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SUPREME COURT OF THE
STATE OF WASHINGTON
Case No. 93645-5

ESMERALDA RODRIGUEZ,

Petitioner,

v.

LUIS DANIEL ZAVALA

Respondent.

Supplemental Amicus Brief of
Legal Voice

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I. INTRODUCTION AND INTEREST OF AMICUS

This case is about the proper construction of RCW 26.50, the Domestic Violence Prevention Act (DVPA). *Amicus* Legal Voice was a key proponent of the DVPA at its passage in 1984, and a leading advocate in the Legislature and the courts for its ongoing implementation ever since. Founded in 1978 as the Northwest Women’s Law Center, Legal Voice is a non-profit public interest legal organization dedicated to advancing women’s legal rights. The organization advocates for an improved legal response to intimate partner violence, and has long sought to ensure that Washington State laws and policies live up to the promise of preventing violence and ensuring the safety of survivors and their families.

Here, the Court of Appeals found that “the [DVPA] does not allow for an order protecting a child because of the *parent’s* fear of physical or psychological harm to the child.” *Rodriguez v. Zavala*, No. 33649-2-III, slip op. at 9 (Div. III, 2016) (emphasis added). Respectfully, the Court of Appeals mischaracterized what Ms. Rodriguez sought, and what the statute provides for all successful protection order petitioners – namely, that a victim’s children or members of the victim’s household may be protected by the victim’s protection order, without any requirement that the petitioner *also* prove that each and every child or family or household member is a separate victim of domestic violence. To hold otherwise would undermine

Washington State public policy designed to prevent domestic violence. Most importantly, it would place domestic violence victims and their children at significant risk.

II. STATEMENT OF THE CASE

The predicament of L.Z. and his mother Ms. Rodriguez is well-documented by her Petition for Review, and amicus adopts that statement. In short, the Court of Appeals affirmed the trial court's failure to include L.Z., a two year old child who may have been asleep during one of the assaults upon his mother, in his mother's domestic violence protection order because he did not "possess" "fear of imminent physical harm, bodily injury[,] or assault between family or household members." RP 10:24-11:3.

There was no question that Ms. Rodriguez met the requisite standard of proof to obtain a protection order. The trial court explicitly endorsed Ms. Rodriguez's credibility, RP 10:20-21, and found that Mr. Zavala had violated a no contact order, RP 8:23-9:2, and had repeatedly abused Ms. Rodriguez RP 7:9-13; CP 4-7. In addition, the trial court found that Mr. Zavala had threatened to kidnap their child, L.Z. RP 7:9-13; CP 4-7. The court further found that Mr. Zavala had threatened to do "terrible" harm to Ms. Rodriguez's older daughter, L.Z.'s half-sibling, CP 5-6, and had burgled Ms. Rodriguez's home while intoxicated for the purpose of taking L.Z, whereupon he strangled Ms. Rodriguez. RP: 6:6-12.

III. SUMMARY OF ARGUMENT

As these findings demonstrate, Ms. Rodriguez proved that she is a victim of domestic violence within the meaning of the DVPA. *See* RCW 26.50.010(3); *Rodriguez*, Slip. Op at 5-6. Once a petitioner meets the burden of proving domestic violence, the victim's children (whether or not they are the children of the respondent) may also be protected by the order. *See* RCW 26.50.060. Yet, here, the trial court imposed, and the Court of Appeals ratified, an additional burden that would undermine the effectiveness of the DVPA, and put families facing domestic violence at additional risk.

While no survivor of domestic violence is required to meet this additional burden of proof under the plain language of the DVPA, the Court of Appeals' misconstruction has particular negative impact on victim parents with preverbal children. Under this reasoning, victims with very young children will be either forced to bring in expert testimony about the impact of domestic violence on infants and toddlers, or be denied relief.

This burden was not imposed by the Legislature, which sought to create a process for effective relief for victims and their families from ongoing and future violence. *See* RCW 26.50.030; Laws of 1992, ch. 111, § 1; *Danny v. Laidlaw Transit Servs.*, 165 Wn.2d 200, 209, 193 P.3d 128 (2008). The Legislature created this process because domestic violence, unfortunately, remains "a problem of immense proportions" and, as the

Court of Appeals noted, a “blight” on society. Laws of 1992, ch. 111, § 1; *Rodriguez*, Slip Op. at 10. When young children are left unprotected, they are subject to additional risks of harm, as are their victim parents, who are more easily manipulated and put in harm’s way by abusers’ ongoing and unfettered access to their children.

Moreover, the DVPA provides for the protection of domestic violence survivors and their children, while ensuring due process for parents, like Mr. Zavala, who may temporarily be restrained from contact with their children if they are found to have committed acts of domestic violence. *See Aiken v. Aiken*, ___Wn.2d___, 387 P.3d 680, 685-86 (2017).

Accordingly, *amicus* respectfully requests that this Court reverse the Court of Appeals and clarify for the trial courts of this state the proper construction of the DVPA.

IV. ARGUMENT

A. The Court of Appeals misconstrued the Domestic Violence Prevention Act.

Four sentences from the Court of Appeals’ decision expose the error which, respectfully, could unravel the sum and purpose of the DVPA:

The domestic violence prevention act does not cover fear of a kidnapping. The act does not allow an order protecting a child because of the parent’s fear of physical or psychological harm to the child. Domestic violence, under RCW 26.50.010(1), embraces “fear of imminent physical harm, bodily injury or assault, between family or household members.” We construe this language to be the fear

possessed by the one seeking protection, not fear that another family member has of harm to the one for who protection is sought.

Rodriguez, Slip Op. at 9. In sum, this ruling means that a victim parent has to prove that each child in the home, in order to be included in the victim's protection order, was also either assaulted or placed "in fear of physical harm" by the respondent. The Court of Appeals reasoned that "the legislature may amend the act on a legislative determination that domestic violence in the household always causes injury to a child such that the child should automatically be shielded from the parent committing the domestic violence." *Rodriguez*, Slip. Op at 11. Respectfully, the Legislature has already done that. The DVPA specifically provides for the protection of a minor by his parent or guardian without such an additional showing.

Statutory interpretation is a question of law reviewed de novo. *W. Telepage, Inc. v. City of Tacoma Dep't of Fin.*, 140 Wn.2d 599, 607, 998 P.2d 884 (2000). When statutory language is plain, the statute is not open to construction or interpretation. *Green River Cmty. Coll., Dist. No. 10 v. Higher Ed. Pers. Bd.*, 95 Wn.2d 108, 113, 622 P.2d 826 (1980) as modified (1981). In other words, courts interpret or construe statutes *only* when the meaning is ambiguous. *State v. Watson*, 146 Wn.2d 947, 954, 51 P.3d 66 (2002). "A statute is ambiguous if it can be reasonably interpreted in more than one way. However, it is not ambiguous simply because different

interpretations are conceivable.” *Id.* at 955.

1. The plain language of the DVPA supports the inclusion of a victim’s minor children on her protection order.

The DVPA’s language is plain, and needs no construction: a petitioner can seek a protection order on behalf of himself or herself, *and* on behalf of minor family or household members. RCW 26.50.020(1)(a) (emphasis added); *see also Neilson ex rel Crump v. Blanchette*, 149 Wn. App. 111, 201 P.3d 1089 (2009) (holding that this provision and the definition of “family and household members” in RCW 26.50 are unambiguous.) Once the petitioner proves that *he or she* was subjected to domestic violence at the hands of the respondent, the court may order relief for the petitioner *and* for family or household members. RCW 26.50.060(1)(h) (“After notice and hearing, the court may . . . restrain the respondent from having any contact with the victim of domestic violence or the *victim’s children or members of the victim’s household*); *see also* RCW 26.50.060(1)(i) (allowing a similar restraint against harassment, following, electronic surveillance, and cyberstalking of “*a victim, the victim’s children, or the members of the victim’s household.*”) (emphasis added).

Even if the interplay between RCW 26.50.010 and RCW 26.50.060 could be considered ambiguous, rules of statutory construction support this reading of the DVPA. Logically, the “victim” is the one who has proved

that he or she has been subjected to domestic violence, and is thus entitled to the various forms of relief the statute provides. If the minor family or household member of the victim must also make a separate showing that he or she is a “victim,” this language after the possessive “victim” would be superfluous or nonsensical. As courts must construe statutes to “give effect to every word, clause, and sentence,” *Klein v. Pyrodyne Corp.*, 117 Wn.2d 1, 13, 810 P.2d 1917 (1991), *citing Cox v. Helenius*, 103 Wn.2d 383, 387-88, 693 P.2d 683 (1985), RCW 26.50.060 must be interpreted to allow a court to include protection for a “victim, the victim’s children, or the victim’s household members” in the victim’s protection order.

2. Interpreting RCW 26.50 to exclude children like L.Z. from his mother’s protection order is counter to the understanding that children are harmed or at risk of harm when a parent is victimized.

Granted, in many cases, a parent could readily prove that her children were also separate victims of domestic violence within the meaning of the statute. *See, e.g., Marriage of Stewart*, 133 Wn. App. 545, 551, 137 P.3d 25 (Div. I 2006) (father’s objection that entry of RCW 26.50 protection order against him that included his children violated the Parenting Act, RCW 26.09, was invalid, because his children’s exposure to psychological harm from witnessing his attacks on their mother was domestic violence). Indeed, as explained in the Brief of *Amicus Curiae* Child Justice Inc., filed

with the Court of Appeals, it is well understood that children are harmed by exposure to domestic violence. *Rodriguez*, Slip. Op. at 11. Presumably, given the statutory framework of the DVPA, the Legislature understood that as well. The availability of child inclusion in a victim's protection order is best understood as "ancillary relief."¹ As Professor Dana Harrington Connor explains when discussing civil protection orders nationwide, "[a]ncillary relief in the form of custody, visitation, child and spousal support, and possession of the residence or other personal property are critical measures which increase the likelihood that the victim is able to remain free from abuse and less vulnerable to the reengagement efforts of the batterer. Without ancillary relief, the victim may be forced to communicate and collaborate with a former partner placing her at risk of further physical or emotional harm."²

This is why it is counterintuitive to interpret the statute to require a separate showing that a child has already been subjected to domestic violence in order to include that child in the victim parent's order. It would mean that any time a child slept through domestic violence perpetrated against a parent, or was at school when a parent suffered domestic abuse,

¹ Dana Harrington Connor, *Civil Protection Order Duration: Proof, Procedural Issues, and Policy Considerations*, 24 Temp. Pol. & Civ. Rts. L. Rev. 343, 368 (2015).

² *Id.*

that the parent's request for a protection order based on that incident could not include the child. Furthermore, requiring a showing that a preverbal child is fearful of domestic violence produces significant challenges that were not contemplated by the Legislature when it enacted the DVPA.

B. Witness competence requirements make it extremely difficult to show that a young child is "in fear" per RCW 26.50.010

A two-year-old is an unideal witness, and in most cases an incompetent one. Witness competency of an infant is assessed by considering, among other things, the mental capacity at the time of the incident about which he is to testify; the ability to receive an accurate impression of it; the capacity to express in words his memory of the incident; and the capacity to understand simple questions about it. *State v. Allen*, 70 Wn. 2d 690, 692, 424 P.2d 1021 (1967). "[In the Court of Appeals'] research of recent reported decisions in this jurisdiction, the youngest competent witness appears to be 4½." *State v. Hunsaker*, 39 Wn. App. 489, 491, 693 P.2d 724 (1984). Here, the Court of Appeals recognized this conundrum: "[a]dmittedly such evidence would be difficult to present because of the tender age of [L.Z.]. *Rodriguez*, slip op. at 11.

A two-year-old's cognitive and language development is rarely sufficient to stand up to a conversation meeting the *Allen* threshold. According to the American Academy of Pediatrics, an ideally-developing

two-year-old is imitating adults, learning the concept of “I” or “me”, and has a 50-word vocabulary.³ Only by age four is speech developed to the point that a child can be expected to be regularly understood. It is not until age five or six that a child is expected to start addressing cause-and-effect relating to emotions like anger (or, in this case, fear).⁴

In essence, if the DVPA really requires what the Court of Appeals read into it, mothers like Ms. Rodriguez will have three untenable options to gain a protection order that includes their young children who have yet to suffer direct physical violence: (1) attempt to convince a court that a preverbal child is competent to testify; (2) convince a court to accept her testimony speculating about that fear; or (3) obtain an expert witness at high cost and breakneck speed to assess and opine as to her son’s fear. In a proceeding where many petitioners are *pro se*, these options present near impossibilities. *See, e.g., State v. Allen*, 70 Wn.2d 690, 692, 424 P.2d 1021, 1022 (1967); Evid. Rule 601-04. In short, this interpretation of the DVPA leaves young children and babies who have not yet been physically assaulted, and who cannot yet testify to their fear, unprotected.

³ Hagan et al., BRIGHT FUTURES: GUIDELINES FOR HEALTH SUPERVISION OF INFANTS, CHILDREN, AND ADOLESCENTS, Third Edit., 2007, p. 24.

⁴ *Id.*

C. The Court of Appeals' misconception of the DVPA undermines public policies supporting victims of violence and ensuring child protection.

Such a result hampers survivors of domestic violence in their efforts to gain safety, and thwarts Washington State policies designed to ensure victim and child protection.

1. **The Domestic Violence Prevention Act's critical role in protecting survivors from further abuse is at risk.**

The Domestic Violence Prevention Act provides survivors with "easy, quick, and effective access" to a critical tool to help stop the violence and prevent future incidents. Laws of 1992, ch. 111, § 1. *See also Marriage of Stewart*, 133 Wn. App. at 552. The Legislature is wise to emphasize access to protection orders, because studies demonstrate that they work. One study based on interviews with Seattle-area survivors found that, over nine months, women who obtained such orders experienced seventy percent fewer incidents of physical violence than women who did not receive orders.⁵ Women with domestic violence protection orders in place were also less likely to experience almost all other forms of abuse.⁶

⁵ Victoria L. Holt et al., *Do Protective Orders Affect the Likelihood of Future Partner Violence and Injury?*, 24 Am. J. Preventive Med. 16, 20 (2003) (finding that civil protection orders are one of the few domestic violence intervention mechanisms that are demonstrably effective).

⁶ *Id.*

Similarly, a Kentucky Study confirmed that domestic violence protection orders effectively prevent or, at minimum, drastically reduce the severity and frequency of re-abuse.⁷ A Texas study found that the mere act of *applying* for an order significantly reduced average levels of violence for a year following application, with even greater reductions reported by survivors who actually received protection orders.⁸ As survivors report, protection orders demonstrate to their abuser they “mean[] business,” “proved something” to abusers and survivors, and countered the abuser’s belief that “he had power over me.”⁹

Not surprisingly, preventing further violence improves the health and welfare of both victims and their children.¹⁰ But a protection order that allows ongoing contact with the victim through the parties’ children undermines its efficacy. Unfortunately, abusers frequently use children as a

⁷ TK Logan, Robert Walker, William Hoyt, & Teri Faragher, THE KENTUCKY CIVIL PROTECTIVE ORDER STUDY: A RURAL AND URBAN MULTIPLE PERSPECTIVE STUDY OF PROTECTIVE ORDER VIOLATION CONSEQUENCES, RESPONSES, AND COST, 97-98, 103 (2009) (over a six-month period, half of the Kentucky Study participants’ protection orders prevented *any* incidents of re-abuse, and of those who experienced additional abuse, the severity of the abuse was significantly reduced).

⁸ Julia Henderson Gist et al., *Protection Orders and Assault Charges: Do Justice Interventions Reduce Violence Against Women*, 15 Am. J. Fam. L. 59, 67-68 (2001).

⁹ James Ptacek, BATTERED WOMEN IN THE COURTROOM: THE POWER OF JUDICIAL RESPONSES, 165-66 (1999).

¹⁰ Dana Harrington Conner, *supra* note 1 at 356.

tool of manipulation and power.¹¹ Such tactics include disparaging the victim parent in front of the children.¹² Batterers frequently use their children to monitor the victim parent or to maintain communication in an effort to regain or keep control.¹³ Visitation exchanges of children present opportunities for further abuse.¹⁴ “One study indicated that during visitation contacts, 5% of abusive fathers threaten to kill the mother, 34% threaten to kidnap the children, and 25% threaten to hurt the children.”¹⁵ Thus, the purpose of the DVPA – to prevent further abuse – is undermined when a victim of domestic violence is protected but her children are not.

¹¹ See, e.g., Karla Fischer et al., *The Culture of Battering and the Role of Mediation in Domestic Violence Cases*, 46 S.M.U. L. Rev. 2117, 2122-2123 (1993) (abusive partners frequently threaten to harm or kidnap their victims’ children).

¹² Deborah M. Goelman, *Shelter From the Storm: Using Jurisdictional Statutes to Protect Victims of Domestic Violence After the Violence Against Women Act of 2000*, 13 COLUM. J. GENDER & L. 101, 108 (2004).

¹³ Laurie L. Baughman, *The Judge’s Role in Ending Domestic Violence*, 53 JUDGES’ J. 27, 27–32 (2014).

¹⁴ See, e.g., Janice Drye, *The Silent Victims of Domestic Violence: Children Forgotten by The Judicial System*, 34 Gonz. L. Rev. 229, 234-235 (1999); see also Jake Fawcett, *Up to Us: Lessons Learned and Goals for Change after Thirteen Years of the Washington State Domestic Violence Fatality Review*, WASH. STATE COALITION AGAINST DOMESTIC VIOLENCE 33 (Dec. 2010), http://www.ndvfri.org/reports/washington/Washington_Statewide_AnnualReport_2010.pdf (finding that victims with children were subjected to ongoing abuse because of the batterer’s access to the children).

¹⁵ Drye, *supra* note 14.

2. Limiting the ability of a parent to obtain a protection order that includes her child is at odds with child welfare practices.

Other statutory schemes reveal the state's desire to further the protection of children. The premise of protection is so rooted into the definition of "parent" that a failure to do so may trigger a dependency filing. *See* RCW 13.34. To prove child abuse and neglect, "a child does not have to suffer actual damage or physical or emotional harm;" the State merely needs to establish the child is "in circumstances which create a clear and present danger to the child's health, welfare, and safety." WAC 388-15-009(5). In other words, the State (or anyone else) may obtain a court order removing a child from a survivor's custody based on a concern for safety without any evidence that the child has already been abused or is in fear of imminent physical harm. If the State can remove a child from a survivor's custody based on its own concerns about an abusive parent being able to access the child, surely the survivor should be permitted to seek legal protection of her child based on her concerns regarding the child's safety.

Battered mothers have long been between a rock and a hard place when it comes to the tension between "failure to protect" laws and the challenges to self-initiated court protection from domestic violence.¹⁶ While

¹⁶ *See* Leigh Goodmark, *Achieving Batterer Accountability in the Child Protection System*, 93 Ky. L.J. 613, 616-617 (2004).

amicus advocates strongly for the child welfare system to avoid blaming victim parents, that historic approach has been hard to shake.¹⁷ The irony of a survivor being refused protection for her young children because she cannot meet a burden which is greater than that necessary for a state to interfere in a household on behalf of a child is palpable. It develops an edge when reading the trial court's words:

Now, if you want to have visitation – you've got a problem, and that problem is you cannot contact [Ms. Rodrigùez] at all. So, you cannot contact her to arrange visitation, but I'm not preventing you from visiting [L.Z.]. That creates a problem for you. So, what I would strongly suggest is that you file an action for a parenting plan and then within the context of that figure out a way to get some visitation...¹⁸

Ms. Rodriguez needed protection from domestic violence, and proved that she was entitled to that protection within the meaning of RCW 26.50. That protection, to be meaningful for her, must include the children in her home. And that protection is also critical for the child's safety.

¹⁷ *Id.* See also, Anne Ganley & Margaret Hobart, *Social Workers' Practice Guide to Domestic Violence*, Children's Administration, Washington State DSHS, 9 (revised Jan. 2016) ("Historically in DV case plans, child welfare workers tended to focus exclusively on adult victims and paid little or no attention to DV perpetrators. Social workers expected adult DV victims to end abusive relationships in hopes that this alone would protect the children. Case plans often required adult DV victims to move out or file protective orders against DV perpetrators. However, expecting adult victims' actions to change DV perpetrators' conduct proved to be an unrealistic strategy that often set up poor outcomes for the children involved.")

¹⁸ RP, p. 11 lines 4-7.

3. Children are harmed by unfettered, ongoing contact with a parent who is abusive to their other parent.

There is an extensive literature on the impact of domestic violence on children;¹⁹ this brief can only touch on it. Abusers, when limited in their access to their victims, frequently adjust their abuse to get their way, and may turn the abuse from the (now protected) adult to the child.²⁰ As the Washington State Domestic Violence Manual for Judges explains:

[The court] should not assume that the children are not in physical danger simply because there was no evidence of physical harm in the past. There have been a number of cases where children were killed or harmed for the first time during or immediately following legal proceedings. The violence had been directed at the adult victim in the past, but when it appears that the adult victim is no longer under their control, some batterers will direct their violence against the children.²¹

The Court of Appeals' reading of the statute increases the chance for emotional and physical retaliation against both the victim parent and child. This outcome violates the Legislature's goals in creating a civil

¹⁹ *Id.* at 232 (explaining the multiple harms, including physical and psychological injury, that children may suffer when their parent is abused, and noting that “[e]ven if children do not directly observe abuse or, as infants, are too young to realize the dynamics between their parents, battering often creates tension and stress.”).

²⁰ Joan Zorza, *Batterer Manipulation and Retaliation in the Courts: A Largely Unrecognized Phenomenon Sometimes Encouraged by Court Practices*, 3 DOMESTIC VIOLENCE REPORT 67, 67 (1998); WASHINGTON STATE GENDER AND JUSTICE COMMISSION, DOMESTIC VIOLENCE MANUAL FOR JUDGES 2006, at 2–3 (2007).

²¹ *Id.*

process designed to ensure efficient, effective protection for victims and their children against domestic abuse.

D. The DVPA comports with constitutional due process protections.

Amicus notes that this Court has requested briefing on behalf of Mr. Zavala, who is unrepresented in these proceedings, from other potential *amici*. *Amicus* anticipates arguments relating to Mr. Zavala's parental rights as the biological father of L.Z., and whether the different treatment of L.Z. (as compared to his half-sibling sisters, who were protected by Ms. Rodriguez's protection order,) is justified by the existence of those rights.

While parents have a right to custody and care of their children, that right must be balanced with the state's compelling interest in providing maximum protection for children. *In re Dependency of C.B.*, 79 Wn. App. 686, 690, 904 P.2d 1171 (1995). When the rights of parents and the welfare of their children conflict, the welfare of the minor children is paramount. *Id.* (citing *Matter of Interest of Pawling*, 101 Wn.2d 392, 399, 679 P.2d 916 (1984)). The state has a compelling interest in protecting children and reducing the blight of domestic violence.²² Thus, the appropriate limitation

²² [D]omestic violence is a problem of immense proportions affecting individuals as well as communities. ... [It is] at the core of other major social problems including child abuse, crimes of violence against person or property, juvenile delinquency, and alcohol and drug abuse. ... [It costs] lives as well as millions of dollars each year ... for health care, absence

of a parent's fundamental right is ensured, as noted by this Court and the U.S. Supreme Court, when an opportunity for a hearing at a meaningful time and in a meaningful manner is presented. *Santosky v. Kramer*, 455 U.S. 745, 761, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982); *Aiken*, 387 P.3d at 685-686. As this Court has held, the DVPA provides significant procedural protections for parents:

(1) a petition to the court, accompanied by an affidavit setting forth facts under oath, (2) notice to the respondent within five days of the hearing, (3) a hearing before a judicial officer where the petitioner and respondent may testify, (4) a written order, (5) the opportunity to move for revision in superior court, (6) the opportunity to appeal, and (7) a one-year limitation on the protection order if it restrains the respondent from contacting minor children.

Id.; *Gourley v. Gourley*, 158 Wn.2d 460, 468-69, 145 P.3d 1185 (2006).

Amicus would prefer that both parties were represented at every stage of this proceeding. But Mr. Zavala was afforded the necessary procedural protections to protect his parental rights in this proceeding. The DVPA gives trial courts authority – authority that comports with constitutional protections of parental rights – to protect children from an abuser, even if the abuser is a biological parent, once domestic violence has been established.

from work, and services to children. *Aiken*, 387 P.3d at 685, FN 6 (2017) (citing LAWS OF 1993, ch. 350, § 1.).

V. CONCLUSION

Increasing the burden on victim parents of young children who cannot express their fear of abuse, or children who were absent when abuse occurred, undermines the Domestic Violence Prevention Act in both letter and spirit. Instead, Washington State law and public policy, as well as the recognition that children are harmed by domestic violence, permits protection of all the children in a victim's household, once the victim parent has proved that he or she is a victim of domestic violence as defined in RCW 26.50. *Amicus* respectfully requests that this Court reverse the decision below, and clarify that RCW 26.50 provides for the inclusion of children on a victim's protection order.

DATED: February 17, 2017

BULLIVANT HOUSER-BATZLEY PC

By 

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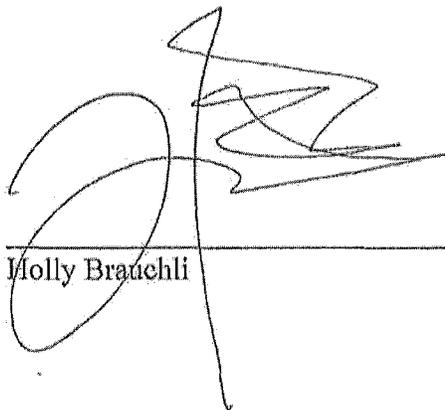
CERTIFICATE OF SERVICE

I, Holly Brauchli, declare that on the 17th day of February, 2017, I served this Supplemental Amicus Brief of Legal Voice, to the following counsel for the Petitioner via email with permission of counsel, and to the Respondent via U.S. mail, at the addresses set out below.

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Good Morning,

Attached for filing please find:

1. Motion for Leave to File Supplemental Brief of Amicus Curiae; and
2. Supplemental Amicus Brief of Legal Voice.

The case information is as follows:

Esmeralda Rodriguez v. Luis Daniel Zavala
WA Supreme Court No. 93645-5

The filing attorneys for the attached briefs are:

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