



DOMESTIC VIOLENCE AND MEDIATION

Special Interest Articles:

- Domestic Violence and Mediation.
- Mediation Trends.
- General Civil Mediation Training June 26 – June 30.



Domestic violence occurs in all settings and among all socioeconomic, religious and cultural groups. Although women can be violent in relationships with men, often in self-defense, and violence sometimes occurs in same-sex partnerships, the most common abusers of violence against women are men. By contrast, men are far more likely to experience violent acts by strangers or acquaintances than by someone close to them.

Types of Domestic Violence

Domestic Violence and abuse can be grouped into general categories:

- Physical abuse
- Sexual abuse
- Financial abuse
- Psychological abuse

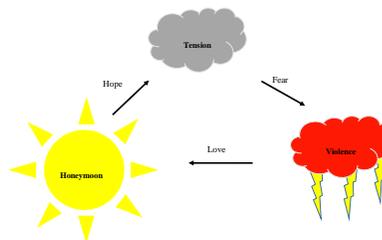
Sometimes, some form of psychological abuse often accompanies physical abuse and sexual abuse. The goal of abuse is to maintain control over another person.

Recognizing Domestic Violence Signs



SIGNS THAT YOU ARE IN AN ABUSIVE RELATIONSHIP	
Your Inner Thoughts and Feelings	Your Partner's Belittling Behavior
Do You:	Does Your Partner:
<ul style="list-style-type: none"> ➤ Feel Afraid ➤ Avoid Certain Topics ➤ Can't Do Anything Right ➤ Deserve It ➤ Think You Are Crazy ➤ Feel Helpless 	<ul style="list-style-type: none"> ➤ Humiliate or Yell at You ➤ Put You Down ➤ Embarrassed in Front of Friends and Family ➤ Ignore Your Opinions ➤ Blame You for His Abusive Behavior ➤ See You as His Property

Cycle of Abuse



During the "tension building phase," an air of heightened anxiety characterizes the relationship. The victim feels as though she is walking on eggshells; the batterer is increasingly moody, irritable, and agitated.

The second or "acute phase" is marked by the explosion of the building tension and involves actual abuse, whether it is physical, verbal, or emotional.

Finally, during the "honeymoon phase" the abuser, promising that he will never act violently again and the he will change.

The victim may feel anger, love, confusion, or any combination of these emotions.

When the victim believes the abuser's promises and chooses to stay in the relationship, the cycle begins again.

Safety First

Mediators should consider the safety of the parties to be the primary concern. Ensure that the facility has:

- Spacious conference rooms that allow for easy entry and exit
- Conference table that serve as a barrier to immediate contact
- Clearly marked exits
- Separate and safe waiting areas
- Metal detection devices
- Visible presence of peace officer and escorts to accompany clients to the parking lot after mediation

Screening Methods

Screening methods include documentary reviews, written questionnaires, and face to face interviews.

Documentary reviews may show patterns of violence, separation violence, reflect the level of dangerousness

Individual Highlights:

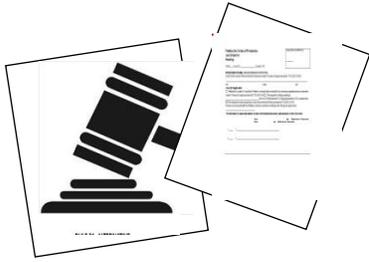
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Orders of Protection:

The purpose of protective orders are to prevent the reoccurrence of acts of violence and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence.

For this reason it is common that the court issue no contact orders between the restrained parties where there have been allegations raised regarding domestic violence.

It is important to note that the court has not made a finding of truth with regard to these specific allegations but has issued a restraining order to allow for a “time-out” between the parties and to provide sufficient time for the parties to resolve the current difficulties that have led to the current court action.

Where children are involved, mediation is an opportunity for both

develop a parenting plan for their children which focus on the needs of the children’s needs and any specific concerns either parent may have which need to be incorporated into their plan.

Items Covered by the Order

- ✓ Orders Enjoining Contact – The court may issue an ex-parte order enjoining a party from contacting, molesting, attacking, striking, threatening, sexual assaulting, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
- ✓ Granting – Possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner;
- ✓ Directing – Respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;

- ✓ Awarding – Temporary custody of or establishing temporary visitation rights with regard to any minor children; financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married;
- ✓ Directing – The respondent to attend available counseling programs that address violence and control issues or substance abuse problems; the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household;

“TCA §36 3-602
Petition for Order of Protection and Order of Hearing.”¹

Any domestic abuse victim, stalking victim or sexual assault victim who has been subjected to, threatened with, or placed in fear of, domestic abuse, stalking, or sexual assault, may seek a relief under this part by filing a sworn petition alleging domestic abuse, stalking, or sexual assault by the respondent.



THREE TENETS OF MEDIATION

John M. Haynes one of the founders of modern mediation practice, postulated basic tenants of mediation which are useful to recall when mediating a difficult case:

1. The mediator is the manager of the participants’ negotiations. The participants control the content while the mediator controls the process of the mediation. However, the mediator should take a minimalist approach to mediation, and do only what is

essential to keep the dialogue moving forward.

2. The task of the mediator is to help the clients reach an agreement about their future relationship that is acceptable to both of them and enables each of them to get on with their lives. Mediation is designed to help the participants shape their futures, not settle the past.

3. Mediation, therefore, is not about finding the truth, since most disputes are about perceptions, not truth. If the mediator gets caught up in searching for the truth, he or she may well find it, but on discovering the truth the mediator will have changed his or her role from mediator’ to judge. As a result, although the mediator may discover the truth, the mediation may end prematurely without resolution.

Tell us what *you* think! ✓



<https://www.surveymonkey.com/s/STCQJFW>

Mediation Survey

Click the link to take this quick quiz. It is voluntary and confidential. (Results will be posted on the website next month).

1. I have used mediation previously as a result of:
2. The mediator fully explained what would happen in the mediation process?
3. The mediator was impartial and treated me fairly?
4. The mediator was able to help us resolve our dispute?
5. Mediation helped us improve our communications and move forward?
6. I would recommend mediation to others?

¹ <http://www.tsc.state.tn.us/rules/supreme-court/31>

Mediation Trends

ALTERNATIVE DISPUTE RESOLUTION AT THE DEPARTMENT OF JUSTICE¹

Statistical Summary: Use and Benefits of Alternative Dispute Resolution by the Department of Justice

This data is based on detailed case reports submitted by the lead trial counsel in all cases in which a private neutral conducted an ADR process in Department litigation across the country.²

Category	TOTALS					
	2016	2015	2014	2013	2012	2011
Success Rates for ADR						
Voluntary ADR Proceedings	75% Resolved	71% Resolved	69% Resolved	75% Resolved	69% Resolved	73% Resolved
Court-Ordered Proceedings	52% Resolved	58% Resolved	49% Resolved	49% Resolved	49% Resolved	53% Resolved
<i>Cases in Which ADR Achieved Benefits</i>	70%	70%	55%	59%	63%	86%
Quantified Benefits of ADR						
<i>Litigation Expenses Saved</i>	\$70,610,263	\$14,208,626	\$9,163,500	\$24,809,407	\$21,983,655	\$13,355,511
<i>Attorney/Staff Time Saved</i>	26,388 Days	20,866 Days	7,653 Days	14,346 Days	9,047 Days	9,917 Days
<i>Months of Litigation Avoided</i>	2,733 Months	2,108 Months	967 Months	2,692 Months	1,516 Months	1,213 Months
DOJ Support ADR						
Expenditures for Mediation Services	\$2,677,811	\$2,274,607	\$2,504,010	\$1,816,177	\$1,198,128	\$1,931,900
# of Cases Authorized for ADR Funding	519	542	504	540	470	598

²<http://www.justice.gov/olp/alternative-dispute-resolution-department-justice>



2824 Erica Place
Nashville, TN 37204
PHONE: (615) 982-0465
FAX: (615) 641-2809

REGISTRATION

First Name Last Name

Organization Name:

Street Address:

Select City: TN Zip Code

Select and Enter Number:

Dietary and Other Needs:

List Special Needs:

Enclosed is a check made payable to:

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FULL REGISTRATION FEE

\$1,000 \$1,100 (CLE Reporting)

*Full refund until May 26, 2017

**\$125 administrative fee for cancellations
From May 12 – May 26, 2017

***No refunds after May 26, 2017

Domestic Violence and Mediation Continued

(seriousness of injuries, use of weapons), and can be reviewed prior to session.
Note: Many forms of exercising power and control do not constitute criminal behavior and would not appear in the records.

Written questionnaires can be completed in a safe place independent, of the other party. It includes explanation for the use of the information, confidentiality and exceptions. It also asks about the existence of violent, abusive and controlling behaviors and fear thereof.

Interviews provide the mediator with an opportunity to understand couple dynamics from each

party's perspective, ask follow-up questions, pursue topics in greater depth and assess explanations, e.g., discounting of violence. Additionally, the mediator will be able to gauge the degree to which parties attempt to control process and or expect the mediator to advocate and make decisions for them.

Recommended Process:

1. Family Mediators need to:
 - a) Recognize and identify signs of domestic violence
 - b) Understand the victim's options or lack of them in choosing to stay or leave
 - c) Understand the types of abuse including physical, emotional and sexual
 - d) Use special techniques partners and abused partners

such as private caucusing and power balancing
e) Implement safety measures for all involved
f) Recognize common characteristics of abusive

2. Screening needs to precede mediation. Cases should be categorized based on the results of screening into three categories:
 - a) Those likely to benefit from mediation
 - b) Those likely to benefit if mediation precedes with specific ground rules
 - c) Those that should be excluded from mediation

Mediators who deal with divorcing couples need to be aware of their personal feelings about gender roles, power and violence in order to observe, identify and manage the issues objectively.

JUNE	M	T	W	T	F	S	S	<p><u>UPCOMING TRAINING</u></p> <p>GENERAL CIVIL MEDIATION</p> <p>June 26 – June 30, 2017</p> <p>2824 Erica Place</p> <p>Nashville, TN 37204</p> <p>8:00 AM – 6:00 PM</p> <p>(615) 982 - 0465</p>
	29	30	31	1	2	3	4	
	5	6	7	8	9	10	11	
	12	13	14	15	16	17	18	
	19	20	21	22	23	24	25	
	26	27	28	29	30	1	2	
	3	4	5	6	7	8	9	

We're on the Web!

See us at:

www.mediationconsultantsnow.com

About The Organization . . .

Mediation Consultants assists in resolving employee, labor, civil, and domestic disputes. We offer tailored solutions to parties by working together to help them overcome perceived barriers to dispute resolution. Efforts are focused on finding the path to agreement. Mediation Consultants assists in bringing closure to the past and focus on the future by building a communication foundation to assist the parties explore and find mutually acceptable answers.



MEDIATION CONSULTANTS

2824 Erica Place
Nashville, TN 37204

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CITY, STATE, ZIP CODE

To receive a copy of the newsletter send your company name and address to mediationconsultantsnow.com

