

CITY OF KENT, WASHINGTON



● Safe Havens Visitation Center
Kent, WA

DEMONSTRATION SITE PROFILE

City of Kent, Washington

Grant Administrator:

City of Kent, Division of Housing and Human Services
220 Fourth Avenue South
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Project Director:

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Visitation Center:

Safe Havens Visitation Center
407 West Gowe Street
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www.ci.kent.wa.us/HumanServices/SafeHavens

In January 2001, the visitation center was closed to security concerns in Kent, WA. The City of Kent is using their Safe Havens grant funds to open a visitation center to serve families of Kent and South King County. The population of Kent is 79,524 and has a 32% minority population. Their visitation center will concentrate on serving multicultural populations and cultural accessibility and will:

- Increase access to supervised visitation and exchange services for low and moderate-income family violence survivors.
- Identify and implement promising practices for supervised visitation and exchange services that are responsive to the needs of women and children victims of family violence.
- Increase access to culturally sensitive visitation and exchange services.
- Identify and implement security procedures to create a state of the art visitation and exchange center that is safe for family violence survivors.
- Increase communication between the court and the supervised visitation and exchange program to ensure compliance with court orders and survivor safety.
- Increase referral to agencies that provide essential social services.

The City of Kent's project goals are to:

- Hire project staff and a local evaluator.
- Hire a local evaluator.
- Convene an Advisory Committee.
- Provide training to the Advisory Committee and project partners.
- Translate program documents.
- Provide interpreters to non-English/limited English proficient clients.
- Ensure that services are culturally sensitive and accessible to the region's multicultural community.
- Pay for initial program operating costs.
- Purchase building security devices.

COLLABORATING PARTNERS

Court Partner:

King County Superior Court

- Unified Family Court
- Family Court Services assessments
- Training of judges and staff
- Work with the City of Kent to develop protocols for referrals and create methods for more timely contact with Court when parties fail to comply
- Support the City's efforts in prioritizing the safety of children and their families.

Domestic Violence Agency:

King County Coalition Against Domestic Violence (KCCADV)

- Strong and respected presence throughout King County
- 20 community-based domestic violence agencies
- Facilitates networking and outreach
- Policy work
- Information clearinghouse
- Assist with planning and implementation
- Develop and review best practices
- Serve on the Advisory Committee
- Refer monitors to member agencies for consultation
- Refer callers to program

Domestic Violence Agency:

Chaya

- Serves South Asian community
- Specialized domestic violence services
- Assist with planning and implementation with emphasis on tailoring services to meet the needs of South Asian DV survivors
- Develop and review best practices
- Provide consultation
- Refer survivors to the program

Domestic Violence Agency:

Washington State Coalition Against Domestic Violence (WSCADV)

- Expertise in policy, legislation, funding advocacy, training, and refugee and immigrant issues
- Assist with planning and implementation
- Develop and review best practices
- Serve on the Advisory Committee
- Refer callers to the program

Domestic Violence and Child Advocacy Program:

YWCA – South King County:

- Provides advocacy services in South King County
- Children's domestic violence program (only one in County)
- Staff sits on domestic violence task forces of several local cities
- Provides transitional housing for survivors
- Assist with planning and implementation
- Develop and review best practices
- Provide consultation, serve on the Advisory Committee
- Refer survivors to the program

Sexual Assault and Domestic Violence Agency:

Communities Against Rape and Abuse (CARA)

- Specialized services to people of color
- Specialized services for disabled
- Provide consulting and training to program with emphasis on tailoring services to meet the needs of Black communities, people with disabilities, and youth

LEGAL CONSIDERATIONS¹

STATUTES

The following statutes are found in the Washington Revised Code:

§ 26.09.191 Restrictions in Temporary or Permanent Parenting Plans

Section (2)(a)(iii) limits a parent’s residential time with a child if it is found that the parent has a history of acts of domestic violence. Similarly, section 2(b) limits a parent’s residential time with a child if it is found that the parent resides with a person who has a history of acts of domestic violence.

Section 2(m)(i) provides that the limitations imposed under the sections listed above “be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time.” However, section 2(m)(iii) explicitly mentions “supervised contact” as a means of limiting a parent’s residential time under the above listed sections. In addition, the section provides that the court shall revoke its approval of the supervisor where the supervisor failed to protect the child or is no longer willing to or capable of protecting the child.

Section 3(g) is the catch-all provision allowing the court to consider “such other factors or conduct as the court expressly finds adverse to the best interests of the child” in precluding or limiting any provisions of the parenting plan.

§ 26.10.160 Visitation Rights; Limitations

Section (1) provides that a parent not granted custody of the child is entitled to reasonable visitation rights except:

- Section 2(a) sets forth that visitation is limited where the parent seeking visitation has engaged in a history of acts of domestic violence.
- Similarly, pursuant to section 2(b) visitation is limited where the parent seeking visitation resides with a person who has engaged in a history of acts of domestic violence.
- Section 2(m)(i) provides that the limitations imposed under the sections listed above “be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time.”
 - However, section 2(m)(iii) explicitly mentions “supervised contact” as a means of limiting a parent’s residential time under the above listed sections. In addition, the section provides that the court shall revoke its approval of the supervisor where the supervisor failed to protect the child or is no longer willing to or capable of protecting the child.

¹ This information is provided as an overview of how the legal systems vary at each of the demonstration sites. It is highly recommended that the reader review the actual statutes, case laws, and court rules, before relying on this information. Additionally, this list may not be all-inclusive, may contain dated information, and is intended for educational and research purposes only.

§ 26.10.040 Provisions for Child Support, Custody, & Visitation; Continuing Restraining Orders; Domestic Violence or Anti-harassment Protection Orders

Section 1(d) provides that in entering an order under this chapter, the court shall consider, approve, or make provision for a domestic violence protection order or an anti-harassment protection order.

§ 26.10.170 Powers and Duties of Custodian; Supervision by Agency when Necessary

Statute provides that if both parents agree, or if the court finds in the absence of an order, the child may be physically, emotionally, or mentally harmed, the court may order an appropriate agency which regularly deals with children to continually supervise the case to assure that custodial or visitation terms of a decree are carried out.

§ 26.44.150 Temporary Restraining Order Restricting Visitation for Persons Accused of Sexually or Physically Abusing a Child

Statute provides that if a person who has unsupervised visitation rights with a minor child is accused of sexually or physically abusing the child, and the abuse is reported to a law enforcement officer, that officer may file an affidavit with the prosecuting attorney stating that the person is under investigation for sexual or physical abuse and that there is a risk of harm to the child if a temporary restraining order is not issued. If the prosecutor determines that there is risk of harm to the child, the prosecutor shall immediately file a motion for an order to show cause seeking to restrict visitation with the child and seek a temporary restraining order.

§ 26.50.060 Relief Available in Restraining Order; Duration

Statute provides for the relief available in a restraining order, including restraining the respondent from having any contact with the victim of domestic violence or the victim's children or restraining the respondent from the day care or school of a child. In addition, the court may order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected.

§ 26.50.070 Ex Parte Temporary Order for Protection

Statute allows the court, in an ex parte temporary order for protection, to grant relief that includes restraining the respondent from the day care or school of a child and restraining the respondent from having any contact with the victim of domestic violence or the victim's children.

CASE LAW

In re Marriage of Caven, 136 Wash.2d 800, 966 P.2d 1247 (1998)

Trial court granted mutual decision-making in a permanent parenting plan, despite the father's history of domestic violence. Mother appealed, and the Court of Appeals reversed and remanded, finding that mutual decision-making is prohibited whenever there is a history of domestic violence. Father argued that the phrase "a history of domestic violence" must be defined in a way that acknowledges a fear-based family dynamic, and that absent such fear, mutual decision-making should be granted. The court specifically rejected that argument. Finally, the court held that § 26.09.191 (2)(a)(iii) requires a finding by the court that there is a history of domestic violence, and that "[m]ere accusations, without proof, are not sufficient to invoke the restrictions under the statute. *Caven*, 136 Wash. 2d at 809. The decision of the Court of Appeals was affirmed.

State v. Ancira, 107 Wash.App. 650, 27 P.3d 1246 (Div. 1, 2001)

There was a long history of domestic violence between father and mother, who had two children. Father was required to stay away from mother based upon a domestic violence no-contact order. Father violated the order twice, and pled guilty to the felony violation charges. As part of the sentence, the court ordered no contact between husband and the children for a maximum of five years, noting that even witnessing domestic violence between the parents is harmful to the children. Father appealed the sentence. The appellate court held that “[p]arents have a fundamental liberty interest in the care, custody, and control of their children,” and that the state must show that the no-contact order was “reasonably necessary to protect them from the harm of witnessing domestic violence.” The court concluded that the State failed to make such a showing, holding that the order was “extreme and unreasonable.” However, the court further held that based on the record, “some limitations on [father’s] contact with his children, such as supervised visitation, might be appropriate, even as part of a sentence.”

OTHER ANALYSIS

Privilege

The following information is research that was pulled in response to examining a specific aspect of privilege. That is, does an advocate-victim privilege exist in the state and if so, does it extend to visitation centers.²

General:

The State of Washington does not have a domestic violence advocate or counselor-victim privilege. However, Wa. Rev. Code Ann. § 70.123.075 does provide that client records maintained by domestic violence programs shall not be subject to discovery in any judicial proceedings unless: (1) a written pretrial motion is made; (2) the motion is accompanied by an affidavit setting forth the specific reasons why discovery is requested of these records; (3) the court reviews the program’s records in camera to determine relevancy and the probative value while taking into account the further trauma that may be caused upon the victim by disclosure of the records; and (4) the court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court’s findings. This statute defines “domestic violence program” as a program that provides shelter, advocacy, or counseling services for domestic violence victims.

Wa. Rev. Code Ann. § 70.123.020 defines “shelter” as a place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children.

Wa. Rev. Code Ann. § 70.123.020 defines “community advocate” as a person employed by a local domestic violence program to provide ongoing assistance to victims of domestic violence in assessing safety needs, documenting the incidents and the extent of violence for possible use in the legal system, making appropriate social service referrals, and developing protocols and maintaining ongoing contacts necessary for local systems coordination.

Specific to Supervised Visitation Centers:

Washington does not have any statutes that are specific to supervised visitation centers and/or a privilege for supervised visitation centers.

² This question was of interest as some of the centers are located in other organizations, like domestic violence agencies, hospitals, mental health providers, etc., and whether that fact can affect the privilege.