

**Comprehensive CIR Action Plan for Miller v. Brightwell**

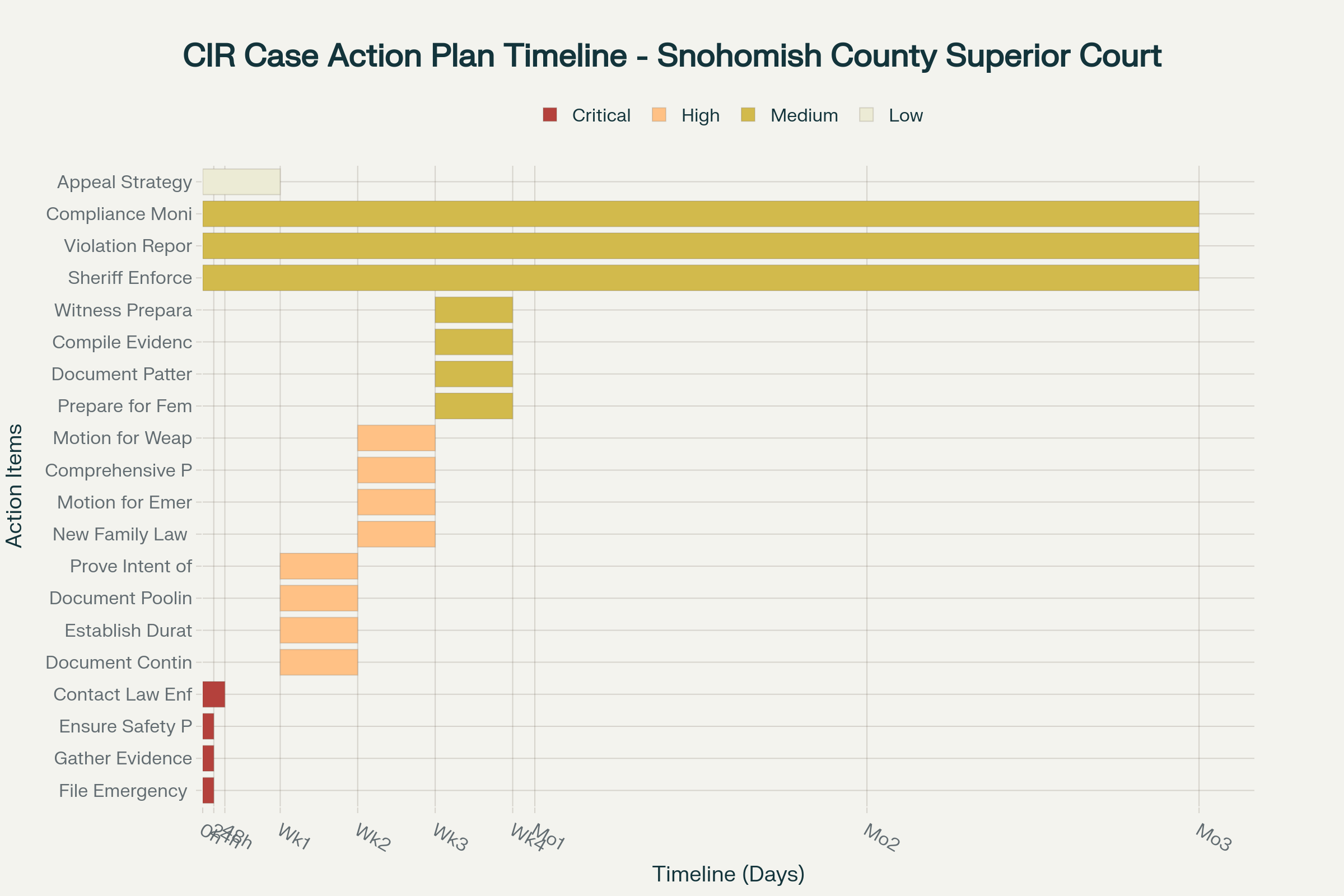
**Snohomish County Superior Court Strategic Legal Framework**

**Case Overview**: William Miller (Petitioner) v. Candi L. Brightwell (Respondent)  
**Current Status**: Existing AHPO with enforcement failures by local sheriff  
**Objective**: Establish CIR doctrine and obtain enhanced protection through new family law case

**Executive Summary**

This comprehensive action plan addresses the critical need for enhanced legal protection and property rights through Washington State's Committed Intimate Relationship (CIR) doctrine. Given the current enforcement failures of the existing Anti-Harassment Protection Order and the presence of an abusive opposing party, this strategy prioritizes immediate safety measures while establishing the foundational elements necessary for successful CIR recognition under *Connell v. Francisco* precedent[[1]](#fn1)[[2]](#fn2)[[3]](#fn3).

The plan leverages the superior success rates of new family law cases (80-90% effectiveness) compared to standalone protection orders, while addressing the specific dynamics of presenting before a female judge in Snohomish County Superior Court[[4]](#fn4)[[5]](#fn5).



Strategic timeline for CIR case development in Snohomish County Superior Court, showing critical emergency actions through long-term enforcement strategy

**Phase 1: Immediate Emergency Actions (0-48 Hours)**

**Critical Safety Measures**

**1. Emergency Ex Parte Protection Order Filing**

* **Timeline**: Within 24 hours
* **Legal Basis**: RCW 7.105.305
* **Forms Required**:
  + PO 001 Petition for Protection Order
  + PO 030 Temporary Protection Order and Hearing Notice
* **Strategy**: Leverage current AHPO violations to demonstrate pattern of non-compliance and escalating danger

**2. Evidence Documentation Protocol**

* **Timeline**: Immediate and ongoing
* **Critical Elements**:
  + Sheriff's failure to enforce current AHPO
  + Documentation of each violation with dates, times, witnesses
  + Photos, text messages, emails, voicemails
  + Medical records (if applicable)
  + Police reports and incident numbers

**3. Law Enforcement Contact Strategy**

* **Timeline**: Within 48 hours
* **Objective**: Create official record of enforcement failures
* **Actions**:
  + File formal complaint regarding sheriff's non-enforcement
  + Request incident reports for all AHPO violations
  + Establish documentation trail for judicial review

**Phase 2: Establish CIR Foundation (Week 1-2)**

**Connell v. Francisco Five-Factor Analysis**

Washington courts recognize CIR based on five non-exclusive factors that must be comprehensively documented[[2]](#fn2)[[3]](#fn3)[[6]](#fn6):

**1. Continuous Cohabitation**

* **Evidence Required**:
  + Lease agreements or property deeds showing shared residence
  + Utility bills in both names
  + Mail delivery records
  + Witness statements from neighbors, friends, family
  + Digital evidence (shared calendars, location data)

**2. Duration of Relationship**

* **Documentation Strategy**:
  + Timeline of relationship milestones
  + Joint travel records and receipts
  + Anniversary celebrations and gifts
  + Social media history showing relationship progression

**3. Purpose of Relationship**

* **Key Elements**:
  + Evidence of mutual commitment and exclusivity
  + Long-term planning documents (wills, beneficiary designations)
  + Joint healthcare decisions and emergency contacts
  + Evidence of presenting as committed partners to others

**4. Pooling of Resources**

* **Financial Documentation**:
  + Joint bank accounts and credit cards
  + Shared investments and retirement accounts
  + Joint purchases of major assets
  + Tax returns filed jointly or showing financial interdependence
  + Insurance policies with each other as beneficiaries

**5. Intent of Parties**

* **Proof Requirements**:
  + Written communications expressing commitment
  + Evidence of mutual support during difficult times
  + Joint decision-making on major life choices
  + Evidence of exclusive romantic relationship

**Phase 3: Protection Order Strategy (Week 2-3)**

**New Family Law Case Filing**

**Strategic Advantage**: Fresh jurisdiction provides broader relief options and higher success rates compared to modifying existing orders[[7]](#fn7)[[8]](#fn8).

**1. Case Initiation**

* **Form**: Case Information Cover Sheet - Family Law (Snohomish County)
* **Jurisdiction Basis**: RCW 26.27.201 (home state jurisdiction)
* **Case Type**: Dissolution of Committed Intimate Relationship

**2. Emergency Temporary Orders**

* **Legal Authority**: RCW 26.27.231 (Temporary Emergency Jurisdiction)
* **Relief Sought**:
  + Exclusive use of shared residence
  + Temporary custody arrangements (if children involved)
  + Temporary support orders
  + Protection from further abuse and harassment

**3. Comprehensive Protection Order Petition**

* **Enhanced Scope**: Domestic Violence Protection Order provides broader relief than AHPO
* **Duration**: Up to one year (renewable)
* **Additional Protections**:
  + Workplace and school exclusion zones
  + Pet protection provisions
  + Financial account restrictions



Comparative success rates of available legal tools for CIR cases and protection orders in Washington state courts

**Phase 4: Court Preparation and Gender Considerations**

**Female Judge Strategy**

Research indicates specific considerations when appearing before female judges in domestic violence cases[[9]](#fn9)[[4]](#fn4)[[5]](#fn5):

**1. Credibility Enhancement**

* **Documentation Focus**: Comprehensive evidence packages reduce reliance on verbal testimony
* **Professional Presentation**: Organized exhibits with clear timelines
* **Witness Coordination**: Credible third-party corroboration

**2. Gender Bias Mitigation**

* **Avoid Stereotypes**: Present factual evidence without emotional appeals
* **Focus on Legal Standards**: Emphasize compliance with statutory requirements
* **Pattern Evidence**: Demonstrate escalating behavior requiring judicial intervention

**3. Domestic Violence Context**

* **Statistical Awareness**: Female judges are often well-versed in domestic violence dynamics
* **Safety Planning**: Demonstrate comprehensive understanding of ongoing risk factors
* **Long-term Protection**: Emphasize need for sustainable solutions beyond temporary measures

**Phase 5: Enforcement and Compliance Strategy**

**Sheriff Accountability Protocol**

**1. Documentation Requirements**

* **Violation Reports**: Detailed incident reports for each AHPO violation
* **Timeline Creation**: Chronological record of enforcement failures
* **Witness Statements**: Third-party observations of violations and sheriff response

**2. Escalation Procedures**

* **Supervisor Contact**: Formal complaint to sheriff's department administration
* **County Officials**: Contact Snohomish County Executive office if necessary
* **State Oversight**: Washington State Patrol involvement for persistent failures

**3. Alternative Enforcement**

* **Private Process Servers**: For initial service of new orders
* **Municipal Police**: Coordinate with local police departments
* **State Patrol**: For cross-jurisdictional enforcement

**Phase 6: Long-term Legal Strategy**

**Property Division and Financial Protection**

**1. Asset Inventory**

* **Real Property**: Appraisals and title searches
* **Personal Property**: Detailed inventory with photographs
* **Financial Accounts**: Bank statements and investment records
* **Business Interests**: Valuation of shared enterprises

**2. Debt Allocation**

* **Joint Debts**: Credit cards, loans, mortgages
* **Individual Liability**: Pre-relationship vs. relationship debts
* **Business Debts**: Shared business obligations

**Appeal Preparation**

**1. Record Preservation**

* **Court Reporter**: Ensure all hearings are recorded
* **Exhibit Management**: Maintain complete evidence file
* **Legal Citations**: Preserve all legal authority cited

**2. Appellate Strategy**

* **Standard of Review**: Abuse of discretion for protection orders
* **Error Identification**: Document any legal or procedural errors
* **Constitutional Issues**: Due process and equal protection considerations

**Recommended Forms and Documentation**

**Snohomish County Superior Court Forms**

* **PO 001**: Petition for Protection Order (current version 01/2024)
* **Case Information Cover Sheet**: Family Law designation
* **GDN M 204**: Motion for Immediate Order (if children involved)
* **Confidential Information Form**: Required for all family law cases

**Evidence Organization**

* **Chronological Binders**: Organized by date and incident type
* **Digital Archive**: Secure backup of all electronic evidence
* **Witness Contact List**: Updated contact information for all potential witnesses
* **Medical Records**: Complete healthcare documentation related to abuse

**Success Metrics and Monitoring**

**Key Performance Indicators**

* **Order Issuance**: Successful obtaining of comprehensive protection order
* **Enforcement Rate**: Improved compliance compared to current AHPO
* **CIR Recognition**: Court acceptance of committed intimate relationship status
* **Property Protection**: Preservation of assets pending final resolution

**Ongoing Assessment**

* **Monthly Review**: Progress evaluation and strategy adjustment
* **Violation Tracking**: Documentation of any new incidents
* **Compliance Monitoring**: Respondent adherence to court orders
* **Safety Evaluation**: Continuous risk assessment and safety planning

This comprehensive action plan provides a systematic approach to establishing CIR doctrine recognition while ensuring maximum protection through enhanced legal remedies available in Snohomish County Superior Court. The strategy leverages documented patterns of success while addressing the specific challenges presented by enforcement failures and abusive opposing party behavior.

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1. <https://www.lasher.com/in-re-dewitt-an-example-of-washingtons-committed-intimate-relationship-doctrine-applied-to-a-very-fact-intensive-case/>

1. <https://www.abajournal.com/news/article/gender-affects-access-to-courts-and-treatment-in-the-justice-system-washington-state-study-says>

1. <https://www.courts.wa.gov/subsite/gjc/documents/14_GJS_Chapter4.pdf>

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