WASPLC – SPC: STATE

Tanya Goodman
September 14, 2025

Type of Paper: Policy

Beneath the Robe: How Immunity, Discretion, and Privatization Undermine Child Safety

Executive Summary

In 2025, the Washington State Legislature refused to enact meaningful child safety reforms,and instead passed HB 1620, choosing to circumvent traumatized victims and favor institutional shielding. HB 1620 expanded judicial discretion while limiting liability; making justice harder for families and easier for the state to escape consequence.[1]

Family courts are uniquely structured as 'special set' courts with:

1) fee-for-service models,
2) absolute judicial immunity, and
3) no meaningful oversight or zero accountability.

Majority of the judges and commissioners are appointed by the Governor, not elected by the community. This paper exposes how bad laws benefit specific institutions and actors, while leaving children and protective parents with no protection, no recourse, and no voice. Victims as collateral are protective parents, mostly mothers, and their children suffer as courts redefine abuse, disregard coercive control, and force families into prolonged post-separation abuse and trauma.[2] Due process is selectively applied, if at all. Abusers weaponize procedural tools, and victims are court-ordered to endure their abusers' continued abuse while beneficiaries of institutional control remain the gatekeepers to freedom and protection.[3]

Problem

HB 1620 was pitched as a reform to protect children and victims of abuse in family court proceedings. In reality, it created new protections for abusers. Narrowing what courts could consider as evidence, and emphasizing criminal convictions as the threshold, the bill prevents judges from fully considering patterns of coercive control, non-physical abuse, intimate partner violence, and post separation abuse.[4] It also emboldens judicial discretion without accountability. This structure increases the risk of fatal outcomes while making liability nearly impossible to establish.[5]

Who Benefits From This?

A. The Judiciary

1. Judicial Immunity: Judges are shielded from liability, even when rulings result in child harm.
2. Reduced Workload: High thresholds for abuse reduce hearings, easing docket pressure.
3. Political Insulation: Failures are blamed on legislation, not individual decisions, despite having the discretion to not fail.

B. State Agencies

1. Child Welfare: CPS often exits when a family court case is active, using 'unfounded'[1] labels and limited investigations.
2. DSHS & Nonprofits: These organizations receive state funds to train staff for court programs, profiting from the system without meaningful oversight. There is no support for family court parents in litigation.

C. Court-Appointed Professionals

1. Custody Evaluators, GALs, Parenting Coordinators: Their power grows with increased discretion, despite offering no insurance coverage and enjoying quasi-immunity.
2. In 2025, federal cuts eliminated public GAL funding in WA, making it 100% fee-for-service, along with all the other court appointment professionals[6].

D. State Liability Shield

1. Tort Protection: Sovereign immunity shields the state from litigation, even for negligent decisions.

---

[1] "Unfounded" is a term used in CPS reports as a way of saying "doesn't meet thresholds for abuse" as defined by their standards. "Founded" is used, and followed by "Founded of child sexual assault (or abuse of child, neglect of child, etc)"

Solution

State-Level Recommendations

1. Repeal or amend HB 1620 to prioritize safety.
2. Mandate training on coercive control, trauma informed, DARVO, and post-separation abuse.
3. Regulate court-appointed roles with oversight, transparency, and all state-pay required.
4. Expand civil recourse by limiting state sovereign immunity.
5. Audit family court rulings tied to HB 1620-style logic, retroactive to 2020.
6. End immunity for court-appointed professionals, judges, and lawyers when harm or death occurs to a parent or child with documented concerns that were otherwise negated.

Conclusion

Washington State's legislative strategy has made it clear that liability protection for government institutions is the priority, not safety for children and protective parents. By enacting HB 1620, the legislature enabled abusive actors and shielded judicial systems from scrutiny under the guise of non-existent due process. This framework has rendered justice out of reach for countless victims and handed unchecked power to court-appointed professionals. The structure that rewards institutional loyalty, and abusers over child safety, often one in the same, needs to be dismantled. Washington state should never endure another Powell Boys, Decker Girls, or little Ariel Garcia tragedy.[7][8][9] The cost of inaction is fatal and fully preventable[10].

Citations:

[1] WA HB1620 (2025)
https://lawfilesext.leg.wa.gov/biennium/2025-26/Pdf/Bills/House%20Passed%20Legislature/1620-S.PL.pdf#page=1

[2] Hardesty, J. L., Haselschwerdt, M. L., & Johnson, M. P. (2012). Modeling post-separation abuse. Journal of Family Violence, 27(3), 281–293.

[3] Stark, E. (2007).Coercive Control: The Entrapment of Women in Personal Life. Stark's foundational book explains coercive control as a pattern that often extends after separation through court systems. ISBN: 9780195384048

[4] Hardesty, J. L., Haselschwerdt, M. L., & Johnson, M. P. (2012). Modeling post-separation abuse. Journal of Family Violence, 27(3), 281–293.

[5] Center for Judicial Excellence. National Database of Child Homicides. https://centerforjudicialexcellence.org/

[6] National CASA. *Federal Funding Terminated (2025)*. https://nationalcasagal.org/national-casa-gal-federal-funding-terminated/

[7] In re Dependency of Braden and Charles Powell, Wash. Ct. App., 2022.

[8] Decker Family Case, Kittitas County, WA, 2025.

[9] *Arial Garcia homicide case reporting* https://mynorthwest.com/local/court-docs-reveal-everett-boy-stabbed-repeatedly-mother-appears-in-court/3956321

[10] Center for Judicial Excellence. National Database of Child Homicides. https://centerforjudicialexcellence.org/