

# **Washington State Domestic Violence Fatality Review**

*Summary of Recommendations, 2000 – 2010*

## *Family Law*

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Based on in-depth reviews of 84 domestic violence homicide and murder-suicide cases, the DVFR identified 11 key goals to improve the response to domestic violence in Washington State. Among these key goals: **Improve the ability of family courts to identify domestic violence and appropriately address victims' and children's safety and well-being.**

The following is a summary of recommendations related to family law from the six DVFR reports issued 2000-2010. Page numbers (in parentheses) indicate where each recommendation can be found in the full report, along with victim stories and relevant findings from review teams. Full reports are available at: [dvfatalityreview.org/fatality-review-reports/](http://dvfatalityreview.org/fatality-review-reports/)

### **2010**      *Up to Us*

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**Family law attorneys:** Routinely screen clients for domestic violence and coercive, controlling behavior by the other party. Help victims identify options for safety and refer them to community-based domestic violence programs. Get training on how to craft parenting plans that protect victims' safety and children's well-being and how to effectively present victims' needs in court. Draft parenting plan provisions that minimize opportunities for abusers to intimidate and control the victim and that limit the extent to which victims are required to have ongoing contact with abusers. (36)

**Courts:** Establish training standards, qualifications, and best practices for guardians ad litem and parenting evaluators. Increase supervision and ongoing training for GALs and evaluators, and require as part of training a supervised practicum in domestic violence family law cases. Implement mechanisms for the court to ensure that GALs and parenting evaluators are accountable to established standards. (36) (See also: 2002, 82)

**Courts:** Create mentorship opportunities that pair judges and commissioners who are experienced in domestic violence family law cases and willing to mentor, share expertise, and engage in problem solving with other judicial officers. (36)

### **2008**      *Now That We Know*

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**In order to increase victims' knowledge of the full range of legal options for protection available, courts** should provide information about Domestic Violence Protection Orders and domestic violence advocacy services to all persons requesting a civil Restraining Order as part of a dissolution. (76)

**All professionals providing information to courts regarding family court cases** (e.g., guardians ad litem and parenting evaluators) should be required to receive training regarding domestic violence that specifically addresses the evaluator’s ethical role with regard to identifying and responding to domestic violence; best practices for screening for domestic violence; assessing the impact of domestic violence and future risks; and crafting recommendations to the court that maximize child and adult victim safety, as well as ensure children’s best interests and well-being. (76) (See also: 2006, 82)

**Family law attorneys** should routinely screen clients for domestic violence and be aware of the American Bar Association’s Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases. (76)

**The Administrative Office of the Courts** should develop and provide specialized training to judges and commissioners who hear family law cases on how to appropriately address safety risks to victims of domestic violence and their children when drafting orders containing visitation and visitation exchange provisions. (76)

## **2006**      *If I Had One More Day...*

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**Courts** should have domestic violence resource information available throughout the courthouse (e.g., in bathrooms, waiting areas, clerks’ offices, Protection Order offices). (80)

**Dissolution forms**, “Do-It-Yourself Divorce” packets, and classes required by the courts for divorcing parents with children should include information about domestic violence and domestic violence resources. (80)

**Civil attorneys** should routinely tell their clients going through the dissolution process about available domestic violence advocacy services, where to receive assistance planning for their safety, and Protection Orders. (80)

**All attorneys practicing family law** should receive training on how to identify when domestic violence is an issue and what factors indicate an increased risk for serious injury or lethality. (80) (See also: 2004, 62)

**Civil Protection Orders** should specify visitation arrangements which address safety for domestic violence victims and their children. (82)

**The Washington State Bar Association** should collaborate with agencies with expertise in domestic violence and family law to create and disseminate the following practice guides: how to raise the issue of domestic violence in custody cases; making the connections between domestic violence and harm to children, including a literature review to help attorneys bring the research in this area to judges’ attention; and how to construct a parenting plan which addresses safety for victims and their children. (82) (See also: 2002, 79)

**To determine parenting plan arrangements, courts** should utilize neutral, well-trained evaluators who can: assess for the existence of domestic violence; obtain all available prior civil and criminal legal records which may pertain to the existence of domestic violence; and assess for the safety needs of victims and their children. (82) (See also: 2004, 62; 2002, 78)

**The Washington State Legislature** should increase funding for safe, affordable, and language-accessible supervised visitation and exchange resources for family law cases involving domestic violence. Supervisors should receive specialized training on the dynamics of domestic violence, how to recognize the manipulative tactics an abuser might use during visitation, the potential for an abuser to use visitation to stalk and control their partner, and the risk to children when one parent has a history of perpetrating domestic violence. (82) (See also 2002, 81)

## **2004** *Every Life Lost Is a Call for Change*

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**Funding should be increased for legal aid programs** to assist with representation of domestic violence victims in domestic violence and family law matters, and legal aid programs should collaborate with domestic violence advocacy programs to provide comprehensive advocacy services. (61) (See also 2002, 73)

**Funding should be allocated for domestic violence advocacy programs** to hire or contract with attorneys trained on domestic violence to represent victims. The Washington State Bar Association and local bar associations should partner with local domestic violence programs to create pro bono panels to represent domestic violence victims in domestic violence and family law cases. Individuals who participate should be recognized for their efforts, and receive free continuing legal education (CLE) credits for taking these cases. (61) (See also: 2002, 73)

**Law schools** should prioritize the creation and support of legal clinics for representation of domestic violence victims in domestic violence and family law cases, and incorporate domestic violence education in core courses. (61) (See also 2002, 73; 2006, 80)

**Low-cost and free legal representation services** should work to ensure their intake processes are accessible to domestic violence victims (e.g., provide flexible times for intake appointments). Also, they should prioritize assisting domestic violence victims so that they are not “conflicted out” by their abuser (if the abuser contacts the available local resources and secures legal representation or legal advice first, then the victim can be denied services because of rules governing attorneys that prohibit conflicts of interest). (61)

**Judges, attorneys, advocates and court staff** should ensure that Protection Order petitioners who mention an abuser’s homicide or suicide threats are connected to advocacy services, made aware of their increased danger given these threats and supported to engage in immediate and detailed safety planning. (62)

**Every professional** (Child Protective Services, mental health, law enforcement, prosecutors, probation, medical personnel, substance abuse treatment providers, domestic violence advocates, housing advocates, Temporary Aid for Needy Families workers) who may come in contact with domestic violence perpetrators or victims should understand the increased risk of homicide when suicide and domestic violence coexist and be prepared to accurately identify this combination, as well as respond to it in ways that increase victim safety. (50)

**Courts** should include children in criminal No Contact Orders, or define terms of visitation with children while the NCO is in place that protect the safety of the victim and the children. Courts should send a clear message to victims that they will be supported in obtaining all the protection the NCO offers and that they are not obligated to compromise the NCO in order to offer the defendant access to the children. (77)

**Continuing legal and judicial education** should include ample opportunities for training on diversity and bias in the legal system. (79)

**Any judge hearing Protection Orders and family court cases** should be required to receive training on how to respond to domestic violence in parenting plan decisions once it has been determined. (80)

**Judges** should structure parenting plans in ways that place the burden on abusers to prove that they are following court orders, as opposed to expecting victims to demonstrate to the court that the abuser has not complied, or assuming abusers will act in good faith to comply with the order. For example, orders should restrict visitation until the abuser provides proof to the court that they have complied with orders to obtain treatment. (81)

**Courts** should create in-house evaluator programs which can gather information regarding the impact of domestic abuse on children and make appropriate recommendations to the court. (81)

**Continuing education requirements for guardians ad litem (GALs)** should include training in working with diverse communities. (81)

**The Gender and Justice Commission** should collaborate with domestic violence organizations to create model protocols for GALs and evaluators in cases involving domestic violence. Protocols should include assessing for domestic violence, responding appropriately and examples of custody and visitation plans which protect domestic violence victims' and children's safety. (82)