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Connecticut Coalition Against Domestic Violence

To: Select Committee on Children  
From: Linda Blozie, Director of Public Affairs  
Connecticut Coalition Against Domestic Violence  
Date: February 22, 2011  
Re: House Bill 5815: AAC Divorce Mediation

Good afternoon, Representative Urban and members of the Select Committee on Children. My name is Linda Blozie and I am the Director of Public Affairs for the Connecticut Coalition Against Domestic Violence. Thank you for taking the time today to listen to the Coalition's recommendation regarding House Bill 5815: An Act Concerning Divorce Mediation.

Currently this legislation proposes that a person, who is engaged in the dissolution of the marriage and is the parent of a minor child, shall participate in a mediation program. While the court may waive the requirements of this subsection for good cause, the Coalition would like to recommend that "domestic violence" is spelled out as an exemption from such mediation.

For mediation to be effective, the parties involved must have equal power and must share a common vision of resolution. When domestic violence is present, this cannot happen because the abuser's desire to maintain power and control over the victim is inconsistent with objective of mediation. Fear of the abuser may prevent the victim from asserting his/her needs, and even the action of mandating mediation may give the abuser increased access to the victim, further

eroding any safety plan that a victim may have in place. A mandatory referral to mediation by the court can communicate to the both abuser and the victim that the violence in their relationship is not serious enough to compromise a victim's ability to get a fair resolution.

We are recommending that in any case where domestic violence is present, such case be considered inappropriate for mediation. With the exception of West Virginia, all states across the country with mandatory divorce and child custody mediation provide a domestic violence exemption. We are asking that you follow suit and carve out an exemption as well.

We can start by excluding anyone from mediation, who is the subject of an order of protection in Connecticut or any other state. The Judicial Branch has a screening tool they use in criminal cases to identify domestic violence offenders and the level of risk they pose to a victim. Perhaps that or a similar screening tool could be used on the civil side as well. We have legislation which "qualifies" a domestic violence victim in cases of employment and the termination of a lease. We could use those qualifiers when considering an exemption from mediation. There are a number of practices in place that would assist the court in determining the factors for a domestic violence exemption. Lastly, keeping in mind that a domestic violence abuser can coerce a victim into mediation, we would also recommend that all mediators in Connecticut be trained in identifying domestic violence so that if it arises, mediation can be terminated.

This legislature has demonstrated a commitment to addressing domestic violence. Please continue your good work by considering our recommendation to exempt domestic violence from any mandatory mediation. Thank you.