

COLORADO JUDICIAL DEPARTMENT
Office of Dispute Resolution

ODR Policies and Procedures Manual
Subject: **The Mediation Process: Domestic Violence**

Date: July 1, 2011

DOMESTIC VIOLENCE

1. An ODR Neutral shall conduct screening to assess for domestic violence and shall attempt to determine the nature and extent of any suspected or alleged domestic violence. A Neutral shall declare the mediation inappropriate if:
 - a. (a) the violence is ongoing;
 - b. (b) the Neutral has any concern that mediation may increase the level of violence between the parties;
 - c. (c) any party states that they are unwilling to participate due to the presence or history of physical or psychological abuse; or
 - d. (d) the Neutral believes mediation is otherwise inappropriate. See Section C.R.S. 13-22-311 (1)

2. If an ODR Neutral determines that mediation may proceed, the Neutral shall take appropriate precautions with respect to the safety and empowerment of the parties. Such measures may include:
 - a. conducting mediation sessions with each party on separate days or in separate rooms;
 - b. discussing with the parties whether other individuals (attorneys, friends, relatives, or other professionals) should accompany them to the mediation session.

3. Whenever possible, mediations involving allegations of domestic violence should take place at the courthouse.

4. Sample screening questions and further information is available on the Contractor page of the ODR website: [ODR Contractor Site](#)