

Family Law Toolkit for Survivors

The Domestic Violence & Mental Health Collaboration Project

Family Court Services Q & A

Many survivors who are involved with a protection order case or a family law matter are referred by or ask the court to utilize King County's Family Court Services (FCS) for a domestic violence risk assessment or a parenting evaluation. Since many service providers and survivors have questions about how FCS works, members of one of the Domestic Violence & Mental Health Collaboration's Projects work groups interviewed the FCS Program Manager and an FCS social worker.

This interview was conducted on September 30, 2013. The answers below are not verbatim, but they do accurately capture the information shared.

Family Court Services Overview

1. Please tell us how Family Court Services (FCS) is structured.

FCS is part of Family Court operations. FCS has social workers in Kent and Seattle. The Director of Family Court Operations supervises the Program Manager of Family Court Services who supervises the FCS social workers in Seattle. The Assistant Manager of FCS supervises the social workers in Kent.

Survivors often ask how FCS is structured and about their staff, so we posed these questions to FCS.

2. What background, education, and training are required to work at FCS? We are particularly interested in the aspects of staff training that include information about domestic violence and mental health.

FCS staff all have masters degrees except one person who is in the process of getting her master's degree. When new FCS staff are hired, management looks for 3-5 years of related experience, a masters in social work or a related field, strong clinical and writing skills, and the ability to work independently. Candidates undergo a strenuous hiring process including a writing test. They look for areas where they do not yet have staff expertise when they hire. For example, they might hire someone for their mental health expertise.

The staff all start in Seattle where they are trained by an FCS staff person. They are in Seattle for 3-4 months at least. They start with the domestic violence piece in the training, then go on to learn parenting evaluations, and then mediation comes last. They observe the trainer doing interviews and then the trainer observes them when they do domestic violence assessments and then parenting evaluations. The staff receive ongoing training on domestic violence. For example, a few years ago they received some training from Dr. Anne Ganley.

Case Assignment

3. When does the court assign cases to FCS?

Cases come through an order of transfer from the Protection Order or Motions Calendar. Commissioners decide they need more information and send the order to FCS. A case can be forwarded to them for mediation or assessment. Most of the time they will be involved with cases before they get to trial, but if there are a bunch of issues at trial, then the trial may get continued and the case may be sent to FCS. They also get cases administratively when Confirmation of Issues are filed, if parenting is an issue. In those cases, FCS will pursue mediation unless there is DV.

An order of transfer is a document signed by a judicial officer to assign tasks to another part of the legal system.

The Confirmation of Issues is a document which lets the court know the issues for trial.

4. Do you ever decline cases?

FCS is a limited resource. If there is a pro tem commissioner on the bench who is not aware of the guidelines for sending cases and orders a case to FCS that is not a good match, then the Chief Commissioner might suggest they do something different instead.

If there is a safety issue, then Program Manager might talk to the Director of Family Court Operations about trying to get out of the case. For example, if they have handled the case in the past and the parent may pose risks to FCS staff. The Chief UFC Judge might state that they need to get a private evaluator or there might be sufficient information to go forward without an evaluation.

A pro tem commissioner is an attorney or judge who temporarily fills in when a commissioner is unavailable.

*UFC =
Unified Family Court*

5. How does FCS determine which staff person works on a case?

The Program Manager and the Assistant Program Manager assign the cases. Decisions are largely based on who is open and on when the reports are due. They try to not have more than one or two reports due in a week, if possible. They do try to match a case based on the staff's expertise as well.

Parenting Evaluations

6. What is the purpose of parenting evaluations?

FCS conducts parenting evaluations for two types of situations:

- When parents cannot agree on what should happen with the schedule or
- When there are risk factors.

The purpose of the evaluation is to look at safety first, determine the best interests of the child, and to make recommendations for the residential schedule. They can make recommendations regarding any services that the parties should be involved in and other things that family should do moving forward. They may also make recommendations about ongoing decision making and dispute resolution.

7. What information is gathered for parenting evaluations and how are they conducted?

It takes FCS about 90 days to conduct their investigation. They spend approximately 20-40 hours per family on the evaluation.

They interview both parents. Whether they interview the children depends on their age. They may conduct one-on-one interviews with older children (approximately 12+) or do observations of the parents interacting with younger children (at the court or in the party's home).

The parents and their references get questionnaires. Interviews ask about parenting strengths, weaknesses, and risks. FCS recognizes that family and friends can be biased.

They also ask for releases to speak with relevant professionals. They are looking for documentation that supports each person's information (e.g. Child Protective Services and police records).

Whether they obtain mental health records depends on nature of the case. It might happen if one of the parents is alleging that the other has mental health issues. If

they feel it is relevant, they might look at their records to see if they have any significant issues.

They are looking for whether their mental health issues impact their ability to parent and if the child is at risk. The court wants to know the level of risk to the child.

FCS is not allegation driven. They screen for domestic violence even if it is not alleged.

8. How do you determine which witnesses you will interview?

FCS asks parents to identify references. They limit the number of interviews they will conduct. They assess for relevant professionals.

Language Access

9. Does FCS provide free court-certified interpreters for witnesses who do not speak English fluently?

Yes, FCS does offer interpretation. Interpreter requests for friends and family go through the court's Office of Interpreter Services. It is documented in the report when they use interpreters. They do not use non-interpreters, such as family and friends, to provide interpretation.

Currently, FCS's materials are only in English. They are going to translate into Spanish their "*What About the Children?*" booklet. Some of their materials are going to be adapted into plain language. After that is accomplished, they will work on translating materials into other languages.

Domestic Violence Assessments

10. When and how does FCS conduct DV assessments?

Judges and commissioners assign DV assessments to FCS via an order transfer. Parties cannot opt to send the case to FCS. Sometimes people try to use the DV Assessment at the beginning as a parenting evaluation, but people cannot do that. The court generally gives FCS approximately 6-12 weeks to turn around the assessment. FCS does not charge for DV assessments.

A file will be opened and the parties will be given a questionnaire to complete. The parties will also be sent appointment letters. The appointments will be scheduled on separate days or hours apart for safety reasons. FCS will order police reports and will ask the parties to sign releases for other relevant records. FCS does not interview

children because they do want to create safety issues for them. They do interview collaterals and look at relevant records including marriage counseling and therapy records. DV assessments are discussed during the weekly staff case reviews.

FCS staff look at consistency and they rely heavily on credibility. They consider whether the person is difficult to deal with, not open with information, blaming, and other aspects of problematic presentation (e.g., inappropriate affect). They are looking for a pattern. They are trying to elicit a perpetrator thought process. They also look for supporting evidence. They do not use a particular domestic violence assessment tool. FCS does not publicly share the questions they use to conduct DV assessments.

FCS will give referrals to victim, but will not recommend that they have to do anything as part of a DV assessment.

DV assessments are not issued until the day of the hearing for safety reasons. Sometimes they cannot definitively say if there has been DV and if there should be a protection order.

11. Are DV assessments done only with an alleged perpetrator or with both parties? If they are done with both parties, are they asked the same set of questions?

Usually they are only trying to assess whether the protection order respondent is a DV perpetrator. However, the court might ask them if the petitioner and respondent should be flipped.

If there are competing petitions, then they might be asked to assess who is the primary perpetrator in the case.

They usually interview the petitioner first and the respondent second. The petitioner might be contacted with follow up questions, if the respondent alleges the petitioner has been abusive. They go through similar questions with both parties, but they are framed differently for petitioners and respondents.

12. If there are allegations of domestic violence, does that change how other aspects of the case are evaluated?

FCS will look at what has happened since the DV assessment was conducted, how treatment is going, and how visits are going. Their recommendations for visits and exchanges will be more detailed in cases involving DV to be mindful of safety. They will not use alternative dispute resolution, if there has been DV. They may recommend a phased-in parenting plan for cases involving DV.

Mental Health Evaluations

13. When and how does FCS conduct MH evaluations?

FCS does not conduct mental health evaluations or assessments or try to diagnose people. If they want that information, then they would ask the party to go somewhere else for that. That does not happen very often. They do not have a set list of referrals for this, but the individual social worker may provide suggestions. FCS did not share with us the referrals they provide.

FCS does look at mental health information, status, and functioning.

14. What would you like from MH service providers who you contact as part of an evaluation?

FCS does not need to know all the details of what has been happening in therapy. They would like to know the following:

- When did they enter services?
- How long have they been going?
- What is the frequency of their services?
- What type of service is being provided?
- What is the diagnosis?
- What was the presenting problem?
- What are the treatment goals?
- What is the outcome of treatment?
- Are they taking their medication?

There may also be allegation-specific questions. They may ask mental health providers about disclosures of DV and behaviors that have been described.

Receiving mental health services can be seen as a positive coping strategy. FCS staff are familiar with the community mental health system. They recognize that the diagnosis might suggest more severe symptoms than are actually present. The parent's functioning and their parenting are what matters. They will look to see if they showing up where they are supposed to be. For example, are they getting their children to school?

Recommendations

15. What factors inform your recommendations?

- Safety for the victim and child
- Best interests of the child
- How is the contact with each parent going to work
- What services need to happen to decrease the risk for the children
- Planning for the future, so they do not have to come back to court

The reports are just recommendations; the court does make the final decision. The parties do have the opportunity to present other information, if the case goes to trial.

16. Do you have an internal case review process or a system where a supervisor reviews/amends recommendations before they are submitted to the court?

The Program Manager and the Assistant Program Manager review all reports before they are submitted for completeness and to ensure that the recommendations are well supported by the analysis. All the reports follow the same format. They list out all the records viewed, the history, and all the interviews done (collaterals and interviews with the parties). They identify the issues and list their recommendations.

They do weekly consultations in each office to staff their cases and get feedback from each other.

17. If a service provider wants to give feedback about the recommendations or about the evaluation process, how could they do that?

There is not a feedback process for service providers or attorneys. FCS does not talk with them. They can only talk with attorneys, if they schedule a deposition. If one of the parties has a complaint, they can call the front desk of FCS and ask to speak to a supervisor. The Program Manager or the Assistant Program Manager would get the complaint and it could go up to the Director of Family Court Operations, if needed.

18. Is there anything else we should know?

FCS does not do any ongoing work with the family.

They do not believe they have the authority to re-open a case.

There is a file review policy. Attorneys and the parties can review the file after filling out a form. They cannot take the file, but they can mark the pages they want copied. There is a charge of \$.50 per page. They cannot see sealed records (e.g., the full police records and mental health records).

To learn how FCS defines domestic violence, see [Domestic Violence Definitions](#).

Survivors outside of King County can check with the Superior Court in their county for information about family court services in their area.

This is one piece of the Family Law Toolkit for Survivors developed by the Domestic Violence and Mental Health Collaboration Project of the King County Coalition Against Domestic Violence. It can be found in its entirety at www.kccadv.org/reports/mental-healthdv-reports/family-law-toolkit-for-survivors/. This project is supported by Grant No. 2010-FW-AX-K007 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.