

## 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.)***

## CONFIDENTIAL RESULTS OF SCREENING FOR POWER IMBALANCE AND DOMESTIC VIOLENCE

Client #1: \_\_\_\_\_

Counsel: \_\_\_\_\_

Client #2: \_\_\_\_\_

Counsel: \_\_\_\_\_

*Some of the things that a Third Party Screener might assess include:*

### Concerns Regarding Domestic Violence:

- Indicators of coercive control
- Indicators of situational couple violence
- Indicators of separation instigated violence
- Escalation
- Stalking/harassment/threats/ cyber risks
- Fear

### Power Imbalance (Real or Perceived):

- Financial power/knowledge/understanding/ vulnerability/sophistication
- Readiness—emotional, legal, data-disclosure
- Status quo
- Capacity to understand process and substantive rights and obligations
- Fear/anxiety
- Ability to fund process, withstand uncertainty, risk aversion
- Addiction/substance misuse
- Signs of mental illness/depression
- Who has the children and control over children's time
- Cultural concerns
- Ability to understand process
- Ability to negotiate rationally

### Possible Adaptations of to the Process:

- Staggered arrival and departure (most vulnerable arrives last & leaves first)
- Presence of counsel
- Presence of support person(s)
- Use online technology
- Different days/ locations
- Referral to domestic violence program, shelter, counselling etc.
- Delay arbitration
- More disclosure/information





## 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 if counsel are retained.
2. Neither party shall communicate with the other party once the hearing has commenced except with the permission of the other party or their counsel. If the hearing is online, parties shall not send chat or other messages to each other during the hearing.
3. Both parties will treat each other, the arbitrator and opposing counsel with respect throughout the arbitration process. Neither party will attempt, directly or indirectly, to influence or intimidate the other party, whether by looks, words, physical proximity or other means.
4. If the hearing is conducted online, parties and counsel will follow the Terms of Online Dispute Resolution.
5. Parties and counsel will respect the Arbitrator's procedural requirements with respect to their obligation to conduct ongoing screening for power imbalances including family violence.
6. While either party may bring third party supports to the arbitration hearing, the only people permitted in the hearing room will be the parties, their lawyers, the court reporter (if any) the arbitrator, the intern (if any) and whatever witness is testifying at that moment.
7. All witnesses, including the parties, will sit directly across from the arbitrator while testifying. In the event of an online hearing, the party not testifying will, at the arbitrator's request, turn off their camera. All parties will keep their microphones turned off at all times unless they are giving evidence.
8. Neither party will speak out loud while a witness is testifying. If a party wishes to comment to their lawyer during the testimony of a witness, they shall do so by passing notes to their lawyer, or using email, text or other confidential platform if the hearing is remote.