

Washington State Judicial Branch

2025-27 Biennial Budget

Continue Civil Protection Order (CPO) Support for Courts

Agency: Administrative Office of the Courts

Decision Package Code/Title: AG – Continue CPO Support for Courts

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 1.5 FTEs and \$1.648 million in ongoing funding to support Washington trial courts in operating accessible and trauma-informed civil protection order processes. This continues one-time funding to reimburse trial courts when judges pro tempore cover civil protection order dockets and attend training. It will improve the courts' response to litigants in protection order proceedings by supporting courts through training, technical assistance, and resource development. (General Fund-State)

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	1.5	1.5	1.5	1.5	1.5	1.5
Operating Expenditures						
Fund 001-1	\$824,000	\$824,000	\$1,648,000	\$824,000	\$824,000	\$1,648,000
Total Expenditures						
	\$824,000	\$824,000	\$1,648,000	\$824,000	\$824,000	\$1,648,000

Package Description:

Civil protection orders (CPOs) are a tool that can increase victim safety outside of the criminal justice process. Since 2021, there have been major and ongoing changes to Washington's CPO laws. Those changes include:

- Requiring electronic filing of protection order petitions.
- Permitting electronic service, in most cases.
- Requiring a review of the Judicial Information System.
- Allowing hearings to be conducted remotely.
- Expanding civil remedies available to litigants.
- Revising standards and requirements for Orders to Surrender Weapons.
- Creating the Hope Card Program.
- Amending the definition of domestic violence to include coercive control.

Improving access to justice and simplifying the CPO process was the chief concern for the Washington State Legislature in making these changes. Courts share these important goals and they have experienced significant barriers to implementing the new requirements.

In a recent survey of district and superior courts (judges, commissioners, clerks, administrators) statewide,¹ 84 percent of survey responders indicated an increase in the number of CPO filings; 88 percent of responders indicated an increase in the number of CPO hearings; 83 percent of responders indicated an increase in the length of time to conduct CPO

¹ 117 completed responses were received from 34 Washington State counties.

hearings; and 86 percent of responders indicated an increase in the amount of time required for judicial officers to prepare for CPO hearings. The increase in filings reported by courts is supported by the Washington caseload report data below.

Washington caseload reports since changes to the protection order law went into effect reflect increases in the number of CPO filings, particularly for superior courts, due to standardizing criteria for transferring protection orders from courts of limited jurisdiction to superior courts in RCW 7.105.050 and removal of municipal court jurisdiction over protection orders.²

Year	Superior Courts							District Courts		
	State Total			King (KCSC)			Total PO excluding KCSC	State Total	KCDC	Total PO excluding KCDC
	CPO	DV	Total PO	CPO	DV	Total PO				
2019	3,043	12,574	15,617	3	3	6	15,611	9,758	2,586	7,172
2020	2,698	11,045	13,743			-	13,743	8,090	1,342	6,748
2021	2,979	11,558	14,537			-	14,537	7,327	6	7,321
2022	11,023	6,104	17,127			-	17,127	7,520	1	7,519
2023	20,227	-	20,227			-	20,227	7,083	-	7,083

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; and
- Improve Court Forms: Make fillable, shorten, and simplify forms.

² King County Superior Court (since 2020) and King County District Court data (since 2023) are not included in the caseload reports. For the purposes of this chart, cases filed in King County prior to the dates cited above have been removed from the data for consistency of reporting.

This decision package will support courts in meeting the requirements of Chapter 7.105 RCW, and includes the following FTEs:

- One half-time Senior Court Program Analyst to continue providing technical assistance to courts on protection order laws and processes, focus on statewide systems and policy efforts, and to facilitate coordination of those involved in protection-order related work within AOC.
- One full-time Court Program Analyst to continue coordinating the pro tem reimbursement program established in FY 2025 including providing technical assistance and support to participant courts.

These positions will work in partnership with dedicated educators from AOC's Court Education Services Section who are deployed to this team and staff to the Washington Supreme Court Gender and Justice Commission to develop CPO trainings and resources that are responsive to the need.

Expanding Capacity by Utilizing Pro Tems on CPO Dockets:

A judge or commissioner 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 CPO survey, 28 percent of respondents indicated that they are used to address the need for more hearings or extra dockets. The survey found that only about half of pro tems who hear CPO 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, and to allow more courts to employ pro tems, would be a helpful relief to courts. An advantage to utilizing pro tems as opposed to hiring full-time judges or commissioners is flexibility to bring in a pro tem on an as-needed basis, depending on CPO docket sizes, cases filed, etc.

We are requesting \$560,000 to reimburse approximately 8,600 hours statewide for pro tem time, both in presiding over protection order dockets and participating in training. Pro tem training is a critical and related need. This amount is based on the superior court pro tem reimbursement rate of approximately \$65.22 per hour / \$456.52 per day. District court reimbursement rates vary by jurisdiction. Allocation of funds will be determined based on the greatest need, including data points such the number of protection order dockets, caseloads, and number of pro tems.

Fully describe and quantify expected impacts on state residents.

RCW 7.105 was adopted in 2021 to make the CPO process easier to navigate, understand, and access for the tens of thousands of Washingtonians seeking this form civil relief every year. Additional funding is needed to continue to implement and improve these processes that will increase access to justice for Washington State residents. This funding will give courts the time to conduct more trauma-informed proceedings and to better determine context, which is critical to protection order cases; and it will result in more knowledgeable judicial officers on topics related to gender-based violence and CPOs.

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

Courts need more staffing to handle the increase in filings and the additional time required for each case. Short of adding judicial positions in every county, reimbursing courts using pro tems for additional CPO dockets is a way to support them in implementing the changes to CPO laws. On training, the alternative is each court provides its own training for pro tems handling CPO cases. As we found in our court survey, not all courts provide training and for those that do, it varies widely. Standardizing the baseline training for pro tems handling CPO cases will help to ensure litigants receive a trauma-informed response from courts across the state.

What are the consequences of not funding this request?

Consequences of not funding this request include burnout of judicial officers and court personnel resulting in poorer court user experience, the potential for inequitable treatment of court users, and delays in case processing as staffing is unable to match the volume of cases, which is contrary to the legislative intent of these changes.

Practices that make courts more accessible, such as remote hearings, require more time.³ Similarly, a trauma-informed approach necessitates more time; it requires thorough explanations of the process and what to expect, and in order to fully understand context, it requires time for courts to ask additional questions of the litigants who may include minimal information in their petition or responses. It may also require additional breaks/recesses for the parties. While all of these practices can improve a litigant's court experience, the additional time this requires has stretched court resources, and resulted in courts needing to add more protection order dockets each week.

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

This is a continuation of existing funding.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Court Program Analyst. Beginning July 1, 2025 and ongoing, AOC requires salary, benefits, and associated standard costs for 0.5 FTE to continue providing technical assistance to courts on protection order laws and processes, focus on statewide systems and policy efforts, and to facilitate coordination of those involved in protection-order related work within AOC.

Court Program Analyst. Beginning July 1, 2025 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE Court Program Analyst to continue the pro tem reimbursement program.

Other Non-Standard Costs

Pass-Thru Funding to Courts. Annual funding to pay pro tems (\$560,000). (Object N)

Expenditures by Object	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
A Salaries and Wages	152,000	152,000	152,000	152,000	152,000	152,000
B Employee Benefits	47,000	47,000	47,000	47,000	47,000	47,000
E Goods and Services	9,000	9,000	9,000	9,000	9,000	9,000
G Travel	3,000	3,000	3,000	3,000	3,000	3,000
J Capital Outlays	3,000	3,000	3,000	3,000	3,000	3,000
N Grants, Benefits & Client Services	560,000	560,000	560,000	560,000	560,000	560,000
T Intra-Agency Reimbursements	50,000	50,000	50,000	50,000	50,000	50,000
Total Objects	842,000	842,000	842,000	842,000	842,000	842,000

Staffing

Job Class	Salary	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
SENIOR COURT PROGRAM ANALYST	108,000	0.5	0.5	0.5	0.5	0.5	0.5
COURT PROGRAM ANALYST	98,000	1.0	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.5	1.5	1.5	1.5	1.5	1.5

³ A 2022 report from the National Center for State Courts found that, on average, virtual hearings take 34% longer than in-person hearings.

Explanation of standard costs by object:

A - Salary estimates are current biennium actual rates at Step L.

B - Benefits are the agency average of 31.10% of salaries.

E - Goods and Services are the agency average of \$5,800 per direct program FTE.

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

J – Ongoing Equipment is the agency average of \$1,900 per direct program FTE.

J – One-time IT Equipment is \$5,900 for the first fiscal year per direct program FTE.

Agency Indirect is calculated at a rate of 24.98% of direct program salaries and benefits.

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

This package supports the **fair and effective administration of justice** and **accessibility**. 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. It also supports the judicial branch’s **commitment to effective court management** and **sufficient staffing and support**. Additional funding for pro tem reimbursements specifically for CPOs will help courts to manage the increased volume of cases.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

Gender-based violence, the basis for which a person might seek a CPO, disproportionately impacts women, BIPOC, immigrants, those living in poverty, and LGBTQIA+ people.⁴ These disproportionate impacts are compounded by language, physical, and financial barriers to the legal system. This package can help to remove some of those barriers and provide a more positive and accessible court experience for all who engage with the CPO process.

Describe how the agency conducted community outreach and engagement.

AOC surveyed courts statewide in 2023 regarding the impacts of chapter 7.105 RCW on courts, and the need. AOC staff have also engaged with numerous agencies providing services to survivors of gender-based violence through the Crime Victim Services Work Group convened by the Gender and Justice Commission.

Consider which target populations or communities would be disproportionately impacted by this proposal.

Explain why and how these equity impacts will be mitigated.

This proposal will benefit individuals engaging with the courts in the CPO process, particularly those who are not represented by an attorney. By improving the process/experience, more may be encouraged to come forward and engage. We do not anticipate a disproportionate impact on any populations or communities.

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. It may also impact appellate courts in that these improvements lead to fewer appeals.

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 CPOs.

- Litigants who utilize the court for CPOs

⁴ Please refer to [2021: How Gender and Race Affect Justice Now](#), Chapter 8 pp. 351-353 for prevalence data.

Administrative Office of the Courts
Policy Level – AG – Continue CPO Support for Courts

- 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 CPO 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 CPO survey results. See also, caseload reports and data about CPO filings available at:
<https://www.courts.wa.gov/caseload/>.

Are there information technology impacts?

There are no information technology impacts related to this request.

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