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Washington State Family Courts: Special Set Courts That Fail to Protect Children

Executive Summary

Washington State family courts are designated as a 'special set' of courts intended to resolve sensitive family matters;however, the very structure and function of these courts have enabled systemic harm. Family courts now operate as hybrid forums—combining therapeutic pretense with quasi-legal authority—where due process is gutted, judicial discretion is unchecked, and justice is reserved for those who can afford it. High-profile tragedies like the Decker girls, the Powell boys, and Ariel Garcia expose how Washington's courts routinely fail the children they were created to protect. This paper outlines how structural and institutional failures—ranging from professional bias to unaccountable judicial immunity to lack of training—leave families vulnerable and children in danger.

Problem

Washington’s family courts operate under a 'special set' designation, bypassing traditional legal norms in favor of expedited, high-discretion proceedings. These courts purport to prioritize children’s best interests, yet have produced catastrophic results. The Decker girls were murdered by their father despite multiple red flags; the Powell boys were blown up during a supervised visit approved by the court; and Ariel Garcia was killed within weeks of the court’s failure to act on safety warnings[1][8][9][10]. In these cases, judges ignored evidence, relied on bias, and flawed evaluations, and allowed professional discretion to override basic protections.

Professionals—GALs, evaluators, attorneys—are often poorly trained, institutionally biased, or aligned with agencies whose loyalty is not to the child[3][4]. One of the most harmful trends enabling this bias is the continued reliance on “parental alienation” (PA) claims despite their lack of scientific validity. In Washington, PA has been rebranded as ‘Abusive use of Conflict’ in the efforts to continue using PA. Courts often accept these claims more readily than documented evidence of abuse, particularly when made against mothers. A national study of over 4,000 custody cases revealed that mothers alleging abuse were more likely to lose custody or decision making when accused of alienation, even in the face of credible safety concerns. These findings confirm how pseudo-psychological strategies like alienation are weaponized to silence protective parents and endanger children[2].

Meanwhile, the cost of participation in this system forces many survivors into silence or concession. The courts operate as a pay-to-play model, privileging well-funded parties while silencing those without resources. Confidentiality hides these failures from public scrutiny, and judicial immunity forecloses accountability.

Solution

Washington must restructure family courts to restore due process and protect children. All professionals involved in decision-making should be required to complete specialized training in domestic violence, coercive control, and trauma-informed practices[7]. The state must enforce minimum standards for GALs, parenting evaluators, and judicial discretion, reducing reliance on private, unregulated reports. Cost barriers must be addressed to end the pay-to-play nature of justice. Statutory guidelines should supersede vague 'best interest' interpretations, and oversight bodies must be empowered to audit and intervene in high-risk or high-conflict cases before tragedy strikes. Where children’s rights to safety and peace are endangered, the state must act in loco parentis with transparency and duty, not behind closed doors.

Expected outcomes include reduced litigation, equitable access to justice, protection of abuse victims and children, and restoration of public trust in the judiciary. A properly constrained family court will better balance the rights of all parties and uphold the fundamental moral obligation to safeguard children’s right to grow up in peace, instead of

lethal endings such as Decker girls, Powell boys, and little Ariel Garcia.

Conclusion

Family courts were intended to protect children and support families in crisis. However, the 'special set' structure has enabled a culture of secrecy, inconsistency, and monetization of conflict. Children like the Decker girls, who lost their lives under the family court's watch, are stark reminders of the system's failure. Reform must reestablish that children are not mere subjects of litigation, but rights-bearing individuals entitled to peace, safety, and dignity[6]. Washington must confront these failures and redesign family court to honor its most sacred duty: protecting children.

References/Citations

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