

SCREENING PROTOCOLS FOR MEDIATORS

Pursuant to Rule 3 of the 17th Judicial Circuit Family Mediation Program the following safety protocols are adopted to protect against the occurrence of violence in the course of mediation and to enable each party in mediation to negotiate without feelings of undue influence or coercion. Mediators are to abide by the following protocols:

- A. When first contacted to serve as a mediator, the mediator or the mediator's designee shall ask the party calling:
 - 1. Have you, your (ex)spouse or any of the children had any medical treatment or hospitalization for psychiatric disorders?
 - 2. Do you have any concerns regarding the use of alcohol and/or drugs on your part or on the part of the other party?
 - 3. Has there ever been any physical confrontation between you and the other parent?
 - 4. Do you have any other concerns about your own emotional and or physical safety with the other parent?
 - 5. Are you in any way afraid to meet with the other parent and the mediator?
- B. If someone other than the attorney or non-attorney mediator is asking the questions, and the answer to any of them is "yes," the mediator shall talk to the party calling, and determine whether mediation is appropriate or whether any mediation alternatives will resolve the excluding conditions.
- C. If the party cannot be reassured, the mediator shall call the party's attorney, and ask him/her to address the client's concerns.

APPENDIX Z - Continued

- D. When a mediation appointment is made with one of the parties, regardless of whether any concerns about exclusion were raised, the mediator shall call the other party to confirm the appointment. The questions in Section A above will be asked of the second party. In the event any of the answers are "yes," the remainder of the procedure in Sections B and C will be followed.

- E. Whenever an active Order of Protection is in force, the mediator may schedule the initial meeting with the parties at separate times and determine from these meetings whether it will be advisable to meet jointly with the parties.

- F. In all cases where there has been domestic violence in the past, the determining factor should be how fearful is the party who has been abused in the past and can the party effectively advocate for their needs.

- G. Where there has been a history of domestic violence, and the parties meet jointly, the mediator shall set firm ground rules for negotiation — e.g., no name calling, no shouting, etc.