

Washington State Judicial Branch

2024 Supplemental Budget

Implement Protection Order Support for Judicial Officers

Agency: Administrative Office of the Courts

Decision Package Code/Title: 4S – Implement Protection Order Support

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 1.0 FTE and \$440,200 ongoing to provide additional staff tasked with providing outreach and technical assistance to courts to ensure that pro tem judges receive the training, practical tools, and resources required to preside over these civil protection order proceedings. This funding would also pay superior and district courts reimbursements for judicial time spent to train the pro tem judges. Overall, this proposal would support courts in their implementation of more accessible, trauma-informed protection order processes. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	1.00	0.50	1.00	1.00	1.00
Operating Expenditures						
Fund 001-1	\$0	\$440,200	\$440,200	\$435,400	\$435,400	\$870,800
Total Expenditures						
	\$0	\$440,200	\$440,200	\$435,400	\$435,400	\$870,800

Package Description:

Since 2021, there have been major and ongoing changes to Washington’s civil protection order laws, with no additional funding allocated to courts. Those changes include requiring electronic filing of protection order petitions; permitting electronic service in most cases; allowing hearings to be conducted remotely, including by telephone, video, or other electronic means; expanding civil remedies available to litigants; revising standards and requirements for Orders to Surrender Weapons; amending the definition of domestic violence to include coercive control; and removing provisions granting jurisdiction over protection order proceedings to municipal court. As courts statewide have implemented these new requirements that are intended to improve access to justice for litigants, it has stretched their resources.

In a June 2023 survey of district and superior courts (judges, commissioners, clerks, administrators) statewide, with 117 completed responses received from 34 counties, 84 percent of survey responders indicated an increase in the number of civil protection order filings; 88 percent of survey responders indicated an increase in the number of civil protection order hearings; 83 percent of survey responders indicated an increase in the length of time to conduct civil protection order hearings; and 86 percent of survey responders indicated an increase in the amount of time required for judicial officers to prepare for civil protection order hearings.

From an access to justice perspective, many of the causes for the higher volume and increased court time are positive. Survey responders indicated that community awareness about protection orders, remote/hybrid protection order proceedings, courts initiating the transfer process from district to superior court, ease of filing, and the removal of jurisdictional boundaries have driven these increases. Other factors driving these increases include the length or complexity of the combined protection order form and service issues.

When asked “what would be most helpful to your court to be able to meet the requirements of [Chapter 7.105 RCW](#),” the most common responses were:

- Funding for additional staff: judicial officers, commissioners, facilitators, or other staff dedicated to protection order proceedings
- Funding and a better system to appoint counsel
- Training for judicial officers and court staff
- Resources at the state level (provided by the Administrative Office of the Courts): e.g., brochures, other information for litigants
- Improve Court Forms: Translation, make fillable, shorten, and simplify forms

A judge or commissioner pro tempore (commonly referred to as a “pro tem”) is a judicial officer who is temporarily appointed. Individuals serving as pro tems may include judges from other jurisdictions, retired judges, or practicing attorneys. When asked how pro tems are utilized in the civil protection order survey, 28 percent of respondents indicated that they are used to address the need for more hearings or extra dockets. Only about half of pro tems that hear the civil protection order dockets receive specialized training. Barriers to effective use of pro tems include time and funding, availability, and training.

Increasing funding to courts that utilize pro tems to provide additional coverage for protection order dockets, or to allow courts to employ pro tems, would be a helpful relief to courts. The superior court pro tem reimbursement rate for FY 2025 is \$65.22 per hour / \$456.52 per day. District court reimbursement rates vary by jurisdiction.

Because pro tem training is a critical and related need, this request would also provide reimbursement to courts for pro tem training and would fund a staff person at AOC, who in addition to overseeing pro tem reimbursements for civil protection orders and training time, would provide outreach and technical assistance to courts to ensure that pro tems receive training and practical tools and resources related to protection orders. This staff person would work in partnership with court education and the court commissions. The training and practical tools may include training that AOC is developing on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, best practices for the surrender of weapons, and domestic violence homicide prevention pursuant to [RCW 7.105.255](#), as well as resources geared both toward judicial officers and litigants that were developed and maintained by the Gender and Justice Commission and its House Bill 1320 (Chapter 215, Laws of 2021) stakeholder group.

Fully describe and quantify expected impacts on state residents.

In 2022, more than 17,000 civil protection order cases were filed in superior court. Between January and April 2023, over 6,000 civil protection order cases were filed. In district court in 2022, more than 7,500 civil protection order cases were filed.¹ Between January – April 2023, nearly 2,300 civil protection order cases were filed in district court.

[RCW 7.105](#) was adopted in 2021 to make the civil protection order process easier to navigate, understand, and access for the thousands of Washingtonians seeking this civil relief. Additional funding is needed to continue to implement and improve these processes to increase access to justice for Washington State residents.

Explain what alternatives were explored by the agency and why this was the best option chosen.

This emergent need was solidified by a June 2023 survey of courts and there are no funding alternatives readily available. This funding is critical to support courts experiencing an influx of case time and volume without the means to increase staffing. Providing for pro tem reimbursement for protection orders and ensuring that those pro tems are trained would deliver more immediate relief.

¹ Caseload reports are available at: <https://www.courts.wa.gov/caseload/>.

What are the consequences of not funding this request?

Accessible and trauma-informed practices such as remote hearings, electronic service, and 24/7 electronic filing — to name a few — take time and have stretched court resources. Already, and without additional funding, courts have added protection order dockets, extended calendars, updated local training procedures, created overflow calendars, and developed new policies and systems intended to meet these statutory requirements. Consequences of not funding this request include burnout of judicial officers and court personnel resulting in poorer court user experience, as well as the potential for delays in case processing as staffing is unable to match the volume of cases, which is contrary to the legislative intent of these changes.

Is this an expansion or alteration of a current program or service?

No.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Court Program Analyst. Beginning July 1, 2024 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to manage pro tem reimbursements to courts for coverage of their protection order dockets as well as provide outreach and technical assistance to courts to ensure that their pro tems receive training and practical tools and resources related to protection orders.

Other Non-Standard Costs (Object N)

This request would also fund \$250,000 in reimbursements to district and superior courts for pro tems covering the civil protection order dockets and their training time.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A Salaries and Wages	108,300	108,300	108,300	108,300	108,300	108,300
B Employee Benefits	33,100	33,100	33,100	33,100	33,100	33,100
E Goods and Services	3,600	3,600	3,600	3,600	3,600	3,600
G Travel	2,000	2,000	2,000	2,000	2,000	2,000
J Capital Outlays	6,600	1,800	1,800	1,800	1,800	1,800
N Grants, Benefits, and Client Services	250,000	250,000	250,000	250,000	250,000	250,000
T Intra-Agency Reimbursements	36,600	36,600	36,600	36,600	36,600	36,600
Total Objects	440,200	435,400	435,400	435,400	435,400	435,400

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
SENIOR COURT PROGRAM ANALYST	108,300	1.00	1.00	1.00	1.00	1.00	1.00
Total FTEs		1.00	1.00	1.00	1.00	1.00	1.00

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 30.59% of salaries.

Goods and Services are the agency average of \$3,600 per direct program FTE.

Travel is the agency average of \$2,000 per direct program FTE.

Ongoing Equipment is the agency average of \$1,800 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE.

Agency Indirect is calculated at a rate of 25.86% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

This package directly advances four Judicial Branch policy Objectives: Fair and Effective Administration of Justice, Accessibility, Commitment to Effective Court Management, and Sufficient Staffing and Support. The fair and effective administration of justice in protection order proceedings requires court resources to meet the needs of litigants—resolving cases in a trauma-informed manner. The intent behind the recent statutory changes was to enhance access to the courts for protection order litigants, and this funding would allow courts to continue to implement those improvements. Additional funding for pro tem reimbursements specifically for civil protection orders would help manage the increased volume of cases by providing courts with increased staffing capacity.

Are there impacts to other governmental entities?

This would impact trial courts at the superior and district court level by providing funding and support to mitigate the increase in protection order filings and case times.

Stakeholder response:

The Administrative Office of the Courts anticipates that the following stakeholders will be supportive of this request. It would give trial courts support to better serve litigants seeking civil protection orders.

- Litigants who utilize the court for civil protection orders
- Trial Courts
- Members of the legal aid and access to justice community
- Community based non-profits serving survivors of gender based violence

Are there legal or administrative mandates that require this package to be funded?

[Chapter 7.105 RCW](#), as enacted Chapter 215, Laws of 2021 and subsequently amended by Chapter 268, Laws of 2022 and Chapter 462, Laws of 2023, imposes new requirements on courts to make the civil protection order process more accessible. This request would provide funding to help courts continue to implement these requirements.

Does current law need to be changed to successfully implement this package?

No changes to current law are required to successfully implement this package.

Are there impacts to state facilities?

This request does not impact any state facilities.

Are there other supporting materials that strengthen the case for this request?

See the attached Civil Protection Order survey results. See also, caseload reports and data about civil protection order filings available at: <https://www.courts.wa.gov/caseload/>.

Are there information technology impacts?

There are no information technology impacts related to this request.

Agency Contacts:

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CIVIL PROTECTION ORDER SURVEY RESULTS

The District and Municipal Courts Judges Association (DMCJA), Superior Court Judges Association (SCJA) and the Gender and Justice Commission (GJC) developed a Civil Protection Order Survey to learn more about civil protection order proceedings statewide since the adoption of Chapter 7.105 RCW, and to determine how courts and judicial officers can be better supported as they implement the new requirements.

This survey was developed based on discussion and issues highlighted in the monthly civil protection order forums for judicial officers hosted by the GJC's Domestic & Sexual Violence Committee. Emails with the survey link were sent to Court Administrators, Clerks, and Judicial Officers from superior courts and district courts across Washington State. An initial email was sent on May 31, 2023, inviting individuals to participate in the survey, with responses due by June 9, 2023.

Please note that this survey summary does not summarize all questions asked. It is focused on the questions regarding the impact of Chapter 7.105 RCW on courts, how courts have adapted, the use of pro tem judges, and court needs.

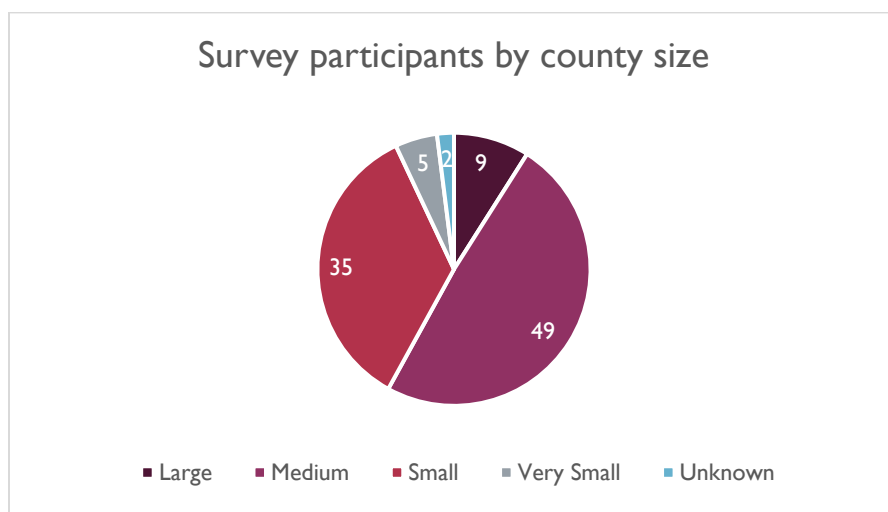
SUMMARY STATISTICS FOR SURVEY PARTICIPANTS:

Overall, 117 people from 34 counties in Washington completed the survey. The highest representation was from King (n = 10; 9%), Spokane (n = 10; 9%), and Snohomish (n = 8; 7%) counties. Participant numbers per county ranged from 1 to 10 people. Two participants' jurisdictions are unknown.

We also looked at the percentage of participants by population size of county: Large (>1 million), medium (100,000 to 999,999), small (<100,000), and very small (<10,000). The counties by size are as follows:

- **Large** – King
- **Medium** – Pierce, Snohomish, Spokane, Clark, Thurston, Kitsap, Yakima, Whatcom, *Benton, Skagit, Cowlitz
- **Small** – Grant, *Franklin, Island, Lewis, *Chelan, Clallam, Grays Harbor, Mason, Walla Walla, Whitman, Kittitas, Stevens, Douglas, Okanogan, Jefferson, Asotin, Pacific, Klickitat, Adams, San Juan, Pend Oreille, *Skamania, Lincoln
- **Very small** – Ferry, Wahkiakum, *Columbia, Garfield

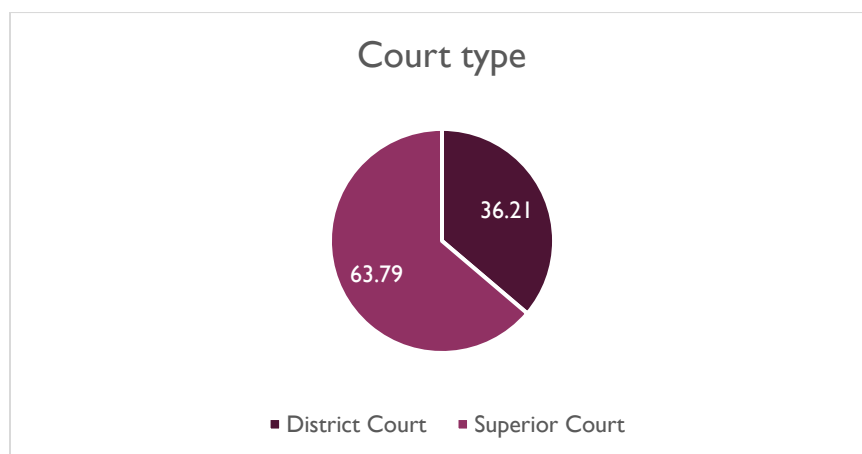
*County not represented in the survey



While the overall sample size was $n = 117$, across questions there were participants who skipped/did not answer. The 'sample size' ($n =$) for each question or group is indicated in the surrounding narrative. Results reflect the percentage among those who answered the question.

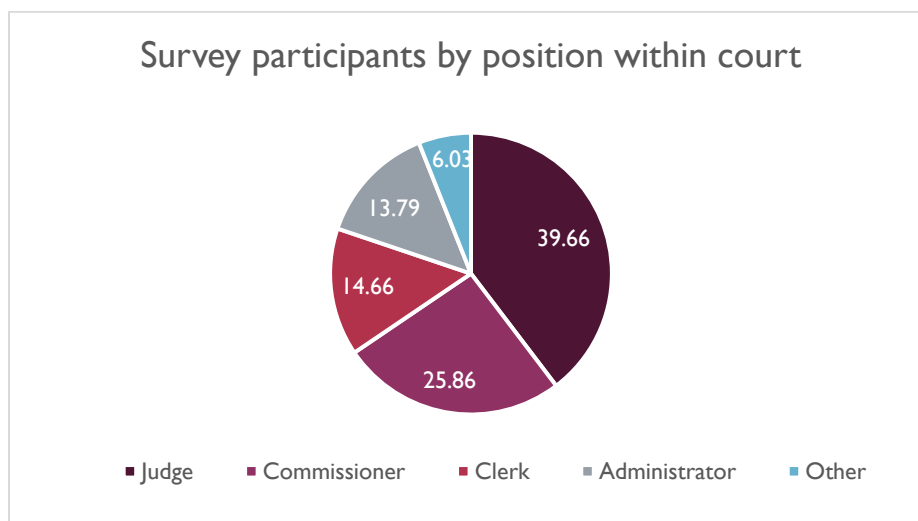
COURT TYPE:

Participants were asked to indicate what type of court they worked in—district court or superior court ($n=116$).



PRIMARY ROLE OF SURVEY PARTICIPANTS:

Participants were asked what position best represented their primary role in the court with options including: Judge, Commissioner, Clerk, Administrator, and Other (specify) ($n = 116$).



Survey responders who indicated their role as “Other” included: domestic violence liaison, supervisor, manager, judicial assistant, judicial services manager, civil business analyst, and division director.

INCREASED DEMANDS ON COURTS:

Since the implementation of Chapter 7.105 RCW, survey responders indicated the following increased demands:

- Increase in civil protection order (CPO) filings (n=114): 84%
- Increase in the number of CPO hearings (n=117): 88%
- Increase in the length of time to conduct CPO hearings (n=115): 83%
- Increase in the amount of time required for judicial officers to prepare for CPO hearings (n=111): 86%

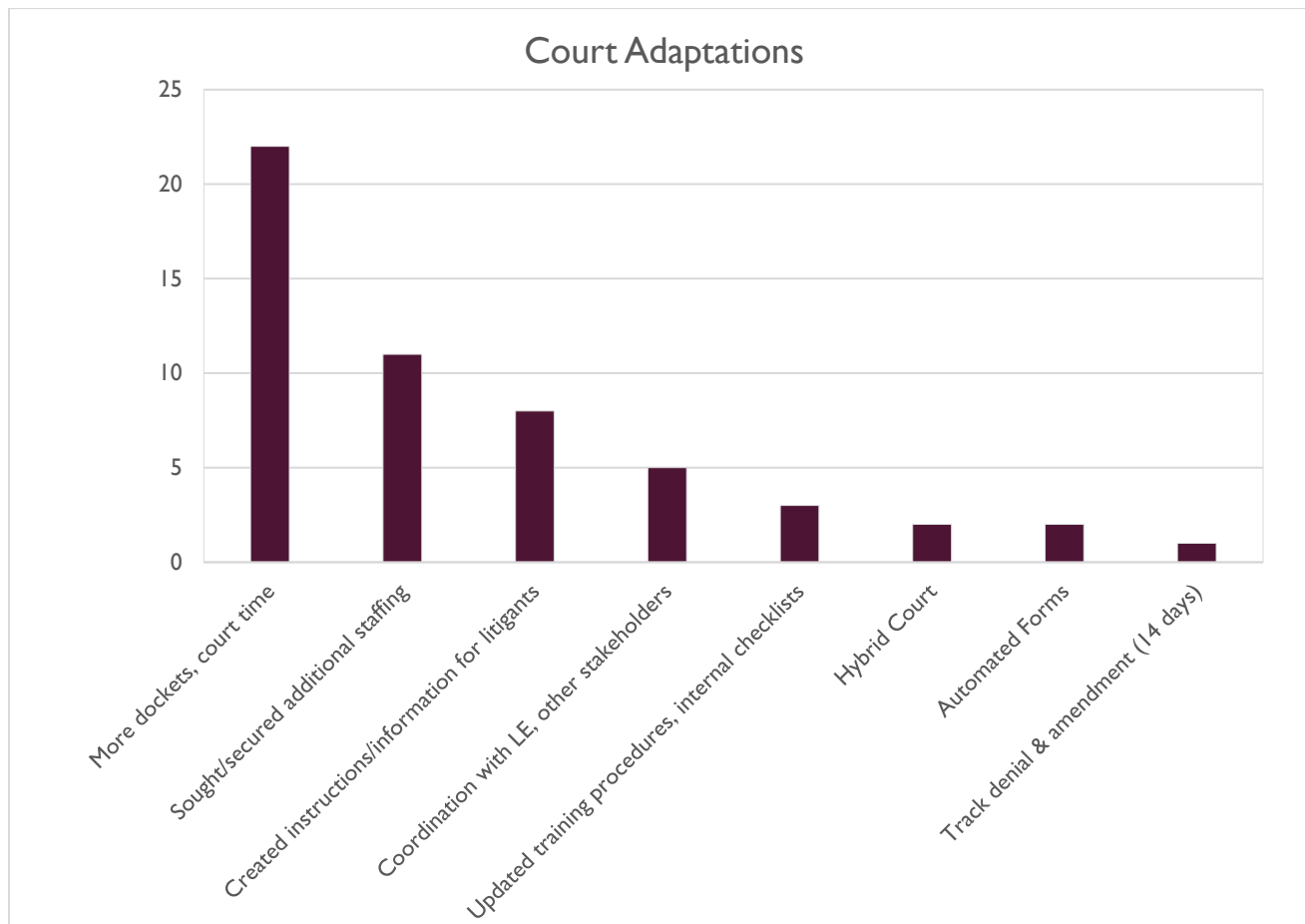
To gauge what may be driving any increases, the survey asked what survey responders saw as the cause(s) for any increase to filings, number of hearings, and/or length of hearings. Reasons identified by survey responders were as follows, listed in order of reasons most commonly cited to least (n=100, although many survey responders cited noted reasons for the increases):

- Complexity and length of new forms
- Increase in using protection order process instead of other civil process (e.g. family law, eviction)
- Time to consider testimony and evidence, including no limit on pleadings or exhibits
- Ease of filing*
- No jurisdictional boundaries*
- Public awareness*
- Expanded definitions*
- Hybrid/remote proceedings*
 - Note: 92% of survey responders indicated their court conducts remote CPO hearings, and that litigants are able to choose whether to appear remotely or in person.
- Service issues
- Referred by schools or law enforcement*
- Written, detailed findings are required*
- Expanded eligibility for who can file*
- Statute favors issuing protection orders*
- Electronic service*
- Removing municipal court jurisdiction for protection orders
- More cases involving youth
- Time to interpret forms, relay interpretation in remote proceedings
- Lack of awareness about court rules
- Waived fees*
- More interaction with pro ses needed*
- Must review JABs, related matters*
- Review hearings if treatment ordered
- Harder to review provisions when combined vs. in discrete chapters
- More remedies available*

***From an access to justice perspective, these reasons cited for increases in volume and court time align with the legislative intent of the statute to clarify and simplify the civil protection order process, and to make it more accessible. See RCW 7.105.900(5) & (6).**

HOW COURTS HAVE ADAPTED TO ADDRESS CHALLENGES:

Survey responders were asked whether their court has made any changes, procedural or otherwise, to address any challenges faced under Chapter 7.105 RCW, and to describe those changes (n=65, although many survey responders cited multiple changes).



PRO TEM JUDGES

Pro Tem Utilization: Survey responders were asked how pro tems were utilized in their courts (n=95). Approximately 96% of survey responders indicated that pro tems are used when a judicial officer is on leave, and approximately 28% indicated that pro tems are used to address the need for more hearings or extra dockets.

Other reasons cited for using a pro tem included when a judge is recused/to address conflicts, and for special projects.

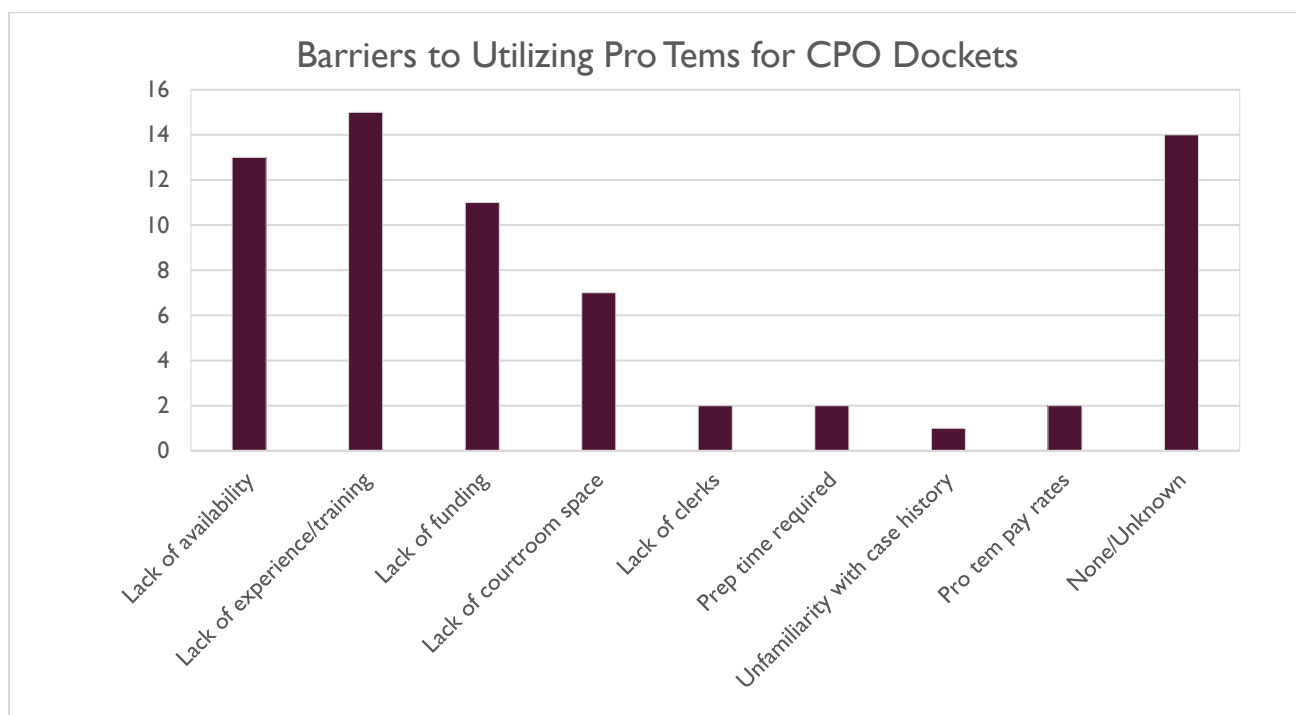
Pro Tem Training: When asked whether pro tems receive any specific training prior to presiding over a protection order calendar, approximately 51% of survey responders responded in the affirmative (n=87).

If pro tem training was provided, the nature/content of those trainings as indicated by survey included (n=54):

- Direct training by the civil protection order judge/commissioner
- Observing/shadowing protection order hearings
- Notebooks/training binders/bench books

- Statute training
- Trauma training
- Judicial college and conferences
- Mandatory quarterly training on procedures
- Mentorship by sitting judge/commissioner
- Group trainings once per month
- Individual training upon request
- Annual 1.5 hour pro tem training

Barriers: When asked what barriers, if any, are there to the effective use of pro tems for civil protection order dockets in your court, survey responders indicated the following (n=55, although some survey responders cited multiple barriers):



COURT NEEDS

Survey responders were asked what resources would be most helpful to their court to be able to meet the requirements of Chapter 7.105 RCW (n=66, although many survey responders cited multiple resources).

The most common responses included the following

- Funding for additional staff: judicial officers, commissioners, facilitators, advocates, or other staff dedicated to protection order proceedings
- Funding and a better system to appoint counsel
- Training
- Resources at the state level (AOC): Brochures, other information for litigants
- Forms Improvements: Translation, make fillable, shorten/simplify

LIMITATIONS:

The information in this summary should be viewed in light of the limitations of this study. All but five Washington counties had at least one individual who participated in this survey; however, participants are not representative of all counties, courts, or positions within the court. Some jurisdictions had a number of individuals across a variety of positions answer the survey and some had just one individual. It is possible that those who self-selected into the survey are significantly different in terms of their experience and perspective, from those who chose not to answer.