the §201 Program prior to the filing of the petition. See 2SSB 5470, §§ 201 (5), 203 (g). The Task Force recommends that the legislation be amended to delete this requirement because there are no sound policy reasons for requiring such a certification.

The Task Force does not believe it is necessary for the petitioner to access the §201 Program prior to the filing of the petition in order to competently navigate a dissolution, or to improve the petitioner's experience in the dissolution process. As discussed Section II. C. of this report, counties currently provide assistance to litigants at various stages of the proceeding. The Task Force supports the dissemination of information about the services and coordination of the various programs, but does not support a mandatory pre-filing conference requirement.

Further, while the pre-filing certification provides no substantial benefit to petitioners, it could be detrimental. Petitioners do not decide to obtain dissolutions lightly, and when that decision is made, petitioners do not file dissolutions in a scheduled and uniform fashion. A petitioner may have only a few minutes in his or her day, or may have only one opportunity over a period of a few weeks to file a petition. Requiring pre-filing certification could unduly delay or serve as a deterrent for such a petitioner in filing a petition. A party will need more than a few minutes to participate in the §201 Program for it to be useful and beneficial.

For those who are learning or physically challenged, the pre-filing certification may result in even longer delays. Such individuals may need assistance to understand the §201 Program's materials. For instance, they may need access to audio or video. In the more populated counties there may be certain times when more people may be requiring audio or video devices than are available. This would result in some petitioners having to come back at a different time to access the devices, or having to file their pre-filing certification and petition after they have accessed the needed devices elsewhere.

Although the Task Force agrees with the legislation's intent for litigants to receive information about court procedures, local family services, and dispute resolution early in the dissolution process, requiring certification of a conference with the §201 Program prior to filing a dissolution will create unnecessary problems with access to the courts. Access to justice is too important a right to be delayed or denied. Thus, the requirement that the petitioner must certify that he or she has met and conferred with the §201 Program prior to filing should be removed.

C. THE TASK FORCE RECOMMENDATIONS: INFORMATION AND REFERRAL SERVICES

The Task Force supports a §201 Program that provides information and referral services to family law litigants. It recommends a §201 Program that emphasizes the delivery of extensive information about the legal process and offers information that facilitates the use of local services.

The Task Force recommends a §201 Program similar to the following: For petitions filed by a self-represented party, the party would be provided information as to the location in the courthouse where the party could access the §201 Program. That location, under the supervision of the Superior Court, would provide private access to a computer, DVD, and other tools for accessing the §201 Program's screening tools and resource information. The DVD would lead the party through the self-screening process in the party's primary language. The information received would include the screening questionnaire in DVD and paper form; statewide resource information as provided by AOC; and local resource information provided by the Superior Court staff person, presumably the court administrator's staff person. The staff person would be available to assist those whose computer skills or physical limitations would require assistance. The party would then have the tools to seek the appropriate resources if the party chooses to do so.

In those instances in which a party is represented by an attorney, the attorney could receive the §201 Program materials on behalf of the attorney's client. For parties submitting petitions by mail, the court can furnish the §201 Program materials by mail, and for parties submitting electronic petitions the §201 Program materials could be provided electronically.

The §201 Program should complement existing court programs and services. Extensive resource materials, including the Family Law Handbook, should be available. Ideally the §201 Program would have the ability to provide the most pertinent and necessary information to assist families navigating this very difficult experience. The ability to coordinate with other programs and local service providers is critical.

1. Printed Information

The AOC Family Law Handbook or other brochures can provide information that applies statewide. In addition, each county would need brochures that describe local procedures and referrals. The preparation and updating of such information is a significant undertaking even in smaller counties, as it is not readily available at one source. King County has some materials, but apparently they are very expensive to prepare and keep current. There is a need for additional funding for printing, particularly where translation into other languages is necessary.

2. Electronic Information

Delivery of most of the information should be via a DVD or video, which would be adapted to be available in multiple languages and sign language. This approach has several advantages. For many people, obtaining information this way is easier, more comfortable, and more familiar than digesting a large amount of reading material. It also provides quality control over the delivery of sensitive information. Standardizing the information allows a more efficient use of time by the §201 Program's staff; everyone gets the same information, and this approach avoids the stigma of asking for a particular kind of service (e.g., substance abuse or mental health). Additionally, such a program provides privacy and gives litigants the opportunity to absorb the information without having to respond to an individual.

The DVD or video could deliver the basic information required by statute, and a locally produced brochure listing local resources could augment this information. The staff could be available either via remote connection or in person to answer any further questions or talk more about local resources.

D. ADMINISTRATION OF THE §201 PROGRAM

The Task Force carefully examined potential sites for the administration of the §201 Program, including the courthouse facilitator, superior courts, county clerks, AOC, or contracts with outside sources such as a social service agency or law firm. The discussions included comparing the advantages and disadvantages of each when considering the following issues:

- Immunity and confidentiality.
- Cost.

- Physical capacity to house the §201 Program.
- Accountability.
- Ability to provide training and adequate service.
- Relationship of the §201 Program to the dissolution process and post-decree modifications.
- A litigant's need for a convenient, secure setting that is readily available.

The Task Force has concluded that the responsibility for administering the §201 Program should be placed with the superior courts of the state. The Task Force considered placing the §201 Program under the auspices of the county clerks or courthouse facilitators. There appeared to be conflict by placing the §201 Program under the auspices of either of these entities. The superior courts are the appropriate and logical choice because:

- The legislation provides in §201 (1)(g) that the §201 Program will provide “assistance to the court in superior court cases filed under chapter 26.09 RCW.”
- Subsection 4 of §201 provides that the “persons who implement the §201 Program shall be appointed in the same manner as investigators, stenographers, and clerks as described in RCW 26.12.050.”
- RCW 26.12.050 gives the authority to the superior courts.
- Superior courts provide the most protection for confidentiality and immunity.

E. COSTS

The §201 Program must provide an appropriate level of service that reflects the demographics of the county in which it is located. AOC should provide standardized statewide information and training.

1. AOC must receive funding for sufficient staffing, space, and facilities to administer the state coordination functions of the program, which include the following:
 - Providing training and support to counties.
 - Producing and distributing the informational DVDs and any other materials to be distributed to each county and ensuring their accessibility in multi-lingual formats.
 - Ensuring the creation and technical support for a web-site, and updating the informational DVD and any other materials every year, including the translated versions of all materials in all mediums.

2. Adequate funding to the counties is needed for:

- Staff to compile and update local resource information and ensure its accessibility in multi-lingual formats, and to facilitate individual litigant access to the program.
- Facilities for program staff and for litigant access to the program.
- Computers, with the number of computers based on county population and with each county receiving at least one computer.
- Computer licensing and program fees and program updates.
- Technical support to ensure computer access.
- Regular maintenance and replacement of computers according to industry replacement standards.

VIII. VENUE ISSUES

A. THE CURRENT APPROACH TO VENUE

Washington State has a long tradition of respecting a litigant's choice of venue. Family law actions are transitory because a party can file in any county in the state. The various venue statutes, applicable court rules, and case law permit the filing in the petitioner's or respondent's county, but clearly allow the action to proceed in any county so long as one of the litigants does not object. If there is agreement of the parties, the court must allow a change to any county. Thus under current law, the agreement of the parties controls and a change in approach would unsettle longstanding protection of a litigant's choice of venue.

1. *Venue for Petitions*

The statutes address where the petition for dissolution may be filed, which is either the defendant's county, RCW 4.12.025 (general venue statute), or the petitioner's county, RCW 26.09.010. Under CR 82(b) an action filed in the wrong county can proceed, unless the defendant requests a change and files an affidavit on the merits. A respondent in a dissolution case has an absolute right to have the venue moved to a county where one of the parties is domiciled. *In re Marriage of Strohmaier*, 34 Wash. App. 14, 18, 659 P.2d 534, 537 (1983). However, if the parties agree in writing or in court, to any other county in the state, the court must order the agreed change. RCW 4.12.080.

2. *Venue for Modifications*

Various statutes govern actions to modify prior orders. If no children were involved in the original action, only an award of maintenance is modifiable. There is no venue statute that specifically addresses modification of a maintenance award, but an action for enforcement of a duty to pay maintenance

can be commenced in the county that issued the decree or where either the obligor or obligee resides. RCW 26.18.040.

If children are involved, RCW 26.09.280 provides alternative venues for actions to modify parenting plans or child support:

1. The county where the children reside.
2. The county where the person with the care, custody and control of the children resides.
3. The county that entered the order, judgment, or decree.

The venue rules are again permissive because CR 82(b) and RCW 4.12.080 allow an agreement of the parties to control.

B. POSSIBLE LEGISLATIVE CHANGES TO VENUE RULES

The legislation does not provide an explanation for the impetus for the study of venue issues. It has been suggested that there is concern that Lincoln County allows dissolution actions to proceed in a mail-order fashion, without requiring a personal appearance by anyone. The Superior Court Annual Caseload Report illustrates the impact of this approach. Lincoln County, which had a population of 10,376 in 2006, had 4,331 domestic relations actions filed in 2007. In contrast, Skamania County, which has a population of 10,883, had 66 domestic cases filed. The 2006 census figures and caseload report statistics are included in Appendixes B and C, respectively.

The divorce-by-mail approach occurs when the parties agree as to all the issues, or the respondent does not file a response and the matter resolves by default. According to a 2002 CBS News report, family law filing fees were about one-ninth of Lincoln County's budget:

<http://www.cbsnews.com/stories/2003/05/06/national/main552448.shtml>.

The mail-order approach may have some short-term appeal to the litigants, but it can create logistical difficulties and additional costs, and it adds to the chance of abuse of process in the long-term. If the parties obtain their decree from Lincoln County by mail, a subsequent contested modification of the parenting plan requires either that the parties travel to Lincoln County for the hearings, or that the moving party pay a new, full filing fee in the county of residence.

However, the traditional respect for a litigant's choice of venue is important and it is not clear that a change in venue rules is the only way to assure workable decrees or to avoid an increased cost for filing a modification action. Therefore, the Task Force makes no recommendation regarding changes in venue rules.

IX. DISSOLUTION FORMS, PROCEDURES AND FEES

Section 306(1)(b) of the legislation instructs the Task Force to make recommendations concerning dissolution forms, procedures and fees. In response to the priorities identified in the legislation, the Task Force focused its work primarily on the development of dispute resolution procedures, sexual abuse and domestic violence curricula, the §201 Program, and standards for parenting evaluators. The Task Force makes the following recommendations with respect to forms, procedures and fees:

A. DISSOLUTION FORMS

RCW 26.09.006 and RCW 26.18.220 require parties to use mandatory pattern forms created by AOC. A standing Pattern Forms Committee includes judges, court commissioners, attorneys, representatives from legal aid providers, clerks, administrators, and courthouse facilitators. The number and complexity of these forms have increased in the years since the forms were introduced. The Task Force acknowledges the difficulty the Pattern Forms Committee faces in creating forms that are usable both by very experienced family law attorneys and by self-represented litigants with a broad range of abilities and education. The pattern forms must also be legally sufficient so the court may afford parties the relief requested. The Pattern Forms Committee is aware of and is working on concerns related by stakeholders regarding the complexity of the forms' language and formatting, and the lack of availability of the forms in other languages.

The Task Force recognizes the successful collaboration between the Northwest Justice Project and the Washington Courts in creating an online interactive program that creates forms for a dissolution of marriage with no minor children. Other family law causes of action will be included in the interactive program in the future. This use of technology provides a free means to create forms necessary for filing and responding to family law actions.

The Task Force recommends that the Pattern Forms Committee continue to seek innovative ways of making access to and completion of family law forms reliable and easy, and that it make the changes recommended in Section II of this report.

B. PROCEDURES

Procedures in family law actions are prescribed largely by statute and by state and local court rules. Even experienced attorneys frequently face challenges when practicing in a county outside their regular geographic area because of the differences in procedures and practices among courts across the state. Self-represented litigants face even greater challenges when navigating the complex

procedures required in family law actions. The Task Force is aware of and fully supports the Washington State Bar Association's Local Rules Task Force in its review of local court rules. The Bar Association, courts and other stakeholders have collaborated to simplify and reduce the number of local court rules, with the overall objective of making practices and procedures more uniform across the state

The Task Force recognizes and commends the courthouse facilitator program as an effective means of providing procedural assistance to self-represented litigants. According to a recent study conducted by the Washington State Center for Court Research:

Results from this study provide a clear and convincing picture that courthouse facilitator programs have become a vital component of the court community's response to self-representation in family law cases. By opening the doors of the courthouse to a large number of individuals who cannot afford or obtain legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping them navigate a complex system of forms and procedures, facilitator programs have, by all accounts, significantly improved access to justice and the efficiency of the courts. Further, this study demonstrates that self-represented litigants who use facilitator services have more positive court experiences, have a greater sense that justice was served, and have more trust and confidence in the courts than those who do not use facilitator services.

Thomas George and Wei Wang, "Washington's Courthouse Facilitator Programs for Self-Represented Litigants in Family Law Cases: Summary Report," May 2008.

The Task Force recommends that the courthouse facilitator program's capacity be increased to meet the demand for its services. In addition the Task Force recommends that adequate and stable state funding be provided to support the courthouse facilitator program.

C. FEES

The judiciary is a separate, coequal branch of government. Trial courts cannot function to execute their constitutional duties unless the legislature provides adequate, stable funding equally across the state. The primary mission of the trial courts is to fairly, expeditiously, and efficiently resolve cases and serve the community. Trial courts should be structured and function in a way that best facilitates their primary mission, including providing services that assist families in accessing the courts to resolve their issues involving children, assets and liabilities during a dissolution of marriage proceeding.

“Washington ranks 50th among U.S. states in the percentage of trial court, prosecution, and indigent defense costs paid by the state versus costs paid by local jurisdictions, according to the U.S. Justice Bureau.” Trial Court Funding Task Force, “Justice in Jeopardy: The Court Funding Crisis in Washington State,” May 2004. State government in Washington provides less than 15% of the funds necessary to operate trial courts. *Id.* The remainder of the funding comes from local jurisdictions, whose economic bases differ drastically across the state. Courts in small and rural counties cannot offer the same breadth and depth of services that courts in large and urban counties can.

Trial courts are not meant to generate revenue for local or state government, nor are they self-funding. At this time, the filing fee for a dissolution of marriage in most jurisdictions is \$250. Equal protection and due process issues are implicated when access to the courts is conditioned on one’s ability to pay fees. Although fee waivers are available, there is resistance by some stakeholders to fee waivers because of the courts’ dependence on fees for their operations. Some important services, such as the courthouse facilitator program, depend solely on filing fee surcharges and user fees. RCW 26.12.240. An increase in fees to increase services can place those services beyond the economic reach of those who most need them.

The Task Force strongly supports the work of the Court Funding Task Force and Justice in Jeopardy Initiative. The Task Force joins Justice in Jeopardy’s recommendation that the state’s share of trial court funding be more equitable – approximately 50% – so that court funding is stable and equal across the state.

APPENDIX A. TASK FORCE MEMBERS

Governor's Appointments

1. Crime Victims Advocacy Representative: **Beverly Emery**

Bev Emery, M.A., has been the Director of the Office of Crime Victims Advocacy (OCVA) since its creation in 1990. OCVA serves as a voice within state government for the needs and issues affecting victims of crime. In addition to direct services and advocacy, OCVA administers twelve victim-service programs, with a total annual budget of approximately \$15 million. Prior to going to OCVA, Bev was the Executive Director of the Washington Coalition of Sexual Assault Programs for nearly eight years.

2. Family Law Professor: **Prof. Helen Donigan**

Helen Donigan is a professor of law at Gonzaga University School of Law, where she has taught Family Law, Professional Responsibility, and Commercial Law. She is a former chair of the Washington State Bar Association (WSBA) Family Law Executive Committee; the Washington State Child Support Schedule Commission; and the WSBA Access to Justice Education Committee. She has also served as a member of the Gender and Justice Commission, the Washington State Human Rights Commission, and the Public Legal Education Council. She received the 1989 WSBA Family Law Section Award of Excellence. She is a frequent speaker for the WSBA and other organizations and serves as an editor for the Washington Family Law Deskbook. Her publications include two chapters for the Deskbook.

3. Domestic Violence Group Representative: **Margaret Hobart**

Margaret Hobart has worked in organizations focused on ending violence against women since 1982. Margaret served as project director for the Washington State Domestic Violence Fatality Review project from its inception in 1997 until February 2002. Then she focused on providing technical assistance to other state coalitions creating effective domestic violence fatality reviews from 2003 to 2005. Margaret's current responsibilities include providing leadership for the Washington State Coalition Against Domestic Violence Children's Justice Initiative, which is focused on improving the policy and practice of institutions responding to children affected by domestic violence, and supporting the coalition's member programs in their advocacy for children and their mothers. Margaret received her Ph.D. in Political Science from the University of Washington in 2003.

4. Sexual Assault Program Representative: **Kelly O'Connell**

Ms. O'Connell is the Deputy Director and a co-founder of the Sexual Violence Law Center. Ms. O'Connell provides legal consultation, training and resources on sexual assault issues to civil litigators, prosecutors, judges, legal advocates and service organizations in Washington. She also provides sexual assault survivors with brief legal services, consultation, resources and referrals on a broad range of issues including protection orders, housing, employment, Title IX, domestic relations, privacy, and civil liability of assailants. She co-taught Sexual Violence and the Law at the University of Washington School of Law in 2007, and is an invited guest speaker to several symposiums and conferences on domestic and sexual violence, including those sponsored by McGeorge School of Law, the Washington Association of Prosecuting Attorneys, King County Family Law Task Force, the University of Washington School of Law and the Office of Crime Victims Advocacy. She is appointed by the Governor to the Supreme Court Dissolution Task Force, and in 2006 had the privilege of serving on Washington's Pattern Forms Subcommittee to develop the statewide protection order court forms, court staff handbook, and related materials on the recently enacted sexual assault protection order.

From 2005-2007, Ms. O'Connell was a staff attorney for the Washington Coalition of Sexual Assault Programs. Prior to this, she advocated for survivors of domestic violence and sexual assault in numerous capacities, including direct representation as a pro bono attorney with the Eastside Domestic Violence Project. She has been actively involved in public interest law for over 10 years, including volunteering for the Public Defender Association, the Immigrant Families Advocacy Project, and the Free Legal Advice Centre in Dublin, Ireland. Ms. O'Connell was formerly the Director of Legal Affairs for Expo Management, LLC, and practiced privately at the law firm of Montgomery, Purdue, Blakinsip & Austin, PLLC. Ms. O'Connell graduated with honors from the University of Washington School of Law in Seattle, and also received her Bachelor of Arts, magna cum laude, in Society & Justice and Sociology from the University of Washington. Ms. O'Connell was admitted to the Washington State Bar in 2000.

5. Custodial Parent: **Shamra Coy**

Shamra Coy has been a Stevens County resident for over 15 years. She graduated with a paralegal degree from Watterson College, San Marcos, California. Her passion has been working with low income, pro se family law clients for the last eight years. After leaving a 13-year marriage with five children due to domestic violence, she returned to college and graduated in 2006 with her Bachelor of Arts in Criminal Justice. In 2007, she became a courthouse facilitator for Ferry and Pend Oreille Counties, and secured a position as the Resource Development Coordinator at Family Support Center & Children First Children's Advocacy Center. She believes that everyone should have equal

access to justice, especially those who face severe barriers that make it almost impossible to attain this equality.

6. Custodial Parent:

Joyce Shui

Joyce Nadolny Shui (Harvard University, 1987; NYU School of Law, 1993, Clerk to Honorable Robert F. Utter, 1993-1994) started her legal career at Preston Gates & Ellis (Kirkpatrick & Lockhart) and later served as General Counsel and Chief Administrative Officer of Avana before opening her own practice. Her public policy successes have included *Cippolone v. Liggett* (in which a lung cancer victim's family first successfully sued a tobacco company), serving on a Task Force to improve availability of information about judicial candidates, and testifying on behalf of the Cambridge City and King County Clean Indoor Acts.

The daughter of immigrants and mother of multi-cultural children, Ms. Nadolny Shui has worked tirelessly to increase institutional understanding of cultural issues. She was instrumental in the passage of legislation urging courts to consider children's culture in dissolution cases. She also founded The Purple School in 2001—a children's enrichment program supporting bilingualism and multi-culturalism. With the support of the Northwest Women's Law Center, she has proudly served this important Task Force, continuously keeping cultural and children's issues on the table. Ms. Nadolny Shui thanks husband, Dr. Raymond A. Nadolny, for his unwavering support.

7. Non-custodial Parent:

Brenda Morbauch

Biography not available.

8. Non-custodial Parent:

Kevin Turner

Mr. Turner holds a Bachelor of Arts in Urban Planning with a concentration in Urban Economics from the University of Washington. He also holds a Master of Science in Public Policy with a concentration in Finance from the State University of New York at Stony Brook.

Mr. Turner is a proud father and vice president of The Other Parent. The Other Parent was founded on the belief that children need both parents. The Other Parent believes that in the absence of abuse or neglect, both parents have an equal right to legal and physical joint custody of their child. It also believes that both men and women should be held to the same financial obligation for care of their children. The Other Parent is dedicated to serving the best interests of all children by advocating equality and providing information, referrals and support services to non-custodial parents. The Other Parent recognizes and works against bias in the system, but supports all parents who, regardless of gender, put their children first and want to protect their rights and relationship with their children.

Chief Justice's Appointments

9. Court Commissioner Representative: **Lonna Malone**

Lonna Malone was raised in eastern Washington and graduated from Washington State University with a B.A. degree in 1973, and she attended the Northwestern School of Law of Lewis and Clark College, graduating with a Juris Doctorate degree in 1986. She was admitted to the Washington State Bar in 1986, and practiced law in the Tri-Cities with an emphasis on domestic relations and criminal defense. She became a partner in the firm of Critchlow, Williams, Schuster, Malone and Skalbania in 1990, and was appointed Superior Court Commissioner to the Benton-Franklin Superior Court in November 1994. Her primary responsibilities in Juvenile Court are handling criminal proceedings, including the Juvenile Drug Court, dependency cases, and superior court domestic violence and paternity docket.

10. Superior Court Judge Representative: **Hon. Kathryn Nelson**

Judge Nelson is a member of the Washington Superior Court Judges' Association. She serves as a member of the Juvenile Court Executive Committee, and was recently elected as Presiding Judge of the Pierce County Juvenile Court. She chairs the Civil Plus Administrative Committee and serves as a Unified Family Court Judge.

She received her bachelors degree from the University of Washington, and Juris Doctor degree from UCLA School of Law.

11. Administrative Office of the Courts: **Janet Skreen**

Janet Skreen is a Senior Court Program Analyst with the Washington State Administrative Office of the Courts (AOC). Ms. Skreen works closely with family law and juvenile court judges and commissioners throughout the state. She is involved in formulating policy, drafting and analyzing legislation and court rules, and responding to research inquiries, and staffs the Superior Court Judges' Association Family and Juvenile Law Committee. Prior to joining AOC, Ms. Skreen served as Kitsap County's courthouse facilitator and as a juvenile court commissioner. She has also maintained a private guardian ad litem practice and was a general practice attorney. Ms. Skreen was named the WSBA Family Law Section Professional of the Year for 2008.

12. Civil Legal Aid Representative **Leslie Owen**

Leslie Owen is the Senior Attorney for the Olympia office of Northwest Justice Project. She received her Juris Doctorate from Seattle University School of Law in 1994. Her current practice involves representing low-income clients in housing, family law, and termination of public benefits cases. She previously

worked for Columbia Legal Services, and served as the Regional Director of the Olympia office for almost four years. Prior to her legal career, Ms. Owen was the director of the Northwest Women's Law Center and the Washington Coalition of Sexual Assault Programs. Ms. Owen is a volunteer mediator with the Olympia Dispute Resolution Center and volunteer clinic attorney for the Thurston County Volunteer Legal Services. She has participated in a number of Access to Justice Board workgroups and subcommittees established to increase representation for survivors of domestic violence.

13. WSBA Family Law Exec Committee member: **Julie McKay**

Julie M. McKay is an attorney and principal in the small law firm of Hatch & McKay, PS of Spokane, WA. The focus of the firm is family law, concentrating mainly on mediated settlements of cases; criminal law, both defense and prosecution; and various other areas including personal injury cases, small estate planning, and limited business practice. Julie has been a member of the Family Law Executive Committee (FLEC) of the Washington State Bar Association for the last three years. Her term ended in August 2008. She was appointed to the Supreme Court Dissolution Task Force because she is a member of FLEC. The experience she brings to the Task Force is that of a practicing attorney for the last 18 years in multiple areas of the law that overlap and concern family matters.

14. County Clerk Representative: **Hon. Patricia Chester**

Patty Chester was elected the Stevens County Superior Court Clerk in November 1986. A member of the Washington State Association of County Clerks (WSACC), Clerk Chester for the last four years has served as editor of the monthly newsletter, co-chair of the education committee, and treasurer of the association. Within WSACC, she has also chaired the Records Management Committee, been responsible for the latest re-write of the State Records Retention Manual for Superior Court Clerks in 2001, and has co-chaired the Judgment Committee for the past eight years.

She is a past member of the Board for Court Education, the Minority and Justice Commission, and currently represents County Clerks on the Supreme Court Dissolution Task Force and Washington State Association of County Officials. Clerk Chester has also served on the Court Managers Education Committee, where she helped to plan education events for all levels of state court managers.

15. Guardian Ad Litem: **Jean Cotton**

Jean Cotton is a solo practitioner doing business as Cotton Law Offices, in Elma, Washington since 1994. She is a graduate of Saint Martin's College and Seattle University School of Law. A substantial portion of her practice consists of a full range of Family, Juvenile, and Elder Law issues, where she serves in her

capacity as an attorney as well as a guardian ad litem in Title 11, 13, and 26 RCW cases. She has been an elected member of the Executive Committee of the Washington State Bar Association Family Law Practice Section for seven years, and was Chair of that Committee in 2007-2008. She was selected as the 2008 WSBA Family Law Section Attorney of the Year. She has been active in several community and professional organizations including, but not limited to, the WSBA Local Court Rules Task Force, the Supreme Court Dissolution Task Force, and the Attorney General's Vulnerable Adult Task Force. She has been a Municipal Court Judge and District Court Judge Pro tem since 1995. Since 1997, she has served as a Judge Pro Tem and Commissioner Pro Tem, for Grays Harbor Superior Court. Jean was the chair of the 2003 and 2005 Family Law Mid-year Conferences.

16. Additional Appointment:

Hon. Paul Bastine
(Retired Superior Court Judge)

Effective July 20, 1995, Paul A. Bastine was appointed by Governor Mike Lowry to the Superior Court of Spokane County. He had previously been in private practice since 1966, having received his Juris Doctorate from Gonzaga University law School in 1964. Following law school, he served as a Peace Corps Volunteer and Volunteer Leader in Brazil in 1964 and 1965. After returning to Spokane, he served as a Deputy Prosecuting Attorney in Spokane.

Judge Bastine served as Presiding Judge for Spokane County Superior Court in 1998. In 1999, he became the first Family Law Judge dedicating his full judicial time to the administration of justice in family law. He also served in that capacity in 1999-2000, and returned to that position in 2002 until he retired from full time judicial activity in January 2005. He continues as a pro-tem judge at the present time.

Judge Bastine has been involved in various bar association activities, but most particularly in access to justice efforts. He served as an initial member of the Access to Justice Board, and he was appointed by the Washington State Supreme Court to the Legal Foundation of Washington serving as President of that board. Judge Bastine served as a trustee and President of the Spokane County Bar Association, and was appointed to the Practice of Law Board at its inception and serves as vice-chairman.

In 1995, Judge Bastine received the first annual Gonzaga Law School Distinguished Service Award. In 1998, he was awarded the Goldmark Award from the Legal Foundation of Washington, and received the Washington State Chapter of Trial Advocates, Washington Chapter, Judge of the Year 2004 award. Gonzaga University School of Law presented Judge Bastine with the Distinguished Judicial Service Award on September 13, 2005.

President of the Senate Appointments

17. Senate:

Sen. James Hargrove

Senator Hargrove was born and raised in the Pacific Northwest. He has lived and worked on the Olympic Peninsula for 31 years. He is married to Laurie Hargrove. They are the proud parents of three children: Jimmy, Jewel, and Daniel. All three of their children graduated from Grays Harbor College. He is a member of Grays Harbor Economic Development Council, actively involved in the local Christian community, and a former youth baseball coach.

Senator Hargrove was elected to the House of Representatives from 1985-1992, and to the State Senate from 1993 to the present. He has been a member of the following legislative committees: Family Policy Council, Executive Committee; Children's Oversight Committee; and Western Legislative Forestry Task Force, former chair. He received a Bachelor of Science in Forest Management from Oregon State University, and in his professional career he is a forester.

Senator Hargrove's awards and recognitions are as follows:

- 2008 – "Legislative Champion" Coalition of Sexual Assault Programs.
- 2008 – "Champion for Children" Children's Alliance.
- 2008 – Washington State Coalition for the Homeless Award.
- 2007 – "Legislator of the Year" Washington State Medical Association.
- 2007 – Washington State Coalition Against Domestic Violence Award.
- 2006 – "Environmental Champion" Washington Conservation Voters.
- 2007 – "Legislator of the Year" Washington Arms Collectors.

Speaker of the House Appointments

18. House of Representatives:

Rep. Patricia Lantz

A 12-year veteran of the legislature, Pat Lantz has been at the forefront of justice issues throughout her tenure and particularly in her role as chair of the House Judiciary Committee. With a B.A. from Stanford, a Juris Doctorate from the University of Puget Sound (Seattle University), and many years as a community activist committed to fairness and equity, she picked up the challenge of "justice in jeopardy" laid down by the justice community.

Her efforts in response to civil legal needs, the failure of the justice system in many instances to meet the constitutional mandates of "Gideon," and the growing awareness of weaknesses in dependency proceedings that call for legal representation of parents and children, resulted in her receiving the WSBA's Outstanding Official award in 2005. Her advocacy on behalf of increased funding for all aspects of the justice system has brought unprecedented new state investments in the third branch of government.

19. House of Representatives:

Rep. Jay Rodne

Rep. Jay Rodne serves the 5th Legislative District, comprising eastern King County, including Issaquah, Maple Valley, Sammamish, and Snoqualmie Valley. He and his wife, Heidi, have two children and live in North Bend. Representative Rodne's legislative priorities include enhancing Washington's education system, making health care more affordable and accessible, creating and preserving jobs, easing traffic congestion and assisting senior citizens. He serves on the following legislative committees: Insurance, Financial Services and Consumer Protection, Judiciary (Ranking Minority Member) and Transportation. Representative Rodne also works as the in-house general counsel for Snoqualmie Valley Hospital, and he obtained his Juris Doctorate, cum laude, from Gonzaga University School of Law. In addition to his role as a lawyer, husband, father, and state representative, Representative Rodne is a Lt. Colonel in the U.S. Marine Corps Reserve and second in command of a 1,200 Marine reserve battalion. He and his unit were activated in February 2003 and deployed to Kuwait and Iraq in support of Operation Iraqi Freedom.

APPENDIX B: 2006 CENSUS FIGURES, AND THE 2007 SUPERIOR COURT ANNUAL CASELOAD REPORT FAMILY LAW CASES

The information below provides the 2006 population estimates for Washington's counties. The information is from the U.S. Census Bureau's Web site at http://quickfacts.census.gov/qfd/maps/washington_map.html.

Adams	16,887	Judicial District	
		Klickitat	20,335
		Skamania	10,883
Judicial District			
Astoin	21,247		
Columbia	4,087		
Garfield	2,223	Lewis	73,585
Judicial District		Lincoln	10,376
Benton	159,463	Mason	55,951
Franklin	66,570	Okanogan	40,400
Chelan	71,034		
Clallam	70,400	Judicial District	
Clark	412,938	Pacific	21,735
		Wahkiakum	4,026
Cowlitz	99,905	Pierce	766,878
Douglas	35,772	Skagit	115,700
Judicial District		Snohomish	669,887
Ferry	7,560	Spokane	446,706
Pend Oreille	12,951	Thurston	234,670
Stevens	42,632	Walla Walla	57,721
Grant	82,612	Whatcom	185,953
Grays Harbor	71,587	Whitman	39,838
Judicial District		Yakima	233,205
Island	81,489		
San Juan	15,298		
Jefferson	29,279		
King	1,826,732		
Kitsap	240,604		
Kittitas	37,189		

The Superior Courts- Domestic Cases Filed by Type of Case, 2007

County/Court	Dissoluti		With No Children	Annul- ment/ Invalidity	Modifi- cation	Out-of-	Legal	Man-	Foreign	Miscel-	Total	
	Child Custody	With Children				State Child Custody	Separ- ation	datory Wage Assign- ment		Dom- estic UIFSA		Domestic
Adams	3	30	15	0	3	0	2	0	1	18	0	72
Asotin	8	48	47	0	18	1	3	0	0	32	0	157
Columbia	1	8	10	0	4	0	0	0	0	3	1	27
Garfield	1	2	5	0	0	0	0	0	0	0	0	8
Judicial Dist.	10	58	62	0	22	1	3	0	0	35	1	192
Benton	66	427	364	7	144	0	51	0	1	144	0	1,204
Franklin	11	114	93	1	12	0	12	0	2	38	0	283
Judicial Dist.	77	541	457	8	156	0	63	0	3	182	0	1,487
Chelan	33	216	191	2	12	0	12	0	0	163	6	635
Clallam	24	165	179	2	7	0	9	0	0	1	3	390
Clark	137	907	842	10	163	1	93	0	15	454	1	2,623
Cowlitz	30	202	191	0	25	0	16	0	2	247	0	713
Douglas	9	21	15	0	3	0	1	0	0	14	19	82
Ferry	9	12	12	0	1	0	6	0	0	1	3	44
Pend Oreille	5	28	30	0	3	0	0	0	0	24	0	90
Stevens	15	73	82	3	29	0	8	0	0	90	0	300
Judicial Dist.	29	113	124	3	33	0	14	0	0	115	3	434
Grant	19	172	142	1	20	0	18	0	0	43	2	417
Grays Harbor	76	164	153	0	49	0	21	0	1	77	0	541
Island	15	151	194	0	15	1	23	0	1	16	7	423
San Juan	3	29	34	0	1	0	4	0	0	0	0	71
Judicial Dist.	18	180	228	0	16	1	27	0	1	16	7	494
Jefferson	10	38	74	1	6	0	8	0	1	31	3	172
King	181	2,599	3,436	63	185	6	372	0	13	818	47	7,720
Kitsap	43	518	577	4	49	1	76	0	2	456	0	1,726
Kittitas	13	76	84	1	12	0	12	0	0	14	0	212
Klickitat	8	48	37	0	2	0	2	0	0	5	6	108
Skamania	8	20	22	1	7	0	2	0	0	2	4	66
Judicial Dist.	16	68	59	1	9	0	4	0	0	7	10	174
Lewis	42	155	199	3	20	2	16	0	0	48	0	485
Lincoln	11	1,474	2,707	31	7	0	90	0	0	11	0	4,331
Mason	24	116	105	3	20	1	14	0	0	50	3	336
Okanogan	7	70	70	1	2	0	4	0	1	21	3	179
Pacific	8	36	39	1	4	0	6	0	0	12	0	106
Wahkiakum	2	11	11	1	1	0	1	0	0	1	1	29
Judicial Dist.	10	47	50	2	5	0	7	0	0	13	1	135
Pierce	214	1,526	1,623	39	262	0	183	0	5	311	181	4,344
Skagit	43	254	264	7	33	0	27	0	0	80	1	709
Snohomish	144	1,258	1,296	14	159	6	161	0	2	215	5	3,260
Spokane	145	980	934	18	115	5	104	0	0	682	0	2,983
Thurston	122	532	538	9	81	1	79	0	0	121	30	1,513
Walla Walla	21	119	144	2	28	0	3	0	0	43	1	361
Whatcom	19	323	302	6	15	0	42	0	0	59	8	774
Whitman	7	45	47	0	4	0	3	0	10	10	0	126
Yakima	129	469	385	6	42	1	31	0	0	85	0	1,148
STATE	1,666	13,436	15,493	237	1,563	26	1,515	0	57	4,440	335	38,768

BIBLIOGRAPHY

American Bar Association Committee on Ethics and Professional Responsibility, Formal Opinion 07-447 (2007).

American Psychological Association, Guidelines for Evaluating Parenting Responsibility, First Draft (2007).

Anne L. Ganley, *Washington State Administrative Office of the Courts Domestic Violence Manual for Judges, Assessment of Risk Posed to Children by Domestic Violence, Appendix B* (2006).

Anne L. Ganley & Susan Schechter, *Domestic Violence: A National Curriculum for Child Protective Services* (1996).

Association of Family and Conciliation Courts, *Model Standards of Practice for Child Custody Evaluation*, (May 2006), available at www.afccnet.org/resources/standards_practice.asp.

Australian Government Attorney-General's Department, *Professional Development Programs for Private Legal Practitioners and Family Dispute Management Practitioners Final Evaluation Reports*, (June 2003), available at <http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications>.

Clallam County Super. Ct. LCR 93(f), 95.

Clare Dalton et al., *Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide*, (Rev. 2006), available at <http://www.afccnet.org/pdfs/BenchGuide.pdf>.

Frances Q. F. Wong, *Memorandum re Custody Evaluation Standards and Procedures*, Family Court of the First Circuit, State of Hawaii, (June 1, 2007), available at <http://www.state.hi.us/jud/Oahu/Family/CespMemo.pdf>.

Grays Harbor County Super. Ct. LMAR 1.2, 1.3, 2.1.

Jeanne Kohl-Welles et al., *Procedures for Joint Legislative Task Force on the Underground Economy in the Construction Industry*, (Aug. 1, 2007), available at <http://www.leg.wa.gov/documents/joint/ueci/Procedures.pdf>.

Jeffrey Rosenberg & W. Bradford Wilcox, *The Importance of Fathers in the Healthy Development of Children*, (2006), available at <http://www.childwelfare.gov/pubs/usermanuals/fatherhood/>.

BIBLIOGRAPHY

- Kelly Browe Olson et al., *Special Issue: Domestic Violence*, 46 Family Court Review Issue 3, 431-570, (July 2008), available at <http://www3.interscience.wiley.com/journal/120089439/issue>.
- Mark H. Ebell, *Routine Screening for Depression, Alcohol Problems and Domestic Violence*, 69 American Family Physician, No. 10, 2421 (2004).
- Maryland Administrative Office of the Courts, *Pleadings Stage Screening Tool Screening Cases for Suitability for Mediation*, (2005), available at <http://www.courts.state.md.us/family/forms/cm18.pdf>.
- Mason County Super. Ct. LCR 40.
- _____, LMAR 1.1, 2.1.
- National Association of Social Workers, Oregon Chapter, *Model Standards of Practice for Child Custody Evaluations*, (2005), available at http://www.nasworegon.org/resources/child_custody/index.html.
- National Judicial Institute on Domestic Violence, *Enhancing Judicial Skills in Domestic Violence Cases*, Curriculum Outline, Version 3, (Rev. 2007).
- _____, *Enhancing Judicial Skills in Domestic Violence Cases*, Training Slides, (2007).
- Office of Dispute Resolution, Michigan Supreme Court, *Domestic Violence and Child Abuse/Neglect Screening for Domestic Relations Mediation—Model Screening Protocol* (2006), available at <http://courts.michigan.gov/scao/resources/standards/odr/dvprotocol.pdf>.
- Practice Directorate, American Psychological Association, *Guidelines for Child Custody Evaluations in Divorce Proceedings*, 7 American Psychologist 677 – 80 (July 1994).
- Ramona Buck et al., *Screening Cases for Family Violence Issues to Determine Suitability of Mediation and other Forms of ADR*, (Rev. Mar. 16, 2005), available at <http://www.courts.state.md.us/family/pdf/screening.pdf>.
- Stefani Quane & Rachel Felbeck, *Collaborative Law Reaches Out*, Washington State Bar News (Feb. 2004), available at <http://www.wsba.org/media/publications/barnews/2004/feb-04-quane-felbeck.htm>.
- Thurston County Super. Ct. LSPR 94.05, .06, .11, .12.

BIBLIOGRAPHY

Vanessa Ho, *'Most Wanted' Father Fights for Custody*, Seattle Post Intelligencer, (Feb. 7, 2008), available at http://seattlepi.nwsourc.com/local/350312_fugitivedad07.html.

Vania Kim, *Settlement Conferences: King, Thurston, Multnomah, and Spokane Counties*, (2007).

Volunteers of America Dispute Resolution Center, *Intake Process and Procedures*, (2007).

WASH. ADMIN. CODE § 246-924-445, -467.

WASH. REV. CODE §§ 26.12.175, .177, .180.

Wash. Super. Ct. GAL R. 1-7.

Wash. Super. Ct. R. Gen. R. 23.

Washington Coalition of Sexual Assault Programs, *Advocate Core Training: Power Point Presentation & Participant Handouts*, (2007).

_____, *Systems Advocacy-Legal Issues*, (2007).

Washington State Department of Social and Health Services, *Division of Alcohol and Substance Abuse Target Data Elements Gain Short Screening Setup*, (Rev. Aug. 2007), available at http://www.dshs.wa.gov/pdf/ms/forms/14_479.pdf.

_____, *Individual Responsibility Plan Comprehensive Evaluation*, (Rev. Mar. 2007), available at <http://www1.dshs.wa.gov/msa/forms/eforms.html>.

Washington Department of Social and Health Services, *Guidelines for Expert Evaluations in Child Welfare Proceedings*, available at <http://www.uwcita.org/CITAv1008/trainingmaterials/psychevals.html>.

Women's Law Project, *Deciding Child Custody When There is Domestic Violence: A Benchbook for Pennsylvania Courts, Appendix C: Model Mediation Screening Tool*, (Rev. Feb. 15, 2008), available at http://www.womenslawproject.org/reports/Bench_appendixC.pdf.