

THE IMPORTANCE OF DOMESTIC VIOLENCE SCREENING IN THE COLLABORATIVE FAMILY LAW CASE

Domestic violence crosses ethnic, gender, race and economic lines. **Every** client should be screened for domestic violence issues. In Collaborative Family Law cases, where the majority of work is done in face-to-face meetings, and clients may feel **and be** more vulnerable to violence or intimidation, screening is especially critical.

Domestic violence can turn the Collaborative process upside down.

COLLABORATIVE VALUES

DOMESTIC VIOLENCE REALITIES

Win/win, good faith

Win/lose, bad faith

Transparency and accountability

Power and control

Equality and decision-making

Imbalance of power

Constructive conflict

Destructive conflict

Mutual trust

Distrust

Self-determination

Lack of self-esteem

Brainstorming

Naming/blaming

Safe place

Safety planning

A nonjudgmental attitude which conveys the message that you are willing to accept the client's disclosures is essential. An opening statement that normalizes the questions such as "Because abuse and violence are so common, I've begun to ask about it routinely" may be helpful. Both women and men should be questioned about domestic violence. Whether they are victims or perpetrators, the information is important for you to have to competently represent a client.

SCREENING QUESTIONS

- How do you and your partner resolve disagreements? Deal with anger?
- How are decisions made in your relationship? Does one partner control all the major decisions – about finances or child guidance, for example? Or are the decisions shared between the two of you?
- How do you resolve conflict in the relationship or in making decisions?
- Have you ever been afraid of your partner? What are you afraid of? Are your children afraid of your partner? How does your partner discipline?
- Do you have any concerns about the safety of your children
- Who wants to end the relationship? Why?
- Do you have freedom in your relationship? Do you have access to friends, family, free time?
- Is there a history of violence in your family – parents, brothers, sisters? Is there a history of violence in your partner's family?
- Have you or your partner ever hurt or threatened to hurt/kill yourselves?
- Do you ever alter your behavior to protect yourself from your partner's behavior?
- Has there been any other litigation between the two of you? Explain.
- Do you or your partner have a prior record of any criminal or child abuse charges or convictions?
- Have you ever called the police, had a protective order issued on your behalf by the court, or sought help for yourself as a result of abuse by your partner? If so, did the abuser abide by the order?
- Do you or you partner use alcohol or drugs? To what extent?
- Has your partner ever damaged or threatened to damage property or harmed or threatened to harm pets?
- Have you or your partner ever threatened suicide and/or make an attempt?
- Does your partner control all of the money/property/the car or other resources?
- Is your partner jealous or possessive of you and your relationships with other people?
- Does your partner attempt to control your time with friends, family,

community, resources, health professionals, etc.?

- Has your partner ever thrown things/punched the wall or a door?
- Has your partner ever hit, kicked, punched, bitten or pushed you?
- Has your partner ever hurt anyone else – family member or otherwise?
- Has your partner ever forced you to have sex?
- Do you have guns in your house? Why? Has your spouse ever threatened to use them when he was angry?
- Does your spouse constantly belittle or criticize you or embarrass you in front of others?
- Do you or your partner have any history of mental illness? What treatment has been provided? Was there follow-through and was it helpful?
- Is there anything else you think I should know about you, your partner or your families?

**Adapted from the Collaborative Family Law Council of Wisconsin Domestic Violence Committee Screening Tool