

*I Just Wanted to Be Safe:*  
Battered Women's Experiences with the Family Law  
System in King County

December 2005

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### **Other References**

Krueger, Richard A. and Casey, Mary Anne (2000). *Focus Groups: A Practical Guide for Applied Research, 3<sup>rd</sup> Edition*. Thousand Oaks, CA: Sage Publications, Inc.  
The Evaluation Forum (2001). Designing and Conducting Focus Groups. Seattle: The Evaluation Forum.

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*I am especially grateful to all of the survivors who came to the focus groups and shared their often painful experiences with the family law system. I sincerely hope that your insights will help us make the process more effective for survivors following in your footsteps.*

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*I Just Wanted to Be Safe*  
King County Coalition Against Domestic Violence 2005

**EXECUTIVE SUMMARY**

**I. INTRODUCTION**

The purpose of this paper is to describe the experiences survivors of domestic violence (DV) have with the family law system in King County, Washington.

The King County Coalition Against Domestic Violence (KCCADV) held four focus groups with survivors of domestic violence, three in Seattle, WA, and one in Bellevue, WA. Two of the Seattle groups were for survivors from specific cultural communities: a group for African American survivors organized by the East Cherry YWCA, and one for Somali women organized by Refugee Women's Alliance (ReWA). The other two groups were organized by New Beginnings and Eastside Domestic Violence Program.

Five provider focus groups were also held. One was a group of advocates who provide assistance to people petitioning for protection orders. Another was a group of attorneys who provide free civil legal assistance to victims of domestic violence through public legal aid agencies. The third was a group of volunteer attorneys and paralegals who develop written legal information documents. Another group was for domestic violence advocates working both for community-based programs and for prosecutors' offices and police departments. The fifth group included community and court-based advocates, batterer treatment providers, probation and corrections staff, an attorney, and a mental health counselor.

The author of this paper also reviewed several papers and research reports that were particularly relevant to family law issues in King County.

**II. FINDINGS FROM THE FOCUS GROUPS**

**Focus Group Participants**

Forty-eight female survivors of domestic violence attended the four survivor focus groups, 35 of whom indicated that they had experienced a family law proceeding in King County. Most indicated that their cases had been within the last three years, most of the women said they had children, and the majority had been married to their abusers.

Forty-seven service providers participated in the five provider focus groups: 13 community-based advocates, 12 court-based advocates, six domestic violence family law attorneys and paralegals from two legal aid agencies, six volunteer attorneys, four perpetrator treatment providers, two probation or corrections staff, and four others.

**Desired Outcomes for Family Law Cases**

Participants in the survivors' groups were asked what they had hoped would happen with their cases; providers were asked how they would define a "successful" outcome for DV survivors and their children in family law proceedings. Several main themes emerged.

### **Safety/Protection**

Many survivors in all of the groups expressed that they wanted safety and protection for themselves and/or their children. Safety and security for the survivor and children was by far the most commonly cited outcome desired by all provider focus group participants.

### **Child Support/Financial Provisions**

Many survivors expressed that they wanted their partners to pay child support; many providers spoke about protecting the economic interests of the survivor and the children, including granting adequate child support, or the house, car or other property to the survivor.

### **The Abuse Is Understood and Survivor's Experience is Validated**

Many survivors and providers expressed that being heard and believed or having the abuse validated by the court is a desired outcome for family law cases.

### **The Process and Outcomes are Clear**

In all of the provider focus groups, participants said that it was important for the survivor to understand what is happening throughout the family law proceedings, to understand the final outcomes and provisions, and to understand how to use the provisions to protect the interests and safety of herself and her children.

### **All Issues are Finalized – There are No Outstanding Issues**

Several providers said that a successful outcome is one where all issues are resolved, there are no post-decree enforcement problems, and there are no modifications required.

### **Actual Outcomes for Family Law Cases**

Survivors were asked what actually happened in their cases; providers were asked what outcomes they were most commonly seeing.

### **Ongoing Legal Issues or Unclear Outcomes**

Many survivors expressed that even after final orders were issued, there were or are ongoing problems with enforcement or modification issues, particularly around collecting child support, or having supervision of visitation continued. Providers said that they are seeing confusing, conflicting, or unclear provisions in family law orders and decrees, and cases where there are ongoing legal issues to resolve.

### **No Protections or Inadequate Protections**

Most survivors did not get all of the protections or provisions they wanted; a few expressed they had not gotten *anything* they wanted. There was very strong sentiment in all of the provider groups that family law proceedings are overwhelmingly resulting in outcomes that do not adequately protect survivors and their children. Attorneys felt that this was due in part to the philosophy of the court, which tries to maximize contact with the non-custodial parent.

### **Allegations of Abuse are not Believed or Substantiated**

Several providers said that abuse not being believed or substantiated is a big problem, especially when the batterer's abuse of the children is not substantiated and the abuser gets unsupervised visitation.

### **Insufficient or Short Sighted Financial Provisions**

Providers said that it is common for survivors to negotiate away money or property for primary custody of the children, and that it is common for survivors to become impoverished through the civil legal system. The family law attorneys felt that they are less successful in dealing with financial issues than safety concerns in these family law cases.

### **Unrepresented Survivors Have Poorer Outcomes**

Overwhelmingly, service providers said that most survivors do not get legal representation in family law proceedings, which results in poorer outcomes for them than for survivors who do have attorneys.

### **Major Barriers/Proceedings that are Most Problematic**

Survivors were asked what did not go well for them in the process, or what the biggest barriers or problems were that they faced. Providers were asked what they thought were the major barriers to survivors achieving successful outcomes, and what specific proceedings they felt were most problematic.

#### **Not having representation**

Many survivors cited issues related to attorneys as major barriers in the dissolution process, including their inability to access attorneys, their inability to get representation for the whole legal process, the expense of legal representation, or their own attorneys' lack of effectiveness. The overwhelming consensus among providers was that the biggest barrier to survivors getting satisfactory outcomes in the family law arena is the lack of legal representation.

#### **Confusing, Complicated System**

Many survivors mentioned how overwhelming they found the legal system to be. Documents and paperwork seemed overly complicated and were very hard to understand, court procedures were frustrating, and several had a hard time finding information, being given conflicting information by different people, and being referred from place to place. Attorneys and advocates also frequently cited the complexity of the family law system and processes as a major barrier.

#### **Immigration/Language/Cultural Barriers**

Most of the survivors who were women of color and/or refugee or immigrant women encountered language and cultural barriers in the family law process. Issues related to language and immigration status were cited frequently by advocates and attorneys as well.

### **Lack of Understanding About Domestic Violence**

Many survivors and providers noted a lack of awareness or understanding about domestic violence on the part of people in the legal system.

### **Abusive Use of the Legal System**

Many survivors identified specific behaviors by their partners as barriers, including their abusers stalling the process, avoiding service of orders, and continuing to file motions about visitation, child support, and payment of children's expenses. Service providers also cited ways that abusers use the legal system, including frequently filing motions requiring the survivor to keep coming back into court, making false allegations against the survivor, using visitation as a way to maintain contact with and try to control the survivor, and hiring very aggressive attorneys who use a variety of tactics to intimidate the survivor.

### **Lack of Enforcement of Provisions Post Decree**

Many survivors and providers cited a lack of enforcement of provisions after the dissolution or parenting plan was finalized as a major problem. Complaints were related to lack of enforcement of child support orders, perpetrator treatment or other counseling provisions, and requirements for supervision of visitation. Advocates and attorneys cited post decree enforcement matters, modifications, and appeals as the most problematic parts of the process.

### **Problems with Parenting Evaluations**

Problems with parenting evaluations (particularly by Guardians Ad Litem – GALs- and private parenting evaluators) were mentioned by many survivors and providers, including evaluators who are uneducated about domestic violence or who do not do a thorough job in gathering information about the abuser's behavior.

### **Mediation**

Despite the fact that mediation requirements are supposed to be waived when domestic violence is alleged, several survivors had been through mediation. Providers felt that once involved in mediation, survivors are sometimes pushed to accept agreements that do not adequately protect them.

### **Restrictions in Roles**

Several advocates and attorneys brought up restrictions in roles of advocates and facilitators as a problem. Many women said that because legal advocates and family law facilitators couldn't represent them, their ability to assist them was limited. There were differing opinions about how helpful assistance short of full representation was.

### **Fear, Safety, Other Practical Concerns**

Safety concerns at the courthouse and being put into close proximity to the abuser during hearings were mentioned as concerns several times by survivors and providers. Advocates also mentioned fear of retaliation from the abuser and fear of the legal system as barriers. Other practical issues directly affect how survivors do with their legal cases, such as survivors having to focus on getting their basic needs (shelter, food, and

employment) met, transportation to the court house, child care during hearings, and whether employers will give them time off of work.

### **Survivors Own Criminal, Mental Health, or Chemical Dependency Issues**

Many service providers said that survivors' histories of mental illness, chemical dependency, or criminal charges had a significant negative effect on their legal cases. Several people stated that they felt that there was a double standard, where survivors' criminal, chemical dependency or mental health histories are seen as very serious, and abusers' histories are minimized.

### **What's Working Well**

A number of survivors did identify positive things that happened for them in the course of their family law cases. Many women in the focus groups did access a variety of services related to their family law cases, many of which they found helpful. Protection order advocates were frequently cited as being extremely helpful, as were community based victim advocacy programs. Several women cited Family Court Services as helpful.

Providers also identified some services and processes that were working well or at least were less problematic than others. There was again broad consensus that the best outcomes are achieved when survivors have representation from "DV-competent" attorneys. There was repeated praise for the Protection Order Advocacy Program. There was a strong sentiment, particularly from the family law attorneys, that the Unified Family Court process works very well, and some sentiment that Family Court Services does a better job with parenting evaluations than GALs and private attorneys.

### **Access to and Experiences with Attorneys**

Because the issue of access to attorneys arose as a key concern, both survivors and providers were asked some specific questions about attorneys.

#### **Ability to Access Attorneys**

Most of the women wanted legal representation. Half of the survivors did have an attorney representing them for at least part of the process. Few of those who had attorneys were able to obtain pro bono legal representation, and even fewer were able to access free attorneys specializing in domestic violence from one of the legal aid agencies. Almost all of the women who had paid attorneys could only afford representation for part of the process, and pro bono attorneys, whether private or through legal aid agencies, would only accept cases for part of the process.

#### **What was Helpful/Not Helpful**

Some survivors expressed that they found their attorneys helpful, especially those from legal aid agencies' domestic violence programs. Specific ways women said attorneys were helpful included informing the survivor of her options and rights, helping to prioritize issues, understanding domestic violence well and providing information about DV and DV services. However, many women had complaints about the cost of representation, and their attorneys' lack of knowledge about domestic violence.



## **When Representation Is Most Needed**

The overwhelming sentiment among providers was that DV survivors need attorneys whenever there are contested issues involving children. Providers felt that attorneys are particularly important in cases involving interstate jurisdictional issues and international parental abduction cases, for post-decree modifications and enforcement issues, and when the abuser holds a high-level position, has a lot of money, or has an attorney. There were statements that survivors need attorneys when there are allegations of sexual abuse against kids, when they have relocated or need to keep their location confidential, when there are non-English speaking parties, or when the survivor has or is accused of having mental health /chemical dependency issues.

## **Provider Recommendations**

Providers were asked what additional resources or changes in policy or practice they thought would most improve things for survivors in the family law arena. They made recommendations in several areas, including:

- **More Attorneys:** The overwhelming consensus in all groups was that the number one need is for significantly more low or no cost legal representation by attorneys with expertise in family law and domestic violence.
- **More Training** for people in all areas of the civil legal system.
- **More Services** including more services for children affected by domestic violence, more low cost supervised visitation centers, more community-based DV legal advocates, and more access to interpreters.
- **Improved Courthouse Safety and Accessibility.**
- **Simplified Paperwork or Processes.**
- **Written Resources** regarding specific family law issues for survivors and professionals in the legal system.

## **Survivors' Most Important Issues**

At the end of the group sessions, survivors were asked, "What is the most important thing you want service providers and policy makers to understand about domestic violence survivors and the family law system?" Their responses included statements related to a number of issues, including:

- There is a huge need for more affordable (or free), well-trained attorneys.
- People working in the family law system need to better understand domestic violence and its effects.
- The expense and economic effect of family law cases is huge.
- Ongoing harassment by the batterer, frequently through the legal system, is common.
- Many survivors have problems with the enforcement or modification of family law orders and decrees.
- There is a need for greater safety and security in the court system.

### III. DISCUSSION

There is a huge amount of consistency between what survivors said their experiences with the family law system in King County have been, what providers of services to victims of DV said, and what the research says. The reports reviewed documented many of the same outcomes and barriers in family law cases, and the same issues regarding lack of availability of legal representation. Despite some reasons why the participants in the focus groups may not be representative of DV survivors and service providers in general, the consistency between what survivors in our groups said, what local service providers said, and what the research says does indicate that the themes reflected in the focus groups are not uncommon experiences for DV survivors in our community.

It is easy to read this report and see a bleak picture for DV survivors trying to disentangle themselves from their abusive partners and protect themselves and their children from harm. Survivors and service providers report very difficult experiences and unsatisfactory outcomes in the family law system in King County. Most of the issues identified in the focus groups are consistent with those identified in the research reports reviewed for this paper. The system is overwhelmingly complex, insensitivity to domestic violence issues is all too common, and abusers are adept at using the system against victims. Services are woefully inadequate, and public funding for legal representation for DV survivors is being cut to almost nothing.

Still, DV providers and survivors did identify some strengths that could be built upon and a number of things that could be done to make improvements in how King County's family law system handles cases involving domestic violence. While implementing some of the changes would require large amounts of funding that seem unlikely to be made available in the near future, there are some things that could be done at the local level with more limited resources.

The next phase of this project could be to convene a group of DV advocates, attorneys, and other related professionals in King County to develop some specific recommendations for action. That group could:

- Clarify what groups currently exist in King County that are working on issues related to family law and DV (see Appendix E), what their roles are, and how they can best be linked to efforts to address issues identified in this document.
- Identify opportunities for increased collaboration and coordination around family law and domestic violence, given current funding restrictions.
- Evaluate and prioritize issues for advocacy at the local and state levels, including advocacy for funding for needed services and advocacy for needed policy or statute change. Identify key groups and collaborators in these efforts.
- Identify specific training needs for the different professionals in the family law system and potential training opportunities and resources, and develop a plan for how to move these training agendas forward.
- Identify what written resources exist, and identify what additional materials could be written to could help survivors of DV successfully navigate the family law system. Develop a plan for how to develop and distribute them.
- Identify other items for action.

# **I. INTRODUCTION**

## **Purpose of the Paper**

The purpose of this paper is to describe the experiences survivors of domestic violence (DV) have with the family law system in King County, Washington. Family law issues are frequently identified in local, state, and national discussions about domestic violence as one of the biggest problem areas for abuse survivors, and one of the greatest unmet service needs. This issue was mentioned repeatedly in community input sessions regarding the City of Seattle's recent Criminal Justice DV Strategic Plan, even though that plan specifically addressed criminal issues related to domestic violence, not family law issues.

The City of Seattle's Domestic and Sexual Violence Prevention Office was interested in gathering more information about the nature of these problems. They want to use this information to identify areas that could appropriately be addressed, via policy or advocacy, through the City of Seattle's Domestic Violence Prevention Council (DVPC). The Seattle DVPC is sponsored by the Executive, Law, Judicial, and Legislative branches of City of Seattle government, and made up primarily of policy makers from various City departments. Its purpose is to ensure inter-departmental coordination in the City's domestic violence response, to develop City DV policies within a regional framework, and to explore innovative approaches to addressing DV.

The King County Coalition Against Domestic Violence (KCCADV) is a membership organization of domestic violence service providers and allied individuals and organizations, including professionals in the legal system, healthcare, and social service fields. KCCADV provides leadership in regional efforts to improve the community's response to domestic violence, and provides training, education and outreach to professionals and the public. KCCADV was also interested in documenting and articulating the specific problems survivors encounter in the family law system in King County, in order to both educate policy makers, service providers, and the community, and to inform its future advocacy efforts.

KCCADV and the City of Seattle agreed that KCCADV would gather and analyze information, primarily through holding focus groups, from key local domestic violence service providers and from some of the survivors they serve.

For those readers who are not familiar with the dissolution process in King County, Washington, a summary of is provided in Appendix A.

## **Method**

In designing this project, the author of this paper consulted with an epidemiologist from Public Health Seattle King County who specializes in focus group research. The author also worked closely with a group of community and court-based advocates, attorneys, and other volunteers in clarifying the scope of the project, the focus group questions, focus group membership, and analysis of the data.

Due to the scope of the project and the limited resources available, we decided to use a "convenience sample" of survivors, recruiting survivors who were receiving services at community-based victim service agencies. It is important to understand that the participants in these focus groups are not a representative sample of the population of domestic violence survivors who had family law cases in King County; it is likely that

there are significant differences between the survivors who participated in these groups and the general population of survivors. Some of these possible differences are indicated in the discussion section of this report. Our desire was to talk to providers who were most likely to work with DV survivors; we therefore talked to groups of domestic violence service providers and providers of legal services geared toward domestic violence survivors. Again, they are not necessarily representative of family law attorneys and social service providers in general.

Four focus groups were held with survivors of domestic violence. Three of the groups were held at existing support groups run by community-based victim service agencies. In each of these groups, the agencies' group facilitators were clear that they wanted the group to remain open, and did not want to form a separate group for those who had experienced family law cases in King County, so women were told several weeks ahead of time that this support group would focus on family law issues so that they could choose to attend the group. As a result, only some of the total participants of these groups had experienced family law cases in King County and talked about those experiences. Two of these groups were for survivors from specific cultural communities: a group for African American survivors organized by the East Cherry YWCA, and one for Somali women organized by Refugee Women's Alliance ReWA), both held in Southeast Seattle. The third support group, organized by New Beginnings, was not culturally specific, and was held in a West Seattle neighborhood. The fourth focus group was organized by Eastside Domestic Violence Program (EDVP) specifically for survivors served by their agency who had experienced family law cases in King County, so all members of this group participated fully in the discussion. This group was held in Bellevue, WA.

Five provider focus groups were held. One was a group of advocates at the King County Prosecuting Attorney's Office who provide assistance to people petitioning for protection orders. Another was held at a meeting of the "Family Law Roundtable," a group of attorneys (and their assistants) who provide free civil legal assistance to victims of domestic violence through public legal aid agencies. Another was a group of volunteer attorneys and paralegals who make up the NW Women's Law Center's "Self-Help Committee," which develops written legal information documents and supports the Law Center's Information and Referral Line. Most of their focus is on family law issues. Another group was held at a regular networking meeting of domestic violence advocates working both for community-based programs and for prosecutors' offices and police departments (referred to as "court-based advocates"). The most "open" group was held at a regular membership meeting of the King County Coalition Against Domestic Violence, and was advertised to the entire KCCADV membership. Due to its large size, this group was broken into three smaller groups to conduct the focus group questions. Participants included community and court-based advocates, batterer treatment providers, probation and corrections staff, an attorney, and a mental health counselor.

Focus groups ran for 1 ½ to 2 hours each. There was a designated note taker at each group, and the group facilitator also took notes. Group sessions were recorded, but tapes were used for reference only; there were not adequate resources to transcribe the tapes. Copies of the questions asked in the survivors and the providers groups are shown in Appendix B. Some of the questions asked at the survivors and providers groups were the same; others weren't. However, in analyzing the results, many similar themes

emerged between the two types of groups. Responses are reported in this paper as they fit with the themes discussed, not necessarily by the question asked.

A brief questionnaire was used to collect some basic demographic information for participants in the survivors' groups, and participant title, role and agency name were collected from providers. This information was used primarily to attribute statements or quotations. This information is summarized in Appendix C. No identifying information about survivor participants is reported in this paper.

The author of this paper reviewed several papers and research reports that were particularly relevant to family law issues in King County. Summaries of these reports are given in Appendix D, and they are referenced in the discussion section. Information about local services, sources of information, and networking groups related to family law and domestic violence are shown in Appendix E.

## **II. FINDINGS FROM THE FOCUS GROUPS**

### **Focus Group Participants**

Forty-eight female survivors of domestic violence attended the four survivor focus groups, 35 of whom indicated that they had experienced a family law proceeding in King County. Of those 35, most indicated that their cases had been within the last three years; only three indicated their cases were more than three years old, and 12 did not indicate when their cases occurred. Twelve identified as Caucasian, six were Somali, seven were African- American, one was Asian, one Hispanic, two indicated they were mixed race, and six did not indicate their racial/ethnic identification. Twenty-three said their first language was English, six spoke Somali, one Russian, one Japanese, one Spanish, and three did not indicate a primary language. The Somali women spoke little English, and the focus group was conducted with the ReWA staff group facilitator interpreting. Twenty-six of the women said they had children, ranging from one to six children apiece; only two indicated they did not have children and seven did not respond to that question. Twenty-two had been married to their abusers, seven had not, and six did not answer this question.

Forty-seven service providers participated in the five provider focus groups: thirteen community-based advocates, 12 court-based advocates, six domestic violence family law attorneys and paralegals from two legal aid agencies, six volunteer attorneys, four perpetrator treatment providers, two probation or corrections staff, and four others (a nursing student, a mental health counselor, an advocate for homeless women, and a community member).

More detailed information about survivor and provider focus group participant characteristics is shown in Appendix C. Any identifying information has been omitted.

### **Desired Outcomes for Family Law Cases**

Participants in the survivors' groups were asked what they had hoped would happen with their cases; providers were asked how they would define a "successful" outcome for DV survivors and their children in family law proceedings. Several main themes emerged.

## **Safety/Protection**

Many survivors in all of the groups expressed that they wanted safety and protection for themselves and/or their children. Some made general statements to that effect, while others named specific provisions they wanted, such as sole custody, sole decision-making, no contact, or supervised visitation. Several women expressed that they wanted their partners to be ordered into batterers' treatment.

*"I just wanted to be safe... I didn't care about the money or child support"* - Eastside focus group participant

*"I wanted him to leave me alone for the rest of my life and for the kids to be OK."* - Susan, white woman with three children

Safety and security for the survivor and children was by far the most commonly cited outcome desired by all provider focus group participants. Many people from all groups cited specific provisions to protect survivors' and children's safety, including sole or primary custody of the children, no joint decision making, no visitation or supervised visitation, visitation supervisors who are not family members, provisions for safe exchange of the children, and follow through on enforcing orders. One advocate mentioned a parenting plan that allows the survivor to leave the area or country if she wants to; another said that it was important that protections "not be negotiated away." The Family Law Roundtable attorneys all agreed that safety most often requires cessation of ties, or at least minimum contact with the abuser.

*"Long-term and ongoing protections"* - Volunteer Attorney

*"One where perpetrators are afraid to continue to abuse the victim"* Batterers Treatment Provider

*"When I think of a successful outcome for DV survivors, I think of safety. Minimizing contact between the abuser and victim is key."* - Family Law Attorney

## **Child Support/Financial Provisions**

Many survivors expressed that they wanted their partners to pay child support, with some specifically saying they wanted an adequate amount of child support and that they wanted child support orders to be enforced. One mentioned "a just and equitable division of assets." A few said that they were hoping for spousal maintenance.

Several providers, primarily in the KCCADV Membership focus group, also mentioned financial provisions as important. Some talked generally about protecting the economic interests of the survivor and the children; others specified that the survivor should be granted adequate child support, or the house, car or other property. One family law legal services attorney specifically said that the outcome should not leave the survivor financially tied to the abuser (for example, by ensuring the final division and delivery of assets at the time of dissolution).

### **The Abuse Is Understood and Survivor's Experience is Validated**

Several survivors expressed the sentiment that they wanted to “be heard” or believed about the abuse; they wanted people in the legal system to recognize and condemn their partners’ abusive behavior. Several other women expressed that they wanted “fairness and equity” in the process and the outcomes of their cases.

Like the survivors, many providers expressed that being heard and believed or having the abuse validated by the court was a desired outcome for family law cases. Several people said it was important that the survivor and children be able to tell their stories, and that they be believed. Several people said that the court should communicate the fact that the abuser is responsible for the abuse. Some were more specific in saying that the court should recognize and understand domestic violence, including the more subtle kinds of abuse, its effects on the survivor and the children, and their needs. Several people said that the survivor and children should feel that they had a say in the process, that they had options or felt empowered. There was some discussion about whether it is realistic to expect validation and empowerment through the court system (see discussion section).

*“Once DV has been assessed for and recognized, everything should be seen through that lens”. - Court-Based Advocate*

### **Success Defined By the Survivor**

In several of the provider groups, people said that success should be defined by the survivor. The group of family law attorneys, in a lengthy discussion, were divided on this issue; some feeling that success is getting “what the survivor wants,” but others feeling that what the survivors want from the court is often not something that can be obtained through current statute. In many cases survivors are disappointed with the outcome, while their attorneys feel that it is the best outcome that could have been achieved. As an example, many survivors want no contact between the abuser and the family, but in most cases this is a very unlikely outcome.

### **The Process and Outcomes are Clear**

In all of the provider focus groups, participants said that it was important for the survivor to understand what is happening throughout the family law proceedings, to understand the final outcomes and provisions, and to understand how to use the provisions to protect the interests and safety of herself and her children. People also said it was important that provisions be clearly defined in the final decrees and orders.

*“I can’t stress enough the importance of a clear, specific written [parenting] plan....A lot of these guys will use these proceedings to control [the survivor]” - Probation Counselor*

### **All Issues are Finalized – There are No Outstanding Issues**

Several providers said that a successful outcome is one where all issues are resolved, there are no post-decree enforcement problems, and there are no modifications required. One advocate said that parenting plans have to take a long-range view, so that, for example, there are planned increases in child support as expenses rise when children get older. The family law attorneys all agreed that it is important for there to be no

matters to be determined post-decree, such as conditions dependent upon future evaluations. One attorney said that it is important for the burden of proof for compliance to be on the abuser, such as having to prove he is no longer abusing substances before gaining access to the children.

### **Other Desired Outcomes**

One survivor said that she hoped the dissolution process would result in her children getting services. Another said that she hoped the divorce and parenting plan would “end the problems”. One woman was the respondent in a child welfare proceeding; she hoped the court would dismiss the dependency petition.

One court-based advocate said that there should be equity in the process, including legal representation. Another mentioned the importance of the survivor getting referrals for other services, including immigration, shelter or other safe housing, work or work training, transportation, and emotional/psychological support.

### **Actual Outcomes for Family Law Cases**

Survivors were asked what actually happened in their cases; providers were asked what outcomes they were most commonly seeing.

### **Ongoing Legal Issues or Unclear Outcomes**

Several survivors’ dissolutions were still in process at the time of the focus group. Many expressed that even after the final order was issued, there were or are ongoing problems with enforcement or modification issues, particularly around collecting child support, or having supervision of visitation continued. Some women, in fact, expressed confusion over how to answer this question because they were still embroiled in ongoing legal battles. One woman specifically said that it had taken over two years to get the dissolution, and her partner was still fighting specific provisions. Some felt that their partners would continue to use the legal system to harass them as long as there were avenues open to them.

*“It [the harassment] won’t be over until he’s dead.”* - Survivor from West Seattle

Providers in all of the focus groups said that they are seeing confusing, conflicting, or unclear provisions in family law orders and decrees, and cases where there are ongoing legal issues to resolve. Protection order, court, and community-based advocates all said that survivors frequently sign orders without fully understanding them (sometimes on the advice of their attorneys who don’t understand DV), or leave court without understanding the ruling at all. They often agree to things that are problematic later without knowing how to modify the decree. Two advocates said that they had worked with women who were charged with contempt because they did not understand their decrees. Advocates also talked about frequently seeing mutual or conflicting protection or restraining orders, which then become very difficult for law enforcement to enforce.

*“I know women who are in jail for custodial interference or contempt of court because they didn’t understand [the orders].”* - Court-Based Advocate



Other providers cited long delays in the process as being problematic, and family law attorneys said that they see a lack of flexibility and foresight in many of the orders (for example, a lack of provisions that plan for changing financial or other needs of a child as s/he gets older). This is especially common when survivors represent themselves, as they tend to be primarily focused on the immediate safety concerns for themselves and their children, and either don't think to address, or don't know how to address, issues such as property division, child support, or payment of family debts. Similar to what survivors said, one attorney said that there often isn't a clear outcome or end point in many of these family law cases as there are often ongoing issues that need to be litigated. (See also discussion of abuser tactics under "barriers" below.)

### **No Protections or Inadequate Protections**

Most survivors did not get all of the protections or provisions they wanted; a few expressed they had not gotten *anything* they wanted. Some did not get primary custody, some did not get the visitation restrictions they wanted, and several mentioned that joint decision-making was imposed. Several mentioned no or inadequate orders for child support. One woman who is the non-custodial parent felt that she had been ordered to pay unreasonably high child support payments. Two were dissatisfied that no criminal charges were brought against their partners for their assaults.

*"My abuser didn't even ask for overnight visits but the judge gave them to him anyway."*  
- Sophia, Russian woman with children

*"My husband came in smelling like roses. He was never involved with our kids at all and now he has custody."* - Jennifer, 47 year-old white woman with two children

*"It was ugly and it wasn't fair. He kidnapped my son and took him across state lines. I didn't see him for nine months. When I finally got him in a safe place and safe home, the judge awarded my abuser visitation."* - Lisa, mixed-race woman with three children

There was very strong sentiment in all of the provider groups that family law proceedings are overwhelmingly resulting in outcomes that do not adequately protect survivors and their children. Advocates, attorneys, batterer treatment providers, and others said that they see survivors not getting custody, overnight visitation being ordered against survivors' wishes, visitation supervision not being ordered, or supervision being allowed by inadequate supervisors (often family and friends). Several people cited problems with enforcing provisions that were in place. A family law attorney said that sometimes judges order things that can't be complied with because they don't understand an agency's policy or practice. One advocate said that she sees survivors trapped by decrees that force them to stay in the area.

The family law attorneys said that the survivor is often focused on safety and trying to minimize contact with the abuser, while the philosophy of the court is to try to maximize contact with the non-custodial parent.

*“The outcomes we see all the time are unsafe circumstances for women and children. There is no one to stand up and say ‘this is just not acceptable.’”* Court-Based Advocate

*“Court ordered visitation becomes another vehicle for victim stalking by the perpetrator.”* - Batterer Treatment Provider

Some survivors did express that they got what they wanted. In almost every case, the abuser did not contest the dissolution or parenting plan. One woman did report that her ex-husband’s visits with the children were going well and that he was paying child support, although less than what was ordered. One advocate from a transitional housing program said that most of their clients do get custody and child support, and that many of the fathers in these cases don’t want visitation.

### **Allegations of Abuse are not Believed or Substantiated**

Several providers said that abuse not being believed or substantiated is a big problem, especially when the batterer’s abuse of the children is not substantiated and the abuser gets unsupervised visitation. One providers group talked at length about sexual abuse allegations, reporting that survivors are often admonished by the court for bringing these allegations up in the context of a custody dispute; the court often viewing the allegations as false, - brought by the survivor to make her partner look bad. A protection order advocate cited cases where the batterer’s abuse of the child is reported to CPS (Child Protective Services), but is not founded and CPS closes the case. The court sees that CPS has closed the case and won’t take the allegations into account. A court-based advocate said that whether parenting evaluators, especially GALs (Guardians ad Litem), recognize the abuse is “hit or miss”.

A family law attorney stated that when a Protection Order has been granted, it means that a finding of DV has been made. The parenting plan statute mandates certain restrictions on the batterer when a history of DV has been proved, yet judges ignore the finding of DV and allow this issue to be re-litigated at trial.

*“There’s no doubt about it, children aren’t being heard.”* - Community-Based Advocate

*“CPS says the courts will take care of it, the courts say CPS will take care of it.”* - Protection Order Advocate

### **Insufficient or Short Sighted Financial Provisions**

Several advocates said that it is common for survivors to negotiate away money or property for primary custody of the children. One advocate said that it is common for survivors to become impoverished through the civil legal system, as they spend huge sums of money on attorneys’ fees in long, drawn out family law cases. Attorneys agreed that survivors are often focused on their immediate safety concerns and not on the long-range financial issues. Even the family law attorneys who specialize in DV felt that they are more successful in getting safety issues addressed and less successful in dealing with financial and other legal issues in these family law cases.

*“I see outcomes where the losses (job, home, car, everything) continue to pile up for the woman so that eventually she is forced to go back to her abuser.”* - Corrections Supervisor

### **Unrepresented Survivors Have Poorer Outcomes**

Overwhelmingly, service providers said that most survivors do not get legal representation in family law proceedings, which results in poorer outcomes for them than for survivors who do have attorneys. Providers said that most survivors cannot afford private attorneys, and that few are able to access free legal services, either private or through legal aid agencies. Some survivors do pay for private attorneys, but then cannot afford to retain them through the whole process or, if they access representation through a legal aid agency, it is often limited by to specific proceedings because of funding or policy constraints.

There was also strong sentiment that without representation, survivors do not fare well in the process, especially if the abuser does have an attorney. Several people said that without an attorney, some survivors do not go forward with dissolutions or become discouraged part way through the process and give up. One community based advocate described how, without attorneys helping them understand the process, survivors frequently miss deadlines or court hearings or appear unprepared, so that the abuser gets what he wants by default. One family law attorney said that a recent trend she is seeing is that, while in the past judges were likely to issue final orders based primarily on the temporary orders, she is now seeing judges re-examining most of the issues and making significant changes. This called into question her agency’s policy of only representing survivors through the temporary orders stage. However, she felt that the survivors still fare better with good temporary orders than they would have without.

The issue of legal representation was discussed a great deal more throughout the focus groups and is described later in this paper.

### **Other**

- One survivor complained that she had been ordered to pay her partner’s attorney fees when she requested a continuance.
- Another survivor reported that her partner was ordered to anger management instead of batterers’ treatment.
- Batterers’ treatment providers cited several concerns about the lack of holding perpetrators accountable in the family law arena. No one checks on their status or whether they are complying with the provisions in the court orders. Many judges aren’t even ordering perpetrator treatment, they only order parenting classes.
- An advocate working primarily with immigrant survivors said that the most common problem she sees is that immigrant survivors are being threatened with deportation and that some are being deported. Commissioners are also taking survivors’ citizenship into consideration in evaluating their risk of flight, for example, not awarding them custody for fear that they will take the children back to their country of origin.
- A protection order advocate said that while most commissioners do not order mediation in DV cases, some abusers’ attorneys get victims to agree to orders that include mediation for any future conflicts.

- Some providers are seeing a new trend in which batterers retain attorneys to defend Protection Order applications and bring motions for revision and appeals against adverse rulings.

*“Outcomes are not taking account of the ways in which perpetrators abuse the court process to further intimidate their victims.” -Batterer Treatment Provider*

*“Abusers are more sophisticated; they are litigating PO cases to the hilt.” - Volunteer Paralegal*

### **Major Barriers/Proceedings that are Most Problematic**

Survivors were asked what did not go well for them in the process, or what the biggest barriers or problems were that they faced. Providers were asked what they thought were the major barriers to survivors achieving successful outcomes, and what specific proceedings in the family law/dissolution/parenting plan process they felt were most problematic.

#### **Not having representation**

Many survivors cited issues related to attorneys as major barriers in the dissolution process. Issues identified included their inability to access attorneys, their inability to get representation for the whole legal process, the expense of legal representation, or their own attorneys’ lack of effectiveness. Many women said they felt that not having an attorney negatively affected their cases.

*“Everything went in his favor. He had an attorney; I couldn’t afford one.” -Jennifer*

In every provider group, the overwhelming consensus was that the biggest barrier to survivors getting satisfactory outcomes in the family law arena is lack of legal representation. Providers said again that most DV survivors do not have the money to pay for representation through these long, complicated, time-intensive (and therefore expensive) family law processes. There are few pro bono services available, public or private, and almost none can or will cover representation throughout the entire process. Some people indicated that there is a bias in the courts against *pro se* litigants (people representing themselves); judges sometimes become frustrated by litigants not having representation. Many also indicated that there are many problems with attorneys who are inexperienced in family law and/or do not fully understand domestic violence. The situation is worse when the abuser has an attorney and survivors are not represented.

*“This whole paper can be summed up with one sentence: we need more attorneys!” - Court-Based Advocate*

*“There is zip, zero, nothing, I’ve had zero success trying to find a pro bono attorney.” - Community-Based Advocate*

*“Survivors don’t have attorneys - I would estimate 98% of the time.” - Community-Based Advocate*

*“Respondents [abuser’s] attorneys are playing real dirty, they take these orders and just make them up... even after the commissioner’s ruling. Clients go ahead and sign it [the order drawn up by abuser’s attorney] because an attorney told them to. What they are doing is illegal but they are getting away with it.”* - Community-Based Advocate

### **Confusing, Complicated System**

Many survivors mentioned how overwhelming they found the legal system to be. Documents and paperwork seemed overly complicated and were very hard to understand. One woman said it was especially difficult for her, as a limited English speaker, to understand legal documents. Several women found court procedures frustrating, and several complained about having a hard time finding information, being given conflicting information by different people, and being referred from place to place.

*“I felt like a ping-pong ball.”* - West Seattle focus group participant

Attorneys and advocates also frequently cited the complexity of the family law system and processes as a major barrier. Even supposedly simplified forms and paperwork are overly complicated and rule bound, courtrooms seem chaotic and disorganized, and are intimidating. A Protection Order Advocate said that “unnecessary gate-keeping” of paperwork by court clerks makes it even more difficult for survivors to file on their own (for example, clerks will sometimes refuse to give victims paperwork until they speak with an advocate or unless they have an attorney). Survivors often don’t really understand the legal system, either how to navigate it or what it can and can’t do. Survivors often assume that judges have information from CPS cases, medical records, criminal cases, etc., but that’s not always the case; information does not necessarily get from one part of the system to another. There were a number of concerns raised about different court orders – conflicting orders, confusing orders, and problems with getting law enforcement to serve and/or enforce protection orders. The working papers/confirmation procedure was cited by a family law attorney as being particularly complicated, and the court has declined to make forms of issue instructions available for some of them.

*“It is horrible for anyone to get involved in any litigation pro se - family law issues are the worst - add the crisis that a DV survivor is in...it’s a very bad time for anyone to have to deal with this.”* - Family Law Attorney

### **Immigration/Language/Cultural Barriers**

Most of the survivors who were women of color and/or refugee or immigrant women encountered language and cultural barriers in the family law process. One Latina woman said that there was not enough culturally appropriate support available. Some complained of a lack of interpreters or interpreters who did a poor job. The Somali women said that court certified Somali interpreters are very rarely available. The Somali women also mentioned the difficulty in getting a divorce in Islamic law; some men would agree to a divorce under Washington civil law if the wife would cede custody of the children to him under the Islamic divorce. One immigrant woman said she hadn’t known

her rights under US law. One African American woman mentioned that she felt people were intimidated by her and therefore didn't treat her well.

*"Her [the interpreter's] Japanese was worse than my English"* - Sara, immigrant survivor with one child

*"I had waited [to get a divorce] for seven years [because of] not knowing what my rights were."* - Isabel, immigrant women with two children

Issues related to language were cited frequently by advocates and attorneys. While interpreters are provided by the court for court hearings, it can be difficult to get interpretation outside of the court setting. It is difficult to find attorneys who will work with limited English speaking clients because of the additional cost of interpreters, and survivors do not have access to forms or other support in their own language. Many immigrant survivors don't know their rights, and undocumented survivors are often afraid that going to court will lead to being reported to the Bureau of Customs and Immigration Services. (One attorney said that judges in King County don't tend to question immigration status but that she has heard of it happening in other counties). Attorneys and judges are often unclear about how immigration status affects family law issues; judges won't order child support for undocumented survivors. Commissioners are unclear about or limited in what they can do about the issue of abusers fleeing back to their country of origin with the children. Advocates also cited other cultural barriers, such as differing ideas about responsibility to the community and the individualistic nature of the court process. An advocate for Jewish women said that women she works with are often forced to give up key provisions in their civil legal cases in order to get their husbands to grant them the divorce under Jewish law (the "Get"), echoing the similar comment from the Somali women's group.

*"You can get the best order in the world; it's not going to stop him from taking the kids to Mexico."* - Family Law Attorney

### **Lack of Understanding About Domestic Violence**

Several survivors noted a lack of awareness or understanding about domestic violence on the part of people in the legal system. A few specifically said that judges did not do enough to probe into the abuse issues or recognize the level of danger they were in. Lack of DV expertise on the part of their own attorneys was mentioned (see findings regarding attorneys below), and many women felt that when they tried to talk about the abuse, they themselves were seen as the problem.

*"The judge thought he's not that dangerous because I didn't bleed or have broken bones, but he really is."* - DV survivor from West Seattle

*"When you try to assert yourself or fight him, you're viewed or labeled as paranoid or crazy."* - Survivor from the Eastside group

*“I was accused of parental alienation; I was the issue.”* - Diane, 49 year-old mother of two children

*“They [CPS] viewed it as a contentious divorce even though there were criminal charges against him and he was on probation.”* - Jennifer

There were also many comments from providers about a lack of understanding about domestic violence by people in the court system. Judges, commissioners, and Guardians Ad Litem (GALs) were most frequently cited as often not understanding domestic violence, especially the emotional and financial control tactics of batterers, and not understanding the effects of intimate partner violence on children in the household. GALs often don't have much training in DV and their reports can often be damaging, while judges and commissioners rely heavily on these reports. A couple of people said that negative interactions with court clerks sometimes discouraged survivors from proceeding with the process. One of the attorneys pointed out that the goal of the court, as laid out in the statute, is to allow maximum contact between the children and non-custodial parent. Many judges don't understand that there is often no such thing as “safe contact” in a DV situation; safety for the survivor and children may require a cessation of ties with the batterer.

*“The commissioner said, ‘what did you do to make him mad?’”* - Community-Based Advocate

### **Abusive Use of the Legal System**

Many survivors identified specific behaviors by their partners as barriers. Several cited their abusers' stalling the process, avoiding service of orders, and continuing to file motions about visitation, child support, and payment of children's extracurricular expenses. One woman had been awarded the car, but her abuser wouldn't turn over the title; he also cleaned out their joint bank accounts. Another woman's husband kept all of her papers, including her ID and green card, so she couldn't file for divorce. Two women discussed how their partners used their superior financial positions to make the process more onerous.

*“He makes more money and [uses it to] rake me over the coals, to make my life miserable.”* - Anonymous DV survivor

*“He hired a nasty lawyer ...and made the legal case long and expensive.”* - West Seattle group participant

Service providers of all kinds cited ways that abusers use the legal system as a major barrier to survivors. Abusers frequently file motions requiring the survivor to keep coming back into court, often for years. One provider said that abusers repeatedly call CPS accusing the survivor of abusing the children, and the survivor has to “jump through a million hoops” to prove that the allegations are unfounded; another said that abusers sometimes pull family members into making or supporting false allegations against the survivor. Batterers often use visitation as a way to maintain contact with and try to

control the survivor, and sometime use the children to manipulate and gather information about the survivor. Abusers frequently hire very aggressive attorneys who use a variety of tactics to intimidate the survivor.

*“It’s like the batterer battering them through the attorney... they rip the victims to shreds.”* - Protection Order Advocate

*“Abusers bring victims back into court over and over, using the system to abuse, sometimes for years and years and years.”* - Court-Based Advocate

### **Lack of Enforcement of Provisions Post Decree**

Many survivors again cited a lack of enforcement of provisions after the dissolution or parenting plan was finalized as a major problem. Most of the complaints were related to child support, often because the fathers could not be found or weren’t working. Several women cited lack of enforcement of perpetrator treatment or other counseling provisions and of requirements for supervision of visitation. Two Somali women actually wanted their husbands to take the children for the ordered visits, but there was no mechanism to force them to. Several women complained that supervision or treatment was not required for a long enough period of time.

Providers frequently mentioned survivors having problems getting orders enforced post-decree as a barrier. There is virtually no legal assistance available for survivors to get help with post decree matters, and it is very difficult for them to do this on their own. It is also very difficult to appeal “bad” decisions. This issue was discussed in more depth under “actual outcomes” above. Advocates and attorneys cited post decree enforcement matters, modifications, and appeals as the most problematic parts of the process.

### **Problems with Parenting Evaluations**

Several providers felt that parenting evaluators are often untrained about or do not understand domestic violence, and therefore make recommendations that do not adequately protect the DV survivor and/or the children. Several advocates said that the quality of evaluations is inconsistent.

Problems with parenting evaluations (particularly by GALs and private parenting evaluators) were mentioned by many survivors. Some felt that the evaluators were biased against them, minimized the domestic violence, or did not do a thorough job in gathering information about their partner’s abusive behavior. Two women said that judges ignored recommendations by Family Court Services that were favorable to them. One woman felt that the abuse had to be severe enough for a CPS report in order for her to get an evaluation ordered. Several women complained about the expense of parenting evaluations.

### **Mediation**

Despite the fact that mediation requirements are supposed to be waived when domestic violence is alleged, several survivors had been through mediation (see Appendix A for an explanation of the requirements about mediation). Four women in the W. Seattle group said they were required to go to mediation despite their objections. One



was told by her attorney to go to mediation because it would be cheaper than going to trial. But another complained that it was very costly, it dragged on for six months with no resolution, and then everything had to be litigated anyway. One woman's husband refused to participate in mediation.

Several advocates brought up problems with mediation. Survivors are sometimes told they have to "prove" the DV before the court will exempt them from mediation requirements. In mediation, survivors are sometimes pushed to accept agreements that do not adequately protect them. Often agreements can't be reached, and they have to go to trial after spending a great deal of time and money on mediation.

### **Restrictions in Roles**

Several advocates and attorneys brought up restrictions in roles of advocates and facilitators as a problem as well. Often advocates, both in the community and in the legal system, know what survivors need to do in family law proceedings, but are restricted from telling them either because of agency policy, or their own concerns about crossing the line into giving legal advice (and thereby engaging in the "unlicensed practice of law"). Court and community-based advocates were concerned that they sometimes hear survivors' attorneys advise them to do something that the advocate believes does not reflect a good understanding of domestic violence, but to try and offer information without contradicting the attorney is very tricky. There are very firm restrictions on what family law facilitators can do; there are few non-lawyers who can actually help people fill out paperwork. Pro bono attorneys can often only take cases part way through the process, and there are limits on how much time commissioners can spend with each case, so they cannot spend extra time helping pro-se litigants.

*"If you only get 10 minutes or less with the commissioner, you are not going to feel heard." - Volunteer Attorney*

Survivors did not initially identify this as a barrier; however, when they discussed the services they had accessed in relation to their family law cases, the most common complaints survivors had seemed to center around limitations on roles. Many women said that because legal advocates and family law facilitators couldn't represent them, their ability to assist them was limited. There were differing opinions about how helpful assistance short of full representation was, with some women saying facilitators and advocates were helpful and others saying they were totally inadequate. One woman expressed frustration at being sent from place to place when in fact no one could do what she needed (that is, represent her); she would have preferred just being told that there was no help available. A few women with particularly complicated issues (political asylum, international law) felt that there wasn't anyone in the system who knew what to do with their cases. Several participants said that attempts by DSHS's Office of Support Enforcement did not result in any meaningful support payments by their partners. Several women indicated that they still had outstanding legal issues that they weren't sure how to handle.

## **Fear, Safety, Other Practical Concerns**

Safety concerns at the courthouse and being put into close proximity to the abuser during hearings were mentioned as concerns several times by providers. Advocates also mentioned fear of retaliation from the abuser and fear of the legal system as barriers. Several family law attorneys said that survivors are often focused on getting their basic needs such as shelter, food, and employment met, so they put off legal needs and only seek help for legal matters at the last minute; the system cannot handle crisis situations, and attorneys often get frustrated by this. Other practical things such as transportation to the court house, child care during hearings, and whether employers will give them time off of work all directly affect how survivors do with their legal cases.

Several survivors did identify fear of the abuser in the courthouse as a barrier. One woman described how her partner stalked her around the courthouse following a hearing. Several others mentioned a need for greater safety and security in the court system.

*"I feel like I have to choose between safety and divorce."* - Susan

*"Every time I go in [the courthouse] my life is in danger."* - Survivor from the Eastside.

## **Survivors Own Criminal, Mental Health, or Chemical Dependency Issues**

Many service providers of all kinds said that survivors' histories of mental illness, chemical dependency, or criminal charges had a significant negative effect on their legal cases. There is very little understanding among judges and lawyers about how survivors of abuse can end up being charged as DV assailants, often through entrapment by the batterer. Even poor handling of criminal cases against the abuser can have a negative effect, i.e. the abuser is seen as having been exonerated if criminal charges are dropped. Survivors who admit to mental health problems or alcohol or drug abuse are penalized, even if they go to treatment, and even if there are no allegations that they have been neglectful or abusive to the children. Several people stated that they felt that there was a double standard, where survivors' criminal, chemical dependency or mental health histories are seen as very serious, and abusers' histories are minimized.

## **Other**

One survivor was only married a short time and therefore had difficulty arguing for spousal maintenance. One woman said she had a hidden disability and Post-Traumatic Stress Disorder, which negatively affected her ability to participate effectively in the process. Two women raised concerns about having to go to the mandated divorce class; they felt it was not appropriate for DV survivors. One woman objected to the lack of childcare at King County Superior Court's Seattle location (as opposed to the Regional Justice Center in Kent where there is childcare). One woman stated (and others in the group agreed) that the male environment of the courts put her at a disadvantage.

*"It was a male environment. I had to get into this space where I had to go in like a man and fight like a man. You are at a disadvantage because of your gender."*- Claudia, white woman with two children

- Providers also mentioned a number of additional barriers.:
- Lack of access to services and support in general was mentioned several times. Lack of supervised visitation centers and survivors having to pay at least part of the cost of supervision were specifically mentioned.
  - Providers also mentioned that survivors being blamed for the abuse because they stayed in the relationship and survivors feeling ashamed of being victims were problems.
  - Cases involving more than one jurisdiction were noted to be potentially problematic.
  - One provider noted that there are additional barriers to survivors with disabilities.
  - Another barrier identified was the survivor being seen as a bad parent or as having abandoned her children if she lets them stay with family members, especially the abuser's family.
  - One perpetrator treatment provider noted that if DV isn't identified early on in the process, then the good policies and provisions that are available to DV survivors cannot be utilized. If the survivor first brings up the abuse later in the process or when there are problems with enforcement post-decree, she is much less likely to be believed.

### **What's Working Well**

Survivor responses to the question about what was working well were much more limited. However, a number of survivors did identify positive things that happened for them in the course of their family law cases. Many women in the focus groups did access a variety of services related to their family law cases. They were all currently participating in programs of community-based domestic violence agencies, and all seemed to find their support groups and other services offered by the agency to be very helpful and supportive. Protection order advocates were frequently and enthusiastically cited as being extremely helpful. Two or three women cited Family Court Services as helpful, saying that they did a thorough job in their assessments, and didn't seem biased. Other services women found helpful included doctors, perpetrator treatment programs, law enforcement, Harborview's Sexual Assault Center, legal clinics, CPS, crime victim's compensation, the Address Confidentiality Program, family law facilitators, and a private therapist. Several women said that court personnel gave them good referrals to other services.

*"I don't think I would have been able to file without her [the protection order advocate]."* - West Seattle participant

*"The protection order advocates and legal service organizations were invaluable."* - Eastside focus group participant

*"I felt like Family Court Services called a lot of the necessary contacts; I felt FCS wasn't biased."* - Karen, African American woman with three children

Survivors also identified a number of other things that had gone well for them.:

- Several women said that what worked well was that their partners did not contest the family law petition.
- One woman said that some fees were waived for her because of her low-income status.
- A few women said that they had gotten the protections or provisions they wanted, or that the protections they received were enforced, as discussed above under “actual outcomes.”

*"Because my husband failed to take the court-ordered classes, the judge would not allow him to increase his visitation."* - Unidentified survivor

Providers also identified some services and processes that were working well or at least were less problematic than others:

- There was again broad consensus that the best outcomes are achieved when survivors have representation from “DV-competent” attorneys.
- There was repeated praise from attorneys and from other advocates for the Protection Order Advocacy Program. The protection order advocates said that they felt they had many good connections and wished their program could be expanded. They also said that the “Protection Order Revision Squad” (headed by a private law firm) has been quite successful.
- Several providers said that they felt there were better outcomes when survivors have legal advocacy. The family law attorneys specifically praised community-based legal advocates.
- Advocates, in turn, had high praise for the family law attorneys from Eastside Legal Assistance Program, NW Justice Project, and (previously) Columbia Legal Services.
- There was a strong sentiment, particularly from the family law attorneys, that the Unified Family Court process works very well. The judges there understand DV well, and there are regularly scheduled review hearings, which give judges a chance to see how their rulings work out. There are case managers, so judges get updates and litigants get guidance. However, not all DV family law cases go through UFC.
- There was some sentiment that Family Court Services does a better job with parenting evaluations than GALs and private attorneys.
- Attorneys and advocates said that the King County Court Interpreter Program works very well. They are able to get competent interpreters even for languages that are difficult to find, and are a very important service.
- An attorney who works with many refugee and immigrant survivors said that in King County, judges usually do not ask about survivors’ immigration status, and this is positive.

## **Access to and Experiences with Attorneys**

Because the issue of access to attorneys arose as a key concern from providers as the focus groups were being planned, both survivors and providers were asked some specific questions about attorneys. Survivors were surveyed about their ability to access attorneys and about their experiences working with attorneys.

### **Ability to Access Attorneys**

Most of the women wanted legal representation. Only one person indicated on the written questionnaire that she did not want an attorney; 28 indicated that they did want attorney representation and 5 did not answer the question. Half of the survivors did have an attorney representing them for at least part of the process. Seventeen survivors indicated that they did not access representation. Most of those who had representation indicated in the focus groups that they had private attorneys. Few were able to obtain pro bono legal representation, and even fewer were able to access free attorneys specializing in domestic violence from one of the legal aid agencies. (Only five women said they had pro bono representation – two had private pro bono attorneys, two had attorneys from legal aid agencies; the fifth did not indicate where her attorney was from. In the West Seattle group, four of the six women with family law cases had tried to obtain representation through the NW Justice Project; all were turned down.)

Most of the women who had paid attorneys could only afford representation for part of the process, and pro bono attorneys, whether private or through legal aid agencies, would only accept cases for part of the process. Only four women said they had representation throughout the process; the others all said they “ran out of money.” There did appear to be some significant differences between the groups. While many women in the West Seattle and Eastside groups had attorneys for part of the process, only one of the women in the African American Support Group could afford private representation, and she could only afford it for a short while. The women in the Somali group had direct access through ReWA to consultation with an attorney from the NW Justice Project, and one woman with a contested divorce was represented by that attorney for part of the process. Eleven women from the Eastside group and several others in the other groups said that they had accessed free legal clinics for legal advice.

### **What was Helpful/Not Helpful**

Some survivors expressed that they found their attorneys helpful. Attorneys from legal aid agencies’ domestic violence programs were specifically cited as being “awesome”. Specific ways women said attorneys were helpful included:

- Accepting a low retainer
- Helping with filing paperwork and meeting deadlines
- Knowing the law well; informing the survivor of her options and rights (particularly for an immigrant woman needing a VAWA petition)
- Helping to prioritize what issues to take on
- Arranging for security at the courthouse
- Understanding domestic violence well and providing information about DV and DV services
- Representing them for specific processes or winning specific protections

*"My attorney knew what DV was. I was surprised. He introduced me to New Beginnings."* - West Seattle group participant

*"She gave me a sense that we were a team and ran interference."* - Claudia

*"She taught me how to advocate for myself."* - Eastside survivor

However, many women had complaints about attorneys as well. By far, the two most frequent complaints were about the cost of legal representation, and attorneys' lack of knowledge and understanding about domestic violence. Many women had the experience of running out of money part way through the process, and therefore their attorneys would no longer represent them. Women said that many private attorneys, even those who said they specialize in domestic violence, did not really understand the dynamic of domestic violence or abusers' tactics, or empathized with their abusers.

*"I had to teach her about domestic violence on the fly. I thought if I was paying so much money that she would be the expert leading me."* - Claudia

*"I interviewed 50 attorneys to find one, even then I had to educate him."* - West Seattle participant

*"My attorney was confused by my husband's irrational behavior. He expected him to act in a logical manner and thought I was confused when I described what he did."* - Survivor from Seattle

*"My attorney had difficulty with facts because there was no physical abuse."* - West Seattle participant

*"My lawyer let him pick the date, so he let the accounts go dry over the next five months. She didn't see the game that was going on; she wasn't educated to see it."* - Claudia

Some women felt that their attorneys did not give good legal advice, or did not represent them zealously. Those who had tried to access representation from legal aid agencies complained of strict eligibility requirements, and that even when they met the requirements, the program's policy was to represent them for only part of the process (for example, securing temporary orders). One woman's husband is an attorney, and she had a hard time finding an attorney who hadn't worked with him. Another woman said that her attorney got frustrated with her because she did not understand the legal process. Another woman felt that her attorney recommended a bad therapist and GAL.

*"It was frustrating because I was not able to tell when my attorney was giving me bad advice."* - West Seattle survivor

*"My attorney gave up and rolled over."* - Diane

*“My attorney had an extreme lack of passion for fighting my case.” - Karen*

### **When Representation Is Most Needed**

Again, providers vehemently identified a lack of access to legal representation as the major barrier for DV survivors in the family law system, both in planning and in participating in the focus groups. Because legal services are so limited, providers were asked when it was most important for survivors to have attorneys, and under what circumstances they were most likely to be successful without attorneys.

The overwhelming sentiment was that DV survivors need attorneys whenever there are contested issues involving children. Several people said that legal representation is necessary if the survivor and abuser own a house together or there is other joint property. There was some disagreement about whether or not full representation is needed if the issues aren't contested; many felt that at least consultation with attorneys is important for survivors even if their cases aren't contested. Many people said that if the abuser has an attorney, the survivor will need one.

One attorney said that representation is important for motions for revision of protection orders, both because protection orders are so important for safety, and to have that finding of DV on the record to trigger restrictions in parenting plans. Some people felt that attorneys are important in cases that are highly lethal; however, others thought that they are equally important in cases where DV is not physical, because it takes a skilled attorney to educate the judge about DV in the relationship.

*“It’s basically an art form to write an order that tells the court that all these things ARE domestic violence as defined by the statute.” - Family Law Attorney*

Providers felt that attorneys are important in cases involving interstate jurisdictional issues and all international parental abduction cases. Post decree modifications and enforcement were again cited as problematic and requiring legal representation. Several people said that attorneys are important when the abuser is an attorney, a judge, a police officer, holds a high-level position, or has a lot of money. There were statements that survivors need attorneys when there are allegations of sexual abuse against kids, when they have relocated or need to keep their location confidential, when there are non-English speaking parties, or when the survivor has or is accused of having mental health /chemical dependency issues.

Most often, providers thought that survivors might be more successful without attorneys in cases where there are no children or the abuser isn't contesting anything. Several thought that if the abuser was charged criminally or there was a lot of other documentation of the abuse, there was more chance of success for a survivor representing herself. Those with support from family, friends, or advocacy programs might fare better than those without.

### **Provider Recommendations**

Providers were asked what additional resources or changes in policy or practice they thought would most improve things for survivors in the family law arena. They made recommendations in several areas.

## **More Attorneys**

Again, the overwhelming consensus in all groups was that the number one need is for significantly more low or no cost legal representation by attorneys with expertise in family law and domestic violence. Several people said that what is really needed is a state system of civil legal representation that is fully funded. (One advocate noted that this exists in many countries in Europe; access to civil legal aid is considered a right.) There were some more specific suggestions, such as expanding the existing programs at ELAP and NWJP, or placing attorneys in the community-based advocacy programs, both to consult with advocates and to represent clients. Attorneys available on-call for protection order revisions or to help get emergency restraining orders in parenting plans were also suggested.

*“We just need more attorneys”* - Community-Based Advocate

*“We cannot expect that we can solve all of these problems by using the good will of volunteers [i.e. volunteer attorneys].”* - Court-Based Advocate

## **More Training**

More training for people in all areas of the civil legal system was also frequently suggested. Some people just said that “everyone” needs training, others cited specific professionals, including judges and commissioners, attorneys, court clerks, GAL’s, and CPS workers. Some people said what was needed was general training on domestic violence issues. Others suggested specific topics, including mutual abuse, problems with abusive use of conflict/parental alienation theories, how intimidating the process is for survivors, power and control tactics of batterers (especially emotional, legal, and financial abuse), the co-occurrence of DV and child sexual abuse, cultural competency, immigration and family law, updated information about community resources and referrals, and how to be more compassionate towards survivors. Some stated that ongoing training should be mandated for certain professionals.

*“I deal with perpetrators and people treat them compassionately, why can’t they treat [survivors] respectfully?”* - Probation Counselor

*“Every person who deals with family law matters should be educated to the satisfaction of the community advocates”* - Community-Based Advocate

## **More Services**

Providers identified other services that they felt are needed, including more services for kids affected by domestic violence, more low cost supervised visitation centers, more community-based DV legal advocates, particularly in programs serving limited English speaking survivors, and more access to interpreters.

## **Improve Courthouse Safety and Accessibility**

Several providers had suggestions for measures that could be taken to improve courthouse security and accessibility. They included providing separate places for the survivor and abuser to sit prior to court, security staff in place who are attuned to the



safety needs of DV survivors (and who can escort survivors from the courthouse), office space to assure privacy and conferring space for survivors, advocates and attorneys, and child care at the courthouse. One advocate suggested improved signage and kiosks with information in several languages about all aspects of the court process. An attorney suggested a “one-stop shop” where survivors can go to one location to meet with an advocate, facilitator, legal clinic, etc. One advocate suggested that courts should be open some evening and weekend times, at least for protection orders, to accommodate survivors with jobs during the work week.

*“It’s horrible when people have to choose between earning money and staying safe”* -  
Protection Order Advocate

### **Simplified Paperwork or Processes**

Family law attorneys said that family law paperwork needs to be simplified; they felt that Washington State’s paperwork is unnecessarily complex. Community and court advocates stated that it is important to have a way to consolidate all the different orders, and eliminate mutual protection or restraining orders. Protection order advocates said that there needs to be standardized policies for serving protection orders and removing abusers from the residence; currently each law enforcement agency does it differently and some are easier to work with than others. Information from other legal processes needs to get to the family law proceedings. Family law attorneys said that all cases involving children and domestic violence should go through Unified Family Court, which would require expansion of that program. An attorney also said that what is needed is a family law appellate project.

*“The best way to educate judges is to appeal their bad decisions.”* - Family Law Attorney

### **Written Resources**

A number of providers suggested written resources for survivors and model protocols for people in the family law system about various issues. Instructions for survivors that are specific to DV issues in family law cases, information on how to change venues, lists of attorneys who are willing to take on DV cases, and information about how to select an attorney were suggested. One advocate suggested having position papers for judges, attorneys, and GALs on some issues, such as problems with mutual decision making when DV is present, supervised visitation when DV is present, mediation and DV, and parenting and DV. One provider noted that there are a number of good written resources that have been created (for example, a “benchbook” for Washington State judges – see Appendix D), but they may not be readily available or widely utilized.

### **Expand Roles**

Family law attorneys suggested an expansion of the role of paralegals, family law facilitators, or legal advocates to allow for preparation of legal documents. One person noted that there is a proposed court rule change to allow for “legal technicians”, or through the creation of some type of a court-supported Legal Document Preparation Program where lay litigants would receive help filling out forms, copying, filing, serving,

etc. There are mixed reactions among attorneys, advocates, and others in the legal system about whether this is be a good idea or not.

### **Other**

Other things that were suggested included:

- Judges should not base their residential/parenting plan decisions on GAL recommendations alone. The GAL recommendations should be one of many things to be considered. GAL reports should also be questioned; GALs should expect to be cross-examined on their report, and be careful to document, interview everyone and have their recommendations based on factual, complete information.
- A policy that the abuser alone is responsible for paying for supervised visitation.
- Awarding financial assistance at Protection Order hearings.
- Commissioners must consistently order perpetrator treatment and supervised visitation, and consistently hold abusers accountable when they are not following Court Orders.

*“We need policies and legislation more directly related to accountability - where visitation and other parenting privileges are linked to progress in DV treatment and compliance with Court orders.” - Batterer Treatment Provider*

### **Survivors’ Most Important Issues**

At the end of the group sessions, survivors were asked, “What is the most important thing you want service providers and policy makers to understand about domestic violence survivors and the family law system?” Though many of the issues they highlighted had been discussed previously, several new issues emerged. The major themes that surfaced and some representative statements are listed below. In order to honor the voices of the survivors who participated in the project, a more complete listing of their statements and issues they considered most important is included in Appendix F.

- There is a huge need for more affordable (or free), well-trained attorneys.

*“What it all boils down to is that you need a lawyer.” - Southeast Seattle group participant*

*“I recommend that all DV survivors get attorneys who know about DV.” - Eastside woman with 2 children*

- People working in the family law system need to better understand domestic violence and its effects.

*“Don’t apply rational means to an irrational situation.” - Unidentified survivor*

*“They need to know that women don’t bring up domestic violence for nothing...what woman would drag herself into this? It is devastating!” - Eastside survivor*

*“They need to know how deeply women and children are hurt. They need to believe women when they describe the domestic violence they’ve been through.” - Diane*

*“Judges and court workers ... need to hear what it is like to be woken up and sodomized so they know we don’t just make this up...so they don’t view us as greedy, crazy b\*\*\*\*s out for money or vengeance.” - Kara, 49 year-old mother from the Eastside*

- The expense and economic effect of family law cases is huge.

*“I am sickened at how expensive everything is! It is out of control. The legal system is abuse! It is economic abuse as well!” - DV Survivor*

*“The system robs you of your money and your dignity. There is nothing fair about the system.” - Lisa*

- Ongoing harassment by the batterer, frequently through the family law system, is common.

*“It has been five years since my divorce. Once you’re in the system you’re stuck there if he contests it.” - Lisa*

*“Until my kids are eighteen and even beyond that, I’m forced to have a relationship with this man.” - Survivor from the Eastside*

- Many survivors have problems with the enforcement or modification of family law orders and decrees.

*“The parenting plan modification (process) and trying to hold him in contempt of court was just too hard.” - Unidentified survivor*

- There is a need for greater safety and security in the court system.

*“It is scary to be in the courthouse with the abuser.” - Elizabeth, 40 year-old woman with three children*

*“I am divorced yet I still feel unsafe.” - 60 year-old women recently divorced*

### **III. DISCUSSION**

#### **Consistency in Focus Group Findings and Research**

There is a huge amount of consistency between what survivors said their experiences with the family law system in King County have been, what providers of services to victims of DV said, and what the research says (see Appendix D).

#### **Desired Outcomes**

Survivors and service providers were quite consistent in what they identified as the desired outcomes for family law proceedings. The primary concern was for provisions that would protect the safety and well being of the DV survivor and the

children. Providers were stronger about believing that would require strong limitations on the batterer's time and contact with the children in most cases; survivors were more mixed on whether and how much they wanted the children's father to have contact with the children. Saunders (1998) cites a growing consensus among national experts in family law and DV that giving batterers custody and/or joint decision-making is usually not in the best interests of the child, and that strong consideration must be given to how to make visitation safe for the children and the adult DV survivor. Economic support, especially child support, was frequently cited by both survivors and providers, though both groups also said that survivors often "trade" economic security for less resistance from the batterer (and sometimes the court) to giving her primary custody, decision-making authority, and other protections. This phenomenon of "trading" was also cited in Lye's 1999 study of the Washington State Parenting Act.

Many survivors and providers also expressed a desire for more intangible outcomes, such as understanding, validation, and "equity." Certainly any litigant should be able to expect equality and respect in the legal system, and survivors of DV should be able to have their allegations about the abuse listened to, objectively investigated, and taken into consideration; however, a number of providers felt that some survivors have unrealistic expectations of what can be accomplished in the legal system, particularly in the family law arena. If survivors enter the process expecting to "have their day in court" to expose their partners' egregious behavior, they are likely to be disappointed. Ironically, the "justice system" may not be the best place to achieve a sense of justice. Lye (1999) discussed a similar, more general phenomenon in her assessment of the parenting act, noting that a dissolution is by its nature an "unhappy" occasion and an adversarial process, and few litigants feel satisfied or happy with the outcomes of their case. It is important to note, however, that survivors and providers agree that acknowledging the abuse and drafting the parenting plan accordingly would improve their satisfaction with these outcomes a great deal.

### **Actual Outcomes**

Survivors and providers reports of the actual outcomes of family law proceedings are consistent with each other and with the research. While some survivors do get some of the provisions they request, few get the full range of protections needed to maximize their and their children's long-term safety and security. Jaffe and Crooks (2005) cite research that shows that survivors' allegations of abuse are frequently not believed and that batterers not uncommonly get primary custody of, or unrestricted visitation with, the children. Kernic, et. al. (2005) recently reviewed dissolution files for Seattle couples and compared them with police and protection order files. The authors of that study conclude that the presence of substantiated DV had no effect on custody determinations and little effect on denial of or restrictions on visitation for the abuser. Lye, in her 1999 evaluation of the Washington State Parenting Act, stated that "domestic violence survivors ... often have [parenting] plans they believe compromise their own and their children's safety."

Another strong theme articulated in our focus groups, and validated by Jaffe and Crooks (2005), is that there is frequently no final "outcome" of a family law case; ongoing motions and challenges are common, and can often clearly be seen as a form of purposeful harassment and manipulation of the legal system by the batterer.

## **Barriers**

Participants in our focus groups identified many of the same barriers to DV survivors getting satisfactory outcomes in family law cases, as several of the studies cited. The system is extremely confusing and complicated for all litigants, and for DV survivors in particular (Lye, 1999). Jaffe and Crooks (2005) identified barriers such as a lack of understanding of domestic violence on the part of people working in the legal system, including an inability to distinguish between mutual conflict and domestic violence, abuser manipulation, particular problems with parenting evaluations and mediation, and language and cultural barriers, all issues identified by focus group participants. DV survivors in Lye's study also complained of their abusers' use of the legal system to abuse and harass them by overwhelming them with motions that required responses. Lye, Jaffe and Crooks, and our focus group participants identified particular problems with enforcement of family law orders. Providers in focus groups said that corroboration of abuse is not always brought to the attention of judges. In reviewing case files, Kernic et. al. (2005) found that in almost half (47.6%) of Seattle dissolution cases where there was documented evidence of DV in police or protection order records, there was no mention of domestic violence in the family law file; the substantiation of the DV claim was documented in fewer than 24% of the family law files.

## **Legal Representation**

Overwhelmingly, providers and survivors cited the lack of affordable legal representation as one of the biggest barriers facing survivors. Publicly funded civil legal assistance has been extremely limited over the past decade, and the few services specifically providing family law representation for DV survivors that did exist through Columbia Legal Services, Eastside Legal Assistance Program, and NW Justice Project will be cut to almost nothing by the end of 2005 (see Appendix D). Private pro bono assistance is extremely difficult to obtain as well. Several local studies document the huge unmet need for civil legal services for low-income people in Washington State in general, and for representation for family law issues for victims of domestic violence specifically (GMA Research, 2001-2003, National Center for Victims of Crime 2005, Owen, 1999, WA State Supreme Court, 2003). In Lye's (1999) study, none of the focus group participants had accessed free legal assistance and few had accessed attorneys at all; her review of case files found that 73% of dissolution cases in King County has at least one pro se litigant.

Survivors and providers in our focus groups believe that legal representation does improve outcomes for survivors in the civil legal process. One analysis of national data indicated that the availability of legal services for victims of domestic violence may be a key factor in the decline in rates of domestic violence seen in the 1990's (Farmer and Tiefenthaler, 2003). In conversations among this project's collaborators, and between the author and a family law judge, it was noted that many dissolutions involving domestic violence are confusing. Judges have to sort out many conflicting statements and opinions, and a great deal of specific information and evidence about domestic violence may not be apparent, or even available, to the judge. Attorneys play a key role in making sure that evidence about DV, its effect on the individual survivor and the children, and risks of future harm the batterer poses, is presented in a clear and convincing manner. Pro se litigants have a difficult time doing this on their own.

Not all attorneys understand how to effectively identify and present evidence about domestic violence in family law proceedings, however, highlighting a need for more training on domestic violence issues for all family law attorneys. Many survivors had negative experiences with their own attorneys, and providers had similar attorney “war stories” to tell. Conversely, the legal aid attorneys who specialized in working with DV survivors received high praise from survivors and other providers.

### **Ability to Generalize Findings**

As previously stated, it is important to note that we used a convenience sample for our survivor focus groups, and participants may differ in significant ways from the majority of DV survivors. Also, most of the participants in the survivors’ focus groups chose to come to sessions that they knew ahead of time would be about family law issues. It may be reasonable to speculate that those survivors who had positive experiences with the family law system may have been less motivated to attend the sessions than those who had problems with their cases. Providers were recruited based on their roles in the system, and while their interest in the issue was certainly a factor in whether they attended the groups, they were reporting on observations from working with survivors with a wider range of experiences.

One key difference between our survivor and provider focus groups is that providers expressed that, in their experience, most survivors are un-represented in family law cases. However, half of the survivors in the focus groups did have attorneys, though few were able to access free representation, and almost none could get representation for the full family law process. There are several possible explanations for this. One is that, as stated previously, the survivors who participated in focus groups were not necessarily representative of survivors as a whole. They also may not be representative of all of the survivors who receive services from domestic violence agencies. While the DV survivors who are served in emergency and transitional housing programs tend to be overwhelmingly low-income, support groups tend to attract survivors with a wider range of income levels. In fact, we saw that in the focus group of African-American women who live in Seattle’s Central District, a neighborhood that tends to have more low-income residents, only one participant of six had an attorney. Also, the survivors in the focus groups may have had more access to information and legal services, since they had advocates referring them to services and in some cases strongly advocating for them to get free or low cost representation. Finally, it is likely that many survivors come to DV programs for legal advocacy after they have exhausted other resources; the majority of them may well have been un-represented at the time they sought services from DV providers.

Despite some differences, the consistency between what survivors in our groups said, what local service providers said, and what the research says does indicate that the themes reflected in the focus groups are not uncommon experiences for DV survivors in our community.

### **Next Steps**

It is easy to read this report and see a bleak picture for DV survivors trying to disentangle themselves from their abusive partners and protect themselves and their children from harm. Survivors and service providers report very difficult experiences

and unsatisfactory outcomes in the family law system in King County. It is validating, but not comforting, to find that most of the issues identified by our focus group participants are shared by DV survivors across the nation. The system is overwhelmingly complex, insensitivity to domestic violence issues is all too common, and abusers are adept at using the system against victims. Services are woefully inadequate, and public funding for legal representation for DV survivors is being cut to almost nothing.

Still, DV providers and survivors did identify some strengths that could be built upon. The protection order and community-based advocacy systems seem to be working well for survivors who access them. Many survivors do find consultations with attorneys through legal clinics helpful, though they are not adequate substitutes for actual representation. There is anecdotal evidence that recent improvements in King County's family law system, particularly Family Court Services' parenting evaluation process and the routing of some cases through Unified Family Court, seem to be resulting in better outcomes for DV survivors. While the Washington State parenting plan statute does not incorporate the nationally recommended provision of a "rebuttable presumption" against giving a batterer sole or joint custody of children (Saunders, 1998), many of the problems identified may be due more to problems in the way the parenting act is implemented, not with the statute itself (Lye, 1999). There are excellent model policies and training materials available for various legal professionals (see Appendix D), there are existing service providers and networking groups in King County interested in this issue (see Appendix E), and there are several regional efforts regarding children and domestic violence that can support improvements to the family law system's handling of domestic violence cases. These include the development of a model supervised visitation center in South King County for children exposed to DV, an effort to develop coordinated protocols to guide the Child Protection System's response to families where domestic violence is an issue, and the "Safe and Bright Futures" project, aimed at developing a plan for a comprehensive service response for children and families affected by DV.

Domestic violence survivors and service providers who participated in focus groups for this paper did identify a number of things that could be done to make improvements in how King County's family law system handles cases involving domestic violence. Some of the other studies referenced in Appendix D make recommendations as well. While implementing some of the changes would require large amounts of funding that seem unlikely to be made available in the near future, there are some things that could be done at the local level with more limited resources.

The next phase of this project could be to convene a group of DV advocates, attorneys, and other related professionals in King County to develop some specific recommendations for action. That group could:

- Clarify what groups currently exist in King County that are working on issues related to family law and DV (see Appendix E), what their roles are, and how they can best be linked to efforts to address issues identified in this document.
- Identify opportunities for increased collaboration and coordination around family law and domestic violence, given current funding restrictions.
- Evaluate and prioritize issues for advocacy at the local and state levels, including advocacy for funding for needed services and advocacy for needed policy or statute change. Identify key groups and collaborators in these efforts.

- Identify specific training needs for the different professionals in the family law system and potential training opportunities and resources, and develop a plan for how to move these training agendas forward.
- Identify what written resources exist, and identify what additional materials could be written to could help survivors of DV successfully navigate the family law system. Develop a plan for how to develop and distribute them.
- Identify other items for action.

It is our hope that this report will serve as an educational tool and a resource for those working to improve the family law system's handling of cases involving domestic violence. We also hope it will provide validation to DV survivors that their experiences are understood and taken seriously, and that they are not alone in their struggles to find safety and healing for themselves and their children.

*“The legal system needs to send a message that women have a right to a peaceful and safe divorce”.* - DV survivor, mother



## **APPENDIX A: THE MARRIAGE DISSOLUTION PROCESS IN WASHINGTON STATE**

The marriage dissolution process in Washington State for those couples who share children in common is described in this section.

The Washington State statute regarding parenting plans states that if there has been a history of domestic violence, defined as physical violence or fear of imminent physical violence, between two parents, the residential time of the parent perpetrating the domestic violence SHALL be limited.<sup>1</sup> The statute also says that there shall not be joint decision-making or alternative dispute resolution in such cases. The abusive parent's residential time with the children can be limited in many ways: duration, location, supervision, etc. They should never be the primary residential parent.

The process is initiated by one party filing with the regional Superior Court for dissolution of marriage (divorce) involving children. This filing is recorded and contained in the Washington State Justice Information System, a database collection comprised of civil, criminal, and juvenile court proceedings in Washington State Courts. In Washington State, all dissolutions involving dependent children require the development of a court-approved parenting plan. The purpose of the parenting plan is to establish a primary residential parent, to explicitly detail visitation arrangements and limitations and to establish shared or joint decision-making authority regarding the children's affairs.

The dissolution of marriage process will also result in a determination of child support for dependent children, spousal support or "maintenance", the division of property and debts and the entry of an order for protection or a restraining order in cases with a history of abuse.

Following the filing of a petition for divorce, the spouse who did not file the petition is served with the petition and may choose to agree with the terms of the divorce (including a temporary parenting plan that may be served with the petition for divorce) or to disagree with the terms formally by submitting an answer to the petition with the court. If the responding party fails to file the Response to Petition with the court, and provide a copy to the party who filed for divorce, they can be defaulted. When the responding party is defaulted, the case will proceed and final orders will be entered based on the petition alone and without further input from the defaulted responding party. Final orders can be entered by default or by agreement 90 days after the case was filed and served.

Initial disagreement with the terms of the divorce requires mediation between the parties except in cases in which a history of domestic violence has been found. In these cases, mediation is waived. In all cases involving children, a parenting plan evaluation by a third party agency (Family Court Services, a Court Appointed Special Advocate, a

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<sup>1</sup> RCW 26.09.191(2)(a): "The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct... (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm. . . ."

RCW 26.50.010(1): "'Domestic Violence' means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined by RCW9A.46.110 of one family or household member by another family or household member."

Guardian Ad Litem, or a private agency) is recommended and is usually ordered by the Court.

If the couple is unable to reach agreement on all issues through mediation or other means, the case will proceed to trial where a judge will make the final determination on all issues. While awaiting trial, either party may set a hearing to establish a temporary parenting plan and to temporarily settle other immediate concerns including child support, use of property, payment on debts, and entry personal restraints. Temporary orders will be entered at the hearing. These orders may be amended or updated if necessary while the case is awaiting trial.

At the temporary orders hearing the Court may order the parties to participate in a full parenting evaluation. In King County, the Court may also refer cases to Unified Family Court, where they will be assigned to a judge who only handles family law cases. Cases are referred to Unified Family Court if they involve complicated issues, domestic violence, or more than one family law case simultaneously filed concerning the same parties.

In all cases, the parties are required to participate in alternative dispute resolution to attempt to reach agreement on all issues. In most cases the parties proceed to a settlement conference. In King County, there is a free Volunteer Settlement Conference Program offered through the King County Superior Court. If settlement is not reached, the case will proceed to trial and all issues will be decided by a judge. In King County, the trial date is set when the case is filed. The trial date and assigned judge is indicated on the Order Setting Domestic Case Schedule given to the parties when the case is filed. The parties must comply with all requirements and deadlines indicated on the Case Schedule as the case proceeds, or the case will be dismissed and the trial date will be stricken.

In King County, every parent involved in a divorce case is required to complete a seminar administered by King County Family Court Services on the effects of divorce on children. The divorce will not be finalized without proof that both parents completed the seminar.

*Adapted and reprinted with permission from: Kernic, Mary A., Monary-Ernsdorff, Daphne J., Koepsell, Jennifer K., & Hotl, Victoria L. (2005). "Children in the Crossfire, Child Custody Determinations Among Couples with a History of Intimate Partner Violence." Sage Publications: Violence Against Women Vol. 11, No. 8, August 2005.*

*Adapted by Meg Sassaman, NW Justice Project, Seattle, WA.*

## **APPENDIX B: FOCUS GROUP QUESTIONS**

### **Focus Group Questions: Providers**

1. How would you define a "successful" outcome for dv survivors and their children in family law proceedings?
2. What outcomes are you most commonly seeing?
3. What do you think are the major barriers to survivors achieving successful outcomes?
4. Are there specific proceedings in the family law/dissolution/parenting plan that you think are more or less problematic than others?
5. With what family law issues or with what kinds of family law cases is it most important for survivors to have attorneys?
6. With what family law issues or under what circumstances are survivors most likely to be successful w/out legal representation?
7. What additional resources or change in policy or practice do you think would most help things go better for survivors in the family law arena?

### **Focus Group Questions: Survivors**

1. Have you had a family law case in King County? (This might include a case related to divorce, child custody, visitation, child support, division of joint property.) Can you tell me what kind of case it was?
2. Did your abusive partner contest it or oppose you?
3. What were you hoping would happen with the case?
4. What did not go well, or what were the biggest barriers or problems you faced?
5. What went well in the process?
6. If the case has concluded, what were the outcomes?
7. If you had an attorney, where was she or he from (private attorney, or an agency)? Was she or he free or did you have to pay? What did he or she do well, or in what ways was she or he helpful? What did she or he not do so well?
8. If you who got other services related to the case – What services? What did they do well, or in what ways were they helpful? What didn't work so well or wasn't useful about their services?
9. What is the most important thing you want service providers and policy makers to understand about dv survivors and the family law system?

## APPENDIX C: FOCUS GROUP PARTICIPANTS

### Provider Focus Groups

Provider Focus Group & date	Agency name	Title	Role
Fam Law Roundtable 08/09/05	Foster Pepper & Shefelman	Intern	intern/para - leg svcs
Fam Law Roundtable 08/09/05	NW Womens Law Center	paralegal	intern/para - leg svcs
Fam Law Roundtable 08/09/05	NW Justice Project	Attorney	atty - legal svcs
Fam Law Roundtable 08/09/05	NW Justice Project	Attorney	atty - legal svcs
Fam Law Roundtable 08/09/05	ELAP	attorney	atty - legal svcs
Fam Law Roundtable 08/09/05	ELAP	intern	intern/para - leg svcs
Quarterly DV Advocates 09/13/05	YWCA	Legal Advocate	CB Advocate
Quarterly DV Advocates 09/13/05	EDVP	Legal Coordinator	CB Advocate
Quarterly DV Advocates 09/13/05	KC Prosecutor's Office	Prosecutor's Legal Advocate	SB advocate
Quarterly DV Advocates 09/13/05	Municipality	Prosecutor's Legal Advocate	SB advocate
Quarterly DV Advocates 09/13/05	Municipality	Prosecutor's Legal Advocate	SB advocate
Protection Order Advocates 06/10/05	KC Prosecutor's Office POAP	Protection Order Advocate	SB advocate
Protection Order Advocates 06/10/05	KC Prosecutor's Office POAP	Protection Order Advocate	SB advocate
Protection Order Advocates 06/10/05	KC Prosecutor's Office POAP	Protection Order Advocate	SB advocate
Protection Order Advocates 06/10/05	KC Prosecutor's Office POAP	Protection Order Advocate	SB advocate
Protection Order Advocates 06/10/05	KC Prosecutor's Office POAP	Protection Order Advocate	SB advocate
KCCADV general mtg 6/17/2005	YWCA SKC	Legal Advocate	CB Advocate
KCCADV general mtg 6/17/2005	Seattle Indian Health Board	DV Advocate	CB Advocate
KCCADV general mtg 6/17/2005	NWIRP	Legal Advocate	CB Advocate
KCCADV general mtg 6/17/2005	Broadview	Legal Advocate	CB Advocate
KCCADV general mtg 6/17/2005	New Beginnings	Community Advocate	CB Advocate
KCCADV general mtg 6/17/2005	New Beginnings	Legal advocate	CB Advocate
KCCADV general mtg 6/17/2005	NW Womens's Law Center	Volunteer	Atty - volunteer
KCCADV general mtg 6/17/2005	Jewish Family Svcs Proj DVORA	DV Advocate	CB Advocate
KCCADV general mtg 6/17/2005	Family Services (DV program)	consultant	perpetrator intervention
KCCADV general mtg 6/17/2005	Municipality	Community Advocate	CB Advocate
KCCADV general mtg 6/17/2005	Hickman House	Family Advocate	CB Advocate
KCCADV general mtg 6/17/2005	Aby and Associates	Counselor	perp int
KCCADV general mtg 6/17/2005	SPD Victim Support Team	DV Advocate	SB advocate
KCCADV general mtg 6/17/2005	Seattle Municipal Court	Probation Counselor DV Unit	probation
KCCADV general mtg 6/17/2005	Seattle City Attorney's Office	Prosecutor's Legal Advocate	SB advocate
KCCADV general mtg 6/17/2005	SPD Victim Support Team	Volunteer Supervisor	SB advocate
KCCADV general mtg 6/17/2005	Seattle University	Student - nursing	other
KCCADV general mtg 6/17/2005	Chaya	community advocate	CB Advocate
KCCADV general mtg 6/17/2005	Valley Cities	DV perpetrator treatment	perpetrator intervention
KCCADV general mtg 6/17/2005	state DOC	supervision of female prisoners	probation
KCCADV general mtg 6/17/2005	Valley Cities	DV perpetrator treatment	perpetrator intervention
KCCADV general mtg 6/17/2005	Fremont Public	homeless advocacy	other
KCCADV general mtg 6/17/2005	Highline W Seattle CMH	MH counseling	other
KCCADV general mtg 6/17/2005	none	community member	other

KCCADV general mtg 6/17/2005	KCPAO	legal advocacy	SB advocate
NNWLC Self Help group 8/10/2005	NW Womens Law Center	Volunteer Attorney	Atty - volunteer
NNWLC Self Help group 8/10/2005	NW Womens Law Center	Volunteer	Atty - volunteer
NNWLC Self Help group 8/10/2005	YWCA SKC	Family Advocate	CB Advocate
NNWLC Self Help group 8/10/2005	NW Womens Law Center	Volunteer Attorney	Atty - volunteer
NNWLC Self Help group 8/10/2005	NW Womens Law Center	Volunteer Attorney	Atty - volunteer
NNWLC Self Help group 8/10/2005	NW Womens Law Center	Volunteer Attorney	Atty - volunteer

CB = community-based advocate  
SB = system (or court) based advocate

### Survivor Focus Group Participants with Family Law Cases

Focus Group and date	Race/Ethnicity of participant	First Language	No. of children	Was/Is married to abuser	family law case in KC	case within past 3 years		
<b>ReWA 7/22/05</b>	East African	6 Somali	6	6	2 Yes	4 yes	6 unk	6
			1	2	No	2		
			unknown	2				
<b>EDVP 7/26/05</b>	Caucasian	10 English	12	4	1 Yes	10 yes	16 yes	10
	African American	1 Russian	1	3	4 No	2	no	2
	Mixed	1 Unknown	3	2	6 unknown	4	unknown	4
	unk	4		1	1			
				0	1			
				unknown	3			
<b>East Cherry 7/25/05</b>	African American	6 English	6	5	1 Yes	1 yes	6 yes	3
				4	1 No	3 yes	no	1
				1	2 unknown	2 yes	unknown	2
				unknown	2			
<b>New Beginnings 7/14/05</b>	Caucasian	2 English	5	4	1 Yes	7 yes	7 yes	6
	Asian	1 Japanese	1	2	1		unknown	1
	Hispanic	1 Spanish	1	1	4			
	Mixed	1		0	1			
	Unknown	2						
<b>Total</b>		<b>35</b>	<b>35</b>	<b>35</b>	<b>35</b>	<b>35</b>	<b>35</b>	<b>35</b>

**APPENDIX D:  
SOME STUDIES, REPORTS, AND WRITTEN MATERIALS  
RELATED TO DOMESTIC VIOLENCE AND FAMILY LAW  
ISSUES IN KING COUNTY**

**Summaries of Key Research Reports**

**Farmer, Amy & Tiefenthaler, Jill (2003). *Explaining the Recent Decline in Domestic Violence*. Western Economic Association International: Contemporary Economic Policy Vol. 21, No. 2, April 2003, pp. 158-172.**

The authors analyzed data from the U.S. Department of Justice's National Crime Victimization Survey (NCVS) and county-level demographic and service variables to determine likely explanations for the 21% decrease in violence against women by intimate partners that study found between 1993 and 1998. They concluded that the factors most correlated with the decline were the increased provision of legal services to victims of domestic violence, improvements in women's economic status, and the aging of the population.

**GMA Research (2001, 2002, & 2003), *Eastside Legal Assistance Program Social Services Staff Survey (2001), Client Survey (2002), and Focus Groups (2003)*. GMA Research, Bellevue, WA.**

GMA Research conducted 3 surveys on behalf of Eastside Legal Assistance Project, a survey of staff of social service agencies in King County, a survey of clients of social services agencies, and a focus group study of poor people who had accessed legal services in King County. Key findings include:

- Social service providers said that public housing, child custody, domestic violence, and immigration issues were the most common problems of their clients. The social service client survey most often identified child support (11%), domestic violence, divorce or legal separation, and consumer finance (9% each) as issues they needed help with.
- Less than a third of clients sought help for civil legal issues; of those, only 22% received it.
- Income limits, language, and transportation were identified as major barriers to clients of social services agencies accessing legal help.
- Transportation and cost were the biggest barriers to getting assistance with civil legal issues identified by focus group participants. Participants said that they would like to be able to access help in one place, and that there should be a system of appointed attorneys for non-criminal cases.

**Institute for Law and Justice, National Center for Victims of Crime (2005). *National Evaluation of the Legal Assistance for Victims Program, Executive Summary*.**

This was an evaluation of the federal Legal Assistance for Victims (LAV) Program, that provided funding for organizations to provide free or low cost civil legal and advocacy services to victims of domestic violence, stalking, and sexual assault. The

study utilized surveys of granters, process evaluations of grantees, analysis of case load data, and interviews with clients.

Key findings:

- LAV funding allowed grantees to provide more DV survivors legal representation, legal advice, and counseling. These surveys reduced the length of case time and, in the attorneys' opinions, resulted in better outcomes.
- LAV grantees supplemented the work of funded attorneys by using law students, pro bono attorneys, and legal advocates.
- The majority of programs experienced reductions in non-LAV funding during 2002.
- 94% of clients were very satisfied with their LAV funded attorneys. 90% were very satisfied with the outcomes of their cases.
- LAV programs identified large unmet needs for legal services. Only 36.5% of programs could provide legal services to most (80-100%) of victims who requested services.
- The study concludes that there should be increased funding for legal representation for victims of DV.

**Jaffe, Peter G. & Crooks, Claire V. (2005), *Understanding Women's Experiences Parenting the Context of Domestic Violence: Implications for Community and Court-Related Service Providers. Violence Against Women Online Resources.***

**[www.vaw.umn.edu](http://www.vaw.umn.edu)**

This paper provides an overview of research related to domestic violence and parenting. It identifies that understandings about domestic violence and its effect on children and on parenting is often not integrated into custody determinations, and makes recommendations for community and court service providers.

The authors conclude that professionals often do not assess for domestic violence or its risk to the victim and children in the court setting. Even if information about the abuse is known, professionals often do not use the information effectively. Responses range from blaming the victim for not protecting the children, to suspecting that the victim is making false allegations to influence custody and financial settlements in dissolution proceedings, to failing to see the relevance of the domestic violence to the court proceedings. The authors note that recognizing and integrating an understanding of the relevance of domestic violence in child custody proceedings requires a move away from prevailing preferences for increasing role the of fathers, joint custody and shared decision-making, mediation, and the "friendly parent" paradigm. The authors identify specific themes underlying the challenges facing DV survivors in family law proceedings, and make recommendations for court and community service providers.

Identified themes include:

- Professionals often do not differentiate conflict from violence and abuse. Professionals also often do not recognize the ongoing and often escalating danger to the victim and children post-separation.
- The significance of domestic violence is often overlooked in family court proceedings.

- The majority of victims do not reveal DV in mediation, and even if the violence is raised, the mediation process is not necessarily responsive. (One study showed joint sessions between victims and perpetrators being held in 40% of cases where DV is alleged.)
- DV is difficult to substantiate; independent evidence is often required by the court and often doesn't exist. Even when DV is documented, it is not always reflected in the recommendations of an evaluator. Even if custody is awarded to the victim, the courts often order regular visitation by the batterer.
- Victims often present negatively to the court and to parenting evaluators, both because they may display symptoms of trauma and/or they may be angry and distrustful. Batterers often present well.
- Abused women have difficulty accessing appropriate legal help. The existing system is complex and disjointed, monitoring of perpetrators is inconsistent. Access to legal assistance is extremely limited and often inadequate. Some research has indicated that lack of representation may be a factor in some survivors' decisions to remain with or return to batterers.
- Additional language and cultural barriers exist for many limited English-speaking survivors.

Recommendations include:

- Train professionals to assess for domestic violence and risk to engage in safety planning. This includes a range of options in family law situations such as no visitation or supervised visitation and exchanges.
- Train service providers about children's exposure to DV and how to talk with mothers about their concerns.
- Prioritize the need for safety in all interventions.
- Assess for domestic violence in custody proceedings.
- Provide specific training for civil court personnel. There are guidelines on how to respond to DV for most court-related services, there is not widespread implementation of these principles.

**Kernic, Mary A., Monary-Ernsdorff, Daphne J., Koepsell, Jennifer K., & Holt, Victoria L. (2005). *Children in the Crossfire, Child Custody Determinations Among Couples with a History of Intimate Partner Violence*. Sage Publications: Violence Against Women Vol. 11, No. 8, August 2005.**

This was a study of police and court records for 2396 Seattle couples with minor children petitioning for and completing a dissolution of marriage between January 1, 1998 and December 31, 1999. The study sought to determine how often police and civil protection order substantiation of intimate partner violence (IPV) by men against women was documented in the dissolution file, and whether allegations or substantiation of IPV influenced the determination of child custody and visitation provisions. Four groups documented in the dissolution case file (SKC), cases with substantiated IPV that was unknown to the court (SUC), cases with allegations that were known to the court (AKC), and cases with no allegations of abuse. Key findings include:

- There is a substantiated history of IPV in at least 11.4% of Seattle dissolutions with dependent children. (10.7% of the cases in the study had police incidents or court orders documenting a prior history of domestic violence; another 2.6% had



- allegations with other substantiation in the dissolution file, and 10.2% of cases had unsubstantiated allegations of abuse in the dissolution file.)
- In 47.6% of cases with police or court order substantiated IPV, there was no mention of IPV in the dissolution file. In another 28.9%, the abuse was mentioned, but the police and protection order substantiation was not documented in the file. In only 23.6% of the cases were the substantiated allegations of IPV documented in the dissolution case files.
  - Mothers were not more likely to be awarded custody of their children in cases involving substantiated or alleged IPV, whether or not the abuse was known to the court.
  - Fathers were three times more likely to be denied child visitation in cases involving substantiated IPV when it was known to the court, but not in cases where the abuse was alleged or not known to the court. However, the overwhelming majority (83.2%) of fathers with substantiated IPV were allowed visitation.
  - Fathers in cases involving substantiated allegations of IPV were more likely to have restrictions on visitation (for example, no overnight visits or no alcohol use) whether or not the IPV was known to the court.
  - Fathers with substantiated IPV that was known to the court were more likely be court ordered to DV or substance abuse treatment.
  - Fathers with known substantiated allegations of IPV were more likely to be have third party visitation ordered, but the difference between them and the other groups was not statistically significant.
  - Fathers with substantiated IPV were more likely to have restrictions on their parental decision-making authority, whether or not the IPV was known to the court.

#### Conclusions:

- IPV is not adequately identified and documented in dissolution cases. The court was made aware of substantiated IPV in only one quarter of the cases.
- Mothers who have been victims of IPV are no more likely to be granted custody of their children.
- Fathers with substantiated histories of IPV are more likely to denied visitation if the IPV is known to the court, but only in a small minority of cases.
- Third party supervision of visitation is no more likely to be ordered in cases involving IPV whether it is alleged or substantiated.
- Limiting time or conditions of visitation and limiting parental decision making authority are more likely in cases of substantiated IPV, whether or not it is known to the courts.
- Fathers who were alleged to have committed IPV are not likely to receive any restrictions on custody or visitation if there is not substantiation of the abuse.
- The authors recommend making changes in policy and procedure to make the court more aware of existing documentation of IPV, and that assistance be given to victims in identifying and providing documentation of their abuse from less formal sources.

**Lye, Diane N. (1999) *Washington State Parenting Act Study: Report to the Washington State Gender and Justice Commission and Domestic Relations Commission. Office of the Administrator for the Courts.***  
**([www.courts.wa.gov/parent/home.htm](http://www.courts.wa.gov/parent/home.htm))**

This study of the Washington State Parenting Act included four components:

- Focus groups around the state with parents who had court approved parenting plans. This included one special focus group in King County with domestic violence survivors.
- Interviews with key informants who are professionals working with the parenting act.
- A review of final parenting plans.
- A review of research concerning post-divorce parenting and child well-being.

Key findings include:

- Parents in general find the civil legal system difficult to access and navigate, especially if they are pro se litigants (not represented by attorneys).
- Parents are very frustrated by the lack of enforcement mechanisms if their ex-partner does not cooperate.
- “Domestic violence survivors find the civil legal justice system especially difficult to access and utilize, and often have plans they believe compromise their own their children’s safety.”
- Joint decision-making does not work well.
- Mediation is not useful in cases involving DV.
- “Shared or 50/50 residential schedules have adverse consequences for children in high conflict situations.”
- The Parenting Act does not adequately protect survivors of domestic violence. The author concludes that the problems lie the way the parenting act is implemented, not with the statute itself.

Key recommendations include:

- Provide all parents with more information throughout the process
- Encourage more individualization of parenting plans
- Improve the mandatory forms
- Clarify procedures to handle the relocation of the primary residential parent
- Strengthen protections for DV survivors.

These recommended protections include:

- Develop information packets specifically geared toward victims of DV, including how to opt out of programs that might be dangerous, such as mediation and parenting classes.
- Improve awareness among professionals working in the civil justice system about domestic violence issues, the potential for abusers to harass, intimidate, and threaten survivors.
- Encourage courts to implement ways for DV survivors to opt out of parenting classes and mediation.

- Improve security for parents involved in parenting actions.
- “As agreed” or 50/50 residential schedules and joint decision-making should not be allowed in cases involving DV.
- Clarify who is appropriate to supervise visitation and exchanges; usually abusers’ friends and family are not appropriate.
- When DV is alleged, there should be a thorough investigation, risk assessment, and parenting evaluation conducted.

Other relevant issues regarding DV survivors and family law:

- DV survivors were most frustrated with the civil legal system. They felt “disrespected, demeaned, or ignored.”
- DV survivors said that their abusive partners had used the system to abuse and harass them by overwhelming them with legal paperwork that required responses. One woman described losing her job because of the time she spent on her legal issues. DV survivors were particularly likely to say that their ex-partners had deliberately slowed the process to harass them by not attending mandatory classes. Key informants also echoed these specific concerns.
- Parents, especially DV survivors, felt that the high cost of getting a dissolution introduces inequity into the civil legal system.
- 70% of family law cases in the state have at least one pro se litigant. The percentage is highest in King County (73%). Key informants said that this percentage has increased greatly over the year prior to release of this report. There was agreement that many litigants really need representation in the family law process.
- None of the focus group participants accessed free legal services. Few accessed attorneys at all. Those who had accessed attorneys were very critical of them, but, when hearing the experiences of other group participants who hadn’t had attorneys, felt that their own outcomes had probably been better.
- Parents, especially DV survivors, often make “trades” involving time with children, for example, dropping DV charges in exchange for the abuser not fighting for custody, or trading money for time.
- According to DV survivors and key informants, despite provisions to exempt cases involving DV from mediation or parenting classes, many DV survivors are forced or pushed into mediation and/or parenting classes against their wishes.
- DV survivors were particularly likely to have problems collecting child support but were most reluctant to pursue the matter.
- All parents complained of lack of mechanisms for enforcing parenting plans.
- Key informants said that DV survivors’ concerns about their safety are not adequately addressed and they have difficulty securing needed limitations on abusers’ residential time with children.
- Key informants brought up a number of concerns about parenting evaluations and GAL’s, including saying they had a lack of training around domestic violence issues, were easily manipulated by abusers, and did not empathize with victims.
- The overwhelming majority of key informants did not consider false allegations of DV a widespread problem.

- Key informants said that it is difficult for DV survivors to get limitations in their parenting plans. Reasons they gave were the courts not believing women's accounts of DV, abusers manipulating people in the system and gaining more credibility, victims are more likely to be unrepresented than abusers, abusers intimidation prevents women from reporting abuse, court and/or parenting evaluators put a higher value on abusers' contact with children than on women's safety.

**Owen, Leslie (1999). *Washington State Domestic Violence Civil Justice Project Report*. Washington State Access to Justice Board. [www.wsba.org/atj/publications/projreport.htm](http://www.wsba.org/atj/publications/projreport.htm)**

This study surveyed providers of legal assistance to battered women to: identify existing civil legal services for victims of DV, assess resources, and determine priorities for development of civil legal services for DV survivors. Respondents were 33 DV programs, 11 civil legal services office, and 16 volunteer attorney programs. Findings included:

- The most significant gap in legal services for DV victims is in the area of contested family law cases. Increased resources for emergency legal representation for contested family law cases was identified as a top priority.
- When assistance is provided at the beginning of the case, there is a greater likelihood of getting the legal relief needed by the survivor. Attorneys are more likely to volunteer to complete the case if the emergency has passed.
- Survivors are less likely to return to their abusers if they can secure the legal relief they need.
- More training on DV is needed for all people working in the civil legal system.
- Other suggestions for improvement included establishing a central resource center with lawyers and paralegals who can provide pro se litigants with assistance, have staff attorneys inside DV programs to assist clients, develop more services that are culturally relevant, improve the support available to legal advocates (including suggestions to have attorneys available for consultation, training, and a 24 hour phone line for advocates to call to get legal information for clients in an emergency.
- Collaborative relationships exist between DV programs, volunteer lawyer programs, and civil legal services.

**Saunders, Daniel G. (1998). *Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Research Findings, and Recommendations*. Violence Against Women Online Resources. [www.vaw.umn.edu](http://www.vaw.umn.edu).**

This paper discusses the legal and cultural trends that lead to many battered women losing custody of their children, and reviews the research that supports the need to consider domestic violence in making custody determinations. The author concludes with several specific recommendations regarding custody determinations in cases involving DV.

Legal trends discussed include a move in the 1970's away from preference for mothers to the standard of "the best interests of the children." More recently, most states have recognized that DV needs to be considered in making custody determinations, but

most do not give it special weight and allow wide discretion in how to use information about abuse. Few states have adopted the model statute recommended by the National Council of Juvenile and Family Court Judges for a “rebuttable presumption” against granting abusers sole or joint custody. Preferences for parental cooperation, sometimes codified in “friendly parent” statutes, often result in battered women being judged negatively as “uncooperative” because of their reluctance to co-parent. Mothers are also sometimes blamed when parenting evaluators and other court personnel don’t understand the dynamics of DV and its effects on the victim, and are sometimes considered to have “failed to protect” their children from the batterer’s abuse.

The author concludes that in cases involving domestic violence, the safety and well-being of the child and the adult victim must be primary. Therefore, granting the abuser joint or sole custody should rarely be the preferred option. Visitation should only be awarded if adequate safety provisions can be made for the survivor and children. Specific safety provisions can include minimizing transitions, not allowing overnight visitation, and ordering supervised visitation. Supervision orders should detail the conditions under which it will be suspended, conditions during visitation, and the role of the supervisor.

### **Task Force on Civil Equal Justice Funding, Washington State Supreme Court (2003). *The Washington State Civil Legal Needs Study.***

A study of the types of civil legal needs of Washington State low income households. Consisted of a field survey of 1,300 low-income people, a phone survey of 800 low to moderate income people, and a survey of stakeholder groups and organizations throughout Washington State.

Key findings:

- 87% of low income households have at least one civil legal problem each year. DV survivors have the highest per capita rate of legal problems and issues.
- 88% of low income people get no attorney assistance. Litigants are most likely to get assistance for family law issues; still 70% do not receive representation for family law cases.
- The majority of stakeholders said that a lack of legal representation was the most significant barrier to low income people accessing the justice system.
- By far the most common issue for DV survivors is family law, with 28% of survivors having this issue, compared with 14% for low income people overall. For DV survivors, family law was followed by housing problems (16%), employment (9%), consumer problems (8%) and public/municipal services (8%), and other civil rights (7%).
- Of the family law issues experienced by low income people overall, child support was the most common, followed by domestic violence, divorce, and child residential placement.

### **Useful Web Sites**

**American Bar Association (ABA)**, <http://www.abanet.org>, provides attorneys and judges with the knowledge and tools needed to assist them in their legal profession. It has several programs targeted to specialized areas of interest, including the Center on

Children and the Law, the Commission on Domestic Violence, and the Family Law Section.

**Battered Women’s Justice Project, Civil Office**, <http://bwjp.org>, works to enhance “justice for battered women and their children in the civil legal arena by improving battered women’s access to civil justice options and quality legal representation in civil court processes.” BWJP works with professionals on issues such as divorce and support, child custody, separation violence, mediation, and protection orders.

**Minnesota Center Against Violence and Abuse**, <http://www.mincava.umn.edu>, an electronic clearinghouse that provides access to thousands of violence-related research, training curricula, and other resources on child abuse, domestic violence, stalking, sexual violence, and elder abuse.

**National Council of Juvenile and Family Court Judges (NCJFCJ)**, <http://www.ncjfcj.org>, is “dedicated to serving the nation’s children and families by improving the courts of juvenile and family jurisdictions.” Has specific resources addressing family violence including the Federal Greenbook Initiative (addressing the child maltreatment and DV), the National Judicial Institute on Domestic Violence, Resource Center on Domestic Violence: Child Protection and Custody, and the Full Faith and Credit Project.

**Office on Violence Against Women**, <http://www.ojp.usdoj.gov/vawo>, provides “up-to-date information on interventions to stop violence against women for criminal justice practitioners, advocates, and social service professionals with the latest in research and domestic violence, stalking, batterer intervention programs, child custody [and] protection, sexual assault, and welfare reform.”

**Violence Against Women Online Resources**, <http://www.vaw.umn.edu>, “provides materials on domestic violence, sexual assault, and stalking for criminal justice professionals, sexual assault and domestic violence victim advocates, and other multi-disciplinary professionals and community partners who respond to these crimes.” The site’s on-line document library contains information domestic, sexual assault, stalking, and child custody and protection. The Child Custody and Protection page contains an annotated bibliography of the articles available.

### **Other Important Resources**

**Bancroft, Lundy & Silverman, Jay G. (2002). *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*. Thousand Oaks, CA: Sage Publications, Inc.**

A very complete and well researched book describing how batterers behave as parents, including how this behavior effects on the DV survivor and children, how batterers use custody and visitation disputes, a critique of prevailing theories of assessment, how to assess risks to children and evaluate batterers’ claims of reform, and improving community responses to parenting batterers.

**Dalton, Clare, Matthews, George J. & Kathleen Waters, Drozd, Leslie M., & Wong, Frances Q.F. (2004).** *Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide.* Reno, NV: National Council of Juvenile and Family Court Judges.

An manual for family law judges and commissioners. It covers such issues as:

- defining domestic violence,
- legal and ethical contexts,
- when to order DV evaluations,
- how to choose an expert,
- framing the process and the inquiry,
- how to use the information in the report, and
- how to assess the recommendations.

**Jaffe, Peter G., Lemon, Nancy K.D., & Poisson, Samantha E. (2003).** *Child Custody and Domestic Violence: A Call for Safety and Accountability.* Thousand Oaks, CA: Sage Publications, Inc.

A comprehensive book that discusses why DV is relevant in child custody cases, how to assess safety and responsibility when DV is alleged, legislation and court practices in the US and other countries, and provides recommendations for legislation, training, policy, and program development.

**National Council of Juvenile and Family Court Judges (1993).** *Model Code on Domestic and Family Violence.* Reno, NV: NCJFCN.

Provides a model statute on domestic violence and child custody, including a rebuttable presumption against granting custody to perpetrators of intimate partner abuse.

**National Council of Juvenile and Family Court Judges (1995).** *Custody and Visitation Decision-Making When There are Allegations of Domestic Violence.* Reno, NV: NCJFCN.

**Schechter, Susan and Edleson, Jeffrey L. (1999).** *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice.* Reno, NV: National Council of Juvenile and Family Court Judges.

Provides recommendations regarding policy and practice for child protection systems, the courts, domestic violence agencies, and others.

**Washington State Gender and Justice Commission (2002).** *Domestic Violence Manuel for Judges.* Olympia, WA: Administrative Office of the Courts. A comprehensive manual meant to serve as a reference guide for judges and court personnel, and to serve as a textbook for judicial education in Washington State. Copies of the manual, also known as a “benchbook”, were initially distributed to every judge and commissioner in the state.

## **APPENDIX E: KING COUNTY SERVICES AND GROUPS RELATED TO FAMILY LAW ISSUES**

### **Family Law Representation for Victims of Domestic Violence**

**Columbia Legal Services\***: Washington's state-funded statewide legal services program. Had offered free legal representation to some low-income victims of domestic violence in family law cases involving children. At the end of 2004, in the face of continuing funding cuts, the agency re-prioritized their activities and ended all individual representation.

**Eastside Legal Assistance Program\***: a volunteer attorney agency that also housed a VOCA-funded project with staff attorneys who provided emergency representation for survivors of domestic violence for temporary orders. As of 9/30/05, VOCA funding for that program has ended. The agency is currently evaluating whether a half-time DV attorney can be maintained, and if so, what would be the best use of that person's time.

**King County Bar Association**: a volunteer attorney program which houses a project training volunteer attorneys to provide free legal representation to domestic violence survivors, with children, in contested dissolution and paternity cases.

**Northwest Justice Project\***: Washington's Legal Services Corporation (LSC) funded statewide legal services program. Has included VAWA-funded DV attorneys, and VOCA-funded project providing emergency legal assistance to survivors of domestic violence with language and cultural barriers. As of 12/31/05, VOCA funding has been cut.

**The "Protection Order Revision Squad"** is a group of skilled private attorneys who volunteer to offer pro bono representation for domestic violence victims who have been wrongfully denied protection orders. This "rapid response" squad assists victims in obtaining revisions and reconsiderations of the orders and, in some cases, assists petitioners to maintain their protection orders when abusers try to have them vacated.

\* note: Up until 2003, there were nine publicly funded attorneys (through Columbia Legal Services, Eastside Legal Assistance Program, and NW Justice Center) who were either dedicated to or who prioritized representing victims of domestic violence for family law proceedings in King County. As of 12/31/05 there will be only be four attorneys, all through NW Justice Project, and two of these are dedicated to working with Refugee Women's Alliance and Consejo Counseling and Referral Services.



## **Networking Groups**

### **Family Law Roundtable**

The Roundtable was established in 1997 to provide forum for discussing the family law needs of the county's low-income population. With the participation of several groups, primarily the agencies providing free legal assistance to victims of domestic violence, the Roundtable developed into a tool for countywide planning in the area of family law and domestic violence. Over the years, members have shared information and strategies, discussed gaps in services, and developed ways to better fill the gaps. The Roundtable has also provided training for domestic violence advocates and works together to provide the maximum amount of legal services possible with available resources. To that end, members of the Roundtable set priorities together, to avoid duplication of efforts and maximize resources. The group also works with *pro bono* attorneys to fill identified gaps in services, such as the need for representation in writs of *habeas corpus* proceedings and protection order revisions. The Roundtable has streamlined the case referral process for domestic violence advocates and their clients by developing a single referral form and encouraging referrals to only one agency that then shares the referrals with others if unable to take the case. In addition, the group provides quarterly training for domestic violence advocates on various legal issues. Roundtable participants also work together to have important opinions published, work with other providers in the domestic violence field (e.g. prosecutors, studies, courthouse facilitators), and participate in family law CLE's and section activities to better educate the private bar about issues around domestic violence and low income clients.

### **The Northwest Women's Law Center Self Help Committee**

A group of attorneys, paralegals, law students, and other community members who assist women who are representing themselves. Specific activities of the group include:

- writing self-help materials and legal information memos, primarily in the area of family law
- providing support to the General Family Law Clinic, the Domestic Violence Family Law Clinic, and the Cross Cultural Family Law Clinic, all organized by the King County Bar Association
- providing support to the NWWLC Information and Referral line
- identifying legal needs and appropriate responses (through surveys and community outreach)
- acting as liaison to other community organizations

### **King County Legal Services Regional Planning Group**

Made up of representatives of legal services agencies, this group plans and coordinates state-funded legal services for low-income people in King County. It is not specific to family law or domestic violence issues.

## General Family Law Resources For King County Residents

### Division of Child Support (DCS) (206) 341-7000; 1-800-526-8658; (206) 464-7851 TTY

Assistance establishing administrative support orders, enforcing orders of child support and reviewing current orders for modification. [www.dshs.wa.gov/dcs/index.shtml](http://www.dshs.wa.gov/dcs/index.shtml)

### Eastside Legal Assistance Program (425) 747-7274

Free Do-It-Yourself Dissolution Workshop. \$20 fee for preparation of pleadings. 30 minutes of advice & consultation with a volunteer attorney at clinics available for low income clients of east King County. [www.elap.org](http://www.elap.org)

### Family Court Services Seattle (206) 296-9400; Kent (206) 205-2521

Provides mediation, court-ordered parenting plan & DV evaluations on a sliding fee scale. <http://www.metrokc.gov/kcsc/famlaw/famctsvc.htm>

### Family Support Division – KC Prosecuting Attorney (206) 296-9020 Seattle (206) 296-9595 Kent

Limited assistance for unmarried parents in establishing paternity & parenting plans (must request parenting plan at beginning of the application process). Will review support orders if eligible – must apply through DCS (listed above)  
<http://www.metrokc.gov/proatty/Famsport/>

### Family Law Facilitators Seattle (206) 296-9092; Kent (206) 205-2526

In Kent, 30 minutes of advice & consultation with a volunteer attorney on Fridays - appointments required. Facilitators will not provide legal advice, but will review forms and give information on court rules and where to file forms. Morning walk-ins in both Kent & Seattle. <http://www.metrokc.gov/kcsc/famlaw/facilitator.htm>

### "How to Finish Your Divorce" Seminar (206) 296-0940

In Seattle courthouse only, a volunteer attorney teaches a *free* class at KC Administrative Building, 500 Fourth Ave, Rm 807. Held on **the second Wednesday of each month from 5:30-7 PM** for litigants representing themselves. No registration necessary.  
[www.kccll.org](http://www.kccll.org)

### King County Bar Association Programs [www.kcba.org](http://www.kcba.org) Lawyer Referral Service - (206) 267-7010

Provides referrals to attorneys in King County – first 30 minutes is \$30. Retainers & fees are negotiated directly with the attorney. Some referrals are available for attorneys willing to do limited representation (unbundled legal services). Some low-fee cases accepted for income eligible clients.

### Mentor Program (206) 267-7010

Provides free representation for low-income King County residents with contested divorce & paternity cases with children in danger.

Self-Help Plus

**(206) 267-7080**

Assists clients with *uncontested* divorce, *uncontested* custody modifications, & child support modifications. Paying a sliding fee based on income, clients attend a class to learn about the process of their action & then the paperwork is prepared by a paralegal or law student – paperwork is included in the cost. Clients represent themselves – no attorney representation.

Neighborhood Legal Clinics - 30 minutes of advice & consultation only – attorneys will not represent clients in court.

**Northwest Women’s Law Center**

**(206) 621-7691; (206) 521-4317 TTY**

Information & Referral Line – Available on the telephone: Free legal information and referral to attorneys in private practice, self-help resources & packets.

[www.nwwlc.org](http://www.nwwlc.org)

**Protection Order Advocacy Program, King County Court**

**(206) 296-9547 Seattle**

Advocacy and assistance with protection orders.

**(206) 205-7406 Kent**

Walk-in assistance at KC Superior Court in Seattle at Room C 213 and in Kent’s

Regional Justice Center at Room 2B

<http://www.protectionorder.org/>

**Volunteer Settlement Conference Program Seattle (206) 205-6770; Kent (253) 852-2345**

Volunteer attorneys assist King County residents in settling divorce prior to trial. No income requirements & no cost, but both parties must agree to attend. In Seattle, clients should call to schedule their conference 3-4 weeks before trial on Thursdays 10-noon; conferences held M-F at 1:00. In Kent, clients should call 3-4 months before trial during business hours to schedule their conference; conferences are held Tuesdays & Wednesdays at 1:30 at the Regional Justice Center in Kent.

## APPENDIX F: SURVIVORS' MOST IMPORTANT ISSUES

Survivors in the four focus groups were asked, "What is the most important thing you want service providers and policy makers to understand about DV survivors and the family law system?" This is a listing of their responses, organized by topic.

### **The Need For More Affordable, Well Trained Lawyers**

- Low-income DV survivors with family law cases need representation by well-trained family lawyers.
- Legal aid agencies like Columbia Legal Services, Northwest Justice Project and the King County Bar Association's pro bono effort create the illusion of legal resources being available which is unfair: in reality it is virtually impossible to ever get representation from these either because the waiting lists are too long or they only accept very specific types of cases.
- Sometimes when Legal Advocates provide lists of legal resources to survivors, the information is out of date/incorrect. Again, this practice also creates the false impression that meaningful legal help is available – survivors spend valuable time telephoning the "resources" on these lists only to find that there is no one who can provide the help they need.
- *"There needs to be more funding for legal aid organizations."*
- *"I recommend that all DV survivors get attorneys who know about DV."*
- *"What it all boils down to is that you need a lawyer."*

### **People Need To Better Understand DV and Its Effects**

- People need to understand how much damage DV does. It is more than just the physical damage.
- There needs to be "DV education for everyone."
- *"Don't apply rational means to an irrational situation."*
- *"It's not fair for an attorney to say that just because you did not leave the first time that it was not that bad."*
- *"Just because you (legal system personnel) didn't see it happen doesn't mean it didn't happen. Of course he's not going to hit me in court!"*
- *"They need to know that women don't bring up domestic violence for nothing. . .what woman would drag herself into this? It is devastating!"*
- *"It [the legal system] turns a blind eye to abuse."*
- *"I just want the [legal] system to see the big picture and how his abuse and their lack of responsibility has impacted the children."*
- *"They need to know how deeply women and children are hurt. They need to believe women when they describe the domestic violence they've been through."*
- *"I'd like to see parenting evaluators, GALs, judges, and CASAs take domestic violence seriously, weigh the facts and get training on domestic violence."*
- *"I believe the legal system doesn't understand that abusers don't play fair/blind."*

- *“Everyone in the legal system needs domestic violence education.” (nodding and agreement from entire group) “Especially regarding how charismatic and narcissistic abusers are and how they can compartmentalize their behavior.”*
- *“You should have to have a license to have anything to do with DV [in reference to attorneys, judges, GALs, etc.] and you should have to get DV training in order to be credentialed.”*
- *“Judges and court workers need to sit in Batterer Intervention Programs and come to our dv support group meetings. They need to hear what it is like to be woken up and sodomized so they know we don’t just make this up. . .so they don’t view us as greedy, crazy b\*\*\*\*s out for money or vengeance.”*

### **Issues Around Parenting Evaluations**

- GALs have lots of power, not many understand DV.
- *“They need to address Family Court Services, parenting evaluators and evaluations. Without representation or witnesses, women lose custody and get bad evaluations.”*
- *“Women should be allowed to bring lawyers, friends, and/or advocates with them to their evaluations or be allowed to tape record the evaluations.”*
- *“We need to get Family Court Services and the GAL’s evaluations in advance to have time to rebut it. We need to have a clearer way to rebut the FCS/GAL reports.”*

### **Enforcement/Modification Issues**

- Some questioned why the Courts wanted fathers to have visitation when they (the fathers) rarely bother to exercise it, and one said that the Courts should force men who refuse to see their kids to exercise visitation.
- There was a general consensus that not enough is being done to enforce child support orders. In one group, all but one of the women said that their husbands/ex-husbands were not paying child support.
- *“To make sure parties are complying with the terms of the orders—the court needs to be the one to enforce compliance.”*
- *“The parenting plan modification [process] and trying to hold him in contempt of court was just too hard.”*

### **The Expense and Economic Impact of Family Law Case**

- The majority of group said that their abusive partner having money put them at a disadvantage.
- *“I am sickened at how expensive everything is! It is out of control. The legal system is abuse! It is economic abuse as well!”*
- *“The system robs you of your money and your dignity. There is nothing fair about the system.”*
- *“Men win because they have the money.”*

### **Ongoing Legal Harassment By the Batterer**

- One woman said that she feels like she’ll never win; it will never be over. She still fears for her daughter’s safety. *“You fight so long and then after a while you don’t know what else to do and then if you can’t afford an attorney. . .”*

- *“It has been five years since my divorce. Once you’re in the system you’re stuck there if he contests it.”*
- *“I am divorced yet I still feel unsafe.”*
- *“Until my kids are eighteen and even beyond that, I’m forced to have a relationship with this man. We shouldn’t be the people chasing down our abusers.”*

### **Safety/Security**

- One woman said she doesn’t like the default rules about “no-shows” in court—what about women who feel it is unsafe to go? *“If he has almost killed you, you should be able to call in or video conference in—it isn’t right!”*
- There needs to be a “smarter system” and “greater safety”. So abusers *“can’t leverage time and money”*.
- *“It is scary to be in the courthouse with the abuser.” There needs to be better security inside and outside the courthouse.”*
- *“I feel like I have to choose between safety and divorce.”*

### **Other**

- There should be more support for pro-se litigants. The paperwork and deadlines are too complex.
- The majority of women in one of the groups said that being female put them at a disadvantage in the legal system
- A general answer was that the women wanted the Courts to help solve their problems.
- One woman said that she needs full custody of her kids and no contact with the abuser, and doesn’t understand why the court says he should get visitation.
- *“It is difficult but don’t give up.”*
- *“Educate yourself” - do your homework, do as much leg work as you can*
- *“Ask questions.”*
- *“Remember that your attorney is working for you; you’re the boss.”*
- *“I want the judges to look at the evidence”*
- *“We receive city and county mailing on recreational programs—what about them having such programs and mailings on domestic violence and dv classes?”*
- *“The legal system needs to send a message that women have a right to a peaceful and safe divorce”.*