
JEFFERSON COUNTY MEDIATION SERVICES

VOLUNTEER COLLOQUIUM MINUTES

January 17, 2017

Volunteers Present: Jaydee Bachman, Yasmine Chapman, Melissa Dancy, Angela DeLeGarza, Marilyn Exley, Anita Gilbertson, Wayne Grider, Hazel Hanley, Sheila Kelly, Joe Lasky, Mikkilynn Olmsted, Elizabeth Reppond, Casey Sale, Jerry Schopen, Emily Taylor, Brian Ward

Staff Present: Mark Loye, Julie Carter, Helena Jo Goldstein, Rachel Johnson

I. Welcome and Introductions

Mark Loye welcomed everyone, introduced himself and staff members present. He invited mediators present to introduce themselves. Presenters Michelle Bryan and Amy Warden with Family Tree introduced themselves.

II. Presentation: Domestic Violence Awareness for Mediators

Speakers: Amy Warden and Michelle Bryan with Family Tree

Ms. Warden and Ms. Bryan opened with an overview of domestic violence, defining what it looks like and outlining the impacts on victim, families and communities.

Domestic violence is a pattern of coercive control perpetrated by one person over another in a current or former intimate relationship, and can be demonstrated through harassment, intimidation, physical or sexual abuse. Domestic violence is never mutual; one person has power over the other in the greater context of the relationship. Domestic violence is not limited to a particular gender, race, culture, age or socio-economic status. While many victims of domestic violence are women, men can also be victims. Domestic violence is a severely underreported crime; cultural beliefs and other circumstances affect victims' willingness to report. Domestic violence is a choice and not a "loss of control". Someone who is abusive often carefully calculates how a behavior will affect their current situation. While alcohol or drug use may be a factor in escalation of abusive behaviors, it does not cause domestic violence.

The Power and Control Wheel (attached) is a tool designed to demonstrate how the cycle of domestic violence is perpetuated. Physical and sexual violence are supported by behaviors described within the wheel that demonstrate what the person in control is capable of. Some

behaviors are more difficult to see while others are more easily observed. While each relationship looks different, an element of desire for power of one person over the other remains consistent in domestic violence relationships.

Typically relationships do not start out abusive, over time abusive and controlling behaviors appear. Tension builds as threats and intimidation cause fear and guilt to form within the victim. Eventually an explosion or act of violence occurs, which may be more verbal and difficult to describe in the beginning but over time gets bigger and more physical. Following an episode of violence is the honeymoon stage when a victim receives gifts, apologies and promises that the violent behavior will never happen again. As humans, victims have hope that it will not happen again and excuse the behavior as an accident. In some cases power or manipulation may succeed in making a victim believe they are responsible for the explosive behavior.

Our culture's attitude towards victims who stay is, "why don't you just leave?" Leaving is not a simple act and there are many reasons why victims choose to stay. The most dangerous time for a victim is when they choose to leave their abuser. Lack of resources including housing, food, clothing or a support system to assist with those resources keep victims where they know they have those resources. Cultural beliefs might mean the victim loses their community if they leave. Choosing to leave means a victim risks being unable to protect their children from an abusive partner during court ordered parenting time. Victims may love their partner and not the abusive behavior, which is often a minimized but real factor. There is "relationship glue" which holds the partners together.

Isolation is a key part of domestic violence relationships and the perpetrator isolates the victim from the larger community and their extended family. In homes with domestic violence, 30-60 percent of children are directly abused or neglected. Children do show high resilience in healing from trauma. The fact that a child witnesses domestic violence is not an excuse, nor a predictor that the child will grow up to be an abuser.

Ms. Bryan and Ms. Warden went on to explore domestic violence in the context of mediation. They coached mediators on how to recognize a perpetrator or a victim of domestic violence, how to recognize trauma and how to navigate mediation with considerations for both parties.

Mediators can recognize a perpetrator by characteristics they display; noting that such characteristics are considered in context and someone with those qualities alone is not necessarily abusive. Perpetrators may show entitlement and superiority. They manipulate situations to avoid responsibility by minimizing, blaming or focusing on their partner's behavior rather than their own. Perpetrators often confuse love with abuse and believe their behavior is in self-defense.

Perpetrators use parenting as a form of control. In mediation they may come back to their position on parenting when something is not going their way. They may refer to their partner's mental health condition, drug use or parenting choices to prove the victim is an unfit parent. They may consistently try to avoid accepting difficult parts of parenting by using a set of beliefs, such as gender roles, to excuse their inability to take responsibility.

The mediator's role is to be neutral even when working with perpetrators. Mediators need to keep an eye out for manipulative behaviors which may extend to caseworkers, law enforcement, treatment providers and mediators. Perpetrators may show a charming side of the spectrum or they may manipulate situations and play the victim. Mediators should always consider their own safety and caucus with a co-mediator in moments of uncertainty or discomfort.

Victims might not disclose abuse to mediators. The victim may not realize they are experiencing abuse, they may desire to protect or placate their partner, or they may have had negative experiences with agencies in the past. Mediators should respect a victim's decision not to disclose. Ms. Warden and Ms. Bryan taught mediators to recognize victims and how to discern a real victim from a perpetrator playing the victim.

Mediators can recognize trauma responses and mediate through a trauma-informed lens to assist victims while maintaining neutrality. Trauma responses are chronic and not isolated; they impact the whole person spiritually, physically, and mentally and affect a person's ability to process information and follow through with decisions. Victims of domestic violence may shut down or display an inability to regulate emotions. They may be using unhealthy coping strategies such as substance use. Mediators can recognize that victims are struggling because their brain has been impacted, ask them if they need reminders and give them directions to navigate their physical space. In mediation, repeat key points and use key words to draw the victim's focus.

Mediators should consider the victim's safety and engage in conversations outside the presence of their partner through shuttle mediation. Listen to the victim's story and ask questions to understand the situation from their perspective. Understand that behaviors that may not seem threatening may, in the context of the relationship, be threatening. Contradicting the victim's story based off the offender's story (and vice versa) will jeopardize neutrality. Blaming the victim or holding a judgmental tone will hinder the victim's ability to participate in mediation. Acknowledging strengths and validating what a victim has or is doing well is a way to connect with them without being their advocate.

Mediators should be aware of lethality indicators. A perpetrator who has made threats to kill the victim, children, pets and/or themselves, or has used strangulation or a weapon on the victim is particularly dangerous. If a victim has made attempts to leave or is currently separated from the perpetrator, the victim is at high risk for lethality. Substance use is not a cause for domestic violence but increases the risk of lethality. Mediators can be most helpful by knowing domestic violence resources in the community and helping victims identify and connect with a support system such as Family Tree or family and friends.

Ms. Warden and Ms. Bryan provided a few scenarios describing domestic violence relationships in mediation. They assisted mediators in discussions about what they might do in each scenario.

Ms. Warden and Ms. Bryan closed their presentation by offering other resources and their contact information as support to mediators. Mark Loye thanked everyone who attended and wished them a good evening.

III. Next Colloquium: Tuesday, March 21, 2017, 6:00 – 8:00 p.m. in the Open Space Hearing Room (Ponderosa Room). **Topic:** Essential Considerations in Agreements for Domestic Cases

Presenter: Jefferson County Court Judge Tighe: Judge Tighe will discuss important issues in writing good MOUs for domestic cases. She will discuss statutory requirements and what needs to be in agreements that are meant to resolve motions to modify parenting time, motions to relocate, or other allocations of parental responsibilities. She will also discuss the importance of reality checking.

The meeting was adjourned.

Submitted by: *Rachel A. Johnson*

Rachel A. Johnson, Administrative Assistant

Approved by: *Helena Jo Goldstein*

Helena Jo Goldstein, Program Director