

Washington State Judicial Branch 2025-27 Biennial Budget Improve Family Law & Domestic Violence Research

Agency: Administrative Office of the Courts

Decision Package Code/Title: BH – Improve Family Law & DV Research

Agency Recommendation Summary Text:

The Administrative Office of the Courts, on behalf of the Supreme Court Gender and Justice Commission, requests \$418,000 and 1.0 FTE ongoing for a family law and domestic violence researcher. This researcher will fill significant data and information gaps in the areas of family law and domestic violence in the justice system. This will allow researchers, the courts, and the public to better understand access to justice issues, disparities, needs, and trends in these areas. (General Fund – State)

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	1.0	1.0	1.0	1.0	1.0	1.0
Operating Expenditures						
Fund 001-1	\$212,000	\$206,000	\$418,000	\$206,000	\$206,000	\$412,000
Total Expenditures						
	\$212,000	\$206,000	\$418,000	\$206,000	\$206,000	\$412,000

Package Description:

Washington’s focus on how the legal system responds to family law issues should be comprehensive and sustained. To better respond to people involved with the family law system, the Administrative Office of the Courts (AOC) requests funding for a program with responsibility for understanding the status quo and leading a process focused on making strategic and incremental improvements. The Family Law and Domestic Violence researcher will be responsible for providing relevant, valid, accessible information that analyzes the current state across Washington’s counties so that policy-makers and stakeholders can engage in fact-based planning and implement changes designed to make the system more effective and equitable. They will also be the expert knowledgeable about research and developments in the field in Washington and nationally.

Most civil cases filed in Washington have limited information entered into electronic case record management systems. Consequently, both family law and civil-docket domestic violence data are difficult to access, analyze, and use. These types of cases require a more comprehensive, manual view of files to see the full picture of how courts and justice system partners respond. And, there are usually not other data systems to fill in data gaps as there may be within the criminal justice system (law enforcement, Washington State Department of Corrections, court judgment and sentence forms). Information regarding whether litigants are represented at specific stages in their cases is also not easily obtained without labor-intensive case reviews.

The proposed Washington State Center for Court Research (WSSCR) position would be a family law and domestic violence researcher. This researcher will address data and information gaps by reporting on existing family law and domestic violence case data, as well as ongoing cases. Research will include a representative case sample model from across the state, as well as location-specific cases. This will allow researchers, the courts, and the public to better understand access to justice issues, disparities, needs, and trends in these areas.

Priorities for data, analysis, reporting, and engagement include, but are not limited to the following:

- Percentage of cases with identified limiting factors (factors that could limit a parent’s contact with children) alleged in the petition (e.g., domestic violence, substance use disorder, child abuse, etc.) v. final orders with limitations included
- Frequency of treatment or service requirements based upon limiting factors (substance use treatment, domestic violence treatment, anger management, reunification)
- Frequency of parenting plan modification actions requested based upon other case facts (e.g., cases involving limiting factors and potential correlation to abusive use of conflict)
- Representation by an attorney, at what stages of a case, and for what duration
- Number of children involved in family law cases
- Trends over time in residential custody distribution
- Trends over time in child support
- Trends over time in spousal maintenance
- Evaluation of any differences in accessibility and case outcomes at various stages for litigants (motions, trial, mediation, agreed orders) based upon income, race, gender/ethnicity, geographic location of the parties
- Evaluation of family law and domestic violence data relating to native families, including considerations relating to federal Indian Child Welfare Act (ICWA), Washington’s Indian Child Welfare Act (WICWA), Missing and Murdered Indigenous Women (MMIW), and other relevant sources

This information would be useful beyond the judicial branch (e.g., Legislature, academia) and would inform needed systemic changes. It could also lead to court self-evaluation models to assist courts in looking at their current trends and improving administration of justice in these types of cases.

During their records review, the researcher will also collect information about the data and other information currently being recorded by courts—are they electronic document scans accessible only locally, in free-form text fields in court information management systems, or are they standardized codes that are consistently applied across courts? The researcher will recommend changes to records and data management to produce accessible information to inform policy and court program management.

The researcher will connect with trial court committees and trial court professional associations within Washington to ensure that the long-term work will be responsive and accountable to the trial courts and judicial branch leadership.

The researcher will assist courts to see their operations in comparison to current best practices, and help local courts track whether their programs are effective and equitable (e.g., in terms of protections, treatment, and coordination of resources).

Fully describe and quantify expected impacts on state residents.

Judicial branch research in this area will impact every court across the state. Research will illuminate ways in which the court system is currently being used, opportunities for improvement and larger trends in family law and civil domestic violence cases.

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

In recent years when research on family law or domestic violence was requested or needed to complete a project, the agency has contracted with a researcher. This includes of the following legislatively mandated projects:

- Domestic Violence – Chapter 272, Laws of 2017
- Domestic Violence – Chapter 263, Laws of 2019

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- Civil Protection Orders – Chapter 215, Laws of 2021
- Crime Victim Services Work Group – Chapter 475, Laws of 2023, Section 918

Due to limited time and funding, contractors are not able to complete all of the work necessary for a comprehensive understanding of family law and domestic violence issues. The remaining tasks fall on research staff, who do not have capacity. In addition, hiring a contractor requires staff time to find a person with expertise, negotiate terms, ensure deliverables were met, and serve as the liaison between the contractor and others within the agency. The review of family law cases is a task that needs to happen on an annual basis. Hiring a permanent staff position is the most efficient and effective solution.

What are the consequences of not funding this request?

Without a dedicated family law and domestic violence researcher, the branch does not have capacity to undertake the labor-intensive case review necessary to bridge the data and information gaps in these types of cases, to maintain current expertise on research-informed best practices, or even to understand whether courts’ actions in family law and domestic violence cases are having the intended effect. The individuals and families involved with this area of law will not have the benefit of sustained and programmatic performance assessment and feedback, and the public interest in effective justice will be underserved. There will be very limited data on which to seek system-wide improvements in these areas for litigants, so the status quo will remain.

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

No

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Research Associate. Beginning July 1, 2025 and ongoing, the Administrative Office of the Courts (AOC) requires salary, benefits, and associated standard costs for 1.0 FTE to develop information to address data and information gaps in the areas of family law and domestic violence in the justice system.

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	120,000	120,000	120,000	120,000	120,000	120,000
B Employee Benefits	37,000	37,000	37,000	37,000	37,000	37,000
E Goods and Services	6,000	6,000	6,000	6,000	6,000	6,000
G Travel	2,000	2,000	2,000	2,000	2,000	2,000
J Capital Outlays	8,000	2,000	2,000	2,000	2,000	2,000
T Intra-Agency Reimbursements	39,000	39,000	39,000	39,000	39,000	39,000
Total Objects	212,000	206,000	206,000	206,000	206,000	206,000

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 RESEARCH ASSOCIATE	120,000	1.00	1.00	1.00	1.00	1.00	1.00

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?

Fair and Effective Administration of Justice

This proposal will provide visibility on court processes and outcomes in an under-researched area. It will also provide recommendations for more fair and effective administration of justice based upon findings. If there are disparities in outcomes based on race, gender, or LGBTQ+ status, the research outlined in this proposal would identify them, which is the first step in ensuring justice is accomplished in family and domestic violence cases.

Accessibility

It will provide information regarding access to court processes by specific groups, and potential barriers based upon the data. The information obtained would promote greater accessibility, particularly for unrepresented litigants.

Access to Necessary Representation

This proposal will to identify rates of legal representation in family law and domestic violence cases. Current national estimates suggest that 80percent of family law cases involve at least one unrepresented litigant. The 2021: How Gender and Race Affect Justice Now report found disproportionate impacts for unrepresented women, particularly BIPOC women.

Commitment to Effective Court Management

One potential area of growth for the position and the research may relate to educating courts on evaluating their own data, and seeking improvement in management of these case types.

How does the package impact equity in the state?

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

Data will highlight underserved and vulnerable populations, and trends in cases and outcomes.

Describe the how the agency conducted community outreach and engagement.

Proposal stems from 2021: How Gender and Race Affect Justice Now Report, which acknowledges the limited data availability in these areas. Subsequent review by the Family Law Committee of the Gender and Justice Commission and WSSCR staff.

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

Explain why and how these equity impacts will be mitigated.

Not applicable.

Are there impacts to other governmental entities?

Yes. This proposal will have positive impacts in improved data and trend identification, which may be cross-referenced with data points outside the justice system.

Stakeholder response:

AOC 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?

No.

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

No.

Are there impacts to state facilities?

No.

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

The Gender and Justice Commission’s [2021: How Gender and Race Affect Justice Now Report](#) recommends removing requirements that litigants must submit a residential time summary report as the data collected has not been usable or statistically significant. This research position would instead generate a yearly report based upon representative case study information. (RCW 26.09.231, RCW 26.18.230).

2007 amendments to Washington’s Parenting Act included a requirement for parties in divorce cases involving minor children to file “residential time summary reports” on a form (to be) developed by the AOC. This form was required at a minimum to include: a breakdown of how much time the child spends with each parent; whether each parent had legal representation; whether domestic violence, child abuse, chemical dependency, or mental health issues existed; and whether the case was resolved by agreement or was contested. The AOC was also required to provide an annual report on the compiled information from the residential time summary reports. This requirement had the potential to provide information about changing trends in allocation of residential time in parenting plans. It also had the potential to provide information about how many family law cases are resolved by agreement or default compared to by trial, and what difference having legal representation may have in family law case outcomes.

The Commission’s 2021 Gender Justice Report highlighted that there has consistently been very low compliance with the requirement that parties must submit residential time summary reports in divorce cases, which in turn has limited the reliability of the data collected from those who do comply with the requirement. Perhaps as a result, the Legislature relieved AOC of the duty of compiling annual reports in 2017. It should be noted, that in the last “Residential Time Summary Report” published by the WSSCR, which covered the year 2016, WSSCR suggested that a more accurate assessment of residential time in Washington may emerge from record review based on a sample of cases, which would likely result in a lower total cost in addition to a more accurate view of what happens in dissolution cases with children.

Are there information technology impacts?

No.

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