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Supporting FVAP to Shield Domestic Violence Survivors and Their Children From Abuse

06.13.24 Foster Garvey Newsroom

Foster Garvey is pleased to announce the successful outcome of our client, a domestic violence survivor, in her dissolution proceedings against her abusive ex-husband.

Our client, Inaya*, was facing an appeal from her former husband, Sayed. Sayed came to the United States at 18 but left for Pakistan in his 30s to pursue an arranged marriage with Inaya, who was still in her late teens at the time.

Sayed brought Inaya to the U.S. without any family or ties to the area. His relationship with her was based on complete control over Inaya's activities and involved emotional and verbal abuse. Sayed controlled her finances, her activities and her contact with visitors. He repeatedly threatened to send Inaya back to Pakistan if she disobeyed his rules and did not comply with his demands. Inaya and Sayed share two children, the younger of whom has serious health issues that have resulted in multiple hospitalizations. Inaya serves as this child's main caretaker, as the child requires assistance with basic daily activities such as showering and eating.

Finding an Opportunity for a Way Out

After 26 years of being stuck in turbulent marriage, Inaya built up the courage to finally leave Sayed and stay at a domestic violence shelter with her daughter. In response to Inaya's plans, Sayed confronted her and attempted to physically remove their daughter out of Inaya's car. The following day, Inaya petitioned for a temporary order of protection. Unfortunately, this order was denied, likely in part due to Inaya having no legal assistance at the hearing.

In early 2023, Inaya found the [Family Violence Appellate Project](#) (FVAP), which helps survivors of domestic violence and their children appeal trial court decisions pro bono. The organization works with clients who have an order from a Washington court that is less than 30 days old.

FVAP and Foster Garvey Offer a Source of Hope

[Adrian Urquhart Winder](#), a Litigation principal in the firm's Seattle office, initially became involved with FVAP because she wanted to leverage her appellate experience to help pro bono clients while further immersing herself in new, substantive legal issues. Over the last few years, Adrian has assisted with numerous matters for FVAP, from full representation of survivors, to representing FVAP in filing amicus

briefs, to serving as a mentor and moot court judge supporting other attorneys with legal briefing and oral argument preparation. Based on her previous successes, FVAP reached out to Adrian for assistance with Inaya's appeal.

Adrian quickly came to Inaya's aid in defending against her former husband's motion to vacate a default judgment regarding their divorce and her award for child support as well as helping to determine whether the previous denial of a protection order required reversal of the parenting plan entered in the case.

Adrian drafted briefings regarding the standards for default and whether these standards were different in a domestic violence case. Sayed's counsel argued that he was overwhelmed by simultaneous legal proceedings and claimed that Sayed was impacted by a language barrier. However, the trial court found that there was no evidence that a language barrier had a substantial impact on Sayed's ability to appreciate the proceedings. Further, the court found that Sayed's failure to respond was a tactical decision.

In March 2024, the Washington Court of Appeals upheld the trial court ruling in favor of Inaya, and a mandate was issued in May.

Ensuring the Law Provides Justice and Protects Other Survivors

Adrian has found FVAP to be a vital and incredibly helpful pro bono partner. Although Adrian initially had some trepidation in working on family law cases, especially given her day-to-day practice as a real estate and municipal law attorney, she has found that FVAP's expertise in screening cases has allowed her to focus on the important legal issues at hand and to feel supported throughout the entire process. FVAP carefully selects the cases they take on to prioritize matters that will-by creating binding legal precedent-have a positive impact on Washington law for all survivors, even beyond the individual clients in any one case, and Adrian is extremely committed to this cause.

FVAP comprises staff attorney and other legal professionals and is the only nonprofit organization in Washington state and California dedicated to helping domestic violence survivors appeal dangerous court decisions that leave them and/or their children at risk of ongoing abuse. By obtaining publication of court opinions, they are also setting new legal precedents that prioritize the safety of abuse survivors and children. Learn more at fvaplaw.org.

*Inaya is a pseudonym. Due to the sensitive nature of her case, the client's real name is not being used.

Featured People

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