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**From:** Gordon Bock [mailto:gordon\_uw@hotmail.com]  
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Dear Supreme Court Justices:

While there is agreement that Family Courts would benefit from innovative reform, we must be careful not to reform for the sake of reform. The worst kind of reform are those whose outcomes that do not align with the needs of society. While an efficient court system is certainly desirable, the people of Washington require a fair justice system above all else. [GR 40](#) is not fair justice process, which can create irreparable harm, however it is efficient. I believe that the need for due process, the need for positive outcomes, and the need for an efficient court system can be addressed with some modifications. Please "PROPOSED AMENDMENTS" section.

### **GR 40 IS ADVERSARIAL**

IDRT is claimed to be a less adversarial process, this is not proven in any research even though this process is used in 5 states. Given that today many court jurisdictions already urge litigants to engage in alternate resolution, the IDRT would generally be leveraged for those who have conflict that they cannot resolve without the use of the courts. By its very nature it would be used in adversarial cases.

### **DUE PROCESS**

Most cases that leverage an IDRT will have conflict, some of which can have lifelong impact to the children involved. Removal of due process in some cases is the wrong direction. A clear example is on the Rule Cover Sheet, which states "victims of domestic and sexual violence". It is abhorrent to consider that a proposal for judicial reform would eliminate due process in cases where it is needed the most; both the victim and accused deserve due process. An [IDRT study from Idaho](#) found that judges saw "*potential for relying on improper evidence and potential for judges feeling rushed to make decisions*". Unfortunately, false claims of abuse in proceedings is so well known, so often used, and so effective that it is labeled "the silver bullet". This often impacts men, which is contributing to fatherlessness, resulting in tectonic negative [societal impact](#). Unfortunately, even when proved false

the children will be [negatively impacted](#). When abuse accusations are true, this can have [fatal consequences](#). Quite literally when claims of abuse are made, judges must balance the safety of the child with the long-term mental health of the child and the impact it will have on society. Judges need the time and information to assess the facts before making judgement, the IDRT does not allow for that.

### **PROPOSED AMENDMENTS**

IDRT can be effective where claims of abuse are not part of the divorce proceeding. Likewise, statistically, children do best when [both parents are actively engaged](#). The IDRT process can be a transformative tool to drive positive co-parenting solutions with additional modifications. Suggest the following amendments:

1. *Accusations of assault or abuse cannot be introduced in an IDRT hearing.* Any claim of assault or abuse, whether true or false, will have a negative impact on the relationship the accused has with their child. If true, it will impact visitation. If false, the claim is a strong indicator of future alienation behaviors which have adverse consequences on the child.
2. *Attorneys do not participate in IDRT hearings.* Attorneys represent the interest of their client, not the child. As such by their very nature they are often a detractor from outcomes that would benefit children in the long-term. Parties who can afford or who want to use attorneys can go through the normal family court process.
3. *Default 50/50 visitation* – while there are unique circumstances presented which may alter 50/50 visitation, judgements for visitation should attempt to achieve as close to equal physical parenting as possible. This will eliminate the “winner-take-all” approach which contributes to conflict and ultimately harms children.
4. *Create co-parenting environment* – removing obstacles which drive high conflict divorces, the IDRT process can empower judges to set expectations that encourage active co-parenting. Tools such as parenting training or graduated visitation schedules when infants are involved would provide the tools allowing both parents to be active throughout the child's life.

### **SUMMARY**

When constrained against cases that require due process, the IDRT process can be a desired vehicle for litigants due to low cost, no attorneys, and direct conversations with the judge. What the litigants will need to give up in return is any desire of a “winner-take-all” outcome which ultimately hurts the children involved. The IDRT can be more easily allow the judge to be “the parent for the parents”.

Thanks,  
-Gordon

