



LAW AND LEGAL PROCESS.
PART 3: DOMESTIC
VIOLENCE AND DECISION
MAKING

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Definition of Domestic Violence

Behavioral definition

- Involves power and control dynamics

Legal definition

- Involves actual assault or infliction of fear of imminent physical harm (or stalking). RCW 26.50.010

Definition of domestic violence for parenting plans

- “A history of acts of domestic violence as defined in RCW 26.50.010.” RCW 26.09.191.
- Assault or infliction of fear of imminent physical harm or stalking. RCW 26.50.101.

Evidence of domestic violence

- Convictions
- Police reports
- Witnesses
- Interviews with
parents

**No joint decision
making in domestic
violence cases**

DECISION MAKING: RCW 26.09.187

- (b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:
 - (i) A limitation on the other parent's decision-making authority is mandated by RCW [26.09.191](#);
 - (ii) Both parents are opposed to mutual decision making;
 - (iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.
- (c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:
 - (i) The existence of a limitation under RCW [26.09.191](#);
 - (ii) The history of participation of each parent in decision making in each of the areas in RCW [26.09.184\(5\)\(a\)](#);
 - (iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW [26.09.184\(5\)\(a\)](#); and
 - (iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

Recommendations in domestic violence cases:

Supervised visitation and domestic violence treatment



THANK YOU!

PLEASE CONTACT ANN-MARIE CROY WITH
ANY QUESTIONS

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