

No. 46014-9-II

IN THE COURT OF APPEALS, DIVISION II,
OF THE STATE OF WASHINGTON

Brandy Leavitt,

Petitioner/Appellant,

v.

Joseph J. Leavitt,

Defendant/Respondent.

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STATE OF WASHINGTON
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OPENING BRIEF OF APPELLANT BRANDY LEAVITT

Mary Welch, WSBA #29832
1814 Cornwall Avenue
Bellingham, Washington 98225
Tel.: (360) 734-8680
Fax: (360) 734-0121

Sarah Glorian, WSBA #39914
218 North Broadway, Suite 1
Aberdeen, Washington 98520
Tel.: (360) 533-2282
Fax: (360) 533-2932

NORTHWEST JUSTICE PROJECT
Attorneys for Petitioner/Appellant

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TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	iii
I. INTRODUCTION.....	1
II. ASSIGNMENTS OF ERROR.....	1
III. STATEMENT OF THE CASE.....	2
IV. ARGUMENT.....	6
A. The trial court erred, as a matter of law, when it entered a quickly expiring protection order in favor of restraints in a family law action.....	6
1. Pursuant to the Domestic Violence Prevention Act relief shall not be denied on the grounds that it is available in another action.....	6
2. Requiring Mrs. Leavitt to proceed with a family law action is prejudicial and denied her the full protections of the DVPA.....	9
a. A family law action may not be safe, desired or appropriate for a domestic violence victim.....	9
b. Relief available in a domestic violence Order for Protection differs from relief available in a family law action.....	12
c. Residential provisions are available in an Order for Protection. A family law action is unnecessary.....	14
B. The trial court erred, as a matter of law, when it failed to grant Mrs. Leavitt a one-year Order for Protection.....	16

1.	Statute, case law and mandatory forms require a full protection order be one year or longer.....	16
2.	Public policy of the DVPA is to make the protection order process easy, quick and efficient for petitioners.....	21
V.	CONCLUSION.....	22
VI.	APPENDIX.....	vi

TABLE OF AUTHORITIES

Cases

<i>City of Tacoma v. State</i> , 117 Wn.2d 348, 816 P.2d 7 (1991).....	16
<i>Danny v. Laidlaw Transit Serv., Inc.</i> , 165 Wn.2d 200, 193 P.3d 128 (2008)	21
<i>Gourley v. Gourley</i> , 158 Wn.2d 460, 165 P.3d 1185 (2006)	6
<i>In re the Marriage of Barone</i> , 100 Wn. App. 241, 996 P.2d 654 (2000).....	15
<i>In re the Marriage of Stewart</i> , 133 Wn. App. 545, 137 P.3d 25 (2006), <i>rev. denied</i> , 160 Wn.2d 1011 (2007).....	8, 14, 19
<i>King v. King</i> , 162 Wn.2d 378, 174 P.3d 659 (2007).....	10
<i>Muma v. Muma</i> , 115 Wn. App. 1, 60 P.3d 592 (2002).....	19
<i>Reese v. Stroh</i> , 128 Wn.2d 300, 907 P.2d 282 (1995)	16
<i>Scheib v. Crosby</i> , 160 Wn. App. 345, 249 P.3d 184 (2011).....	13
<i>State v. Chester</i> , 133 Wn.2d 15, 940 P.2d 1374 (1997)	7

Statutes

RCW 26.09.050(2)	12
RCW 26.50.010	16
RCW 26.50.010(1).....	17
RCW 26.50.025(1).....	7
RCW 26.50.025(2).....	7, 17
RCW 26.50.030	6, 13

RCW 26.50.030(2).....	7
RCW 26.50.035(1).....	19
RCW 26.50.050	12, 14
RCW 26.50.060(1)(a).....	12
RCW 26.50.060(1)(d).....	9, 14
RCW 26.50.060(2).....	18
RCW 26.50.060(3).....	13, 18
RCW 26.50.070	14
RCW 26.50.070(4).....	19
RCW 26.50.60(2).....	19
RCW 9.41.800	13

Other Authorities

Holt, Kernic, Wolf, Rivara, <u>Do Protection Orders Affect the Likelihood of Further Partner Violence and Injury</u> , 24 Am. J. of Preventative Med. 1, 16 (2003), http://www.ajpmonline.org/article/S0749-3797(02)00576-7/fulltext	15
Jaffe, et al., <u>Custody Disputes Involving Allegations of Domestic Violence: Toward a Differentiated Approach to Parenting Plans</u> , FAM. CT. REV., Vol. 46 No. 3, July 2008 500	11
Jake Fawcett, <i>Up to Us: Lessons Learned and Goals for Change After Thirteen Years of the Washington State Domestic Violence Fatality Review</i> , Washington State Coalition Against Domestic Violence, 2010.....	10

Lisa E. Martin, Providing Equal Justice for the Domestic Violence Victim: Due Process and the Victim's Right to Counsel, 34 GONZ. L.REV. 329 (1998-1999) 5

Mary Przekop, One More Battleground: Domestic Violence, Child Custody, and the Batterers' Relentless Pursuit of Their Victims Through the Courts, 9 SJSJ. 1053 (Spring/Summer 2011) 11

United States Department of Justice, National Crime Victimization Survey, 1995 10

Rules

CR 41(b)(2) 3

ER 1101(b)(4) 13

Federal Law

18 USC § 922(g)(9) 13

Session Laws

Laws of 1992, ch. 111, § 1 6, 12, 21

Laws of 1993, ch. 350, § 1 6, 12

Administrative Code

WAC 388-60-0255(2) 17

I. INTRODUCTION

Brandy Leavitt petitioned the court for a domestic violence Order for Protection for herself and her children after the respondent Joseph Leavitt assaulted Mrs. Leavitt and her daughter. Instead of issuing a one-year Order for Protection, the trial court limited the order to a brief 56 days, sending the parties to family court for further restraints. Mrs. Leavitt was entitled to a full one-year Order for Protection under the Domestic Violence Prevention Act. It was an error of law to deny her this protection.

II. ASSIGNMENTS OF ERROR

1. The trial court erred, as a matter of law, when it entered a quickly expiring protection order in favor of restraints in a family law action.
2. The trial court erred, as a matter of law, when it failed to grant Mrs. Leavitt a one-year Order for Protection.

Issues Pertaining to Assignments of Error

1. When a court finds that a respondent committed domestic violence under the Domestic Violence

- Prevention Act, is it an error of law to deny a full one-year domestic violence Order for Protection in favor of restraints in a family law action? (Assignment of Error 1)
2. When a court finds that a respondent committed domestic violence under the Domestic Violence Prevention Act, is it an error of law to limit an Order for Protection to 56 days? (Assignment of Error 2)

III. STATEMENT OF THE CASE

On December 15, 2011, Mrs. Leavitt filed a Petition for Dissolution of Marriage and Proposed Parenting Plan in the Superior Court of Grays Harbor County, Cause No. 11-3-00496-1. CP 1-21. Mr. Leavitt joined the Petition and Proposed Parenting Plan. CP 10; CP 21. After the dissolution was filed, the parties reconciled. RP 1:9-12.

The parties have one child in common, their son, age 12.¹ Mrs. Leavitt has another child, her daughter, age 14. Mr. Leavitt is not the daughter's biological father, but she refers to Mr. Leavitt as "Dad." CP 23; CP 26.

¹ Ages at the time of the filing of the Petition for Order for Protection in 2014.

Contrary to Civil Rule 41(b)(2), the dissolution case was not dismissed though no action was taken by either party between December 15, 2011 and January 28, 2014.

On January 29, 2014, Mrs. Leavitt filed a Petition for Order for Protection that was docketed in the inactive dissolution case. CP 22-29. She received a Temporary Order for Protection. CP 30-33. The return hearing was scheduled for February 10, 2014. CP 30-33.

In the Petition for Order for Protection, Mrs. Leavitt alleged:

January 16, 2014:² My husband Joe Leavitt and I got into a [sic] argument and he started to get angry he then threw a box at my face hiting [sic] me in the head with it then he said he was leaving so I followed him down stairs he then hit me in the face with his coat so I told him to leave because I was afraid of what else he would do as he was going up stairs my daughter was coming down she said Dad why don't you "F"ing stop he then grabed [sic] her pulled her down and put his fist up to her scaring her so bad she ducked I then tryed [sic] to pull him off of her that is when he turned and punched me in the ribs cracking them and I went flying into the doorway of my front room landing on a step stool by that time I was affraid [sic] he would hurt me and my kids more. CP 25-26.

² Appellant requests this court take judicial notice of Elma Municipal Court Case No. 4Z0130959. Mr. Leavitt pled guilty on May 14, 2014 to Assault 4th degree for the January 16, 2014 incident.

[a]bout 6 months ago my husband & I were in a [sic] argument and he pushed me by my throat causing me to fly across the hallway hitting [sic] my head on a desk also he pushed me into my bathroom wall making [sic] me fear that he would hit me. CP 26.

Mr. Leavitt held my daughter down on the stairs scaring her with his fist raised like he was going to hit her. CP 26.

The second Mr. Leavitt got out of jail he started texting my phone to the point I had 2 [sic] shut it off he also is using facebook to try to intimidate me into coming back to him. CP 26.

Mr. Leavitt has threatened to kill himself and in one incident locked himself in the room with a loaded 22 rifle [sic]. CP 27.

Mr. Leavitt has made comment that if I left him he would hunt me down and slit my throat and I affraid [sic] he will follow through with it. CP 27.

Officer Josh Wheeler of the Elma Police Department personally served Mr. Leavitt with the Temporary Order for Protection and Notice of Hearing on January 29, 2014. CP 34. Despite good service, Mr. Leavitt was not present at the February 10, 2014 return hearing. CP 35; RP 1:5-6.

An Order for Protection was granted for a brief 56 days, expiring April 7, 2014. CP 36-40. The Order directed Mr. Leavitt not to contact Mrs. Leavitt and the children. CP 36-37.

No visitation provisions were made in the Order. CP 39. The pertinent portion of the Verbatim Report of the Court states:

THE COURT: All right. Why don't I make -- usually what happens, is, in a divorce proceeding with children like this, is, you are going to need to work it out. If there are issues, a guardian ad litem will have to get involved, you take up all issues. I think I will make it effective -- are you going forward with it right away?

MS. LEAVITT: As soon as possible.³

THE COURT: Okay. I am going to make this for 60 days, then you can get into requesting a guardian ad litem if you believe investigation is needed to determine when he should be around the children. Do they want to see him now?

MS. LEAVITT: My daughter does not.

THE COURT: What about -- there is another child?

MS. LEAVITT: My son. He is nervous, but yes, he does like to see his father.

THE COURT: Okay, and I am sure he can bring a motion to get it in the order, if he wants to, on the parenting plan later, but for right now, I am going to sign this. So I will make this effective for 60 days,

³ A protection order hearing can be stressful and emotional for a victim. While Mrs. Leavitt told the court she would go forward with the dissolution, it is not unusual for a victim seeking a protection order to agree with what a judge says even if that is not originally what the victim wanted. The "emotional crisis or fear that usually precipitates seeking a protection order" can cause a victim to have difficulties in effectively advocating for their own rights. Lisa E. Martin, Providing Equal Justice for the Domestic Violence Victim: Due Process and the Victim's Right to Counsel, 34 GONZ. L.REV. 329, 335 (1998-1999).

because as I go through the issues, obviously there is a need for an ongoing restraining order. All right. I signed the order. RP 1:17-2:16.

Mrs. Leavitt appeals the final Order for Protection entered on February 10, 2014 for the reasons set forth below.

IV. ARGUMENT

A. The trial court erred, as a matter of law, when it entered a quickly expiring protection order in favor of restraints in a family law action.

1. Pursuant to the Domestic Violence Prevention Act relief shall not be denied on the grounds that it is available in another action.

The government has a compelling interest in *preventing* domestic violence. *Gourley v. Gourley*, 158 Wn.2d 460, 468, 165 P.3d 1185, 1188 (2006). The Domestic Violence Prevention Act (DVPA) provides a domestic violence victim a tool to increase safety. RCW 26.50.030. In enacting the DVPA, the legislature acknowledged that “[d]omestic violence is a problem of immense proportions affecting individuals as well as communities.” Laws of 1992, ch. 111, § 1 (restated in Laws of 1993, ch. 350, § 1). The legislature intended that the DVPA provide domestic violence victims “easy, quick and effective access to the court system.” *Id.*

The DVPA gives victims and their family members important safeguards to stop abuse. The DVPA does not require that a family law action be pursued in order to receive protections available under the Act. In fact, the DVPA specifically prohibits this practice. “Relief under this chapter *shall not* be denied or delayed on the grounds that the relief is available in another action.” RCW 26.50.025(2) (emphasis added). The Act provides that “[a] petition for relief may be made *regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties*” RCW 26.50.030(2) (emphasis added).

The directive in RCW 26.50.025(2) is unambiguous: relief shall not be delayed or denied. An unambiguous statute is not subject to judicial interpretation; the statute’s meaning is derived solely from its language. *State v. Chester*, 133 Wn.2d 15, 21, 940 P.2d 1374, 1377 (1997).

Even when a family law action is already filed, as in this case, a victim is not prohibited from seeking a protection order under RCW 26.50, either as a separate cause of action or within the family law action. RCW 26.50.025(1); RCW 26.50.030(2). The statute states no preference between available forums.

A domestic violence protection order can be granted even when there is a final parenting plan in a family law action. *In re the Marriage of Stewart*, 133 Wn. App. 545, 554-555, 137 P.3d 25, 30 (2006), *rev. denied*, 160 Wn.2d 1011 (2007). In *Stewart*, Nichole Stewart petitioned for a protection order against her former husband. *Id.* at 549. The commissioner entered a one-year protection order prohibiting contact between Mr. Stewart and his wife and children. *Id.* The commissioner also suspended the final parenting plan pending further order in a modification case. *Id.* On appeal, the court held that there were just grounds for the protection order. *Id.* at 552. The appellate court stated that “[a]uthorizing the domestic violence protection order court to restrict contact is thus entirely congruent with the Parenting Act.” *Id.* at 553-554.

As in *Stewart*, Mrs. Leavitt and Mr. Leavitt had a family law case, in which the Petition for Order for Protection was filed. CP 1-21. Neither party had taken any action in the family law case for over three years until Mrs. Leavitt filed her Petition for Order for Protection. CP 22-29. The trial court issued an Order for Protection on February 10, 2014, which expired on April 7, 2014. CP 36-40. The trial court told Mrs. Leavitt that because

there were children involved, she was "going to need to work it out" in a dissolution proceeding. RP 1:18-19. The trial court ordered this particularly dangerous approach even though it also found that "obviously there is a need for an ongoing restraining order." RP 2:14-15. In the Order for Protection the trial court failed to make visitation provisions as required by statute. RCW 26.50.060(1)(d). CP 39.

Mrs. Leavitt was under no legal obligation to move forward with the dissolution in order to obtain continued protection for herself and her children. She met her burden of proof for an Order for Protection. The trial court acknowledged that there was a need for continued protections for Mrs. Leavitt and her children. The trial court erred when it denied Mrs. Leavitt a one-year protection order in favor of relief available in a family law action.

2. **Requiring Mrs. Leavitt to proceed with a family law action is prejudicial and denied her the full protections of the DVPA.**
 - a. **A family law action may not be safe, desired or appropriate for a domestic violence victim.**

Requiring a petitioner to proceed with a family law action in order to receive restraints against a respondent can put

domestic violence victims at risk of harm. Leaving a domestic violence relationship is the most dangerous time for the victim and her family. *United States Department of Justice, National Crime Victimization Survey*, 1995. In at least 46% of domestic violence homicides, the victim had left, divorced or separated, or was attempting to leave or break-up with the abuser. Jake Fawcett, *Up to Us: Lessons Learned and Goals for Change After Thirteen Years of the Washington State Domestic Violence Fatality Review*, Washington State Coalition Against Domestic Violence, (2010) at 17.

There are many other reasons a domestic violence victim may not want to go forward with a family law action. The victim may not want a dissolution. The victim may not have the mental, physical and/or economic resources to go forward with a family law action. (If the victim is without resources she/he must proceed *pro se*. *King v. King*, 162 Wn.2d 378, 396, 174 P.3d 659, 668 (2007).) The victim may have language or literacy barriers. The victim may not have time to undertake complicated litigation. Or, the victim may simply be too afraid.

A victim escaping a domestic violence relationship is seeking physical safety, but is “also seeking emotional distance

from the abuser in order to begin healing.” Mary Przekop, One More Battleground: Domestic Violence, Child Custody, and the Batterers’ Relentless Pursuit of Their Victims Through the Courts, 9 SJSJ. 1053, 1081 (Spring/Summer 2011). Being compelled to litigate before being emotionally ready can be devastating to a domestic violence victim. Abusive ex-spouses or former partners may use family court litigation as a new forum to continue their coercive controlling behavior and to harass their former partner. Jaffe, et al., Custody Disputes Involving Allegations of Domestic Violence: Toward a Differentiated Approach to Parenting Plans, FAM. CT. REV., Vol. 46 No. 3, July 2008 500–522, 503. Repeated filings by a batterer and multiple in-person hearings in a family law action can place a significant emotional burden on the victim. They also place a heavy financial burden on her because she must pay for child care and transportation and will be absent from work when she is required to appear in court. Przekop, One More Battleground, *supra*, at 1083.

b. **Relief available in a domestic violence Order for Protection differs from relief available in a family law action.**

Entering a quickly expiring Order for Protection and conditioning further protections upon proceeding with a family law action denies a petitioner the protections available under the DVPA. A domestic violence survivor who meets her burden of proof is entitled to all the protections afforded under the DVPA. A restraining order in a family law action is a poor substitute. A domestic violence Order for Protection “can be a valuable tool to increase safety for victims and to hold batterers accountable” Laws of 1992, ch. 111, § 1 (restated Laws of 1993, ch. 350, § 1).

A domestic violence Order for Protection is unique in the protections available: (a) there is a finding that respondent committed domestic violence, RCW 26.50.050; (b) the respondent is restrained “from committing acts of domestic violence” (as compared to the relief in a family law restraining order: being restrained “from molesting or disturbing the peace of the other party”), RCW 26.50.060(1)(a), RCW 26.09.050(2); (c) mandatory language in an Order for Protection meets federal and state law requirements to prevent a respondent from

possessing firearms, RCW 9.41.800, 18 USC § 922(g)(9); (d) restraints in a domestic violence Order for Protection are clear and specific, and more readily understood and enforced by law enforcement; (e) Order for Protection violations are more readily prosecuted than violations of family law restraining orders;⁴ (f) parties in a protection order hearing do not need to comply with the rules of evidence, ER 1101(b)(4); (g) when a petitioner moves to renew a domestic violence Order for Protection the burden of proof is on the respondent to prove by a preponderance of the evidence that he/she will not resume acts of domestic violence against the petitioner or the petitioner's children, RCW 26.50.060(3); (h) a petition for a domestic violence Order for Protection may be brought without fees or costs, RCW 26.50.030; (i) domestic violence Orders for Protection are special proceedings and discovery is limited, *Scheib v. Crosby*, 160 Wn. App. 345, 352-53, 249 P.3d 184, 187 (2011); (j) a petitioner may obtain a temporary domestic violence Order for Protection immediately and a full order in

⁴ In the three years from 2010 to 2012, the King County Prosecutor's office documented the filing of two family law restraining order violations. Please see appendix: memorandums from King County Prosecutor's Office of domestic violence statistics from 2010 to 2012.

fourteen days, RCW 26.50.070, RCW 26.50.050; and (k) a domestic violence Order for Protection separate from a family law action denies the respondent/abuser an opportunity to coerce the petitioner/victim into dropping the protection order in exchange for concessions in the family law action compromising the victim's and the victim's family's safety.

By entering a quickly expiring Order for Protection, the trial court left Mrs. Leavitt in a position she should not have been in: forced to obtain inferior orders in a family law action. The court erred when it denied Mrs. Leavitt the superior protections to which she was entitled, and requested, pursuant to the DVPA.

c. **Residential provisions are available in an Order for Protection. A family law action is unnecessary.**

Under the DVPA, a trial court is required to make residential arrangements for children in an Order for Protection without entering a parenting plan. The court is to make residential provisions on the same basis as the dissolution statute. RCW 26.50.060(1)(d); *Stewart*, 133 Wn. App. at 553. "Clearly the Legislature intended RCW 26.50 to provide a process by which victims of domestic violence may obtain

orders of protection more efficiently and easily than court orders are generally obtained.” *In re the Marriage of Barone*, 100 Wn. App. 241, 247, 996 P.2d 654, 657 (2000).

Safety for oneself and one's children is the most urgent concern for a victim when she/he files for a protection order. A protection order effectively provides a great measure of safety and, once it is in place, the victim can take time to plan next steps. Holt, Kernic, Wolf, Rivara, Do Protection Orders Affect the Likelihood of Further Partner Violence and Injury, 24 Am. J. of Preventative Med. 1, 16-21 (2003), [http://www.ajpmonline.org/article/S0749-3797\(02\)00576-7/fulltext](http://www.ajpmonline.org/article/S0749-3797(02)00576-7/fulltext) (Domestic violence protection orders are associated with decreased likelihood of subsequent physical and non-physical domestic violence.)

Next steps for a domestic violence victim may or may not include a family law action. A respondent is not harmed when a petitioner declines to file a family law action because the respondent can begin the family law action if he/she so chooses. The trial court acknowledged that Mr. Leavitt could proceed with a family law action “if he wants to.” RP 2:9-12.

The trial court committed an error of law when it limited Mrs. Leavitt's Order for Protection to 56 days and directed her to further the family law action for the restraints she needed to keep herself and her family safe.

B. The trial court erred, as a matter of law, when it failed to grant Mrs. Leavitt a one-year Order for Protection.

1. Statute, case law and mandatory forms require a full protection order be one year or longer.

An Order for Protection is a civil remedy and must be supported by a preponderance of the evidence. *City of Tacoma v. State*, 117 Wn.2d 348, 351-52, 816 P.2d 7, 9 (1991); *Reese v. Stroh*, 128 Wn.2d 300, 312, 907 P.2d 282, 288 (1995). The trial court made specific findings when it entered an Order for Protection for Mrs. Leavitt on February 10, 2014. CP 36. The trial court found that Mr. Leavitt had "committed domestic violence as defined in RCW 26.50.010 and represents a *credible threat to the physical safety of petitioner*" CP 36 (emphasis added). The court was correct in these findings. Mrs. Leavitt left Mr. Leavitt after he hit her in the face and head, and grabbed Mrs. Leavitt's daughter and threatened her with his fist. CP 25-26. He punched Mrs. Leavitt in the ribs; cracking them. CP 26. Mr. Leavitt threatened to slit Mrs. Leavitt's throat

if she left him. CP 27. By any account, this is domestic violence. RCW 26.50.010(1).

The trial court acknowledged the need for ongoing restraints but only granted a 56-day order. RP 2:13-15. A 56-day Order for Protection did not provide meaningful and adequate relief to Mrs. Leavitt and the children. Nor did it provide Mr. Leavitt with a meaningful opportunity to make changes.⁵ Instead, it was a slap on the wrist to Mr. Leavitt with the likelihood that the abuse would resume as soon as the order expired. Mrs. Leavitt should have received the relief she requested in her petition without having to pursue a family law action. RCW 26.50.025(2).

The DVPA does not mandate a minimum duration for an order; the Act's mandate is to prevent domestic violence. But considering the goal is to prevent domestic violence and Orders for Protection of one year or longer are provided for in case law and statute, Orders for Protection for less than one year are clearly contrary to this mandate.

⁵ A batterers' intervention program requires participants to attend treatment and satisfy all treatment program requirements for *at least twelve consecutive months*. WAC 388-60-0255(2) (emphasis added).

RCW 26.50.060(2) provides that a protection order prohibiting a respondent's contact with children cannot exceed one year but all other restraints may be longer, or even permanent, if the court finds it likely a respondent will resume acts of domestic violence. RCW 26.50.060(2). If the petitioner seeks relief on behalf of a respondent's minor children, "the court *shall* advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW." *Id.* (emphasis added).

If a petitioner wants to renew the Order for Protection, she/he must file for renewal anytime within the three months before the order expires. RCW 26.50.060(3). The trial court gave Mrs. Leavitt less than a two month protection order, a length of time that is inconsistent with the DVPA's renewal provisions. Under this statute she would have had to file for renewal soon after receiving the original order. Such an outcome is contrary to the plain language of the DVPA.

The court in *Stewart* affirmed the issuance of a one-year protection order covering the children even when there was a

final parenting plan in a separate family law action. *Stewart*, 133 Wn. App. at 555. Similarly, in *Muma*, the parties had a parenting plan in effect that provided for reunification between Mr. Muma and his children. *Muma v. Muma*, 115 Wn. App. 1, 4, 60 P.3d 592, 593-94 (2002). After the parenting plan was entered, Mrs. Muma petitioned for a new protection order. *Id.* The trial court entered a 50-year protection order that included the children and left the restraints in the parenting plan in effect. *Id.* at 4-5. The appellate court held that the protection order was valid with respect to the children for one year pursuant to RCW 26.50.60(2). *Id.* at 7. A one-year protection order is the norm when children are included on the order.

The protection order forms are mandatory forms drafted by the Administrative Office of the Courts. RCW 26.50.035(1). The petition only has options to request a "temporary" or "full" order; there is no place in the form for the petitioner to request a definite time period. CP 23. The temporary order is effective until the hearing on a full order, usually 14 days. CP 23; RCW 26.50.070(4). Unlike the duration of a temporary order, the duration of a "full" order is not stated on the petition but the default duration is one year. CP 23. In paragraph 12 of the

petition, a petitioner can request an order longer than one year if the petitioner believes the respondent is likely to resume acts of domestic violence. CP 24. The language of these mandatory forms is consistent with the language of the DVPA.

The language on the Order for Protection supports the conclusion that an order should be a minimum of one year. On page one of the order, the form states that the order will be effective for one year from the date the order is entered, unless stated otherwise. CP 36.

Despite making findings that Mr. Leavitt committed domestic violence and represented a credible threat to Mrs. Leavitt's safety, the trial court entered only a 56-day protection order. This order denied Mrs. Leavitt the full relief she was entitled to under the DVPA: it does not provide adequate safeguards for her or her children, it does not prevent further domestic violence nor does it allow Mr. Leavitt an opportunity to participate in a batterers' intervention program. Looking at the language of the forms, together with the statutes and case law, the court committed an error of law by entering a domestic violence Order for Protection which expired in 56 days.

2. **Public policy of the DVPA is to make the protection order process easy, quick and efficient for petitioners.**

Issuing quickly expiring protection orders violates the DVPA. Protection orders that last only a few weeks, or a few months, are contrary to the legislative intent of the DVPA. *Danny v. Laidlaw Transit Serv., Inc.*, 165 Wn.2d 200, 209, 193 P.3d 128, 132 (2008). Throughout its thirty-year fight against domestic violence, the legislature has furthered a public policy of domestic violence prevention by taking “concrete actions to encourage domestic violence victims to end abuse, leave their abusers, protect their children and cooperate with law enforcement and prosecution efforts to hold the abuser accountable.” *Id.* at 213.

The Legislature recognizes that protection orders are a “valuable tool to increase safety for victims and to hold batterers accountable.” *Id.* at 209, quoting Laws of 1992, Ch. 111, §1. The public policy supporting the DVPA requires that the process be “easy, quick, and efficient” for victims seeking safety for themselves and their family members. *Id.*

The trial court’s order in this case impedes the intent of the DVPA. A process is not easy, quick or efficient if a

petitioner must repeatedly return to court to renew a quickly expiring protection order or, worse, proceed with family law litigation. Nor does an order of less than one year provide sufficient safety to the domestic violence victim or a meaningful opportunity for the batterer to change. An Order for Protection which quickly expires in favor of restraints in a family law action does not prevent domestic violence; it only delays it.

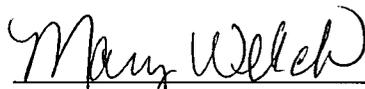
V. CONCLUSION

Mrs. Leavitt respectfully requests this Court vacate the trial court's order granting her a 56-day Order for Protection and requiring her to pursue a family law action in order to obtain restraints, and remand for a full one-year domestic violence Order for Protection for Mrs. Leavitt and her children.

RESPECTFULLY SUBMITTED this 5th day of September, 2014.

NORTHWEST JUSTICE PROJECT

By:



Mary Welch, WSBA #29832
Sarah Glorian, WSBA #39914
Attorneys for Appellant Brandy Leavitt

VI. APPENDIX

1. Memorandum of 2012 Domestic Violence Statistics
from King County Prosecutor 1-2
2. Memorandum of 2011 Domestic Violence Statistics
from King County Prosecutor 3-4
3. Memorandum of 2010 Domestic Violence Statistics
from King County Prosecutor 5-6

DANIEL T. SATTERBERG
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney
CRIMINAL DIVISION
King County Courthouse, W554
516 Third Ave
Seattle, Washington 98104
(206) 296-3521
Fax (206) 296-0965

September 2, 2014

MEMORANDUM

TO: David Martin
FROM: Rex Goulding
SUBJECT: 2012 Domestic Violence Statistics

Here are the filing statistics for 2012.

DOMESTIC VIOLENCE UNIT

	KNT
FLD	527
DIS	34
DMI	7
LOG	3
TOTAL	571

FILED BY MONTH

	KNT
JAN	32
FEB	51
MAR	41
APR	36
MAY	40
JUN	53
JUL	40
AUG	65
SEP	44
OCT	40
NOV	47
DEC	38

DOMESTIC VIOLENCE CASES FILED FOR SELECTED CRIME CODES:

	KNT
01037 DV Assault 4	281
02369 DV Criminal Trespass	0
00485A Interfering with DV Reporting	0
00496A DV Harassment	30

Prosecuting Attorney
King County

9/2/2014
Page 2

	KNT
02219A DV Tel. Harass. Threats	1
00495 DV Viol. of Anti-Harass. Order	2
00459A DV Viol. Of Protection Order	3
00459B DV Viol. of No Contact Order	3
00459C DV Viol. Of Restraining Order	0
02194B DV Malicious Mis. > \$50	0
02199B DV Malicious Mis. < \$50	3
00465 DV Reckless Endangerment	13
06017 Domestic Violence Misdemeanor Violation of a Court Order	0
00458C Domestic Violence Misdemeanor Violation of a Court Order	164
02232 Stalking	0
02234 Stalking	4

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September 2, 2014

MEMORANDUM

TO: David Martin
FROM: Rex Goulding
SUBJECT: 2011 Domestic Violence Statistics

Here are the filing statistics for 2011.

DOMESTIC VIOLENCE UNIT

	KNT
FLD	489
DIS	165
DMI	6
LOG	6
TOTAL	666

FILED BY MONTH

	KNT
JAN	43
FEB	47
MAR	52
APR	46
MAY	29
JUN	43
JUL	36
AUG	43
SEP	54
OCT	37
NOV	30
DEC	29

DOMESTIC VIOLENCE CASES FILED FOR SELECTED CRIME CODES:

	KNT
01037 DV Assault 4	285
02369 DV Criminal Trespass	2
00485A Interfering with DV Reporting	0
00496A DV Harassment	22

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9/2/2014

Page 2

	KNT
02219A DV Tel. Harass. Threats	0
00495 DV Viol. of Anti-Harass. Order	2
00459A DV Viol. Of Protection Order	0
00459B DV Viol. of No Contact Order	0
00459C DV Viol. Of Restraining Order	2
02194B DV Malicious Mis. > \$50	0
02199B DV Malicious Mis. < \$50	0
00465 DV Reckless Endangerment	2
06017 Domestic Violence Misdemeanor Violation of a Court Order	0
00458C Domestic Violence Misdemeanor Violation of a Court Order	120
02232 Stalking	0
02234 Stalking	4

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September 2, 2014

MEMORANDUM

TO: David Martin
FROM: Rex Goulding
SUBJECT: 2010 Domestic Violence Statistics

Here are the filing statistics for 2010.

DOMESTIC VIOLENCE UNIT

	KNT
FLD	655
DIS	224
DMI	4
LOG	4
TOTAL	887

FILED BY MONTH

	KNT
JAN	62
FEB	46
MAR	72
APR	51
MAY	45
JUN	66
JUL	45
AUG	56
SEP	53
OCT	56
NOV	56
DEC	47

DOMESTIC VIOLENCE CASES FILED FOR SELECTED CRIME CODES:

	KNT
01037 DV Assault 4	352
02369 DV Criminal Trespass	1
00485A Interfering with DV Reporting	0
00496A DV Harassment	30

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King County

9/2/2014
Page 2

	KNT
02219A DV Tel. Harass. Threats	5
00495 DV Viol. of Anti-Harass. Order	10
00459A DV Viol. Of Protection Order	0
00459B DV Viol. of No Contact Order	1
00459C DV Viol. Of Restraining Order	0
02194B DV Malicious Mis. > \$50	6
02199B DV Malicious Mis. < \$50	3
00465 DV Reckless Endangerment	13
06017 Domestic Violence Misdemeanor Violation of a Court Order	0
00458C Domestic Violence Misdemeanor Violation of a Court Order	196
02232 Stalking	0
02234 Stalking	2

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FILED
COURT OF APPEALS
DIVISION II

2014 SEP -8 AM 9:10
STATE OF WASHINGTON
BY  DEPUTY

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

BRANDY M. LEAVITT,
Appellant,
vs.
JOE J. LEAVITT,
Respondent

Court of Appeals Case No. 46014-9-II

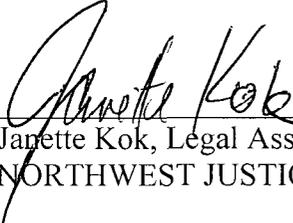
DECLARATION OF MAILING

DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Washington that on this 5th day of September, 2014, I deposited with the United States Postal Service a properly stamped and addressed envelope by first-class mail, postage prepaid, containing true and correct copies of this DECLARATION OF MAILING, the OPENING BRIEF OF APPELLANT BRANDY LEAVITT, and the VERBATIM REPORT OF PROCEEDINGS BEFORE THE HONORABLE F. MARK MCCAULLEY addressed to following:

JOE J. LEAVITT, Respondent pro se
11819 200th Ave. E.,
Bonney Lake, WA 98391

SIGNED at Bellingham, Washington, this 5th day of September, 2014.


Janette Kok, Legal Assistant
NORTHWEST JUSTICE PROJECT

ORIGINAL