



## KING COUNTY AUDITOR'S OFFICE

MAY 3, 2022

# Protection Orders: User-Focused Approach Could Help Address Barriers

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### Executive Summary

Civil protection orders are an important tool to help keep people safe from violence, abuse, harassment, unwanted contact, and other harms. As a result of a state law passed in April 2021 and adjustments required by the COVID-19 state of emergency, protection order processes in King County Superior Court are in a period of transition. As the County implements new legal requirements, it has the opportunity to also reduce barriers to access that the new law does not address. Our audit identified barriers, such as limited support for protection order participants who do not speak English and insufficient information provided for participants throughout the process. We also found disparities in outcomes, including that Black and American Indian petitioners were less likely to receive a protection order than White petitioners. Overall, a user-focused and collaborative continual improvement process could help address barriers and facilitate the effective implementation of the new state law.



**King County**

## Content Warning, Resources, and Values

### **This report contains references to domestic violence and other traumatic experiences.**

**If you believe you need a protection order**, visit [protectionorder.org](https://protectionorder.org) for information about filing a protection order in King County. The website, sponsored by the King County Prosecuting Attorney's Office, also lists additional protection order resources that apply across Washington state.

**If you are looking for help outside of protection orders**, there are other resources that may be helpful. If you or someone you know has experienced domestic violence, there are resources that offer support for survivors and people close to them. You can call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) at any time. You can also visit <https://kingcounty.gov/how-do-i/domestic-violence.aspx>, a King County sponsored site, for a list of local organizations that can provide help.

**If you or someone you know has experienced sexual assault**, there are resources that offer support for survivors and people close to them. You can call the National Sexual Assault Hotline at 1-800-656-HOPE (4673) at any time. The King County Sexual Assault Resource Center provides critical support and direct services. To talk with someone immediately, call their resource line at 1-888-99-VOICE (86423).

**If you or someone you know is experiencing suicidal thoughts**, you can call the 24-hour US National Suicide Prevention Lifeline at 1-800-273-TALK (8255). You can also text HOME to 741741 to speak with a crisis counselor. Learn to recognize the warning signs of a mental health crisis by visiting the National Alliance of Mental Illness website <https://www.nami.org/About-Mental-Illness/Warning-Signs-and-Symptoms>.

**The King County Auditor's Office is committed to equity, social justice, and ensuring that King County is an accountable, inclusive, and anti-racist government.** While planning our work, we develop research questions that aim to improve the efficiency and effectiveness of King County government and to identify and help dismantle systemic racism. In analysis, we strive to ensure that communities referenced are seen, not erased. We promote aligning King County data collection, storage, and categorization with just practices. We endeavor to use terms that are respectful, representative, and people- and community-centered, recognizing that inclusive language continues to evolve. For more information, see the King County [Equity and Social Justice Strategic Plan](#), King County's [Statement on Racial Justice](#), and the King County [Auditor's Office Strategic Plan](#).

## Acknowledgment & Audit Limitations

**King County Superior Court (Superior Court) did not fully participate in this audit.** As a result, we did not have the full and unrestricted access to all persons, property, and records that we are granted by King County Code. Our work related to protection order processes primarily relied on observations of public hearings, interviews with individuals in other agencies who play key roles in the Superior Court's protection order processes, and review of publicly available documents about the Superior Court's processes. With this approach, we were able to see Superior Court protection order processes as a potential petitioner might see them. The King County Prosecuting Attorney's Office (Prosecuting Attorney's Office), the King County Sheriff's Office (Sheriff's Office), community groups, and subject matter experts helped us understand how gaps in some processes can create significant barriers to obtaining an order.

In addition to the Court, there are multiple county entities that play a role in Superior Court protection orders:

- The Prosecuting Attorney's Office houses the Protection Order Advocacy Program (which provides support for a subset of people seeking domestic violence protection orders) and the Regional Domestic Violence Firearms Enforcement Unit (which assists protection order cases requiring the removal of firearms).
- The King County Department of Judicial Administration manages the Superior Court Clerk's Office (where individuals file their petitions for protection).
- The Sheriff's Office and other local law enforcement agencies serve the orders on the respondents.

We would like to thank the Prosecuting Attorney's Office and Sheriff's Office for their participation in and assistance with this audit. We would also like to thank the Department of Judicial Administration for providing protection order data for Superior Court.

**While the nature of performance audits is to focus on areas for improvement, we also wish to acknowledge the good work we observed while conducting this audit.** In the face of the unforeseen COVID-19 pandemic state of emergency, the Superior Court and the Superior Court Clerk's Office pivoted to electronic processes in order to continue serving individuals in need of protection orders. This was a difficult transition to make in real time. In our observations of protection order proceedings, we witnessed several individual judicial officers, court coordinators, and clerks taking time to provide detailed answers to participants' questions, assisting them with technology difficulties, and showing them kindness in response to challenging circumstances. Advocates also play an important role in helping some petitioners navigate protection order processes, particularly if petitioners do not speak English, face technology barriers, or are uncomfortable in the legal system. The Prosecuting Attorney's Office Protection Order Advocacy Program provides advocacy support for intimate partner domestic violence protection order petitioners. Without their assistance, some of these petitioners would be significantly less likely to file a petition or obtain an order.

# Protection Orders: User-Focused Approach Could Help Address Barriers

## REPORT HIGHLIGHTS

### What We Found

Washington lawmakers passed legislation in April 2021 to improve access to protection orders across the state. However, even after new state requirements are implemented, some barriers in King County could persist without additional improvements. For example, there are gaps in language support for participants who do not speak English, and county websites do not follow leading practices for usability, such as describing processes in plain language. In addition, the County provides only limited resources to help participants navigate the protection order process. The process typically requires filing legal documents and appearing at a minimum of two hearings, and many petitioners pursue a protection order without assistance from an attorney or advocate. Unless addressed, these types of barriers can make it difficult for individuals to obtain a protection order and may contribute to racial disparities in outcomes. For instance, we found that from 2016 to mid-2021, Black and American Indian petitioners were less likely than White petitioners to obtain a full protection order.

No county entity conducts regular data analysis to identify disparities in who receives protection orders or other areas for process improvements. A more user-focused and collaborative approach to managing protection orders across the County would facilitate efforts to effectively implement new state requirements and help address barriers for participants.

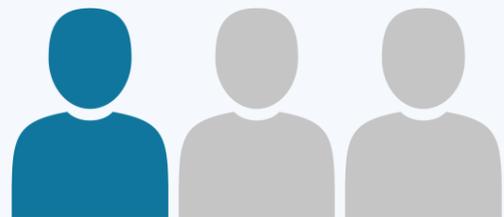
### What We Recommend

In this report, we make recommendations to address barriers for participants and to create user-focused and coordinated continuous improvement processes for protection orders.

### Why This Audit Is Important

Harassment, stalking, domestic violence, sexual assault, and other types of abuse are prevalent in society. For example, an estimated 1 in 3 women and 1 in 4 men across the United States have experienced some form of physical violence by an intimate partner. In King County, domestic violence homicides in 2020 and 2021 were more than twice as high as the rates in the prior four years. Research has shown that protection orders can be effective tools to help keep people safe from interpersonal violence and harassment when the protection order process is responsive to user needs and coordinates the issuing, serving, and enforcing of orders.

Thirty-five percent of people who petitioned for a protection order from King County Superior Court in 2020-2021 obtained a full protection order.



Source: King County Auditor's Office analysis of Department of Judicial Administration data

# Protection Orders: User-Focused Approach Could Help Address Barriers

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# Protection Orders in Superior Court

## SECTION SUMMARY

**The process to obtain a civil protection order is a multi-step legal process that many individuals pursue without assistance from an attorney or advocate.** About one-third of people who petition for protection orders in King County Superior Court (Superior Court) successfully obtain a full protection order, while about 40 percent only receive a temporary protection order (an emergency order that is valid until a hearing for a full order can be held) and about 20 percent do not obtain any kind of protection order. Superior Court and the Superior Court Clerk's Office have changed their processes significantly in response to the COVID-19 pandemic, and more expansive changes are coming due to a state law passed in April 2021. In this section, we provide data on the number and types of protection orders sought in King County between 2016 and 2021, as well as outcomes in 2020 and 2021.<sup>1</sup> We also provide an overview of the process for obtaining protection orders, how the process has changed during the pandemic, and how changes to state law will impact the process going forward.

## What are civil protection orders and why are they important?

**A civil protection order is a type of legal order that a person (the "petitioner") can seek by filing a case against someone else (the "respondent") to protect themselves from unwanted contact or harm.**<sup>2</sup> Unless otherwise specified, this report focuses on civil protection orders in Superior Court. Courts issue protection orders to prohibit the respondent from contacting or harming the petitioner, and violations of the order are enforceable by law. Academic research has found that protection orders can be effective in preventing violence. For example, one study published in the *Journal of the American Medical Association*<sup>3</sup> found that a full protection order is associated with an 80 percent reduction in police-reported violence by the respondent against the petitioner in the following year. Some protection orders can include protections for other people beyond the petitioner, such as their children. Forty-one percent of all domestic violence petitions filed in King County from 2016 to mid-2021 listed children as protected family members. On average, this amounted to more than 2,000 children listed on petitions per year.

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<sup>1</sup> Some of the descriptive data in this report uses different timeframes based on the availability and reliability of the underlying data. In general, we looked at Superior Court protection order data from January 2016 to June 2021. However, we restricted outcomes analysis to 2020 onward based on inconsistent information on dismissals versus denials in earlier years. Similarly, the advocacy data from the King County Prosecuting Attorney's Office was only available and complete for 2020 onward.

<sup>2</sup> The petitioner may be different from the person receiving protection for cases involving vulnerable adult protection orders and extreme risk protection orders.

<sup>3</sup> Holt, V. L., Kernic, M. A., Lumley, T., Wolf, M. E., & Rivara, F. P. (2002). Civil protection orders and risk of subsequent police-reported violence. *JAMA*, 288(5), 589-594.

Protection orders are also an important tool for petitioners who do not want or are unable to pursue other types of legal action. As described in the Domestic Violence Manual for Judges, a resource developed by the Washington State Supreme Court Gender and Justice Commission, the goal for protection order proceedings is for it to be a simple procedure accessible to self-represented petitioners. A petitioner can petition for a civil protection order even if there are no related criminal charges or police involvement.<sup>4</sup>

Civil protection order cases are considered “special proceedings” and standard rules of evidence for criminal legal proceedings do not apply. The standard of proof is a preponderance of evidence rather than the stricter reasonable doubt standard. In addition, juries are not involved in protection order proceedings. Washington state offers six types of protection orders (exhibit A).

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<sup>4</sup> Protection orders are distinct from criminal protection orders, no-contact orders, and restraining orders, which are requested as parts of separate existing criminal or family law cases. These latter orders are not included in the scope of this audit.

EXHIBIT A: There are six types of civil protection orders in Washington state. Some of the definitions in this table have been condensed or simplified, and some definitions will change slightly in mid-2022 when a new state law goes into effect.

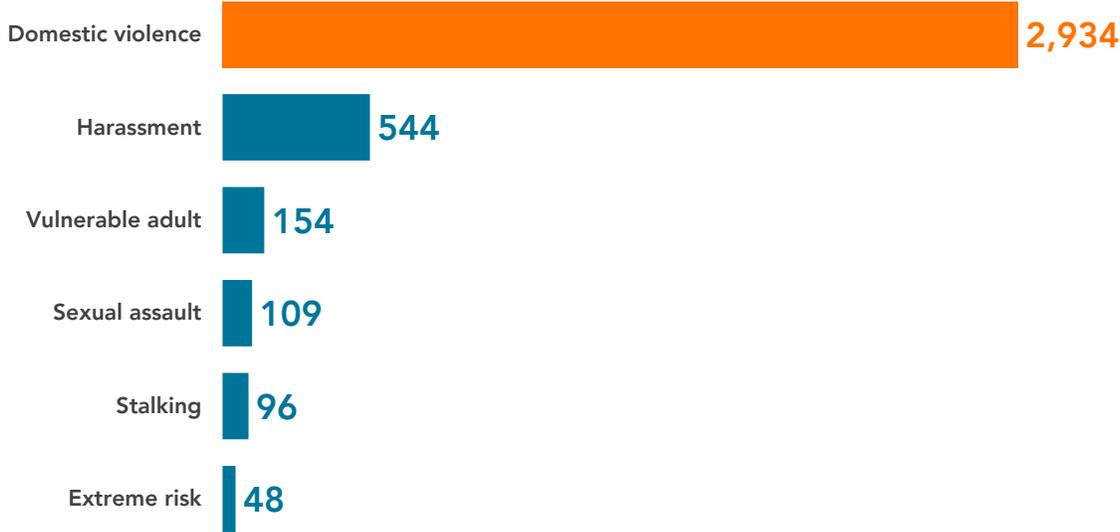
<b>Domestic violence protection order</b>	Protection for an individual experiencing physical harm, bodily injury, assault, stalking, sexual assault, or fear of imminent physical harm by an intimate partner, family member, or household member.
<b>Stalking protection order</b>	Protection for an individual experiencing stalking by someone who is not an intimate partner, family member, or household member. (In other words, stalking that is not otherwise eligible for a domestic violence order.)
<b>Antiharassment protection order</b>	Protection for an individual experiencing unlawful harassment, meaning a willful and directed pattern of conduct that seriously alarms, annoys, harasses, or causes emotional distress and serves no legitimate or lawful purpose.
<b>Sexual assault protection order</b>	Protection for an individual who has experienced nonconsensual sexual conduct by someone who is not an intimate partner, family member, or household member. (In other words, sexual assault that is not otherwise eligible for a domestic violence order.)
<b>Vulnerable adult protection order</b>	Protection for a vulnerable adult experiencing abandonment, abuse, financial exploitation, or neglect by a family member, care provider, or other individual. The state defines vulnerable adults as individuals 60 years or older who do not have the functional, mental, or physical ability to care for themselves, or people with certain developmental disabilities. Unlike the previous types of orders, a third party can petition for this type of order on behalf of the vulnerable adult.
<b>Extreme risk protection order</b>	Protection to temporarily prevent an individual at high risk of harming themselves or others from firearms. Unlike the other types of orders, family members, household members, or law enforcement agencies can petition for this type of order.

Source: King County Auditor’s Office summary of definitions from the Revised Code of Washington 7.90, 7.92, 7.94, 10.14, 26.50, and 74.34. Note that these codes are only effective until July 1, 2022, when they will be replaced by RCW 7.105. The new law will be less restrictive about which type of order individuals must petition for. See “Washington State Legislation” in appendices for more details about the new state law.

How many people petition for civil protection orders in King County?

Thousands of people file petitions for protection orders each year in King County, the majority of which are filed in Superior Court. Domestic violence protection orders are the most commonly sought protection order in Superior Court, followed by antiharassment orders (exhibit B). Protection order filings in Superior Court stayed relatively constant during the COVID-19 pandemic, even in 2020 when Superior Court first shifted to virtual hearings and other remote accommodations.<sup>5</sup>

EXHIBIT B: Domestic violence protection orders are the most commonly filed type of protection order petition in Superior Court, with an annual average of nearly 3,000 filings per year from 2016–2021.<sup>6</sup>



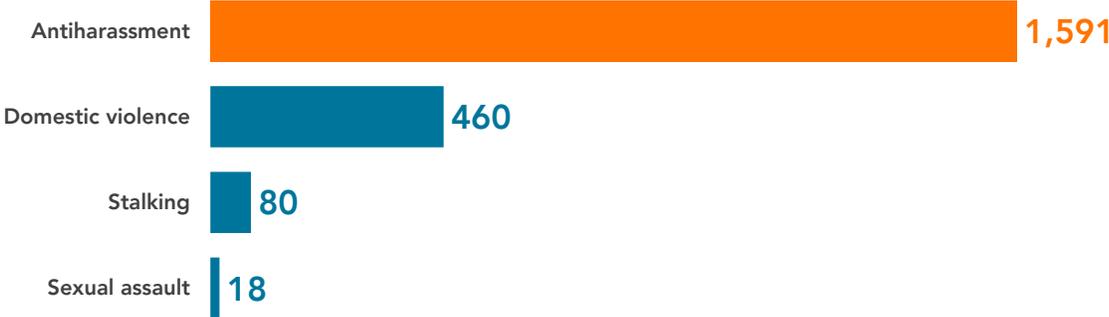
Source: King County Auditor’s Office analysis of Department of Judicial Administration data for protection order petitions filed between January 2016 and June 2021

Four of the types of protection orders are also filed in King County District Court (District Court), most commonly antiharassment orders (exhibit C). This audit focused on Superior Court processes since they handle the majority of protection order cases in King County, but recommendations and findings could also apply to other courts in the County.

<sup>5</sup> Some measures of domestic violence increased dramatically during the pandemic. For instance, data from the King County Prosecuting Attorney’s Office shows that domestic homicides increased from 4–9 per year between 2016 and 2019 to 18 in 2020 and 16 in 2021. However, there was not an increase in petitions for domestic violence protection orders filed in Superior Court in 2020 compared to prior years. Superior Court and the Superior Court Clerk’s Office added remote processes in 2020 in response to the COVID-19 pandemic which allowed protection order cases to continue being adjudicated when some other court systems operationally shut down.

<sup>6</sup> In addition, an average of 44 foreign protection orders are also filed in Superior Court each year. Foreign orders are protection orders that were issued by a different state or territory or by a military or tribal court. Petitioners can file their out-of-state orders if they need protection in Washington state (for example, if they have moved to the state). This audit does not focus on foreign protection orders, although some of the audit findings could be applicable.

EXHIBIT C: Antiharassment orders are the most commonly filed type of protection order in District Court, with an annual average of over 1,500 filings per year from 2019–2020.



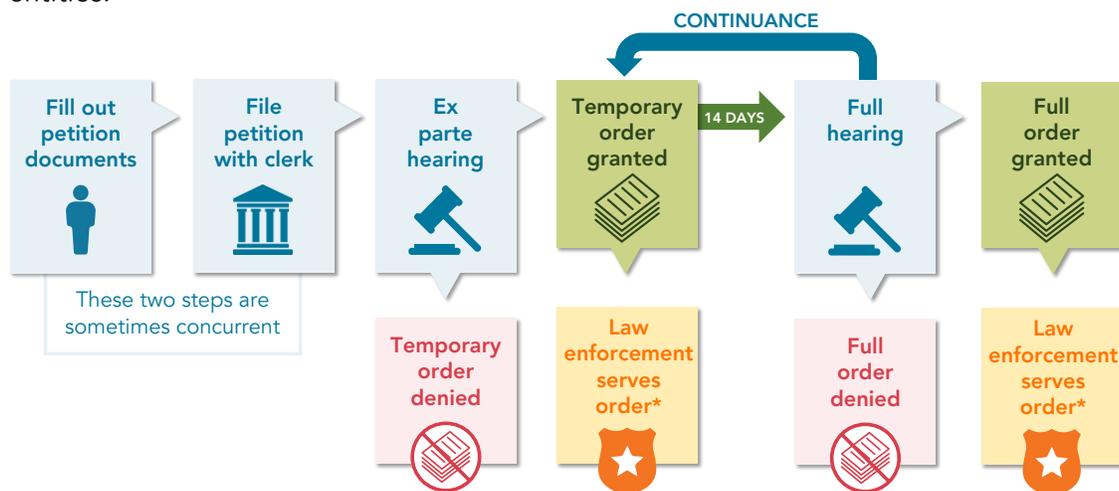
Source: King County Auditor’s Office analysis of District Court data for protection order petitions filed between January 2019 and December 2020

What is the process for obtaining protection orders?

**As specified in state law, there are multiple steps to obtain a full protection order in Superior Court (exhibit D).**<sup>7</sup> First, the petitioner fills out the required documentation and files their petition with the Superior Court Clerk’s Office. Usually the same day or the next day, they attend an ex parte hearing—a hearing where the petitioner is present but the respondent is not. At this hearing, the judicial officer will either issue a temporary order for 14 days (until the hearing for a full order) or dismiss the case. Law enforcement or a third party must then serve the respondent with the order before the scheduled full hearing, which occurs 14 days after issuance of the temporary order, and at which both the petitioner and the respondent can attend. At the full hearing, the judicial officer may issue a continuance (issuing another temporary protection order until the next scheduled hearing), deny the full order, or issue the full order. A full order typically lasts for a year, although it can be granted for a longer period, and can be renewed.

<sup>7</sup> This paragraph describes the typical process to obtain a protection order in Superior Court. Some cases might not follow these steps exactly.

EXHIBIT D: This exhibit demonstrates the typical process to obtain a protection order. Each of these steps requires significant time and resources from both petitioners and county entities.



\*A third party may also serve the order. If the respondent is present at the full order hearing, service by law enforcement is not necessary,

Source: King County Auditor’s Office

What resources are available to help people navigate the protection order process?

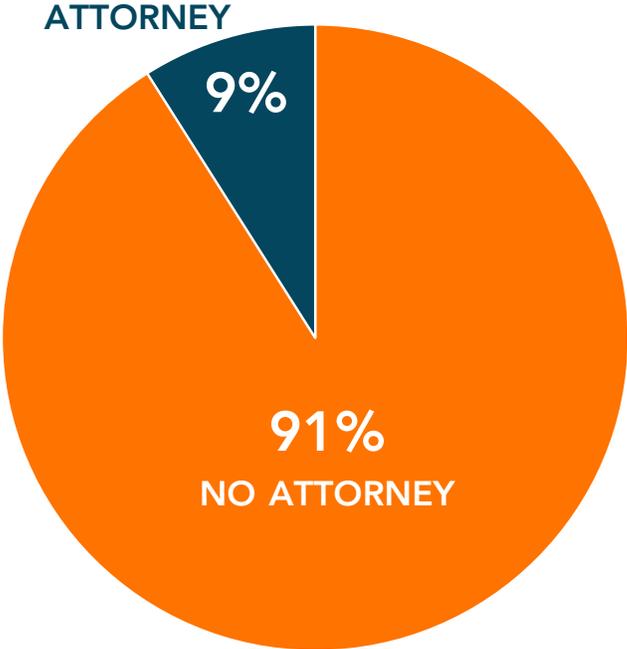
**There are limited resources available to provide petitioners with personal assistance or detailed information about the process.** Petitioners can call or visit the Superior Court Clerk’s Office with questions, and clerk staff help petitioners and respondents by providing process-related assistance and instructions. Staff help petitioners obtain required forms and provide instructions about how to attend ex parte hearings. The Superior Court Clerk’s Office also responds to questions throughout the process and sends petitioners copies of orders granted by the court. However, clerk staff explained that they do not have the authority to help petitioners fill out the multiple required forms or provide legal help. Although clerk staff check petitioner packets for completeness, they do not review the content or the relevance of the information provided. In addition, clerk staff reports that they do not have sufficient resources to provide detailed assistance to all petitioners and respondents involved in protection order cases.

**Most petitioners do not have detailed assistance from an attorney or advocate.** For the cases filed between 2016 and mid-2021, only 9 percent of petitioners across all types of orders had an attorney represent them (exhibit E). Some petitioners are able to get advocate assistance from a community organization, such as the King County Sexual Assault Resource Center and the Sexual Violence Law Center. In addition, the County’s Protection Order Advocacy Program (POAP) in the King County Prosecuting Attorney’s Office (Prosecuting Attorney’s Office) provides advocates for many domestic violence protection order cases. There is no statutory requirement for protection order advocacy programs in Washington state or King County. Instead, the Prosecuting Attorney’s Office and community organizations offer advocacy services to help address a perceived need for those trying to obtain a protection order.

Advocates assist petitioners with protection order documents, help with the filing and hearing processes, and advise petitioners about other resources they may be eligible for. From 2020 to mid-2021, POAP advocates provided some form of assistance to about two-thirds of domestic violence protection order petitioners—which can range from reminder phone calls about hearings to assistance with writing a petition—and provided comprehensive filing assistance to at least 11 percent of petitioners (exhibit F).<sup>8</sup> In addition to helping petitioners seeking new domestic violence protection orders, POAP advocates help petitioners with order renewals and modifications and answer calls from individuals looking for information about service and other aspects of the county’s protection order processes. In 2021, POAP reported responding to over 8,000 calls and emails from members of the public. POAP advocates also assist the Family Law Department with the preparation of proposed intimate partner domestic violence protection orders before full hearings.

POAP advocates explained that, due to capacity constraints and demand for assistance, in July 2020 they had to restrict eligibility for their advocacy services to petitioners in intimate partner domestic violence cases. We will discuss the relationship between advocacy resources and protection order outcomes in section 2.

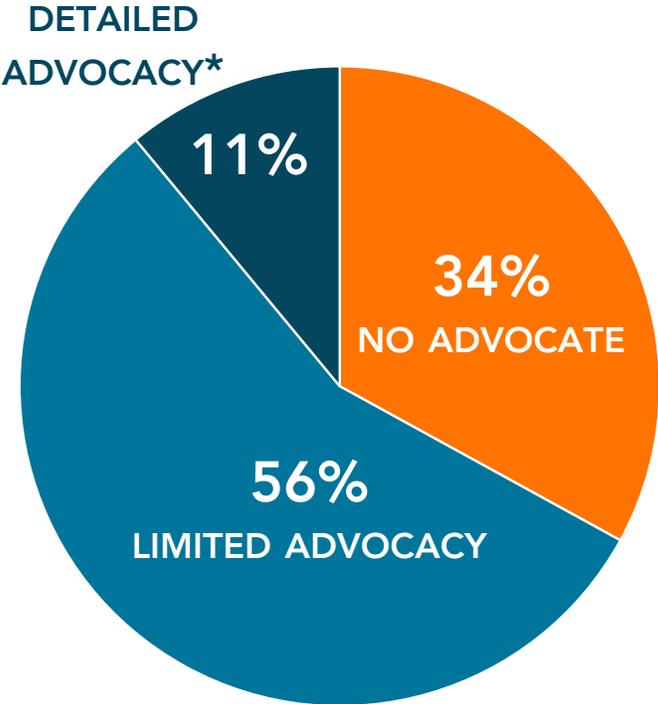
EXHIBIT E: Across all types of protection orders, most petitioners did not have assistance from an attorney.



Source: King County Auditor’s Office analysis of Department of Judicial Administration data for protection order petitions filed between January 2016 and June 2021

<sup>8</sup> This is a lower-bound estimate of the percent of domestic violence petitioners who received detailed filing assistance from POAP advocates. Due to potential gaps in data entry, the actual percentage could be higher.

EXHIBIT F: Of domestic violence protection order petitioners, about one-third did not have assistance from a POAP advocate, and only 11 percent received detailed filing assistance.



\*This is a lower-bound estimate given potential data entry gaps.

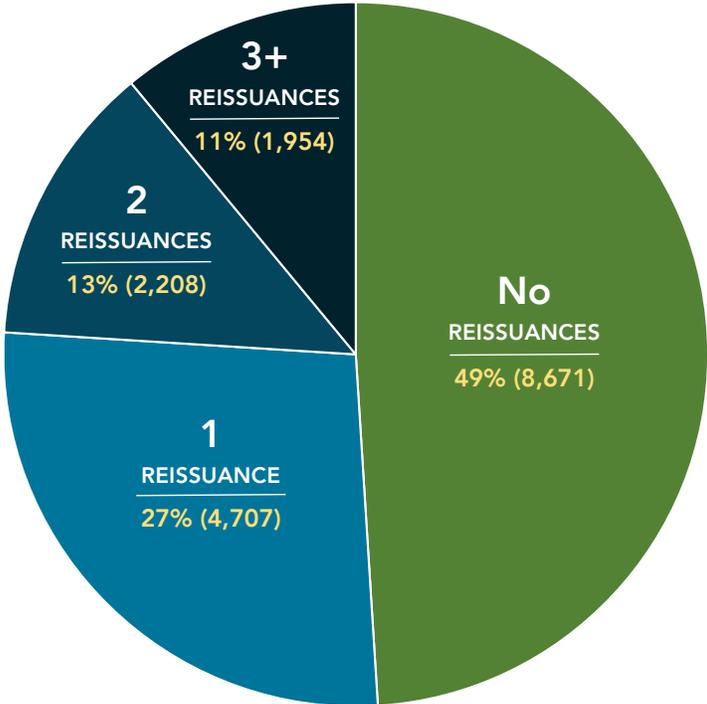
Note: Detailed advocacy refers to petitioners who received POAP filing assistance. Limited advocacy refers to petitioners who had any POAP contact over the course of their case. Percentages do not sum to 100 percent due to rounding.

Source: King County Auditor’s Office analysis of Department of Judicial Administration and Prosecuting Attorney’s Office data for domestic violence protection order petitions filed between January 2020 and June 2021

**How long does it take to get a full order?**

**The median wait time for a petitioner is just over two weeks between filing for a protection order and receiving a full order, but about a quarter of petitioners do not receive a full order for six or more weeks.** The process for obtaining a full protection order generally takes at least 14 days—the time between receiving a temporary order at the ex parte hearing and receiving the full order at the full hearing. However, the process can take much longer than 14 days when judicial officers grant temporary order reissuances, meaning the petitioner may be issued multiple temporary orders until the judicial officer can make a final order decision. This results in a continuance of the full order hearing (usually another 14 days later), meaning that the petitioner has to come back for another hearing. Half of protection order cases that reached an ex parte hearing experienced at least one temporary order reissuance (exhibit G). The greatest number of reissuances observed over the past six years was a petitioner who received 19 reissuances before a full order was granted.

EXHIBIT G: **Half of cases had a least one temporary order reissuance.**



Source: King County Auditor’s Office analysis of Department of Judicial Administration data for protection order petitions filed between January 2016 and June 2021 that had at least one ex parte or full hearing

**Why are reissuances granted?**

**Delays in serving the respondent are a key cause of temporary order reissuances and hearing continuances.** Of the 68 full hearings we observed during July and August 2021,<sup>9</sup> 42 were continued rather than resolved. Half of those continuances were because the respondent had not been served with the order. As we discuss later in the report, many service challenges are largely outside the control of Superior Court or law enforcement—for example, a respondent purposefully evading service or a petitioner not knowing the respondent’s most recent contact information. However, Superior Court could take steps to reduce some service delays, which we will also discuss later in the report. Other reasons for continuances include requests from respondents (and occasionally petitioners) to allow them more time to prepare for the hearing, no interpreter being available for the hearing, scheduling challenges, and untimely service (service on the respondent less than five days before the hearing).

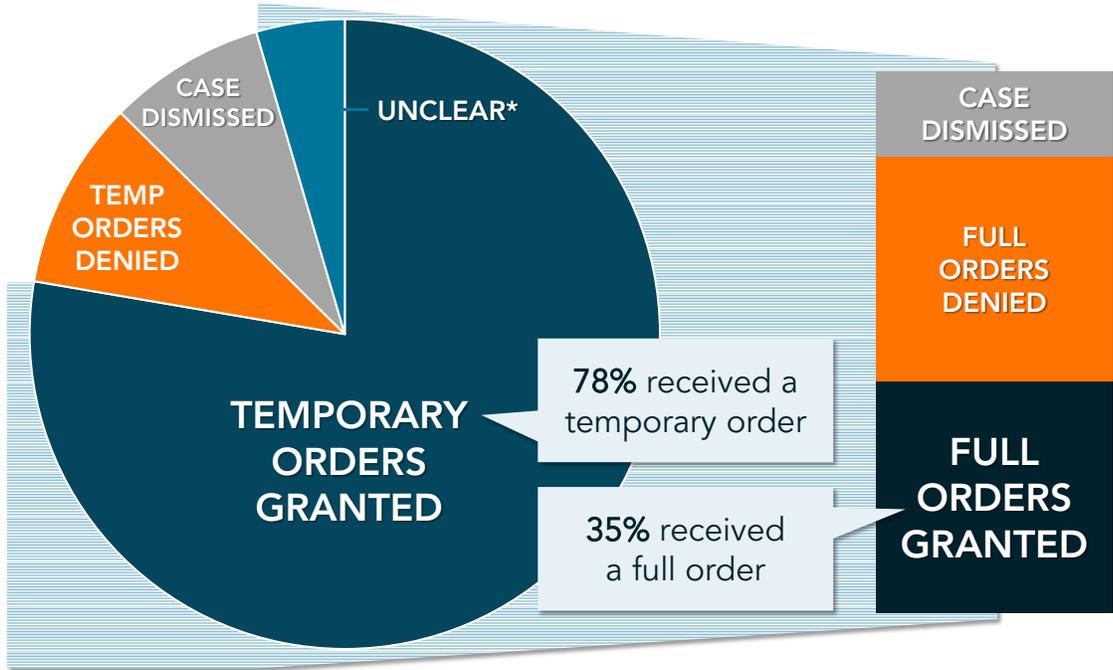
<sup>9</sup> We observed 68 full hearings and 30 ex parte hearings, including hearings for four types of protection orders: domestic violence, sexual assault, antiharassment, and extreme risk. The results of our observations are not generalizable to all protection order hearings. See “Statement of Compliance, Scope, Objectives & Methodology” in appendices for more details.

What are the outcomes of protection order petitions in Superior Court?

While 78 percent of all petitioners received a temporary order from 2020 to mid-2021, only about a third went on to receive a full order. Other petitioners had their orders dismissed or denied, some at the initial hearing (20 percent) and others at the full hearing (45 percent) (exhibit H). Judicial officers may deny orders if they find insufficient evidence or if the reported behavior does not meet the legal requirements for a protection order. Orders may be dismissed if the petitioner does not appear for a hearing or if a petitioner chooses to stop pursuing an order. Advocates noted that it can be difficult to know whether someone drops out of the process based on their own wishes or as a result of pressure from the respondent. We make recommendations to improve data tracking and analysis in section 3.

EXHIBIT H: Although 78 percent of petitioners in Superior Court received a temporary protection order, about one-third received a full protection order.

OF THE 5512 PETITIONS FILED



\*Some cases did not have record of a temporary protection order in Superior Court but did have a full protection order. These cases may have received a temporary protection order from a different court prior to being transferred to Superior Court.

Source: King County Auditor’s Office analysis of Department of Judicial Administration data for protection order petitions filed between January 2020 and June 2021

Some types of orders are more likely to be granted than others. While 61 percent of extreme risk protection order petitions result in a full order, only 17 percent of antiharassment petitions reach a full order (exhibit I).

EXHIBIT I: Extreme risk protection order petitions were the most likely to result in full order, and antiharassment petitions were the least likely.

Type of order	Percent of petitions that obtained a full order
Extreme risk	61% (69 orders)
Sexual assault	50% (66 orders)
Domestic violence	37% (1,555 orders)
Vulnerable adult	35% (71 orders)
Stalking	27% (39 orders)
Antiharassment	17% (115 orders)

Source: King County Auditor’s Office analysis of Department of Judicial Administration data for protection order petitions filed between January 2020 and June 2021

What is the significance of obtaining a full order versus a temporary order?

**Temporary orders only provide protection for a two-week period leading up to a full hearing.** Both temporary and full orders are legally binding and enforceable once they have been served on the respondent, meaning that the respondent can be subject to arrest if they violate the order. However, academic researchers have found that while full domestic violence protection orders are associated with a decreased risk of further police-reported violence, temporary orders may be less protective.<sup>10</sup> This suggests that petitioners who obtain full protection orders may be safer than those who only obtain a temporary protection order.

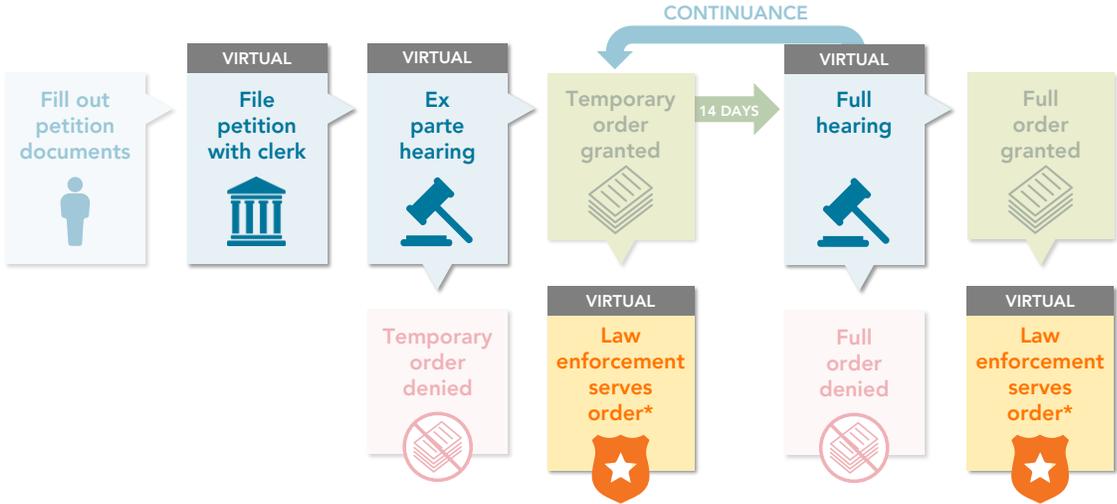
How has the protection order process changed during the pandemic?

**In response to the COVID-19 pandemic, Superior Court and the Superior Court Clerk’s Office pivoted to allow remote petition submissions and hearings and use of electronic service.** Petitioners can call into the Superior Court Clerk’s virtual office via phone or Zoom to file a petition (exhibit J). Ex parte and full hearings are both conducted via Zoom; participants can either join via Zoom or call in from their phones. In addition, law enforcement officers and third parties are allowed to serve orders electronically in some circumstances (for example, via email or text message). Before the pandemic, service was usually required to be in-person or occasionally by mail.

These changes have made the process easier and safer for many petitioners and respondents. However, remote options necessitated by the COVID-19 pandemic can also present challenges for some petitioners, particularly those with limited internet access or lack of experience with technology platforms. We will discuss barriers further in the next section of the report.

<sup>10</sup> Holt, V. L., Kernic, M. A., Lumley, T., Wolf, M. E., & Rivara, F. P. (2002). Civil protection orders and risk of subsequent police-reported violence. *JAMA*, 288(5), 589-594.

EXHIBIT J: Virtual process options have been added to multiple stages of the protection order process in response to the COVID-19 pandemic.



\*A third party may also serve the order. If the respondent is present at the full order hearing, service by law enforcement is not necessary.

Source: King County Auditor’s Office

What changes are ahead for the protection order process?

The Washington State Legislature passed House Bill 1320 in April 2021 to streamline and modernize the protection orders process. The new state law repeals and replaces the existing laws governing protection orders and addresses some of the barriers that petitioners currently face when trying to obtain an order. For example, under new requirements, petitioners will use a single form to petition for any type of protection order (with the exception of extreme risk protection orders) and commissioners will not have the option to dismiss or deny a petition if the petitioner applied for the wrong type of order. Additionally, the law specifies that petitioners and respondents should be able to electronically track the status of their petition or order. The new law also keeps in place some of the virtual processes piloted during the COVID-19 pandemic, such as allowing for electronic submission of petitions, virtual hearings and electronic service of orders on respondents in certain circumstances. See appendix “Washington State Legislation” for more details about the provisions in the law.

A follow-up bill, House Bill 1901, was passed in the 2022 Legislative Session to further improve the accessibility and effectiveness of the protection order process. The bill includes several provisions that could help address some of the barriers we describe in this report, and legislation also passed to fund additional pro bono legal and advocacy support. We conducted this audit in parallel to, but separately from, the state legislative processes. Although our findings align with changes proposed by the two bills, we drew our conclusions independently.

How will the law be implemented and what other challenges remain?

**The provisions of the new state law affecting Superior Court will be implemented over the next year<sup>11</sup> and will affect processes handled by multiple county agencies, including Superior and District Courts, court clerk offices, the Prosecuting Attorney’s Office, and the King County Sheriff’s Office (Sheriff’s Office).** Since the process changes span many elements of protection orders, effective implementation of the law will depend on coordination between agencies and consideration of the impacts on petitioners and respondents. In section 2, we will discuss process barriers in King County that the state law does not directly address. County agencies have the opportunity to use the implementation process to address these challenges in tandem with implementing the law. In section 3, we will discuss strategies to ensure that King County can fully realize the reforms covered by the new law.

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<sup>11</sup> Some provisions affecting protection orders in District Courts will take longer to implement, through January 2026.



## Section 2: Disparities and Process Barriers

### SECTION SUMMARY

**Implementation of the new state law will streamline many aspects of the protection order process, but barriers may remain if King County does not take additional steps. Barriers can make it less likely that a petitioner will pursue or obtain a protection order, an outcome that can leave a petitioner and their family less safe.** To obtain a protection order, petitioners must follow a multi-step legal process, and yet there is no single comprehensive and up-to-date description of the process available on the County's websites. Guidance and communication that is available often uses legal and technical terminology, and there are limited county resources available to self-represented participants for personalized assistance or information. There are further barriers for individuals who do not speak English, because some documents are only available in English and there is limited language support or no language support available at key stages of the process. Some of these barriers could be especially burdensome for Black, Indigenous, and people of color who petition for protection orders. For instance, we found that Black and American Indian petitioners were less likely to obtain full protection orders than petitioners overall. In this section, we recommend steps to reduce these barriers that will make the process easier for participants to navigate.

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### The protection order process is challenging for petitioners to navigate

**The protection order process can be complicated and time consuming for petitioners.** As described in section 1, there are multiple steps to obtaining a protection order in the state of Washington. Even in the simplest cases, petitioners must obtain and complete the required petition documents, file the documents with the Superior Court Clerk's Office, and then explain their need for protection at a minimum of two court hearings. Petitioners may also have to submit evidence, such as photos or text messages, reach out to law enforcement for status updates, and attend additional hearings resulting from continuances. If their judicial officer requires it, a petitioner may be required to file formal motions with the court without instructions on how to do so. In addition to challenges navigating the legal environment, petitioners who do not speak English must learn how to request language assistance. Also, due to COVID-19-related restrictions, petitioners must navigate virtual platforms for attending remote hearings.

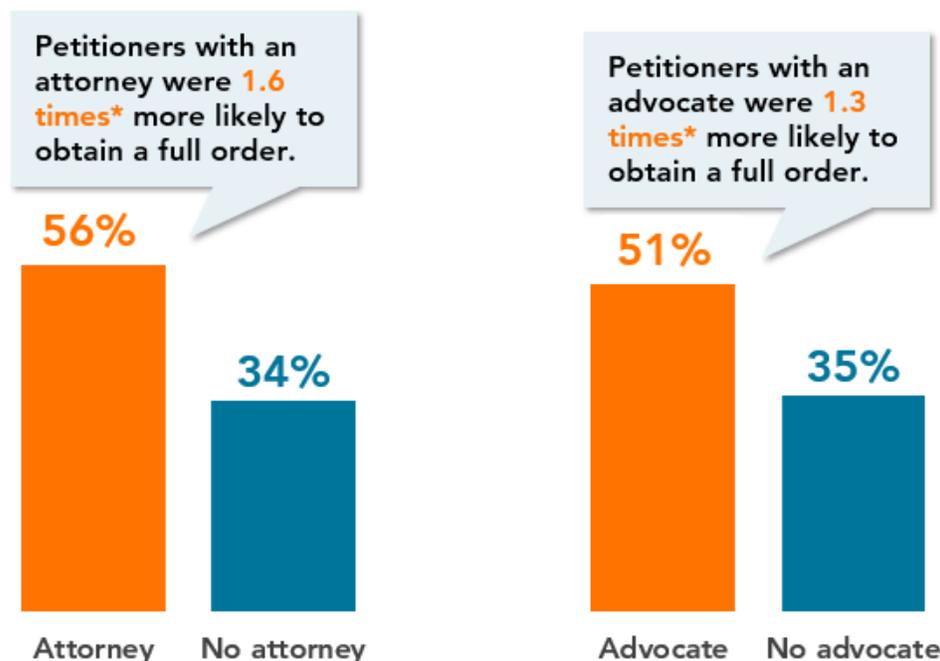
Assistance from an attorney or advocate is correlated with obtaining a full order, but many petitioners do not have this support

**From 2016 to mid-2021, petitioners were more successful in obtaining a full order if they had assistance from an attorney or advocate.** Assistance from an attorney or advocate can help mitigate some of the process challenges experienced by petitioners, and we found that both attorney and advocate involvement are correlated with positive outcomes for petitioners in Superior Court.<sup>12</sup> For instance, petitioners with an attorney were 1.6 times more likely to obtain a full order than petitioners without an attorney (exhibit K). Similarly, domestic violence petitioners with filing assistance from an advocate were 1.3 times more likely to obtain a full order than domestic violence petitioners without advocate assistance. During our observations of hearings and interactions between petitioners and advocates, we saw instances of how attorneys and advocates help petitioners navigate the process by ensuring forms are completed correctly, explaining the standard of evidence for protection orders, and exploring options to ensure timely service, among other forms of assistance. Moreover, attorneys and advocates can reduce the impact of language and technology challenges, and attorneys can attend proceedings on behalf of the petitioner, eliminating the need for a petitioner to appear in court.

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<sup>12</sup> We used logistic regressions to investigate the relationships between receiving a full order and factors like attorney involvement, advocate involvement, and petitioner race. This analysis was designed to assess correlation, not causation. The correlations reported in this section were significant with 99% confidence unless stated otherwise. Our regressions controlled for other factors like type of order and petitioner demographics. See “Statement of Compliance, Scope, Objective & Methodology” in appendices for more details on our data analysis.

EXHIBIT K: Petitioners with attorneys or advocates were more likely to obtain full orders than petitioners without legal assistance.



\*After controlling for type of order, petitioner demographics, and other variables.

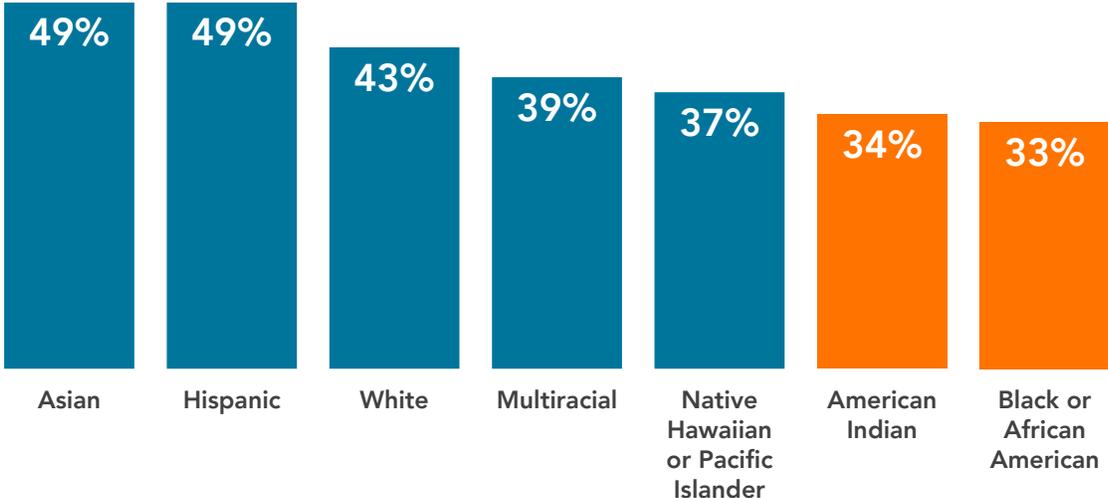
Source: King County Auditor's Office analysis of data from the Department of Judicial Administration and the Prosecuting Attorney's Office for protection order petitions. For attorney data, this included 20,294 protection order cases filed between January 2016 and June 2021. For advocate data, this included 4,199 domestic violence protection order cases filed between January 2020 and June 2021.

There are racial disparities in who obtains full orders

**Black and American Indian petitioners were less likely to obtain full protection orders than other groups during the time period from 2016 to mid-2021. This means that the barriers we identify in this section could affect them disproportionately.** After controlling for legal representation, gender, and type of order, White petitioners were about 1.5 times more likely to obtain full orders than Black and American Indian petitioners.<sup>13</sup> Only 33 percent of Black petitioners and 34 percent of American Indian petitioners obtained full orders, compared with 37 to 49 percent of petitioners of other races (exhibit L). Black and American Indian petitioners were also the least likely to have legal representation. Only 3 to 5 percent had an attorney during the process, as opposed to nine to 17 percent of other petitioners. Given the available data, the cause of these disparities is unclear. We discuss the need for ongoing tracking and analysis of petitioner and outcome data, including reasons why petitions are dismissed or denied, in section 3.

<sup>13</sup> Results are significant with 95% confidence. White petitioners served as the reference category in the regression. Differences for multiracial and Native Hawaiian or Pacific Islander were not statistically significant. See "Statement of Compliance, Scope, Objective & Methodology" in appendices for more details on our data analysis.

EXHIBIT L: Black and American Indian petitioners were the least likely to receive full orders.



Source: King County Auditor’s Office analysis of Department of Judicial Administration data for protection order petitions filed between January 2016 and June 2021. The Department of Judicial Administration’s race and ethnicity data for petitioners is based on self-reported information.

King County provides limited assistance to self-represented participants

**King County does not provide comprehensive assistance to all petitioners for protection orders, creating a barrier for those who do not have an attorney or advocate.** As we discussed in section 1, many petitioners do not have an attorney or advocate, and the County does not have a designated entity with the resources to assist all petitioners pursuing protection orders. While attending a sample of protection order hearings, we observed that petitioners without an attorney or advocate can be confused about the process or struggle with technological requirements and the lack of language support. Court coordinators and judicial officers were sometimes able to assist petitioners with technical challenges or process questions, but this was not always the case. Additionally, many participants left their hearing without receiving information about next steps or being given an opportunity to ask questions. During our 98 observations of ex parte and full hearings, commissioners invited participants to ask questions in fewer than half of the cases.

**Without sufficient support and information, petitioners may stop pursuing a protection order or make mistakes in the process that reduce their chances of getting an order.** We heard from multiple stakeholders, from both within and outside county government, that assistance from an attorney or advocate increases the chances of getting an order because advocates and attorneys help ensure petitioners understand the process, provide complete and relevant information and evidence, and are aware of all legal options (e.g., ways to keep information confidential or service options that can reduce the likelihood of a continuance). Moreover, some petitioners are uncomfortable interacting with the court system, and advocates, including those in King County's POAP, tailor their approach to the individuals they serve. During our observations, we witnessed advocates helping petitioners attend their hearings by conference calling them into the virtual hearing and helping them troubleshoot technical difficulties in joining hearings. Without support, a petitioner may miss a hearing date, for example, resulting in the dismissal or denial of the order. Of the cases we observed, almost half of the denials were due to the petitioner not attending the hearing. Moreover, if petitioners have to start the process over, this costs time and resources for the participants, the courts, and law enforcement. All of these outcomes can negatively impact an individual's safety.

**Current county resources are not sufficient to provide detailed assistance or information to all self-represented petitioners.** The National Council of Juvenile and Family Court Judges emphasizes the need for advocates and court-based resources, such as helpdesks, for self-represented litigants. As we described in section 1, King County's POAP does not have the capacity to assist all petitioners who request assistance, and the Superior Court Clerk's Office does not have the authority under state law to provide legal advice or the resources to provide detailed assistance to all petitioners seeking protection. The Washington State Legislature passed budget legislation during the 2022 legislative session to make state funding available to increase advocacy and technical assistance for self-represented petitioners. The County may be able to use some of this newly available funding to help expand protection order resources.

## Recommendation 1

**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).**

County websites that inform the public about protection order processes are inconsistent and are not user-friendly

**County websites are not consistent in the information they provide about protection orders, and some do not provide users with updated and complete information.** When someone searches for information about how to obtain a protection order in King County, the results include websites hosted by several different county agencies, including the Superior Court Clerk’s Office, the Prosecuting Attorney’s Office, District Court, and the Sheriff’s Office, among others. These individual websites do not consistently refer the user to a single updated source of information. Some websites describe the protection order process in detail and include links to advocacy resources, while others describe only one step of the process. As a result, a member of the public referring to one website may have access to different information than an individual viewing another site. Incomplete or confusing websites have the potential to add to the Superior Court Clerk’s Office’s large workload if petitioners and respondents have to call to get basic questions answered. Clerk staff stated that they face a very large workload of people who do not have advocate or attorney support calling them for assistance with completing their forms and navigating the protection order filing process.

**Some county websites do not meet leading guidelines for usability, privacy, and safety.** For example, the Superior Court Clerk’s Office’s protection order landing page does not include a “safety exit” that allows an individual to quickly navigate away from the page to protect their safety or privacy. The office’s site also does not include information about resources that can be helpful if a user believes their internet usage is being monitored. The office does include this information further into its website on its page specific to domestic violence protection orders, but it does not include it on the initial page petitioners would arrive at if searching for protection order information. In addition, some county sites, such as the District Court and Sheriff’s Office protection order sites, are in English only and do not provide any resources to help users find resources in other languages or to request interpreter services. In general, the County’s websites are not written in user-friendly language that could be understood by a general audience. The guidance often uses technical and legal terminology that would not be understandable to the general public. As a result of these issues, the websites do not align the National Center for State Courts’s guiding principles.<sup>14</sup> King County Information Technology has an ongoing initiative to review and unify its public-facing websites to ensure they meet the needs of public users. This effort could provide an opportunity to address these issues.

<sup>14</sup> The National Center for State Courts’s Guiding Principles for Post Pandemic Court Technology (July 2020) can be located here: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0014/42332/Guiding-Principles-for-Court-Technology.pdf](https://www.ncsc.org/_data/assets/pdf_file/0014/42332/Guiding-Principles-for-Court-Technology.pdf).

## Recommendation 2

**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.**

## Recommendation 3

**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.**

Limited language support is available for petitioners and other participants

**Although Superior Court provides interpreters for protection order hearings, many petitioners and respondents who do not speak English do not have sufficient language assistance throughout other parts of the process. Language barriers—often compounded with technology barriers—can impede a petitioner’s ability to obtain an order or can delay the process.** We saw inconsistencies and gaps in the level of language support provided at different stages of the protection order process. These gaps included:

- **Petitions must be submitted to the court in English, but not all petitioners have access to a translator.** The County does not provide a resource to translate petitions to English aside from the POAP, which only provides assistance for intimate partner domestic violence petitions.
- **Forms and instructions are not always available online in other languages and do not include language assistance notices.** For example, the Superior Court Clerk’s Office website offers instructions for how to use Zoom to visit its virtual office in multiple languages. But the description of the protection order process and its lists of required forms are offered in English only. The Office of Equity and Social Justice recommends notices explaining how to request interpretation or translation assistance when the agency does not have the resources to translate certain documents. Further, the Superior Court Clerk’s Office website includes links to the state’s forms required for a protection order, but these links go directly to the English versions of the forms and there is no notification on these pages that the state makes some protection order forms available in other languages.
- **Superior Court implemented new procedures in 2021 without first ensuring guidance and instructions were available in languages other than English.** For instance, process changes for conducting hearings for full orders over Zoom were implemented before instructions had been translated into other languages, making the process more confusing and challenging for participants who do not speak English.

- **There is no language support while calling into Zoom virtual hearing waiting rooms.** While court coordinators provide instructions, help navigate Zoom challenges, or clarify the process to English-speaking petitioners, there is no designated resource to provide this technical support to non-English-speaking petitioners. In one of our observations, a Spanish-speaking advocate who happened to be in attendance for a different case received permission from the judicial officer to translate instructions and troubleshoot technology challenges to fill in this gap. Had the advocate not been present, however, it's unclear how the petitioner would have been helped.
- **Frequently, there are delays getting interpretation services at hearings, and hearings must be rescheduled if an interpreter is not available.** Advocates noted that Superior Court does not always have an interpreter ready for hearings, even when given notice that the petitioner needed an interpreter. During our court observations, two petitioners waited more than 40 minutes at their ex parte hearing for an interpreter to be available. Two other petitioners had their full hearings continued because no interpreter was available, meaning they had to wait an additional one to two weeks before potentially receiving a full order.
- **Court orders are not translated into other languages, so some petitioners may not be able to read the orders specifying the protections they have received.** In addition, respondents must rely on law enforcement serving the order to verbally translate the order to them. It is important for petitioners to understand the protections they have under an order and for respondents to understand and remember all the specific requirements of an order because violating them can result in their arrest.

**King County requires all agencies to complete language access plans and identify vital forms and public communications that may require translation.** Although the Superior Court's Language Access Plan describes a general standard for the translation of forms and applications, it does not specify procedures for translating protection orders and does not list any of the protection order forms as vital documents. Organizations like the National Council of Juvenile and Family Court Judges and the Supreme Court of Washington emphasize the importance of accommodations, translation, and interpretation so that language does not impede access to justice.

**Requirements in the state law could help alleviate some of these challenges.** For example, the new state law requires that the state Administrative Office of the Courts translate instructions and informational brochures into some of the most common languages in the state, which could help alleviate some of the challenges for non-English-speaking participants. However, King County-specific materials still require a language access strategy.

## Recommendation 4

**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.

## Recommendation 5

**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.**

Petitioners do not always receive information about the option to ask patrol officers to serve an order

**Providing petitioners with service packets can help keep petitioners safe and speed up service, but petitioners do not consistently receive information about this option from either judicial officers or from the Superior Court Clerk's Office.**

Law enforcement is not always able to serve protection orders promptly, particularly if the respondent is purposefully evading service. As a result, some respondents may try to contact petitioners before service has been successful, which can put petitioners in danger. To address this risk, a judicial officer in one of the hearings we observed ordered that the petitioner receive a full copy of the service packet and explained that the petitioner can call 9-1-1 if the respondent tries to contact them.

With a service packet, which contains all the documents required for law enforcement to serve a respondent with the order, a petitioner can call 9-1-1 and ask the responding patrol officer to serve the protection order immediately. If the respondent doesn't follow the requirements of the order, the respondent could be arrested for violating the order. This is an important option for petitioners—in addition to having the police respond to the immediate safety concern, it can help to prevent service-related continuances and ensure that a hearing for a full order can take place in a timely manner. However, in the majority of cases we observed, judicial officers did not provide petitioners with information about what to do if the respondent contacted them or how they can ask patrol officers to serve an order. Moreover, petitioners do not receive information about requesting this option when the Superior Court Clerk's Office emails them a copy of their order signed by the court. As discussed in section

1, service delays are one of the key reasons hearings must be continued, and continuances are costly for King County and lead to delays in obtaining a full order for the petitioner.

### Recommendation 6

**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.**



## Section 3: Continuous Improvement Processes

### SECTION SUMMARY

**Research demonstrates that civil protection orders are successful in stopping violence when a jurisdiction’s protection order system is responsive to the needs of its users and when it coordinates the issuing, serving, and enforcing of orders.**

Some county agencies collect user input and track issues that can create barriers and delays for petitioners, but there is no county entity authorized or accountable for using this information to reduce barriers and delays to obtaining a protection order. Moreover, although we observed several examples of individuals in county agencies working to improve the coordination of the entities involved in protection order processes, we also observed stakeholders struggling to achieve lasting improvements that would reduce inefficiencies in county practices and address the types of barriers we describe in section 2. As we discuss in section 1, we saw a lack of data analysis to identify disparities in access or outcomes or other indications of the need for process improvements. We recommend Superior Court work with other stakeholders to develop a collaborative continual improvement process that provides oversight and accountability for effective implementation of the new state law and helps ensure that inefficiencies, barriers, and disparities are identified and addressed. Doing so will help facilitate improvements required by recent state legislation, provide a structure for ongoing user-focused improvement of protection order processes, and ensure that processes are coordinated between entities.

**Protection order processes are not sufficiently collaborative**

**Law enforcement, advocacy, and other protection order stakeholders cannot reduce many process barriers without support and accountability from Superior Court.**

We observed several examples of individuals in Superior Court, the Superior Court Clerk’s Office, the Sheriff’s Office, and the Prosecuting Attorney’s Office working to improve protection order processes and to reduce delays and barriers to access for petitioners. Stakeholders also reported to us that Superior Court and the Superior Court Clerk’s Office have made improvements over the last year to increase collaboration and responsiveness to questions and concerns. Nonetheless, multiple law enforcement agencies, community organizations, and advocacy entities reported that they cannot achieve lasting improvements—that would reduce delays and inefficiencies and address the types of barriers we describe in section 2—without an ongoing increase in collaboration and accountability from Superior Court.

For example, both the Sheriff’s Office and the Prosecuting Attorney’s Office have convened round tables to bring together entities involved in protection orders with the goal of developing strategies for reducing barriers and inefficiencies in protection order processes. Although representatives from Superior Court and the Superior Court Clerk’s Office participate in these groups, stakeholders report that long-term issues persist.

Additionally, multiple groups have tracked challenges and requested improvements to the County’s protection order processes. Community organizations collaborating as members of Project Safety<sup>15</sup> wrote a letter to the Superior Court Clerk’s Office in October 2020 outlining barriers that petitioners faced during the transition to remote processes necessitated by the COVID-19 emergency, and both the Sheriff’s Office and the Prosecuting Attorney’s Office maintain independent lists tracking the frequency and impact of process challenges to try to persuade Superior Court and the Superior Court Clerk’s Office to make improvements. However, even with regular communication of these issues, there is no formal process for stakeholders to ensure their concerns are being heard and addressed by individuals with the authority and accountability for process improvements. As a result, problems that lead to inefficiencies, service delays, order enforcement challenges, and barriers to access can continue. We described examples of some of these issues, such as insufficient language support, in section 2. Other examples of issues documented in the tracking lists include orders being sent to the wrong jurisdictions, petitioners not receiving copies of their orders, illegible or conflicting information on orders, and long wait times in the Superior Court Clerk’s Office’s virtual waiting room. For example, we observed a wait time of almost an hour in March 2021. Clerk office staff reported to us that wait times have improved since then.

**The National Council of Juvenile and Family Court Judges emphasizes the importance of court administration coordinating with other stakeholders.**

Through collaboration with stakeholders inside and outside the court system, court personnel can obtain more complete information about how well the court’s processes work for its users and where there are gaps that lead to delays, inefficiencies, and barriers to access. Moreover, the courts can learn ways to collaborate with and support the efforts of stakeholders trying to reduce these challenges.

**Achieving system improvements may be inherently challenging in the judicial environment.**

Several individuals who work with the courts noted that it can be difficult to implement institutional change in the judicial branch because of the combination of an extremely high workload in the court and clerk’s offices, the relatively brief terms served by judicial officers in leadership positions, and the inherent challenge of trying to ensure consistent practices in an organization composed of many different separately-elected officials. As a result, even though there are many individuals throughout the organization trying to improve Superior Court and Superior Court Clerk’s Office’s processes related to protection orders, the individuals identifying and working for change may not have the authority to ensure improvements are implemented consistently.

**Superior Court does not have a working group with authority and accountability for improvement of protection order processes.**

The Prosecuting Attorney’s Office

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<sup>15</sup> Project Safety is a collaboration between the Sexual Violence Law Center, Northwest Justice Project, Northwest Immigrant Rights Project, Eastside Legal Assistance Program, Legal Voice, and the King County Prosecuting Attorney’s Office to increase access to civil legal aid and resources to victims of domestic violence and sexual assault in King County.

reported that it has asked repeatedly for a court-led Protection Order Working Group that could coordinate and provide accountability for process improvements across agencies, but it has been unsuccessful in convincing Superior Court to maintain such a group. The Prosecuting Attorney’s Office explained that there is a Criminal Operations Workgroup that has taken on challenges related to criminal court processes and that the Firearms Task Force is an example of a successful collaboration with Superior Court. However, there is no court-led effort to coordinate and provide accountability for overall civil protection order processes. We conducted this audit without full participation from the King County courts and were not able to ask court personnel about whether they attempt to coordinate with other agencies to improve processes and reduce barriers to access.

### Recommendation 7

**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.**

Protection order processes are not sufficiently user-focused

**There is no coordinated countywide strategy to capture user input on protection order processes and use it to improve practices.** Stakeholders reported to us that the remote petition submission and hearing options created by Superior Court and the Superior Court Clerk’s Office, in response to the COVID-19 pandemic, reduced some barriers faced by protection order petitioners and respondents. For example, remote processes allow petitioners to submit documents and attend hearings without having to travel to a courthouse or be present in the same room as the respondent. However, these necessary remote processes due to the COVID-19 pandemic created technological challenges for some petitioners, created additional gaps in language support, and at times led to extremely long wait times in the Superior Court Clerk’s Office’s virtual office, all of which could discourage petitioners from filing and contribute to the disparities in outcomes we describe in section 2. Input on these types of challenges could help inform efforts to make processes more user-friendly.

**The National Council of Juvenile and Family Court Judges provides guidance for jurisdictions on ways to ensure protection order practices are user-centered.** They emphasize the importance of steps like conducting system evaluations (for example, process walk-throughs and court watches), engaging with community groups, and soliciting feedback from self-represented litigants in order to identify and reduce the potential negative safety impact of barriers to access. Some groups are doing pieces of this work. For example, the Superior Court Clerk’s Office had a customer experience survey designed to capture feedback about all customer services it provides, including protection order filing during the pandemic. Additionally, as we describe above, key stakeholders, such as the Sheriff’s Office and the Protection Order Advocacy Program in the Prosecuting Attorney’s Office, maintain their own logs of issues that create delays or barriers for petitioners. However, these individual entities can’t make

improvements beyond their own organization, and there is no county entity collecting feedback on all elements of protection order processes or with accountability for ensuring improvements are made throughout the entire protection order process.

### Recommendation 8

**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.**

Using data to achieve more equitable outcomes

**Limited tracking and analysis of protection order data inhibits continuous improvement, particularly for improving the user experience and addressing disparities.** As we mentioned in section 2, the data tracked by the Superior Court Clerk’s Office does not include information about why petitioners were denied or dismissed. Without this level of detail, stakeholders do not have sufficient information to identify and address potential barriers for petitioners. The state legislation passed in 2021 requires that petitioners be able to electronically track their case status, so our data tracking recommendations could be implemented along with the data system requirements of the new law.

Moreover, there is no entity that regularly analyzes protection order data to identify disparities in outcomes or to identify potential process improvements. Since there is no regular analysis of protection order data that examines the correlation between participant demographic information and case outcomes, county entities cannot identify disparities in outcomes or determine strategies to address them. The National Center for State Courts recommends that courts collect and monitor data that allows them to assess the effectiveness of new processes and to identify challenges. By using user feedback in conjunction with data on disparities, county entities can identify strategies to build toward more equitable outcomes.

### Recommendation 9

**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.**

Implementing the new state law will require coordination

**Increased coordination and accountability will facilitate changes required by new state legislation.** The changes mandated by the new law will require adjustments throughout King County’s protection order processes. Communication and coordination among the courts, court clerk’s offices, law enforcement, and advocacy entities will be essential to ensuring process changes within one agency do not create unnecessary inefficiencies for other entities or negatively impact petitioners and respondents.

**Challenges implementing electronic service requirements indicate the need for greater coordination among agencies and accountability for compliance.** Elements of the new law that require many protection orders to be served electronically (e.g., by email or text) went into effect in July 2021.<sup>16</sup> There are dozens of law enforcement agencies in King County that can have a role in protection order processes, but there was not a coordinated effort between Superior Court and law enforcement about how to prioritize electronic service. For example, the Sheriff’s Office stated in September 2021 that it prioritized electronic service when the courts indicated that on the order, but orders from Superior Court often did not have a clear indication of whether an order should be served electronically. As a result, the Sheriff’s Office was still serving many orders in person.

Recommendation 10

**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.**

Conclusion

With domestic violence on the rise in King County, and harassment, stalking, and other types of abuse prevalent in society, protection orders are an essential tool for people at risk. However, the process for obtaining protection orders can be complicated and time consuming, and barriers in the process can endanger individuals’ safety and also lead to delays and inefficiencies that cost time and resources for participants, the courts, and law enforcement. Further, there are racial disparities in who receives full protection orders from Superior Court, with Black and American Indian petitioners less likely than White petitioners to obtain a full order.

Barriers and racial disparities persist in part because of a lack of measurement, accountability, and continuous improvement related to the protection order process. If the County is to achieve its goals related to equity in the criminal legal system—particularly its goal to enhance community safety through providing trauma-informed criminal justice responses—it will need to foster a culture of continuous improvement that crosses the executive and judicial branches.

<sup>16</sup> Under the new requirements, electronic service should be prioritized for all orders, except those for which the respondent is incarcerated or that require the surrender of firearms, the transfer of custody of a child, or vacating of a shared residence.

Unequal access to attorneys and advocates also impacts protection order outcomes. Unlike many other legal proceedings in the state, most individuals pursue the protection order process without assistance from an attorney or advocate to help them overcome the barriers inherent in many of the County's current processes. Individuals who pursue a protection order with help from an attorney or advocate are between 1.3 and 1.6 times more likely to obtain a full order, but many petitioners do not have this support. To address this disparity, and to help mitigate the impact of other barriers in the process, we recommend that the County increase resources available to self-represented petitioners and respondents, such as additional advocates or a dedicated protection order helpdesk. Even if state funding becomes available for advocacy and legal resources, increasing resources to ensure equitable access to protection orders could be costly for the County. However, protection orders provide the important function of protecting individuals at risk of abuse or violence. Although King County has implemented innovative programs designed to increase both access to protection orders and the effectiveness of those orders (i.e., the Protection Order Advocacy Program and the Regional Domestic Violence Firearms Enforcement Unit), the County's protection order system as a whole will better meet the needs of those seeking immediate protection from harm by instituting best practices for an accessible, user-informed system.



# Appendix: Washington State Legislation

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## New Law Governing Protection Orders Following the Passage of House Bill 1320

**The Washington State Legislature passed House Bill 1320 in the 2021 Legislative Session to streamline and modernize protection order processes.** The legislature repealed the existing statutes governing protection orders and replaces them with a unified chapter covering all six types of civil protection orders. The new law made significant reforms to protection order processes, including changes to how orders are filed, heard, and served. Although some aspects of the law went into effect in 2021, other provisions affecting King County Superior Court have effective dates in July 2022 and January 2023. The legislature also passed a trailer bill (House Bill 1901) during the 2022 session to make additional changes and clarifications to the law.

**The following table summarizes some of the key provisions in the law.** It is not a comprehensive review of the entire bill. For more information about the bill including the full text, see [the Washington State Legislature’s website](#) or [Revised Code of Washington Chapter 7.105](#).<sup>17</sup>

EXHIBIT 1: A summary of some of the new state law’s changes as they relate to Superior Court’s protection order processes.

PETITION & FILING CHANGES		
Requirement	Responsibility	Implementation Date
Develop and distribute a single petition form that a petitioner may use to file for any type of protection order (excluding extreme risk)	Administrative Office of the Courts (State)	July 1, 2022
Develop standard for filing evidence in a manner that protects victim safety and privacy	Administrative Office of the Courts (State)	July 1, 2022
Permit petitions to be submitted remotely through an electronic submission process	Superior Court	January 1, 2023
Allow for petitioners to electronically track the status of their petition throughout the phases of the case	Superior Court	January 1, 2023

<sup>17</sup> Full links are <https://app.leg.wa.gov/bills/summary?BillNumber=1320&Year=2021&Initiative=false> for the Legislature’s page and <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105> for the Revised Code of Washington.

HEARING CHANGES		
Requirement	Responsibility	Implementation Date
Allow for hearings to be conducted remotely by telephone, video, or other electronic means where possible	Superior Court	July 25, 2021 (Already in effect)
Before dismissing or granting a petition due to the petitioner respondent not appearing for a remote hearing, check for any notification to the court regarding technological difficulties. If any party provided such notification, reset the hearing	Superior Court	July 25, 2021 (Already in effect)
May not deny or dismiss orders on the grounds that the relief sought may be available through a different action or proceeding (among other reasoning limitations)	Superior Court	July 1, 2022

SERVICE CHANGES		
Requirement	Responsibility	Implementation Date
Prioritize service by electronic means (including email, text message, and other technologies) for certain orders	Superior Court Law Enforcement	July 25, 2021 (Already in effect)
Use the authorized methods to verify of receipt for electronic service, such follow-up communications and read-receipts	Law Enforcement	July 25, 2021 (Already in effect)
Make first attempt at personal service within 24 hours of receiving the order from the court whenever practicable	Law Enforcement	July 25, 2021 (Already in effect)

OTHER CHANGES		
Requirement	Responsibility	Implementation Date
Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process	Administrative Office of the Courts (State)	July 25, 2021 (Already in effect)
Develop recommendations on improving protection order proceedings including use of technology, data collection, improving access to legal representation, etc.	Administrative Office of the Courts (State)	July 1, 2022
May correct clerical or technical errors in the order at any time after the order is issued	Superior Court	July 1, 2022
May appoint counsel to represent the petitioner if the respondent is represented by counsel (subject to available funding)	Superior Court	July 1, 2022
Judicial officers, including pro tempore officers must receive training on topics that include trauma-informed practices, gender-based violence dynamics, elder abuse, etc.	Superior Court	July 1, 2022
School districts must make accommodations for students that are parties in protection orders (including schedule modifications or transportation to another school)	Other jurisdictions	July 1, 2022

Source: King County Auditor’s Office analysis of Washington state House Bill 1320.



## Response: Auditor's Office

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**Protection orders are an essential public service that can help keep people safe, but to be effective, the process must be accessible to those it is intended to serve. Our audit recommendations are aimed at reducing barriers to access for participants.**

The responsibility of the King County Auditor's Office is to advance performance, accountability, transparency, and equity of King County government and to assist the King County Council in its oversight function, promote due diligence, and serve the public interest—all core elements of this audit. We have authority to conduct audits in the Courts per King County Code and a legal opinion from the Prosecuting Attorney's Office.

King County Superior Court's response includes several inaccuracies and mischaracterizations of our work and results. We address these below.

**Identification of racial disparities indicate need for improved data tracking and greater analysis.**

Superior Court questions our identification of racial disparities in protection order outcomes by stating that "it is likely other social-economic factors in the data may contribute to the difference in the rate of obtaining full orders." The Court's resistance to examining racial disparities is concerning. Regardless of the cause, racial disparities are a red flag that indicate the need for greater investigation, and assumptions about causes create the risk of accepting racial disparities rather than working to ensure practices are as equitable as possible.

Further, in any analysis of racial disparities, we would caution against controlling for factors that may themselves be a product of systemic racism. If an analysis controls for a factor that itself has racial disparities, then the analysis essentially "bakes in" the disparities by accepting them from the start. Racial disparities in outcomes are the result of many different causal factors; controlling for each of these factors might make it appear that there were no racial disparities in outcomes. In other words, this type of approach can effectively mask disparities rather than indicate strategies for addressing them. Our report does not identify the causes of racial disparities in civil protection order outcomes. Instead, we indicate that these disparities exist and require investigation.

Current gaps in data tracking and analysis hinder the Court's ability to identify disparities in outcomes and determine strategies to address them. We make Recommendation 9 to improve the Court's tracking of data that could help explain causes of outcome disparities (such as reasons for denials, dismissals, and continuances) and develop process improvements to address identified issues.

**A user-focused and collaborative approach to continual improvement is aligned with national guidelines.**

A key recommendation of the audit is that Superior Court implement a user-focused and collaborative approach to continual improvement. Superior Court describes this recommendation as inappropriate and unethical. The kind of collaborative continual improvement we recommend is included in guidelines for improving civil protection order processes published by the National Council of Juvenile and Family Court Judges. Moreover, Superior Court judges already participate in collaborative efforts to improve protection

order-related rules at the state level. The Court's resistance, as a public institution, to communication, collaboration, and continual improvement hinders transparency and accountability.

**The Auditor's Office has authority to audit entities that receive county funds.**

Superior Court argues that the Auditor's Office lacks the authority to conduct an audit of court processes and programs because the Court is not a county agency. We disagree with this position. As an independent agency within the legislative branch of county government, the Auditor's Office provides essential oversight of the expenditure of county taxpayer funds. King County Superior Court was appropriated at least \$113 million from the King County general fund for the 2021–22 biennium. The Department of Judicial Administration, which includes the King County Superior Court Clerk's Office, is an executive agency and was appropriated over \$50 million from the King County general fund for the 2021–22 biennium.

King County Code specifies that the Auditor's scope of authority includes determining whether laws and policies are being faithfully, efficiently, effectively, and equitably implemented by county officials and whether programs are achieving intended results. The role of the Auditor includes holding county officials accountable in their use of public funds and other county resources (KCC 2.20.040). Moreover, county code gives the auditor full and unrestricted access to all persons, property, and records in any form of any department, agency, program, or other entity that receives appropriations or funding from the county or performs work on behalf of or under the authority of the county (KCC 2.20.65).

In addition to the authority, role, and unrestricted access granted to the Auditor's Office in county code, the Auditor's Office received a legal opinion in 2018 from the King County Prosecuting Attorney's Office that did not find any legal authority prohibiting the Auditor's Office from conducting performance audits of King County Superior Court.

**The audit focused on barriers that will not be addressed fully by statewide protection order reforms.**

The timing of our audit is appropriate. We designed our audit scope and objectives to identify gaps in processes or the need for improvements that would not be addressed by the new state law. King County's current process is complicated and difficult to navigate, in part because of state-wide requirements that affect all jurisdictions in Washington, but also because the County hasn't made additional improvements to reduce barriers that will not be affected by changes at the state level. These barriers, along with the need for user-focused and coordinated continuous improvement, are the focus of our audit findings.

**The audit team spoke with attorneys who represent respondents, and our recommendation to establish a working group specify the inclusion of representatives of all key stakeholders.**

In its response to the audit, Superior Court states that our recommendation that it establish a workgroup or other collaborative entity aimed at continuous improvement of protection order processes is "inappropriate, unethical, and a violation of due process" because the Court cannot "create or participate in a collaborative group without representation from parties to both sides of cases." The Court also states that the "audit was conducted without any information gathered from respondents."

During the audit, we talked with attorneys from the King County Department of Public Defense about ways to help ensure respondent perspectives are included in continual improvement efforts. We also observed challenges faced by petitioners and respondents during our observations of dozens of full court hearings. Moreover, the barriers to access we identify in our report (e.g., limited language support for individuals who do not speak English) affect both petitioners and respondents.

Further, we include "public defenders" and "other representatives of protection order process stakeholders" in our recommendation that Superior Court establish a collaborative entity that engages with key stakeholders.

**Audit work was conducted in accordance with standards and reviewed by subject matter experts.**

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We received input from academic researchers, and we researched guidelines for improving protection order practices, including those recommended by the National Council of Juvenile and Family Court Judges. As part of our standard quality control processes, we discussed our findings and provided technical review drafts of our report to King County Superior Court, the King County Superior Court Clerk's Office, the King County Sheriff's Office, and the King County Prosecuting Attorney's Office.

# Response: Superior Court

**Patrick H. Oishi**

PRESIDING JUDGE OF THE  
SUPERIOR COURT KING COUNTY  
COURTHOUSE SEATTLE,  
WASHINGTON 98104-2381

EMAILED WITH HARDCOPY TO FOLLOW

April 20, 2022

King County Council Chair Claudia Balducci  
Law, Justice, Health and Human Services Committee Chair Girmay Zahilay  
Law, Justice, Health and Human Services Committee Co-Chair Jeanne Kohl-Welles  
Law, Justice, Health and Human Services Committee Member Rod Dembowski  
Law, Justice, Health and Human Services Committee Member Reagan Dunn  
Law, Justice, Health and Human Services Committee Member Sarah Perry  
King County Council Member Joe McDermott  
King County Council Member Dave Upthegrove  
King County Council Member Pete von Reichbauer  
King County Auditor Kymber Waltmunson

RE: King County Superior Court Response to Protection Order Audit

Dear King County Council Members and Auditor Waltmunson,

This letter is King County Superior Court's formal response to the Auditor's protection order audit (undated confidential draft received by email April 6, 2022). The Court appreciates the opportunity to respond to the report, raise our concerns and objections, and to properly correct the record.

The Auditor lacks the authority to conduct an audit of Superior Court:

The Court is mindful of the important work of the Auditor. But the Court does not fall under the authority or oversight of the Auditor.

The powers and duties of the Auditor are derived from the King County Charter. Before specifically addressing the scope and authority of the Auditor, analysis of the Charter itself is important.

The charter preamble states: "*We, the people of King County, Washington, in order to form a more just, equitable and orderly government for all, establish separate legislative and executive branches, ensure responsibility and accountability for local and regional county governance and services, enable effective public participation, preserve, protect and enhance a healthy rural and urban environment and economy, promote a superior quality of life and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington, do adopt this charter.*" (emphasis added)

A plain reading of the preamble highlights the charter established two separate branches of government, the legislative and executive branches. The third separate branch of government, the

judicial branch, is not included in the charter. Superior Court is a Washington State Court of general jurisdiction, which is a division of the state judiciary. A primary tenet and founding principle of our federal, state, and local governments is the separation of powers between the legislative, executive, and judicial branches of government. This principle is inviolate and must be honored and respected.

Article 2 of the charter addresses the Legislative branch. The powers and authority of the auditor are found in this article. Article 2, Section 250 states (in part): *“The county auditor shall be appointed by a majority of the county council and shall be responsible to the council for conducting, or causing to be conducted, independent post audits of county agencies for the purpose of reporting to the council regarding the integrity of the function of the financial management system, the quality and efficiency of agency management, and the effectiveness of programs.”* (emphasis added)

Superior Court is clearly not a county agency as set forth in the King County Charter, Article Section 2, Section 250. In fact, your Superior Court was established in the Washington State Constitution, Article IV, Sections 5 and 6.

The Court has repeatedly, and for many years, told the Auditor that she does not have the authority to conduct an audit of the Court based on the King County Charter and the separation of powers doctrine.

However, the Court constantly evaluates its programming and in fact, has historically hired court-specialized outside groups and consultants that have an expertise in evaluating and critiquing large metropolitan courts across the country.

The audit was extremely ill-timed:

The timing of this audit makes its findings and recommendations have little value, for two reasons. The Court made these points to the Auditor before the audit began, but despite these valid points, the Auditor still decided to proceed.

The first is the fact of the unusual conditions caused by the pandemic. The COVID-19 pandemic struck the United States and Washington State in early 2020. This global pandemic is a public-health crisis the likes of which society has not experienced since the Influenza Pandemic of 1919. The Auditor chose to conduct an audit of the Court’s processes during the most unprecedented and challenging time in our lifetime. This timing of the audit alone is bewildering and calls into the question the merit of the audit.

The second is the fact that the Legislature completely changed protection order law. The Court knew this was coming and explained this to the Auditor. The Washington State Legislature passed HB1320 in 2021. The legislature repealed the existing statutes governing protection orders and made significant reforms to protection order processes, including changes to how orders are filed, heard, and served. Some aspects of the law went into effect in 2021, but other provisions have effective dates in July 2022 and January 2023. The legislature also passed HB 1901 in 2022, which made additional changes and clarifications to the law.

All aspects of protection order law, processes, and how courts address these changes are going through significant changes.

The Court has work groups that have evaluated our processes and practices considering the changes in law. This is nothing new for the Court because we are constantly evaluating our practices. To address the changes in law, we are pursuing funding in our upcoming biennial budget for additional staff and resources for a protection order court, to address evictions, and to address temporary protection orders in our ex parte department.

Given the significant changes in protection order law and the Court's ongoing efforts to evaluate our processes and practices to address the changes in law, the value of the audit is minimal, at best.

Superior Court is a champion for access to justice:

Courts across the country, and even in our region, responded to the pandemic by shutting down courthouses, cutting services, and restricting access to justice. King Superior Court never shut its doors. Our leadership knew this was not an option. Restricting access to the court is tantamount to denying access to justice. We never let this happen. An irony of this audit is that in many jurisdictions throughout the United States, it became harder to get access for a protection order, but in King County Superior Court, we continued to provide exemplary access to justice.

Many of our judicial officers and staff worked in-person at our courthouses despite the risk of great harm to ourselves and our families. Many county employees had the benefit, and continue to have the benefit, of working from home. Our judicial officers and most of our staff do not have this option. We came to work in our courthouses before the efficacy and safety of masks were understood, before vaccines were available, through the Delta variant surge, and through the Omicron variant surge. Many of our judicial officers contracted COVID (and some have contracted COVID more than once) and had to deal with health consequences.

The Court has been a national leader with innovation throughout the pandemic. At the onset of the pandemic, we made rapid and dramatic changes to our business practices. Our use of audio, video, and telephonic technology has been a national model for courts across the country. Implementing technology and significant changes to our practices has been extremely challenging, but the Court tackled issues and addressed challenges. These changes in business practices have continued to provide access to justice for all litigants, including those involved in protection order cases.

Given the Court's outstanding efforts to provide the best access to justice possible under extremely difficult circumstances, the Auditor's criticisms are perplexing.

The findings and conclusions of the audit are based on imprecise data, as well as the Auditor's clear misunderstanding of process and the role of the Court:

Even if the Auditor has the authority to audit the Court, which the Court asserts it does not, the finding and conclusions of the audit are based on imprecise data, as well as the Auditor's clear misunderstanding of process and the role of the Court.

The Court believes there are likely many errors in the audit, but instead of undertaking a point-by-point rebuttal of the audit, this response will highlight a few concerning issues.

The report emphasizes that language is a barrier to obtaining protection orders, while the graph at Exhibit L shows that Asian and Hispanic petitioners, who are likely at least two of the groups to

face a language barrier, had the highest rate of receiving full orders. This contradiction is confounding and not explained.

The report states (p.16) *“After controlling for legal representation, gender, and type of order, White petitioners were about 1.5 times more likely to obtain full orders than black and American Indian petitioners.”* It is likely other social-economic factors not in the data may contribute to the difference in the rate of obtaining full orders. If the model does not include these confounding factors, it can exaggerate or mask the real relationship between two variables. In the absence of other confounding variables, the logistic regression approach is forced to attribute their effects to variables in the model, which biases the estimated effects and confounds the true relationship. To be fair and accurate, the report must state the limitation of the data, so readers are aware of the limitation of the findings.

Recommendation 7 of the report says: *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.*

This recommendation spotlights the Auditor’s very concerning misunderstanding of process and the role of the Court. It is inappropriate, unethical, and a violation of due process for the Court to create or participate in a collaborative group without representation from parties to both sides of cases. It is incredibly alarming the Auditor would recommend the Court engage in a practice that would clearly violate the Code of Judicial Conduct. Canon 1 states: *A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.*

Put simply, the Auditor has no understanding of the work or role of the Court. This highlights why the Auditor should not perform an evaluation of the Court, and why the Court hires court-specialized outside groups and consultants that have an expertise in critiquing large metropolitan courts across the country to evaluate our work.

The audit was conducted without any information gathered from respondents. The protection order process is an adversarial court process where the end results can have major impacts to a petitioner or respondent. As unpopular as the notion may be, the process must be fair and accessible to all parties including respondents, and not simply favor petitioners over respondents.

The report alludes to the Court having responsibility for providing more legal assistance for petitioners, but it is inappropriate and unethical for the Court to help one party.

The findings and conclusions of the audit are based on imprecise data, as well as the Auditor’s clear misunderstanding of process and the role of the Court. The Auditor’s misunderstandings are extremely alarming and should raise red flags about the audit.

Conclusion:

The Court appreciates the opportunity to respond to the protection order court audit. The Court does not fall under the Auditor’s authority or oversight. The merit and value of the audit is

minimal given the misguided timing of the audit and the change in protection order law. The findings and conclusions of the audit are based on imprecise data, as well as the Auditor's alarming misunderstanding of process and the role of the Court. Thank you for considering the Court's response.

Sincerely,



Patrick Oishi  
Presiding Judge  
King County Superior Court

cc: KCSC Assistant Presiding Judge Mary Roberts  
KCSC Chief Civil Judge Tanya Thorp  
KCSC Chief Unified Family Court Judge Sean O'Donnell  
KCSC Judge Jim Rogers  
Linda Ridge, KCSC Chief Administrative Officer  
Jorene Reiber, KCSO Deputy Chief Administrative Officer  
Barbara Miner, DJA Director

# Response: Prosecuting Attorney's Office

DANIEL T. SATTERBERG  
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney  
CRIMINAL DIVISION  
Norm Maleng Regional Justice Center  
401 Fourth Avenue North, Suite 2A  
Kent, Washington 98032-4429  
(206) 205-7400

April 20, 2022

KyMBER WalTMunson  
King County Auditor  
Room 1033  
King County Courthouse

Dear Ms. WalTMunson,

Thank you for the opportunity to review and comment on the proposed final audit, "Protection Orders: User-Focused Approach Could Help Address Barriers." I appreciate the King County Auditor's Office's work to research and investigate the protection order process. The audit recommendations would significantly increase access and reduce barriers for King County residents seeking the relief and safety a protection order can provide. The audit recommendations are also critical to reducing barriers for the most marginalized of King County residents: those from BIPOC and limited English proficiency communities.

The King County Prosecuting Attorney's Office established the Protection Order Advocacy Program (POAP) 32 years ago. Advocates within this program are dedicated professionals committed to improving community safety for survivors of domestic violence and their children. Their professionalism and dedication were never more apparent than during the COVID-19 pandemic. POAP advocates rose to the occasion alongside system and community partners to maintain access remotely to protection orders. Protection Orders increase safety, and thousands of people file for them every year. **Maintaining access to justice for protection orders is a worthy goal. Expanding and improving access to justice for protection orders is even more admirable.**

The King County Council should appoint a convener or facilitator to assemble all system and community stakeholders to form the continual improvement authority for protection orders. Appointing a convener will ensure collaboration, accountability, and improvement for all users of the protection order system.

The audit makes clear King County currently does not provide enough resources for pro se petitioners and respondents in the protection order system. This lack of resources impacts equity, inclusion, and due process rights. Individuals seeking to file a protection order have identified themselves as experiencing harm and want to increase their safety. That harm may be domestic violence, sexual assault, or stalking- these individuals have experienced something terrible leading to fear. Fundamental to providing trauma-informed system response is providing resources. Individuals to help explain both

petitioners and respondents understand the process, legal paperwork, community resources, and court obligations are needed. There is no one in King County outside POAP that does this. Last year POAP answered over 8,000 calls/emails from the public seeking information and support concerning all aspects of protection orders. Many callers were outside POAP's service criteria of intimate partner violence. It is not sustainable for POAP to serve as a help desk for all of King County. There is a significant need for comprehensive assistance.

Protection orders are a critical evidence-based approach to community safety. The King County Council should invest in help and advocacy for all who seek or are subject to protection orders. By not providing assistance to pro se protection order litigants, King County limits access to justice to those most marginalized in our community.

Washington law directs protection order proceedings to be a simple procedure accessible to self-represented petitioners. As demonstrated by the audit, the process in King County is not simple and not accessible to all petitioners or respondents. Of special concern are the findings that African American and Native American petitioners are less likely than white petitioners to be granted a full order of protection. Language access continues to be a significant access to justice barrier for participation of many petitioners and respondents. The lack of access to justice for African American and Native American petitioners LEP participants is tragic, directly impacts due process and safety, and must be rectified.

An important recommendation from the audit is to improve data collection to increase transparency and accountability. Consistent data collection and transparency help inform access to justice. Consistent data collection and sharing among stakeholders will help pinpoint possible system breakdowns. Access barriers impact is petitioners and respondents disproportionately. Given the limited available data, the causes of the disparity are often unclear. Better data will allow better investigation and response to address the disparity

Changes to the protection order process due to COVID-19, remote filing, remote attendance at hearings, and electronic service have increased safety. These changes have been adopted by the legislature to be permanent. HB 1320 & HB 1901 are groundbreaking legislation reducing barriers. As the protection order process adapts to these recent legislative changes and additional changes being implemented in July, having a coordinated stakeholder workgroup is imperative.

While system and community stakeholders all have slightly different duties and obligations, our common directive is to serve the residents of King County. We have a duty to serve them to the best of our ability, to be transparent as to how that service is achieved, and to be committed to continuing to improve. We especially have a duty to serve those most marginalized and vulnerable of King County residents. Language

Prosecuting Attorney  
King County  
Page 3

access, equity, and disparity of outcomes can be further investigated and improved upon by adopting the audit recommendations.

Thank you again for your diligent work on behalf of King County.

If you have any questions regarding our audit response, please contact Angela Rogness, Program Manager, Protection Order Advocacy Program, King County Prosecuting Attorney's Office, (206) 477-6290

Sincerely,



Daniel T. Satterberg  
Prosecuting Attorney

Cc: Dan Clark, Chief Deputy, KCPAO  
Christina Miyamasu, Assistant Chief Deputy, KCPAO  
Wyman Yip, Assistance Chief Deputy, KCPAO  
Colleen McIngalls, Director of Victim Services, KCPAO  
David Martin, Unit Chair, Domestic Violence Unit, KCPAO  
Cheryl Woods, Chief Admin Manager, KCPAO  
Sandra Shanahan, Program Manager, Domestic Violence Regional Firearms Enforcement Unit  
Angela Rogness, Program Manager, Protection Order Advocacy Program

# Response: Sheriff's Office

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KING COUNTY SHERIFF'S OFFICE  
516 Third Avenue, W-116  
Seattle, WA 98104

Patricia Cole-Tindall  
*Interim Sheriff*

April 11, 2022

Kymber Waltmunson  
King County Auditor  
516 Third Ave, Room W-1033  
Seattle, WA 98104

Dear Ms. Waltmunson,

Thank you for the opportunity to review the final report "Protection Orders: User-Focused Approach Could Help Address Barriers."

The King County Sheriff's Office primary role is servicing of court orders via our Civil Unit and issuing the occasional Extreme Risk Protection Order (ERPO) to collect firearms. I am supportive of the effort to increase access in languages other than English and we are currently working toward that goal with our own forms—additionally we will continue to collaborate with other county partners to affect that change.

Although no report recommendations are directed at the King County Sheriff's Office, we will continue to work with our partners in Superior Court and the King County Prosecuting Attorney's Office wherever possible to improve processes for those seeking protection orders. I am happy to answer any follow-up questions you may have.

Sincerely,

*Patricia Cole-Tindall*

Patricia Cole-Tindall  
SHERIFF



# Statement of Compliance, Scope, Objective & Methodology

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## Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Scope of Work on Internal Controls

We assessed internal controls relative to the audit objectives. We assessed the extent to which King County Superior Court (Superior Court) has controls in place to ensure that the protection order process is effective, efficient, and equitable for users. We also assessed the adequacy of controls to ensure that King County effectively and fully implements the new state legislation governing protection orders.

## Scope

We selected this audit as part of our work program development process in response to challenges identified during our prior work assessing sexual assault investigations. This audit examines the process to obtain a protection order in King County, with a focus on the new processes that are being implemented in response to the new state law, as well as any gaps in current processes that may not be addressed by the law. We reviewed petition data from 2016–2021 to understand recent trends.

## Objectives

1. How many protection orders do individuals petition for in King County; and what are the outcomes of those petitions?
2. What are the changes required by the new state legislation; and what considerations should King County make while planning for and implementing these changes?

## Methodology

Superior Court did not grant us full access to persons, property, and records that we are granted by King County Code. We made a public records request for Superior Court policies, procedures, and internal and external communications regarding protection order processes, and we reviewed the materials that were provided to us. We were not granted access to interview judicial officers, clerks, or other court employees.

To determine the number and type of protection orders individuals petition for in King County, we analyzed case data from the King County Department of Judicial Administration, the King County Prosecuting Attorney's Office, and King County District Court. For Superior Court cases only, we also used this data to assess the case durations and outcomes. Some of the descriptive data in this report uses different timeframes based on the availability and reliability of the underlying data. In general, we looked at protection order cases filed with Superior Court from January 2016 to June 2021. However, we restricted outcomes analysis to 2020 onward based on inconsistent information on dismissals versus denials in earlier years. Similarly, the advocacy data from the Prosecuting Attorney's Office was only available and complete for 2020 onward. We used the data to calculate descriptive statistics for the types

of cases filed, how many orders were granted, how many reissuances cases had, and the number of petitioners with assistance from an attorney or advocate. We also performed logistic regressions to determine what factors were correlated with obtaining a full protection order during the timeframe. This analysis was not intended to be predictive or to attribute causal relationships. Instead, we used the regressions to determine statistical correlations while holding constant a limited number of variables based on the information available in the data sets. The main limitation of this analysis is potential omitted variable bias. If other factors that we did have data on are correlated with the variables in our regression, they could change the significance of the analytical results.

To understand how protection order hearings are conducted and to assess the extent to which participants may face barriers, we observed a sample of virtual protection order proceedings in July and August of 2021. We observed 30 ex parte hearings for temporary orders, 68 hearings for full orders, and four virtual petition submissions with the Superior Court Clerk's Office, which we were able to access with assistance from advocates in King County's Protection Order Advocacy Program. Our sample of hearings and filings was a judgmental sample selected to ensure we observed hearings for different types of orders, a range of judges and commissioners, and processes for providing language support. We designed our sample to identify examples of both challenges and positive practices. Our approach did not result in a representative sample for purposes of estimating the prevalence of the identified challenges or positive practices across all proceedings.

To learn about the state legislation passed in 2021 that reformed the protection order process, we reviewed Washington state House Bills 1320 and 1901. We also interviewed outside legal experts about the development and requirements of the new law.

We also conducted interviews with staff and leadership in the Sheriff's Office and the Prosecuting Attorney's Office about their processes, challenges, and collaboration with Superior Court. We interviewed staff at local nonprofit organizations that support individuals who have experienced abuse or violence, and we talked with individuals in the Pierce County Clerk's Office and the Seattle Police Department about their protection order processes. Finally, we researched best practices related to protection orders, and we interviewed academic researchers about the effectiveness of protection orders in keeping vulnerable individuals safe from violence and abuse.



# List of Recommendations

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## Recommendation 1

**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).**

## Recommendation 2

**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.**

## Recommendation 3

**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.**

## Recommendation 4

**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.**

## Recommendation 5

**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.**

## Recommendation 6

**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.**

## Recommendation 7

**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.**

## Recommendation 8

**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.**

## Recommendation 9

**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.**

## Recommendation 10

**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.**



# KING COUNTY AUDITOR'S OFFICE

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## Advancing Performance & Accountability

KYMBER WALTMUNSON, KING COUNTY AUDITOR

**MISSION** Promote improved performance, accountability, and transparency in King County government through objective and independent audits and studies.

**VALUES** INDEPENDENCE • CREDIBILITY • IMPACT

**ABOUT US** The King County Auditor's Office was created by charter in 1969 as an independent agency within the legislative branch of county government. The office conducts oversight of county government through independent audits, capital projects oversight, and other studies. The results of this work are presented to the Metropolitan King County Council and are communicated to the King County Executive and the public. The King County Auditor's Office performs its work in accordance with Government Auditing Standards.



This audit product conforms to the GAGAS for independence, objectivity, and quality.