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The Washington legislative session just passed the six-week mark, with 62 days to go before the session ends on April 24. At this point, all bills must have been approved by their relevant policy committees to move forward this year. To continue advancing, bills must be passed out of their house of origin no later than March 7.

The good news: Our three top priority bills for the session have all advanced out of committee! These include:

- Legislation to **prevent deceptive and dangerous practices by limited service pregnancy centers.** ([HB 1366](#)).
- A bill to update Washington's Uniform Parentage Act to **ensure the rights of parents who are registered domestic partners** and **permit compensated surrogacy agreements, subject to stringent protections** for women acting as surrogates. ([HB 1267](#)).
- A proposal to **help domestic violence survivors keep long-term protection orders** against their abusers. ([HB 1565](#)).

The bad news: The state budget shortfall is leading to more cuts to essential government services for women and their families.

Last Friday, Governor Gregoire signed a supplemental budget bill ([HB 1086](#)) to address the budget gap for the remainder of the 2009-2011 biennium, which ends on June 30. The bill includes cuts of about \$242 million. Those cuts include reductions in cash grants under the Disability Lifeline program; a 35% reduction in pregnancy support services for at-risk mothers; and limiting eligibility for the Basic Health Plan for working families, which will cause about 15,000 individuals to lose coverage.

Unfortunately, there are many more difficult budget choices on the horizon. The Legislature faces a projected shortfall of nearly \$5 billion for the upcoming 2011-13 biennium, and there are no easy answers. But you can make your voice heard for a humane and balanced approach to the state budget by joining us and our allies in the **Rebuilding Our Economic Future** coalition for a rally in Olympia on the Capitol steps on March 17.

**Please read on** for more information about our priority bills and some of the other legislation that Legal Voice is following.

Sincerely,

David Ward  
Legal and Legislative Counsel

PS: You received this email because you told us you were interested in hearing about Legal Voice's legislative work. You can change your email preferences [here](#).

### IN THIS EDITION:

#### EMPLOYMENT AND ECONOMIC RIGHTS

##### **SB 5263/HB 1828 Regarding enforcement of family leave violations**

Sponsor: Senator Keiser/Representative Dickerson

Status: SB 5263 approved by Senate Labor, Commerce & Consumer Protection Committee on Feb. 4;

HB 1828 approved by House Committee on Labor & Workforce Development on Feb. 16.

Legal Voice position: Support

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Washington's Family Care Act allows workers with available paid sick leave or other paid time off to use their leave to care for family members. This bill **clarifies that an employee has a right to file a private action regarding a violation of the Family Care Act.** It also clarifies the ability of the Department of Labor and Industries to issue citations and charge penalties for violations of the law.

**SB 5276/HB 1189 Eliminating the family leave insurance program**

Sponsors: Senator Holmquist/Representative Condotta

Status: Referred to Senate Committee on Labor, Commerce & Consumer Protection and House Committee on Labor & Workforce Development. **Did not advance out of committee in either house.**

Legal Voice position: Oppose

These bills would have eliminated Washington's family leave insurance program, which has not yet been implemented due to budget constraints. We strongly opposed this legislation. Family leave insurance provides needed economic security for workers with new children. It allows parents to be with their new children, helping to improve children's health and providing a strong foundation for early learning.

**HB 1164 Providing leave from employment for participating in a child's educational activities**

Sponsor: Representative Liias

Status: Approved by House Committee on Labor & Workforce Development on Feb. 2.

Legal Voice position: Support

This bill would amend Washington's Family Leave Act to **provide workers with four hours of unpaid employment leave every twelve months to participate in their children's educational activities.** Leave would be available to all employees, regardless of an employer's size. This bill is a step toward modernizing workplace policies to allow workers with family responsibilities to care for their families' needs without sacrificing needed economic stability.

**SB 5552/HB1591 Expanding protections against workplace harassment in antiharassment protection orders**

Sponsors: Senator Kohl-Welles/Representative Warnick

Status: Hearing held in House Judiciary Committee on Feb. 7 and in Senate Labor, Commerce & Consumer Protection Committee on Feb. 8. **Did not advance out of committee in either house.**

Legal Voice position: Support with concerns

This bill would have enabled employers to **petition for anti-harassment orders to restrain a person from engaging in unlawful harassment affecting the workplace.** In cases where unlawful harassment targets a victim of domestic violence, sexual assault, or stalking, the bill requires the employer to obtain the targeted employee's consent before seeking an anti-harassment order. It also prohibited discrimination or retaliation against an employee for being a target of unlawful harassment or for not consenting to a petition. We support the concept of allowing employers to file anti-harassment petitions to protect their employees. However, we were concerned about the broad civil immunity provisions in the bill. We also believe the bill should provide clear and explicit remedies if an employer violates the anti-discrimination and employee consent requirements of the legislation.

**HB 1741 Regarding temporary assistance for needy families benefits**

Sponsor: Representative Kagi

Status: Approved by House Committee on Early Learning & Education on Feb. 17. Referred to House Committee on Ways & Means.

**HEALTH/REPRODUCTIVE FREEDOM**

**HB 1366/SB 5274 Concerning limited service pregnancy centers**

Sponsors: Representative Clibborn/Senator Ranker

Status: HB 1366 approved by House Health Care & Wellness Committee on Feb. 10.

Legal Voice position: Support

For many years, Legal Voice has received complaints about limited service pregnancy centers, which are usually run by organizations opposed to abortion and most forms of birth control. These centers often mislead women into believing that they provide comprehensive medical services – yet many of these centers provide no medical services of any kind, other than pregnancy tests and ultrasounds without medical diagnosis. Women have also complained that these centers provide false or misleading information about abortion, pregnancy, contraception, or sexually transmitted infections; withhold requested medical records; and deny needed referrals for reproductive health care. This bill would address these problems **by requiring limited pregnancy centers to disclose that they do not provide service or referrals for abortion or comprehensive birth control and that they do not provide medical care for pregnant women.** It would also require these centers to protect the privacy of health care information collected from people seeking services; to provide clients with written results of pregnancy tests immediately; and to provide this information in a language other than English when necessary.

**HB 1101/SB 5262 Providing patients with information on options for breast reconstruction**

Sponsors: Representative Moeller/Senator Keiser

Status: HB 1101 approved by House Health Care & Wellness Committee on Feb. 17.

Legal Voice position: Support

As approved by the House Health Care & Wellness Committee, this bill would require physicians to inform patients undergoing a mastectomy, lymph node dissection, or lumpectomy about options for post-procedure reconstructive surgery. This information would have to be provided in writing and in

advance of, or simultaneously with, obtaining consent to the procedure.

**HB 1284 Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor**

Sponsor: Representative Orcutt

Status: Approved by House Committee on Education on Feb. 17. Referred to House Education Oversight and Appropriations Committee.

Legal Voice position: Concerns

This bill would require public schools that offer sexual health education to include information about the legal elements of sexual offenses against minors and the consequences upon conviction for such crimes, and other information regarding sex offenses and sex offenders. Although some improvements to the bill were made in committee, we are concerned about this proposal because it is potentially harmful to young people, and is an inappropriate subject for courses designed to help young people learn to protect their sexual and reproductive health. First, being told in school that their sexual activity may be criminal, or that a partner may be held criminally liable (even when that may not be true) will make young people fearful of seeking adult help. Second, the laws defining sex offenses based on the age of partners are complicated and not easily explained, and this bill puts teachers in the position of making legal pronouncements that may be incorrect. Third, while sexual violence should absolutely be included in sexual health curricula, it should be included in a way that focuses on helping young people respect each other and protect themselves.

*VIOLENCE AGAINST WOMEN*

**HB 1001/SB 5014 Placing restrictions on pro se defendants when questioning witnesses**

Sponsors: Representative Goodman/Senator White

Status: Referred to House Judiciary Committee and Senate Judiciary Committee. House Committee approved a substitute version of HB 1001 on Jan. 24.

Legal Voice position: Support

A sexual assault victim may face cross-examination at trial by a defendant who is representing himself without a lawyer, resulting in trauma to the victim. HB 1001 requests that the state Supreme Court **develop court rules to reduce that risk of trauma** in those situations. SB 5014 acknowledges the potential conflicts between a defendant's right to self-representation and a crime victim's right to dignity and respect in those cases, and commends consideration of the issue to the state Supreme Court.

**HB 1180 Expanding the protections for victims of stalking and harassment in antiharassment protection orders**

Sponsor: Representative Goodman

Status: Approved by House Judiciary Committee on Feb. 10. Referred to General Government Appropriations & Oversight Committee.

Legal Voice position: Support with concerns

This bill would require courts to designate an anti-harassment protection order as based on stalking if unlawful harassment by a respondent constitutes stalking. It would also require mandatory arrests for violations of anti-harassment orders based on stalking and allow courts to require respondents to anti-harassment orders to submit to electronic monitoring. We support efforts to **create more effective protection orders to help victims of stalking**. However, we have concerns about the enforceability of the electronic monitoring provisions of the bill, as well as potential confusion to victims about which type of protection order they should seek. We are also concerned about the definition of the term "stalking" in the version of the bill that passed out of committee, which is not as protective as the definition of the term in other Washington statutes.

**HB 1565 Concerning the modification and termination of domestic violence protection orders**

Sponsor: Representative Frockt

Status: Approved by House Judiciary Committee on Feb. 17.

Legal Voice position: Support

This bill would establish guidelines and procedures for courts to determine whether to modify or terminate a long-term domestic violence protection order. The bill responds to a recent state Supreme Court decision (*In re Marriage of Freeman*) that effectively requires a domestic violence victim to re-prove that she has a current "reasonable fear" of the abuser to prevent a long-term protection order from being terminated. **This bill would put the burden back where it belongs. It would provide that if an abuser seeks to terminate a long-term protection order, he must prove there has been a substantial change in circumstances that makes it unlikely he will resume domestic violence.** The bill also specifies that a victim has no burden of re-proving her fear.

**SB 5019 Concerning the privacy of nonconviction records**

Sponsor: Senator Regala

Status: Approved by Senate Human Services & Corrections Committee on Feb. 18. Referred to Senate Ways & Means Committee.

Legal Voice position: Support

We support provisions in this bill that would restrict courts and other criminal justice agencies from making available publicly on the internet any information regarding the registration, filing, or issuance of an order for protection, if such publication would be likely to reveal the identity or location of the party protected by the order. This provision is consistent with requirements of the federal Violence Against Women Act and would **help protect the confidentiality and safety of victims of domestic violence, sexual assault, and stalking who seek protection orders.**

**SB 5317 Concerning shared parenting and its impact on youth school dropout and crime prevention**

Sponsor: Senator Kastama

Status: Referred to Senate Human Services & Corrections Committee. **Did not advance out of committee.**

Legal Voice position: Oppose

This bill would have significantly altered the factors a court may consider when determining the residential schedule (custody) of children at the time of divorce. It would have created a presumption of "shared parenting," defined as the child spending at least 1/3 of the time with each parent. To overcome this presumption, the opposing parent would bear the burden of proving that there are limiting factors such as domestic violence or that shared parenting would be detrimental to the child. It would also have added a new factor for the court to consider when making a "custody" determination: which parent would be most likely to encourage frequent and continuing contact with the other parent, a.k.a. "friendly parent factor." Legal Voice has long advocated for individualized parenting plans tailored to the specific needs of each child and his or her parents. Consequently, **we do not support a statutory change that would institute shared parenting, as we believe this imposes a one-size-fits-all approach.** We are also gravely concerned with the proposal that would add a "friendly parent factor" for the court's consideration. We believe this will discourage parents from voicing concerns about the other parent for fear of being labeled "unfriendly" by the court. The implications for women and their children, domestic violence victims in particular, are dire.

**HB 1021 Relating to persons appointed by the court to provide information in family law and adoption cases.**

Sponsor: Representative Goodman

Status: Approved by House Judiciary Committee on Jan. 13.

Legal Voice position: Monitor

This bill defines the term "investigator" for the purposes of family law cases and requires investigators who are not supervised by a guardian ad litem (GAL) or court-appointed special advocate to comply with training requirements. It also permits courts in adoption proceedings to order parties, rather than the county, to pay GAL fees. In adoption proceedings involving a dependent child, the bill allows a court to rely on reports from the GAL or attorney representing the child's natural parent regarding the voluntariness of any written consent to adoption or petition for relinquishment signed by the parent.

**HB 1267 Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage**

Sponsor: Representative Pedersen

Status: Approved by House Judiciary Committee on Jan. 27 and by the House General Government Appropriations Committee on Feb. 16.

Legal Voice position: Support

This bill would clarify and update Washington's Uniform Parentage Act to **ensure fair and equal treatment of parents who are in registered domestic partnerships.** It would also revise Washington's surrogacy laws to permit financial compensation to women who act as surrogates and to **establish strict requirements for surrogacy contracts.** Legal Voice has worked with the bill's sponsor to ensure that the surrogacy provisions prevent the risk of harm to economically-disadvantaged women, ensure women's health, and protect the rights of women serving as surrogates to make their own decisions regarding their health and welfare.

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