



RIVERDALE MEDIATION

CONFIDENTIAL SCREENING REPORT FOR FAMILY ARBITRATION

PART ONE: Information about the screener:

Name: _____

Address: _____

Phone: _____

Occupation: _____

I have the following training in Screening for Power Imbalances and Domestic Violence in Mediation Arbitration:

PART TWO:

I confirm that I have met with _____ on _____ and with _____ on _____ for the purpose of conducting a screening process for power imbalances and domestic violence in (check one):

- Mediation/Arbitration with _____ (name of Arbitrator)
- Arbitration with _____ (name of Arbitrator)

PART THREE:

The following screening recommendations are based on responses to a questionnaire, specific questions asked by me and my assessment, based on my skills and experience, of the information given by each party.

- Yes, Family Arbitration is recommended (provided the Standard Procedures attached here to apply)
- Only with the following provisions (in addition to the Standard Procedures) is Family Arbitration recommended:

- No, Family Arbitration is not recommended at this time

NOTE:

This report is provided in strict confidence to the Arbitrator alone. It may be used only to determine suitability for arbitration and any procedural requirements for the arbitration. The report is not to be used to decide any issue in arbitration, including credibility of the parties.

Signature of Screener: _____

Date report completed: _____

(This report is not to be provided to counsel or parties, but to the Arbitrator alone.)





RIVERDALE MEDIATION

Confidential Results of Screening for Power Imbalance and Domestic Violence

Client #1: _____

Counsel: _____

Client #2: _____

Counsel: _____

TENTATIVE MEDIATION DATE:

Assessment regarding Domestic Violence:

(If the answer to any of these are 'Yes' attach MASIC or additional notes as appropriate)

- Are there indicators of Coercive Controlling Violence? Yes No
- Are there indicators of Situational Couple Violence? Yes No
- Are there indicators of a separation instigated violence? Yes No
- Presence of escalation? Yes No
- Stalking/harassment? Yes No
- Fear? Yes No
- Assess degree of risk: Low Medium High

Power Imbalance (Real or Perceived):

- | | |
|--|---|
| <input type="checkbox"/> Financial
Power/knowledge/understanding/
vulnerability/sophistication | <input type="checkbox"/> Ability to fund process, withstand
uncertainty, risk aversion |
| <input type="checkbox"/> Readiness—emotional, legal,
data-disclosure | <input type="checkbox"/> Addiction |
| <input type="checkbox"/> Status quo | <input type="checkbox"/> Signs of Mental illness/depression |
| <input type="checkbox"/> Capacity to understand process
AND substantive rights and
obligations | <input type="checkbox"/> Who has the children and control
over children's time |
| <input type="checkbox"/> Fear/anxiety | <input type="checkbox"/> Cultural concerns |
| | <input type="checkbox"/> Ability to understand process |
| | <input type="checkbox"/> Ability to negotiate rationally |
| | <input type="checkbox"/> Other |

Adaptations of to the Process:

- | | |
|--|--|
| <input type="checkbox"/> Staggered arrival and departure
(most vulnerable arrives last &
leaves first) | <input type="checkbox"/> Different days/ locations/ phone in |
| <input type="checkbox"/> Presence of counsel | <input type="checkbox"/> Referral to DV program/
Shelter/Counselling/other supports |
| <input type="checkbox"/> Presence of support person(s) | <input type="checkbox"/> Delay mediation |
| <input type="checkbox"/> Shuttle Mediation | <input type="checkbox"/> More disclosure/information |
| | <input type="checkbox"/> Other |

STANDARD ARBITRATION PROCEDURES

The following process shall be applied to the conduct of all arbitration hearings:

1. Counsel shall be present for all arbitration hearings.
2. Neither party shall speak to the other party at the hearing, whether before the commencement of the hearing each day, during breaks or following the end of the hearing each day, except with the permission of the other party's lawyer.
3. Both parties will treat each other and opposing counsel with respect throughout the arbitration process and neither party will attempt, directly or indirectly, to intimidate the other party, whether by looks, words or physical proximity.
4. While either party may bring family, friends or new partners to the arbitration hearing, the only people permitted in the hearing room will be the parties, their lawyers, the court reporter (if the parties elect to have the evidence transcribed), the Arbitrator and whatever witness is testifying at that moment.
5. All witnesses, including the parties, will sit directly across from the Arbitrator while testifying.
6. Neither party will speak out loud while a witness is testifying, whether to his/her lawyer, to the Arbitrator, the witness or other party. If a party wishes to comment to his/her lawyer during the testimony of a witness, he/she shall do so by passing notes to his/her lawyer.
7. The Arbitrator may require the parties and their counsel to comply with other procedural requirements such as staggered arrival and departure times, the use of technology such as Skype that would enable the arbitration to take place in separate rooms, the use of screens for the purpose of testifying, etc.