King County

KING COUNTY AUDITOR'S OFFICE

AUGUST 1, 2024

Follow-up on Protection Orders

King County Superior Court and the Department of Judicial Administration (DJA) have begun addressing some of the recommendations to make the protection order process more accessible for petitioners and respondents. As they reported to King County Council in March 2024, they have expanded language access resources and are in the process of harmonizing protection order websites to make them easier to navigate. They have also solicited stakeholder feedback while implementing new processes to align with a new state law. These improvements will increase the accessibility of the protection order program, particularly for those with language barriers. Petitioners are more likely to be able to navigate the system and receive the protection they seek. Respondents are more likely to understand how they can represent their perspective and comply with protection order requirements.

However, Superior Court and DJA do not have plans to implement some of the key recommendations, hindering opportunities to improve processes and meet the needs of petitioners and respondents. For example, they do not plan to create a continuous improvement authority or expand assistance resources for self-represented participants. Superior Court states that this is because it is concerned about maintaining its neutral position between the parties and because it does not have authority over all the entities involved in the civil protection order system. In addition, Superior Court indicates that it and DJA do not have sufficient resources to provide the level of support that is needed, given the high volume of petitions. Further progress on these recommendations may require action from policy-makers at the county or state level.

Of the 10 audit recommendations:

5 DONE	2 PROGRESS	3 OPEN
FULLY IMPLEMENTED Auditor will no longer monitor.	**PARTIALLY IMPLEMENTED** Auditor will continue to monitor.	**REMAIN UNRESOLVED** Auditor will continue to monitor.

See details below for implementation status of each recommendation.

Recommendation 1

OPEN

In order to ensure equitable access to protection orders, the continual improvement authority described in Recommendation 7 should work with system stakeholders to develop and implement a plan to provide information and assistance to self-represented protection order petitioners and respondents throughout the process (such as advocates and helpdesks).

STATUS UPDATE: Although Superior Court and DJA acknowledge that there is a significant need for additional support, they indicate that they do not have the funding to provide greater assistance to all petitioners and respondents. In the meantime, the Prosecuting Attorney's Office's Protection Order Advocacy Program continues to assist petitioners seeking domestic violence orders. Superior Court and DJA reported that in 2023 about 60% of petitions filed for civil protection orders were for domestic violence. Protection order petitions may also be filed for unlawful harassment, stalking, sexual assault, vulnerable adults, and extreme risk. Due to limited capacity, the Prosecuting Attorney's Office Protection Order Advocacy Program assists individuals who are seeking protection from a current or former intimate partner or parents filing on behalf of their children (a subset of domestic violence protection orders).

WHAT REMAINS: According to Superior Court and DJA, additional funding is necessary to implement this recommendation. Washington state is currently funding pilot programs in Grays Harbor County and Spokane County to assist self-represented parties with civil protection orders and other civil matters. At this time, it is unclear if the state will continue or expand the pilot beyond its one-year funding. Without expanded support, many self-represented participants may not have sufficient resources to effectively navigate the process, understand standards of evidence, or navigate technical difficulties.

Recommendation 2

DONE

The continual improvement authority described in Recommendation 7 should work to ensure that King County's protection order-related websites are revised and harmonized so members of the public can easily find accurate, clear, consistent guidance about the protection order process.

STATUS UPDATE: In July 2024, DJA finalized updates to the information about protection orders on its websites. Improvements include making key information easier to find, updating frequently asked questions, and highlighting language access resources. DJA solicited and incorporated feedback from stakeholders, including protection order advocates and legal aid providers.

IMPACT: Improving and streamlining the information across protection order websites ensures that members of the public have quality and understandable information about how to obtain a protection order, regardless of which county webpage they visit. This can increase their chances of petitioning for and obtaining a protection order to keep them safe. Helpful websites can also reduce the burden on staff if petitioners and respondents are able to get their questions answered on a website instead of through a phone call or in-person.

Recommendation 3

DONE

The continual improvement authority described in Recommendation 7 should work to ensure that protection order-related websites are revised to meet safety standards, including providing safety exit buttons.

STATUS UPDATE: At the time of the audit in 2020, some of the webpages relating to civil protection orders did not include safety exit buttons or standard safety information for petitioners who fear their internet usage is being monitored. This information is now prominent at the top of the webpages. This means that anyone browsing the webpage can immediately leave the page, learn about how to clear their browser history, or find a phone contact for the Superior Court Clerk's Office. DJA confirmed that its webpages will maintain these safety features.

IMPACT: These safety features are important to make sure that petitioners are not put in a dangerous situation while seeking out information about protection orders. Abusers sometimes monitor their partners' internet activities as evidence that their partner may be seeking a protection order, which can lead to an escalation of violence. Implementing this recommendation may protect some petitioners from harm.

Recommendation 4

DONE

King County Superior Court should update and implement its language access plan to address the language access needs of protection order petitioners and respondents, including:

a) **a publicly communicated process to assist non-English-speaking petitioners in completing petitions**
b) **translations and/or language assistance notices for vital forms and communications**
c) **a system to ensure that instructions are available in other languages before new processes are implemented**

d) technical support in other languages during virtual hearings and waiting rooms

e) a process for translating protection orders for non-English-speaking respondents.

STATUS UPDATE: Superior Court and DJA established a workgroup in 2023 to develop a language access plan for civil protection orders to assist both petitioners and respondents. They solicited and incorporated feedback from stakeholders including attorneys, advocates, and law enforcement agencies. The workgroup oversaw multiple improvements to language access. For example, DJA now has tablets available at their service counters to provide immediate support and video interpretation to non-English speaking customers. In addition to the translated forms and instructions provided by the Administrative Office of the Courts, DJA has also updated and translated the instructions in the electronic submission portal. Superior Court has developed a document for law enforcement agencies to provide to respondents when serving protection orders about how and when to request language assistance.

IMPACT: Addressing language barriers makes the process more equitable, ensuring that a petitioner's language does not determine their ability to obtain protection. In addition, it helps ensure that respondents have the information they need to represent their perspective and to comply with the requirements of an order.

Recommendation 5

DONE

King County Superior Court should communicate and publicize its language access procedures so that petitioners and respondents are aware of the assistance available to them.

STATUS UPDATE: Superior Court and DJA have strategies to publicize language access options both in-person and online. The workgroup discussed in Recommendation 4 developed an instruction sheet on how and when to request interpreter services. The website updates discussed in Recommendation 2 improved the accessibility and visibility of the translated instructions and forms.

IMPACT: Communicating and publicizing language access resources increases the chance that people will be able to seek out the information they need, and that uncertainty about language resources will not prevent someone from seeking out an order.

Recommendation 6

PROGRESS

Upon issuance of a temporary or full order, the continual improvement authority described in Recommendation 7 should develop processes so that all petitioners receive information on the option to request service on the respondent via a 9-1-1 call.

STATUS UPDATE: Superior Court is concerned that providing specific instructions to petitioners and not respondents impairs its appearance of neutrality. Instead of developing its own instructions for petitioners, Superior Court is working with the Administrative Office of the Courts to see if it can include these instructions on the state forms.

WHAT REMAINS: Superior Court indicates that it will continue to communicate with the Administrative Office of the Courts about providing these instructions. Pursuing a solution to provide this information is important because it can help address immediate safety concerns as well as prevent delays from service-related continuances.

Recommendation 7

OPEN

King County Superior Court should establish a workgroup or other collaborative entity that has authority and accountability for continuous improvement of protection order processes through collaborating with key stakeholders, such as law enforcement, petitioner advocates, public defenders, and other representatives of protection order process stakeholders.

STATUS UPDATE: Although Superior Court and DJA have engaged stakeholder feedback for specific projects (such as website improvement, language access planning, and coordination with law enforcement), and report they attend regular meetings to review statutory and process-related matters, they have not established a workgroup or collaborative entity with the authority to oversee continuous improvement of protection order processes. Superior Court and DJA state that creating a workgroup with authority and accountability for improving protection order processes is an effort that would be better led by the county's Executive Branch and that funding would need to be identified to support this new body of work. Superior Court and DJA said they would participate in a workgroup if one is created and funded.

Superior Court and DJA stated they do not have authority over other entities involved in protection order processes, such as law enforcement agencies, District Court, the Prosecuting Attorney's Office, and non-profit organizations. They also said that they do not plan to implement this recommendation in part because of concerns about maintaining their neutrality. They state that a workgroup would need to include the perspective of both petitioners and respondents.

Although there are multiple organizations representing the interests of petitioners that could participate in a workgroup, there are no advocacy organizations that assist respondents. Including the perspective of respondents is a challenge but is not impossible. For example, although public defenders do not represent people in civil protection order cases, at the time of our audit the Department of Public Defense expressed interest in participating in continuous improvement efforts to represent the viewpoint of respondents.

The National Council of Juvenile and Family Court Judges emphasizes the importance of court administration coordinating with other stakeholders because it enables courts to learn how well their own processes work for users and where there are gaps that lead to delays, inefficiencies, and barriers to access. In addition, multiple law enforcement agencies, community organizations, and advocacy entities reported to us during the audit that they cannot achieve lasting improvements to protection order processes without collaboration and accountability from Superior Court. Further, during our audit the Prosecuting Attorney's Office explained that there is a Criminal Operations Workgroup that works to improve criminal court processes and a Firearms Task Force that are examples of successful collaborations with Superior Court.

WHAT REMAINS: Superior Court and DJA would need to establish or participate in a workgroup or other collaborative entity that coordinates with key stakeholders to improve protection order processes. The Auditor's Office would consider the recommendation complete regardless of who convenes the workgroup. Without leadership or active support from Superior Court and DJA, other involved agencies and stakeholders will be challenged to make improvements to protection order processes.

Recommendation 8

OPEN 

The continual improvement authority described in Recommendation 7 should regularly collaborate with stakeholders to identify and assess challenges for users and revise processes promptly to ensure they effectively meet user needs.

STATUS UPDATE: As discussed in Recommendation 7, Superior Court and DJA state that new funding would need to be identified for this new body of work and also that they do not have authority over other entities involved in protection order processes. As a result, no continual improvement authority has been established.

WHAT REMAINS: Superior Court and DJA would need to first establish or participate in a continual improvement authority and then develop a plan for regular communication. Without this

collaboration, stakeholders are less likely to be able to inform improvements that could reduce barriers and delays.

Recommendation 9

PROGRESS

The continual improvement authority described in Recommendation 7 should:

a) **work with King County Superior Court and the King County Department of Judicial Administration to ensure additional details about outcomes and barriers are tracked (such as the reasons for denials, dismissals, and continuances)**

b) **regularly review data to identify and track any disparities in protection order outcomes and other indicators of barriers to access**

c) **implement process improvements to address any disparities identified in data analysis and support improved access.**

STATUS UPDATE: The DJA now tracks more detailed information about petition outcomes and reasons for denials or dismissals. In a proviso report to the King County Council in March 2024, DJA analyzed the outcomes and reasons by petitioner race from 2019 to 2023. However, DJA reported to us that it does not have the resources to run this analysis on a regular basis and no additional funding has been provided for this work.

WHAT REMAINS: DJA and Superior Court would need to develop a process to regularly review the data and to implement process improvements in response to any identified disparities. DJA and Superior Court emphasized to us that process improvements alone will not fully address inequities in the protection order process and disparities in outcomes, such as those between people who can hire attorneys and those who can't. Nonetheless, with regular reviews of outcome data, DJA and Superior Court can identify trends, track indicators of barriers to access, and develop strategies to remove barriers that are within the County's control.

Recommendation 10

DONE

The continual improvement authority described in Recommendation 7 should facilitate and ensure the effective implementation of the new state legislation governing protection orders in King County.

STATUS UPDATE: Although King County has not implemented the collaborative continual improvement authority recommended in Recommendation 7, Superior Court and DJA consulted

stakeholders while they implemented new state law. For example, they met with civil protection order advocates multiple times to discuss the implementation and understand potential impacts.

IMPACT: Communication with stakeholders helped the County implement the state-mandated changes with an understanding of how they would impact participants. This decreased the risk that new processes could unintentionally introduce new barriers for participants.

Mia Neidhardt conducted this review. If you have any questions or would like more information, please contact the King County Auditor's Office at KCAO@KingCounty.gov or 206-477-1033.