

DOMESTIC ABUSE MEDIATION OPTIONS

Mediation Case # _____

Name: _____

Injunction or No Contact Cases:

Case # _____ Against _____ Until _____

Case # _____ Against _____ Until _____

Case # _____ Against _____ Until _____

No Violent Contact

- Spoke with victim after orientation on _____ (date)
- Declines Mediation

- Will mediate
 - Same room
 - Requests separate room

No Contact

Injunction

- Spoke with victim after orientation on _____ (date)
- Declines Mediation

- Will mediate
 - Same room
 - Requests separate room

I agree to the above checked option for mediation.

_____ (name) _____ (date)

BACKGROUND INFORMATION FORM

The purpose of this form is to discover whether there have been difficulties in your relationship with the other parent which may affect the mediation process. None of the information disclosed on this form will be shared with the other parent, unless specifically authorized by you.

▶ PLEASE CALL US IF YOUR ANSWERS TO QUESTIONS MARKED WITH ▶ CHANGE AT ANY TIME

Name: _____ Telephone Number _____

Do you have any special concerns about participating in mediation with the other parent of your child/children, and if so, what are they? _____

Do you have any concerns about being in the same room as the other parent? _____

Have there been any contacts involving you and the other parent with law enforcement or the Human Services Department (other than for financial assistance)? _____

Have there ever been any threats of injury to you, your children, or your pets by the other parent?

Are you fearful of the other parent for any reason? _____

When you and the other parent were together, who made the decisions about major purchases, vacations, moves, etc.?

Has the other parent ever tried to control who you talk to or where you go? _____

Do you have any concerns about the other parent's use of alcohol or drugs? _____

► Have you, the other parent or anyone in either household been convicted of a crime against a child? _____

► Have any abuse or harassment restraining orders been issued in the past, or are any currently in effect for yourself or your child(ren)? If so, state approximate date order was issued, date of expiration, whether harassment or abuse, and the names of the parties involved: _____

Has the other parent ever hit, slapped, pushed, kicked, or used a weapon on you or your child(ren)?

Has the other parent ever maliciously destroyed or damaged any of your belongings? _____

Has the other parent ever harmed or threatened to harm your pets? _____

Has the other parent used threats about taking the children or keeping them away in order to control your actions? _____

Has the other parent been emotionally abusive to you or your children? _____

How does the other parent act when he or she is angry? _____

Have you ever been afraid when the other parent was angry? _____

Do you think the mediation process will be fair to both you and the other parent? _____

Do you have any reason to believe it is unlikely you and the other parent would ever be able to reach a mutually satisfactory and enforceable agreement?

Do you have any fear about answering these questions?

Signature

Date

DIANE AND DAVE

Divorce case from 2016, 16 year old son, 14 year old daughter, 8 year old daughter, 3 year old daughter currently with Dave about 50 miles away from Diane. She says he controls when she gets to talk to them or see them.

Diane:

- age 40

Dave:

- age 44

Court record shows:

- 2011 criminal case against Dave, charged with disorderly conduct, battery charge dismissed

From Diane's screening sheet:

- *Who made the decisions regarding issues such as major purchases, moves, etc.?*
 - husband
- *Has other parent tried to control who you talk to or where you go?*
 - Yes.
- *Do you think the mediation process will be fair to both you and the other parent?*
 - Yes
- *Do you have concerns about being in the same room?*
 - At times. Husband has problems controlling anger & becomes verbally abusive.

From Dave's screening sheet:

- *Who made the decisions regarding issues such as major purchases, moves, etc.?*
 - Mutual usually
- *Has other parent tried to control who you talk to or where you go?*
 - Yes always
- *Do you think the mediation process will be fair to both you and the other parent?*
 - Yes
- *Do you have concerns about being in the same room?*
 - She does have drastic mood swings sometimes around me and around the kids.

How do you handle this case?

1. What other information do you need?
2. What are your safety concerns and how would you address them?

3. What would you tell Diane to help her decide if she should mediate?
4. If Diane does not want to mediate:
 - a. How do you tell Dave?
 - b. How do you tell the court?
5. If Diane does want to mediate:
 - a. What are your plans for the physical setup?
 - b. What are your safety measures for Diane, and for you?
 - c. How do you plan on keeping a good balance of power?
6. What if Diane wants to mediate and you don't want to mediate the case?
 - a. How do you tell Diane and Dave?
 - b. How do you tell the court?

JENNY AND JACK

Jenny:

- age 27, paternity case from 2011, 6 year old son
- Jack, the father, previously had a schedule where he was supposed to get son one day/week from school and he failed to pick son up, and stopped seeing him
- Jack has not seen son in over a year and now wants to mediate a placement schedule

Court record shows:

- 2011 criminal case against Jack, charged with disorderly conduct, battery charge dismissed, NC with Jenny
- 2011 TRO dismissed

From Jenny's screening sheet:

- *Who made the decisions regarding issues such as major purchases, moves, etc.?*
 - Jack controlled my every move at all times and all our money.
- *Has other parent tried to control who you talked to or where you go?*
 - Yes, Jack used to block people in my phone and I was never allowed to leave.
- *Do you think the mediation process will be fair to both you and the other parent?*
 - Not really, he loves to lie.
- *Do you have concerns about being in the same room?*
 - Not if someone is in the room with us the entire time. If left alone he will start harassing me until we're not alone again.

How do you handle this case?

1. What other information do you need?
2. What are your safety concerns and how would you address them?
3. What would you tell Jenny to help her decide if she should mediate?
4. If Jenny does not want to mediate:
 - a. How do you tell Jack?
 - b. How do you tell the court?
5. If Jenny does want to mediate:
 - a. What are your plans for the physical setup?
 - b. What are your safety measures for Jenny, and for you?
 - c. How do you plan on keeping a good balance of power?
6. What if Jenny wants to mediate and you don't want to mediate the case?
 - a. How do you tell Jenny and Jack?
 - b. How do you tell the court?

VICKY AND VINNY

Divorce case from 2016, 16 year old son, 14 year old daughter

Vicky:

- age 46

Vinny:

- age 49

Court record shows:

- 2016 TRO-Harrassment against Vicky, NC with Vinny
- Vinny has his court records sealed (name, address)

From Vinny's screening sheet:

- *Who made the decisions regarding issues such as major purchases, moves, etc.?*
 - She controlled the finances, wrote out the bills
- *Has other parent tried to control who you talked to or where you go?*
 - Occassionally
- *Do you think the mediation process will be fair to both you and the other parent?*
 - Unsure
- *Do you have concerns about being in the same room?*
 - Don't want to be in the same room with her at all. Will not participate if so.

From Vicky's screening sheet:

- *Who made the decisions regarding issues such as major purchases, moves, etc.?*
 - He did
- *Has other parent tried to control who you talked to or where you go?*
 - Yes
- *Do you think the mediation process will be fair to both you and the other parent?*
 - No
- *Do you have concerns about being in the same room?*
 - Yes I do. He scares me.

How do you handle this case?

1. What other information do you need?
2. What are your safety concerns and how would you address them?
3. What would you tell Vinny to help him decide if he should mediate?
4. If Vinny does not want to mediate:
 - a. How do you tell Vicky?
 - b. How do you tell the court?

5. If Vinny does want to mediate:
 - a. What are your plans for the physical setup?
 - b. What are your safety measures for Vinny, and for you?
 - c. How do you plan on keeping a good balance of power?
6. What if Vinny wants to mediate and you don't want to mediate the case?
 - a. How do you tell Vicky and Vinny?
 - b. How do you tell the court?

When is Mediation Not Appropriate?

- When a party victimizes the other party
- When alcohol or drug abuse plays a significant role in the dispute or undermines a party's ability to effectively participate in the mediation
- When only a court can offer a remedy to the dispute, especially in matters of first impression or those matters requiring injunctive relief
- When the parties are embroiled in a value-based conflict on which they see no room for compromise
- When a party will not be effectively represented in mediation, either because he or she is unrepresented or represented by inexperienced or unskillful counsel
- When a party refuses to participate in good faith in the process
- When a party does not see his/her actions as abusive or inappropriate
- When one of the parties has a significant advantage in power over the other
 - level of vulnerability of one party
 - extreme imbalance in bargaining power, sophistication, or knowledge of the parties
 - mental health condition, physical disability, or a disadvantage due to age
- When there is forced or coerced mediation
- When there is a future risk of harm, including escalation of the threat or violence
- When there are increased threats to personal safety
- When there is a history of bullying
- When there is a diminished psychological status of a party
- When there is depression or PTSD and suicidal complaints
- When the mediated agreement will not be honored
- When one of the parties is unwilling to cooperate or compromise
- When the safety of a party or well-being of a child is threatened
- When a party has or is threatening to abduct a child
- When a party is using the mediation to further illegal conduct
- When a party is using the mediation process to gain an unfair advantage
- When one or both parties lack the ability to regulate their feelings to engage effectively
- When a party's awareness/judgment is altered by substance abuse
- When the conflict isn't suited for mediation