



## **CASE ALERT: WASHINGTON**

### **Mandatory Restrictions on Joint Decision-Making in Parenting Plans if a Parent has a History of Domestic Violence**

*[In re Parenting and Support of C.A.S., 25 Wn. App.2d 21, 522 P.3d 75 \(2022\)](#)*

**How Could This Case Help?** This case may help someone seeking restrictions on joint decision-making in a parenting plan based on the other parent’s history of domestic violence. This case also talks about how a parent’s history of domestic violence can include past acts and acts committed against former partners.

**Summary of the Case** Mother asked for sole decision-making based on Father’s history of domestic violence. Mother provided examples of Father’s coercive control and expressed her fear of him. During the family law trial, Father’s former partner stated that Father physically assaulted her in 2001 and made repeated threats against her life. Former partner had a protection order against Father that he violated. Five years later, Father was convicted of assault on a different partner. Although the trial court accepted evidence of Father’s history of domestic violence, the court did not impose restrictions on Father’s decision-making in the final parenting plan. The trial court said that it would not grant sole decision making to Mother because Father’s last conviction was over a decade old, and there was no evidence that Father continued to engage in a pattern of domestic violence since his last conviction. The court awarded joint decision-making. Mother appealed.

The Court of Appeals said that a parent’s “history of domestic violence” means any and all acts of a parent’s domestic violence, including older acts of domestic violence, and that once the court finds a parent’s history of domestic violence, there can’t be joint decision making. The appeals court was referring to language in the law that makes it mandatory for a trial court to impose restrictions on a parent’s decision making when that parent has a history of domestic violence.

#### **PRACTICE TIPS**

1. If the other parent or the trial court says that the domestic violence is **old history**, show them a copy of this case.
2. If you want **sole decision-making** in your parenting plan, show the court a copy of this case.
3. If the court finds that a parent has a **history of domestic violence**, it is **not allowed to order joint decision-making**.

For questions or clarifications, email or call Family Violence Appellate Project at [infoWA@fvaplaw.org](mailto:infoWA@fvaplaw.org) or (360) 680-1030. Thank you!