

Both mediators and parents have indicated they would like more information about the interplay of domestic violence and mediation. Mediation assumes that the parties involved can maintain a balance of power with the help of the mediator in order to reach a mutually satisfactory resolution. The mediation process and resulting agreement can be dangerous and unfair if the imbalance of power is great or if imbalance is unrecognized. When domestic violence does occur, mediation should only be offered when steps can be taken to affect the power imbalance so that there is a fair, safe and informed process for the parties. In order to address the identified need, we have developed several documents that will assist mediators in analyzing cases and developing individualized mediation plans. Additionally, it will also assist parents in assessing if mediation is a safe choice for them.

Our proposal will add **four** steps to the pro se divorce process.

- I. Obtain and complete divorce paperwork
- II. File for Dissolution of Marriage or Legal Separation
- III. Court Case Management Order
- IV. Prepare for Initial Status Conference
- V. Initial Status Conference
 - ❖ Receive **Domestic Relations Mediation and Family Violence Brochure** (if referred to ODR)
- VI. Referral to ODR
- VII. Pre-Mediation
 - ❖ Complete and mail **Mediation Questionnaire on Domestic Violence**
- VIII. Mediation
 - ❖ Mediators should use **Key Questions that Should Be Asked in Domestic Relations Mediation to Screen for Domestic Violence and Child Maltreatment**
 - ❖ Mediators should consult their **Mediating When Domestic Violence/Control Exists Information Sheet**
- IX. Back to court

Domestic Relations Mediation and Family Violence Brochure - At the conclusion of the Initial Status Conference, the parties will have either come to an agreement or not. If the parties disagree on issues, the Family Court Facilitator will refer the parties to mediation. Upon referring the parties to mediation, the Family Court Facilitator will give the parties the *Domestic Relations Mediation and Family Violence Brochure* regarding mediation.

Mediation Questionnaire on Domestic Violence – Once the parties have filed for mediation or notified ODR that they need to schedule mediation, the parties will receive their mediation-scheduling letter. This letter states the date, time, and location of the mediation, along with instructions on how to pay and prepare for mediation. In the same envelope as the scheduling letter, parties will receive (from ODR) a *Mediation Questionnaire on Domestic Violence*. Parties will complete this checklist and questionnaire and mail it back to their mediator, along with their payment, at least 10 days before their scheduled mediation.

Key Questions that Should Be Asked in Domestic Relations Mediation to Screen for Domestic Violence and Child Maltreatment – In addition to using the *Mediation Questionnaire on Domestic Violence* to obtain information about the parties and the status of their relationship, mediators are encouraged to use the *Key Questions that Should Be Asked in Domestic Relations Mediation to Screen for Domestic Violence and Child Maltreatment* to obtain even more information regarding the parties' relationship history.

Mediating when Domestic Violence/Control Exists Information Sheet – If the mediator or the parties have confirmed that there is a history of DV and/or child maltreatment, the mediator should consider and implement some of the specialized processes included on the *Mediating when Domestic Violence/Control Exists Information Sheet* as they proceed with mediation.