

MASIC-4 MEDIATOR CASE EVALUATION as of January 9, 2020 ⁱ

Review the information obtained from each party (with your supervisor, if applicable) to consider whether this case is appropriate for mediation, and if so, whether any accommodations should be made to the process.

<i>Consider (and check) the different types of intimate partner abuse or violence that may be present:</i>	Female's report of Male's behavior ⁱⁱ	Male's report of Female's behavior ⁱⁱⁱ
psychological abuse (Items 1-2 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
coercive control (Items 3-21 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
threats of severe violence (Items 22-26 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
physical violence (Items 27-30 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
severe physical violence and injury (Items 27, 31-34, and 44-49 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
sexual violence (Items 35-36 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
stalking (Items 37-40 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>

The research tells us that a female victim of intimate partner abuse or violence is at risk of serious injury or death when some or all of the risk factors below are present:

IF THE VICTIM IS A FEMALE, check the following additional risk factors:

- victim is a woman of child-bearing age** (up to age 50) (From other intake forms)
- victim has children from another partner/spouse living with her** (Questions 2-3 in Section 1)
- victim is leaving her abuser for a new relationship** (Question 6 in Section 1)
- abuser is currently unemployed** (Question 4 in Section 1)
- victim and the other party are still living or staying together** (Questions 7-8 in Section 1)

<i>Check all risk factors validated for FEMALES, but also indicate if reported against females by MALES:</i>	Female's report of Male's behavior ^{iv}	Male's report of Female's behavior ^v
victim expresses fear of abuser (Item 42 in Section 2; and Questions 5-11 in Section 3)**	<input type="checkbox"/>	<input type="checkbox"/>
abuser is highly controlling (Items 3-21 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
abuser uses drugs and/or alcohol (Questions 10-11 in Section 1)	<input type="checkbox"/>	<input type="checkbox"/>
abuser has access to guns or other weapons (note that guns are of particular concern) (Question 20-23 in Section 1; and Item 26 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
abuser stalks victim (Items 37-40 in Section 2)	<input type="checkbox"/>	<input type="checkbox"/>
abuser threatens violence (Items 22-26 in Section 2) (note that threats of violence involving detailed plans are of particular concern)	<input type="checkbox"/>	<input type="checkbox"/>
abuser is physically violent towards victim, and the violence has been escalating in frequency and/or severity over the past 12 months and/or since the parties stopped living together (Items 1-4 in Section 3)	<input type="checkbox"/>	<input type="checkbox"/>

Case or ID Number: [REDACTED]
Date of Interview: [REDACTED]

Name of Interviewer: [REDACTED]

In some relationships one partner commits all or most of the abuse or violence; in other relationships the abuse or violence may be committed by both partners.

Based on each party's report, identify the victim(s):

- First party. If Yes, is the party Male or Female or Nonbinary
- Second party. If Yes, is the party Male or Female or Nonbinary
- Neither party.

If you have identified both parties as victims, considering what each party reported (and the severity of what was reported), do you, as the mediator, subjectively identify one of the parties as the primary victim? Yes No

This subjective designation (of primary victim) should be based on the interview and the mediator's clinical judgment, considering especially threats, coercive controlling behaviors, intimidation, injury, fear, and recent changes to frequency and severity of the behaviors.

If Yes, who: First party Second party

INSTRUCTIONS FOR ALL CASES

Consider the information above in deciding whether to mediate and if yes, how to mediate.

**As mediators, we should always accommodate someone who expresses *fear* of the other party. Accommodation will vary depending on the circumstances, but a mediator should *not* insist that a party start or continue mediating when that party says that they do not want to mediate because of fear of the other party. It is also not appropriate to require or force a party who self-identifies or who you identify as a victim of intimate partner violence or abuse to participate in the mediation process.

Some victims of IPV/A may not believe that they are at risk. Although we generally want to empower a victim who affirmatively wants to mediate, in making the decision whether or not to mediate we must also consider: (a) the risks involved and (b) what accommodations to provide if we decide to mediate. In addition to safety risks, be sure to consider any other concerns presented in the specific situation, including balance of power issues, the possibility of coercion, the mediator's ethical duty not to facilitate involuntary and/or unconscionable agreements, and the mediator's ethical duty to remain impartial.

It is also important to continue to be alert for IPV/A that was not disclosed in the screening process. This may become apparent after screening, during the negotiation process. Consider the parties' conduct and/or reactions towards each other.

In considering the existence and effect of IPV/A in this case, please consider the questions below:

- 1) Do you believe the case is appropriate for mediation? Yes No

If your answer is Yes, then skip to Question 2.

If your answer is No, then answer Questions 1a, 1b, and 1c as applicable; you will not be answering Question 2.

- 1a) If you think the case is **not** appropriate for mediation, record your concerns here, considering the violence and abuse reported, and its impact on each party:

- 1b) If you determine not to mediate or to terminate mediation because of concerns about intimate partner abuse or violence, are there any ethical constraints and/or any safety concerns in how you should communicate this decision to the parties and/or the court? Record these concerns here:
- 1c) If you determine not to mediate immediately after completing the first party's MASIC (typically the female), consider whether it would be safe or appropriate to conduct all or part of an intake with the other party, including and especially the MASIC interview with the other party. Again, consider the ethical constraints and/or safety concerns in how you communicate this decision to the parties and/or the court. Record these concerns here:
- 2) Are any of the following accommodations necessary in order to help ensure a safe, voluntary, and appropriate mediation process?

Separation of Parties (check all that are needed):

- Parties to be in separate rooms at all times (shuttle mediation)
- Videoconferencing, telephone, or online mediation with parties in separate rooms or locations (specify details):
- Staggered arrival and departure times for parties (with the victim, or in the case of two victims, the primary victim, arriving second and leaving first):
- Party needs escort to/from car (for which party/ies):
- Party needs way to leave the building without being seen by the other party (for which party/ies):
- Parties to be in separate rooms if mediator not present, i.e., joint sessions possible, but only if the mediator is present at all times in the room with both parties (note that this is not an option encouraged by the authors and should only be considered by mediators experienced in mediating cases with high levels of intimate partner violence or abuse in conjunction with other accommodations listed, e.g., mediation at secure facility)
- Parties to appear for mediation on separate days

Security:

- Mediation at secure facility, passing through security, presence of armed guards, etc.

Referrals/Representation/Support (check all that are needed):

- Referral to DV program or shelter (for which party/ies):
- DV advocate (for which party/ies):
- Attorney necessary (for which party/ies):
- Support person necessary (for which party/ies):

Other:

- Other accommodation (specify):

No Accommodations:

- No accommodations necessary

In this situation, the mediator may consider conducting joint mediation (i.e., the parties mediate in the same room with the mediator) for the negotiation process. For some

mediators, this is their preferred process. Nevertheless, as a matter of cautious practice, the authors recommend meeting separately with the parties for at least some part of the process before finalizing any mediation agreement, especially if the parties are not represented by legal counsel.

- 3) Even with screening before the start of negotiations, there may be times when a mediator learns belatedly of intimate partner abuse or violence. If during the mediation, you become concerned about the possibility of intimate partner abuse or violence, take a break to consider how to proceed. Be sure to keep the parties separate while you determine the appropriate action to take.

Disclaimer: The MASIC (including the current version and any and all prior, future, and derivative versions) is intended for screening purposes only and does not provide any formal diagnosis of anyone screened or discussed in screening. The MASIC authors have no legal liability or responsibility for the accuracy and/or completeness of information obtained through screening done with the MASIC, or for evaluations and/or recommendations made based upon information obtained through MASIC screening. Users of the MASIC, or information obtained through MASIC screening, are deemed to have accepted the conditions set forth in this disclaimer.

ⁱ Amy Holtzworth-Munroe, Connie J. Beck, and Amy G. Applegate, Mediator's Assessment of Safety Issues and Concerns Version 4 (MASIC-4) (2019). The MASIC-4 may be reproduced, distributed, and displayed freely for non-commercial purposes. Any use of the MASIC-4 that (a) is for commercial purposes; (b) does not acknowledge the authors; and/or (c) modifies the MASIC-4 without the authors' consent, including the preparation of derivative works, is strictly prohibited. The first version of the MASIC appeared in Holtzworth-Munroe, A., Beck, C.J.A., & Applegate, A.G. (October 2010), The Mediator's Assessment of Safety Issues and Concerns (MASIC): A Screening Interview for Intimate Partner Violence and Abuse Available in the Public Domain, *Family Court Review*, Vol. 48, No. 4, 646-662. The authors acknowledge the *Family Court Review*, which is a journal of the Association of Family and Conciliation Courts. The questions in Section 2 of this Assessment have been adapted from Marshall L.L., Development of the Severity of Violence Against Women Scale; Sullivan CM, Parisian JA, Davidson WS, Index of Psychological Abuse; Tjaden P, Thoennes N, National Violence Against Women Survey; and Hines D and Douglas E, Sexual Aggression Experiences of Male Victims of Physical Partner Violence: Prevalence, Severity, and Health Correlates for Male Victims and their Children. The Marshall, Sullivan, and Tjaden screening instruments, in their entirety, have been validated. In addition, initial reliability and validity for Section 2 of an earlier version of the MASIC has been demonstrated. Pokman, V., Rossi, F.S., Holtzworth-Munroe, A.G., Beck, C.J.A., Applegate, A.G., & D'Onofrio, B.M. (March 2014), Mediator's assessment of safety issues and concerns (MASIC): Reliability and validity of a new intimate partner violence screen. *Assessment*, Vol. 21 (5), 529-542. The MASIC-4 incorporates portions of the Danger Assessment (Campbell, J.C. (2004) Danger Assessment, Retrieved December 1, 2018, from <http://www.dangerassessment.org>; Campbell, J.C. Webster, D.W., & Glass N. (2009). The danger assessment: validation of a lethality risk assessment instrument for intimate partner femicide. *Journal of Interpersonal Violence*, 24(4):653-74). The authors also wish to acknowledge their law and psychology students who assisted, directly and indirectly, in the development of this Assessment.