**MASIC-4 MEDIATOR CASE EVALUATION as of May 2019[[1]](#endnote-1)**

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.

|  |  |  |
| --- | --- | --- |
| *Consider (and check) the different types of intimate**partner abuse or violence that may be present****:*** | Female’s report of Male’s behavior | Male’s report of Female’s behavior |
| **psychological abuse** (Items 1-2 in Section 2) |[ ]  [ ]  |
| **coercive control** (Items 3-21 in Section 2) |[ ] [ ]
| **threats of severe violence** (Items 22-26 in Section 2) |[ ] [ ]
| **physical violence** (Items 27-30 in Section 2) |[ ] [ ]
| **severe physical violence and injury** (Items 27, 31-34, and 44-49 in Section 2) |[ ] [ ]
| **sexual violence** (Items 35-36 in Section 2) |[ ] [ ]
| **stalking** (Items 37-40 in Section 2) |[ ] [ ]

|  |  |  |
| --- | --- | --- |
| *Check all risk factors validated for FEMALES, but also indicate if reported against females by MALES:* | Female’s report of Male’s behavior | Male’s report of Female’s behavior |
| **victim expresses fear of abuser** (Item 42 in Section 2; and Questions 5-11 in Section 3)**\*\*** |[ ] [ ]
| **abuser is highly controlling** (Items 3-21 in Section 2) |[ ] [ ]
| **abuser uses drugs and/or alcohol** (Questions 10-11 in Section 1) |[ ] [ ]
| **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) |[ ] [ ]
| **abuser stalks victim (**Items 37-40 in Section 2) |[ ] [ ]
| **abuser threatens violence**(Items 22-26 in Section 2) **(note that threats of violence involving detailed plans are of particular concern)** |[ ] [ ]
| **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) |[ ] [ ]

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)

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):** [ ]  **Male** [ ]  **Female** [ ]  **Neither**

**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**

**If Yes, who:** [ ]  **Male** [ ]  **Female**

**What are your concerns as the mediator about the parties? (**Include here any particular statements or conduct of concern by either party, protective orders, crimes involving violence or abuse, involvement of the Department of Child Services or law enforcement, etc.

**\*\***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 s/he does not want to mediate because of fear of the other party.

Some victims of intimate partner abuse or violence may not believe that they are at risk. Although we generally want to empower a victim of intimate partner abuse or violence 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, among 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.

In considering the existence and effect of intimate partner abuse or violence in this case, please consider the questions below:

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

2) If you think the case is **not** appropriate for mediation, record your concerns here:

3) If you determine not to mediate or to terminate mediation[[2]](#footnote-1) 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 with the parties and/or the court? Record these concerns here:

4) If you determine not to mediate 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 with the parties and/or the court. Record these concerns here:

5) Are any accommodations necessary in order to mediate this case? [ ]  Yes [ ]  No

6) If you think accommodations are needed to mediate the case, which of the following

 accommodations should be implemented:

 [ ]  **parties to be in separate rooms at all times (shuttle mediation)**

[ ]  **parties to be in separate rooms if mediator not present (joint sessions possible, but only**

 **if the mediator is present with the parties)**

[ ]  **videoconferencing, telephone, or online mediation (specify which):**

[ ]  **staggered arrival and departure times for parties:**

[ ]  **support person necessary (for which party(ies)):**

[ ]  **attorney necessary (for which party(ies)):**

[ ]  **referral to DV program or shelter (for which party(ies)):**

[ ]  **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)):**

[ ]  **mediation at secure facility, passing through security, presence of armed guards**

[ ]  **parties to appear for mediation on separate days**

[ ]  **other accommodation:**

**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 though 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.

1. 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.  [↑](#endnote-ref-1)
2. 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. [↑](#footnote-ref-1)