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## FVAP Expands to Washington State

Starting in 2016, advocates and attorneys in the domestic violence field nationwide began reaching out to FVAP to see if our innovative model could be created in their state. After 2+ years of research and extensive outreach to stakeholders in five states, FVAP learned that many of the factors that made us successful in California are also present in Washington state.

- **Legal advocates in Washington reached out to us**, telling us about the need for more DV appeals in Washington and letting us know there is a need for FVAP's work.
- **Washington's domestic violence laws** provide a solid foundation to build on through case law.
- However, local advocates told us, and our research confirmed, **there are few appellate cases interpreting the statutes (so lots of room for us to add case law)**, and plenty of examples where trial courts don't apply the laws correctly to protect survivors.
- **There is a large network of legal and non-legal DV advocates to partner with**, who need more legal resources to assist their clients.
- **There is a robust private sector** to partner with FVAP in appeals.
- **Washington has a similar system of legal precedent**: published appellate decisions from any appellate court are binding statewide; and there is a mechanism to have unpublished cases published.

This cemented FVAP's decision to bring our strategic appellate model to Washington so we can help even more abuse survivors in a new state, working collaboratively with existing legal and non-legal domestic violence organizations. In Spring 2021, **FVAP Washington was launched**.

Keep your eyes on our e-newsletters for updates on this exciting expansion. Thank you for all you have done to make this possible.

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## Announcing our Washington Staff

FVAP is thrilled to welcome Evangeline Stratton to lead the Washington program.

FVAP welcomes new Washington Legal Fellow, Zyreena Choudhry



[Evangeline Stratton](#) is the Senior Managing Attorney for the new Washington State FVAP office. Prior to law school, Evangeline worked as a community-based domestic violence and sexual assault victim advocate for 5 years. After law school, Evangeline started her own law firm. In addition to managing the growth and development of a law office, Evangeline’s family law practice focused heavily on representing survivors of domestic violence “low-bono” in family law and protection order matters. Over the next 10 years, Evangeline continued her deep commitment to serving lower-income survivors of domestic violence while also building an impressive reputation among legal services providers, the courts, and the community in Washington as a passionate and fierce legal advocate for survivors.



[Zyreena Choudhry](#) is a Legal Fellow for FVAP’s new Washington expansion. Zyreena attended Seattle University School of Law where she was the Vice President of the Middle Eastern South Asian Law Student Association, Events Coordinator for the International Law Society, and Social Chair for the Alternative Dispute Resolution Board. In her final year, she was a student attorney at the Gender Violence Immigration Clinic, working with survivors of domestic violence to obtain VAWA protection. Here, she gained a background in trauma-informed lawyering and community lawyering. Zyreena will be helping to build the infrastructure of the new Washington office and work with the many potential clients who are already calling FVAP for help.



**Legal Victory in Washington Helps Survivors’ Kids Who Have Witnessed Abuse and Might Testify**

FVAP Washington is off to a quick start creating new legal precedent to help abuse survivors across the state. **Our request for publication of *Wagner v. Zottolo* was granted.** This case can help survivors whose children have witnessed abuse and might testify. It can also help if survivors are requesting restrictions in a parenting plan based on domestic violence.

The Court of Appeals ruled that child testimony should not be excluded based on a blanket ban against allowing child witnesses in family law proceedings without considering all the circumstances, including whether children have witnessed abuse. The decision also confirms that evidence about domestic violence is relevant, whether or not it is related to the specific children in the parenting plan trial. A parent’s history of domestic violence, child sexual abuse, and sexual assault that results in pregnancy must be considered. FVAP Washington [successfully obtained partial publication of this case](#) in partnership with 3 organizations.

**More Legal Work Underway for Survivors in Washington**



The Washington program has hit the ground running with its first two direct representation appeals and an amicus (friend-of-the-court) matter. Check back in future newsletters for updates.

**Direct Representation Appeals**

Division I Washington Court of Appeals: The trial court granted joint decision-making to the parties in a parenting plan despite the abuser’s history of domestic violence. We are co-counseling this appeal with [FVAP Board member Joanna McCallum](#) of [Manatt, Phelps & Phillips](#).

Division II Washington Court of Appeals: Evidence of the abuser’s past domestic violence and current Domestic Violence Protection Order against him was admitted by the trial court. However, the court failed to make a finding of “a history of domestic violence” in the parenting plan, and it granted joint decision-making. The legal standard

is that “a history of acts of domestic violence” requires sole decision-making to the parent who has not committed domestic violence. We are co-counseling this appeal with [DLA Piper](#).

Amicus Matter

The trial court entered a final parenting plan making the party with a history of documented domestic violence the primary residential parent, permitting him to relocate out of state with the children, and granting him sole decision-making. The mother has a history of mental health challenges and no history of domestic violence. FVAP’s amicus brief filed on November 1 focuses on the importance of trial courts applying domestic violence protections in parenting plans. We also discuss the intersection of domestic violence and survivors’ mental health, as well as potential implicit bias against mothers with mental illness, and Black, indigenous, and women of color in particular. [Foster Garvey](#) is co-counseling this matter with us.



PERKINScoie

– to Perkins Coie  
for *pro bono* legal  
support with the  
Washington  
expansion

- to the **law firms** named above  
who are co-counseling FVAP’s  
first appellate matters in  
Washington

**AND** to our numerous community partners for your support with the Washington expansion and welcoming FVAP to join you in your work for survivors and children in Washington. Special thanks to those who welcomed us by providing testimonials about FVAP joining your community – [check out page 11 of our Annual Report](#) to read them.

Our Contact Information

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