

Title: Procedures cut mediation risks in domestic cases

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Several years ago, a woman and her ex-husband were using the services of a mediator to resolve child custody and visitation issues. During the discussions with the mediator, the man calmly reminded his ex-wife he didn't want to repeat "what had happened on Thanksgiving."

The woman soon conceded to her husband's wishes on the custody and visitation issues.

Later, authorities discovered the man's seemingly innocuous reference to Thanksgiving had actually involved heated threats and violence directed at his ex-wife during the holiday.

This anecdote exemplifies why those who counsel victims of domestic violence have historically been reluctant to allow their clients to engage in mediation to resolve disputes with ex-spouses.

"There are immense safety risks involved in these cases," said Jody Miller, executive director of the Mediation Center of Dutchess County.

But since 2004, such cases are often resolved successfully through mediation -- while ensuring the victim's safety -- thanks to a series of procedures devised by mediators, domestic violence counselors, Family Court judges and others in Dutchess County.

Dee DePorto, associate director of Battered Wom-en's Services of Family Services Inc., said this collaboration of mediators and domestic violence counselors is the only one of its kind in the state, and is believed to be one of a very few in the country.

DePorto and Miller said experts in their fields had traditionally advocated "screening out" domestic violence cases from mediation -- until some here in Dutchess began to wonder whether this policy was really serving their clientele.

"We started this collaboration in part because when we told the victims they didn't qualify for mediation, this was one more person telling them what they can or cannot do," Miller said. "In a sense, we were dictating to them, just as their abusers were."

DePorto and Miller said everyone involved realized offering victims the option of mediation would require special policies and procedures. Those procedures were developed over a six-month period before any such cases were referred to mediation. The first rule in all such cases is the domestic violence itself is never a topic for mediation.

DePorto said the system eventually devised allowed for domestic violence counselors to meet with the victims during the early stages of mediation. Steps were taken to protect the victims as they discussed such topics as child support, custody or visitation.

The protocol has been successful largely because the county already had a system of collaboration in place for addressing domestic violence, DePorto said.

Mediation endorsed

Pamela Kravetz, coordinator of the county's Domestic Abuse Steering Committee, said she and other members of the committee had endorsed mediation for domestic violence victims.

"It's important to give them as many options as possible," Kravetz said. "Victims should be making the decisions that affect their lives, and the more faith we put in them, the better."

Kravetz said she had been pleased with the way the county's Family Court Judges had embraced the new policy.

"The key is having an entire network of people on board working toward the same goals, and we have that here," she said.

Indeed, when the county hosted a conference last month on the collaboration effort, Family Court judges and law clerks took a leading role in the discussion. Judge Damian Amodeo was the keynote speaker at the event, held May 11 and 12 at Vassar College.

"After many months of collaboration between the local mediation and domestic violence communities," Amodeo said at the conference, "a protocol has been established, which breaks away from the traditional manner in which mediation is practiced."

A Michigan attorney who attended the conference, Sheila Johnson, said she was impressed with the way Dutchess was handling such cases and planned to initiate a similar program in Ann Arbor.

"Victims of domestic violence are almost universally under-served by the legal community," Johnson said. "And in most parts of the country they are certainly under-served by the mediation community."

"What I learned at the conference was that a lot of us were looking at the situation all wrong. We were asking, 'How can we protect this victim?' What we should be asking is, 'How can we empower her to protect herself?'"

Amodeo said he was proud of his community for finding ways to answer that question in Dutchess.

"There's an atmosphere here that allows people with various points of view to sit down and talk things out," the judge said. "It takes a while to develop that trust, but we've done it. There might be some initial conflict, but we get past that. People realize that if you sit down and hear other people's ideas, you know, it just might be beneficial."

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