

# State Family Law Advisory Committee

2021 Conference

Here's  
THE  
PLAN

Us



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The Reynolds Law Firm, PC



Kristen Jocums, JD  
Peaceful Family Solutions



# What is PTSD?

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# PTSD versus Post-Trauma



Fight or Flight?



Fight or Flight?  
Or Freeze?





**NORMAL**

**NOT  
NOR  
MAL**

**Normal**

# DSM-V Criteria

## A-H

Criterion A: The person was exposed to: death, threatened death, actual or threatened serious injury, or actual or threatened sexual violence, as follows: **(one required)**

- **Direct exposure.**
- **Witnessing**, in person.
- **Indirectly**, by learning that a close relative or close friend was exposed to trauma. If the event involved actual or threatened death, it must have been violent or accidental.
- **Repeated or extreme indirect exposure to aversive details** of the event(s), usually in the course of professional duties (e.g., first responders, collecting body parts; professionals repeatedly exposed to details of child abuse). This does not include indirect non-professional exposure through electronic media, television, movies, or pictures.

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# DSM-V Criteria

## A-H

Criterion B: intrusion symptoms

The traumatic event is persistently re-experienced in the following way(s): **(one required)**

- Recurrent, involuntary, and intrusive **memories**. Note: Children older than six may express this symptom in repetitive play.
- Traumatic **nightmares**. Note: Children may have frightening dreams without content related to the trauma(s).
- Dissociative reactions (e.g., **flashbacks**) which may occur on a continuum from brief episodes to complete loss of consciousness. Note: Children may reenact the event in play.
- Intense or prolonged **distress** after exposure to traumatic reminders.
- Marked physiologic **reactivity** after exposure to trauma-related stimuli.

# FLASHBACKS

Imagine experiencing the most terrifying horror movie you've ever seen playing over and over in your mind. You can't make the images go away.....







# DSM-V Criteria

## A-H

Criterion C: Persistent effortful avoidance of distressing trauma-related stimuli after the event: **(one required)**

- Trauma-related thoughts or feelings.
- Trauma-related external reminders (e.g., people, places, conversations, activities, objects, or situations).

A trigger...



# DSM-V Criteria A-H

## Criterion D:

Negative alterations in cognitions and mood that began or worsened after the traumatic event: **(two required)**

- **Inability to recall** key features of the traumatic event (usually dissociative amnesia; not due to head injury, alcohol, or drugs).
- Persistent (and often distorted) **negative beliefs and expectations** about oneself or the world (e.g., "I am bad," "The world is completely dangerous").
- Persistent distorted **blame** of self or others for causing the traumatic event or for resulting consequences.
- Persistent negative trauma-related **emotions** (e.g., fear, horror, anger, guilt, or shame).
- Markedly **diminished interest** in (pre-traumatic) significant activities.
- Feeling **alienated** from others (e.g., detachment or estrangement).
- Constricted affect: persistent **inability to experience positive emotions.**

# DSM-V Criteria

## A-H

Criterion E: Trauma-related alterations in arousal and reactivity that began or worsened after the traumatic event: **(two required)**

- **Irritable or aggressive behavior**
- **Self-destructive or reckless behavior**
- **Hypervigilance**
- **Exaggerated startle response**
- **Problems in concentration**
- **Sleep disturbance**

# DSM-V Criteria

## A-H

Criterion F: Persistence of symptoms (in Criteria B, C, D, and E) for **more than one month.**

Criterion G: Significant symptom-related distress or functional impairment (e.g., social, occupational).

Criterion H: Disturbance is not due to medication, substance use, or other illness.

- May have a hard time being loving with family or friends.
- May avoid activities, places, and people associated with the traumatic event.
- May be so emotionally drained that they have trouble with basic daily functioning.



## Avoidance and numbing

- Individuals with PTSD may try to avoid situations that trigger memories of the traumatic event.
- For some trauma survivors avoidance takes the form of seeking distractions that enable them to avoid thinking about the traumatic event.
- Numbing is a common strategy for avoiding the possibility of having to re-live the traumatic events that caused PTSD.



# Addiction





# Depression

Depression is one of the most common consequences of trauma.

Depression is NOT the result of laziness, weakness, personal failure, or lack of will power.





## Symptoms of depression

- Prolonged sadness or unexplained crying spells.
- Loss of energy or persistent fatigue or lethargy.
- Significant change in sleep patterns (insomnia, sleeping too much, fitful sleep).
- Loss of interest and pleasure in activities previously enjoyed, social withdrawal.



# Complex PTSD

- Complex PTSD is a result of repeated or chronic infliction of traumatic violence.
- Victims have enormous difficulty coping or responding to offers of assistance.
- Addiction, eating disorders, cutting, and suicidality are all common presentations



## Practicing self care

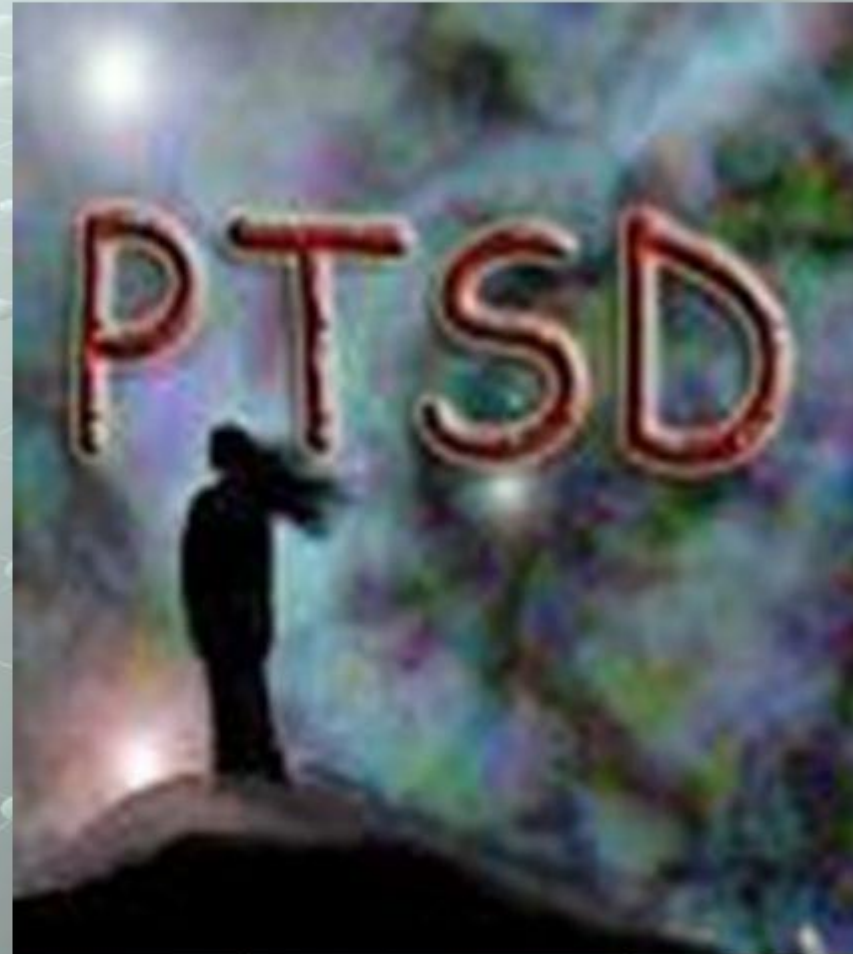


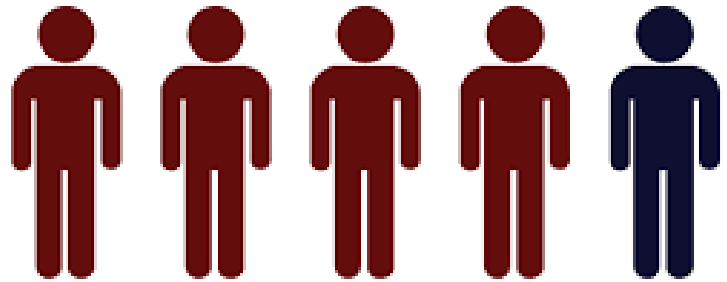
- Find time for:
  - Physical activities
  - Psychological or emotional care
  - Attention to spiritual needs
  - Friendship
  - Activism
  - Humor & fun
- Engage in social activities:
  - that promote a feeling of well-being
  - that promotes mental balance
  - that remind us of our connections to nature and to people



# What causes PTSD?

- Child Abuse or Domestic Abuse
- Violent Attacks
- Disasters
- Accidents
- Military Combat



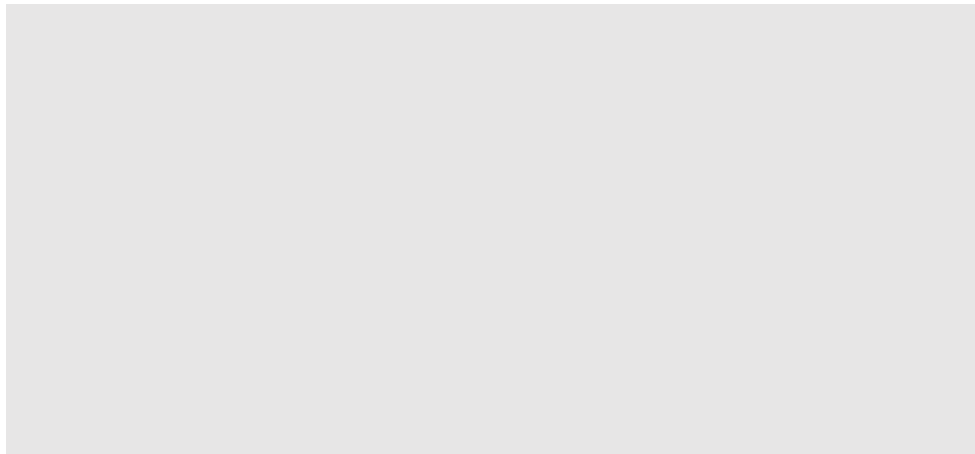


**4 out of 5 Vietnam Veterans reported recent symptoms of PTSD 20-25 years after Vietnam.**



Combat: Military and civilian

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Exposure to War Zones

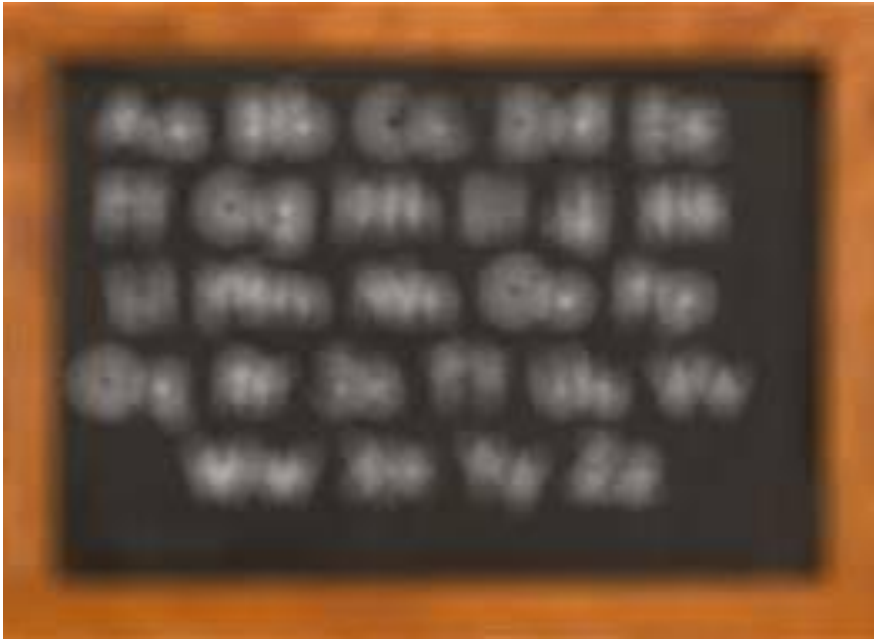
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# Traumatic Brain Injury

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# Symptoms

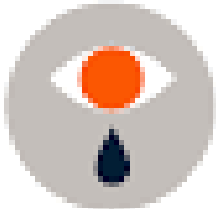
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# ACES

## ABUSE

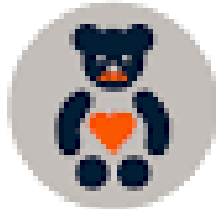


Physical



Emotional

## NEGLECT

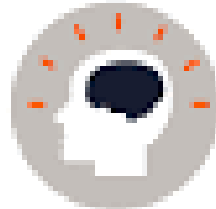


Physical

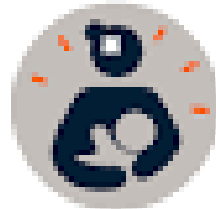


Emotional

## HOUSEHOLD DYSFUNCTION



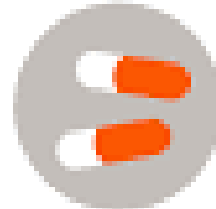
Mental Illness



Mother treated violently



Incarcerated Relative



Substance Abuse

# Adverse Childhood Experiences

**My combat-related  
PTSD aggravated  
an old wound...  
from when  
I was 8.**



We know soldiers are at increased risk for posttraumatic stress disorder from combat.

But did you know that the risk of PTSD is higher among those servicemen and women who were sexually abused as children?

They put their lives on the line to protect us.  
But did we fail to protect them as kids?

Fighting the harm can take decades. Reform the statute of limitations for child sex abuse.

Pass the Child Victims Act now. [Join our petition.](#)

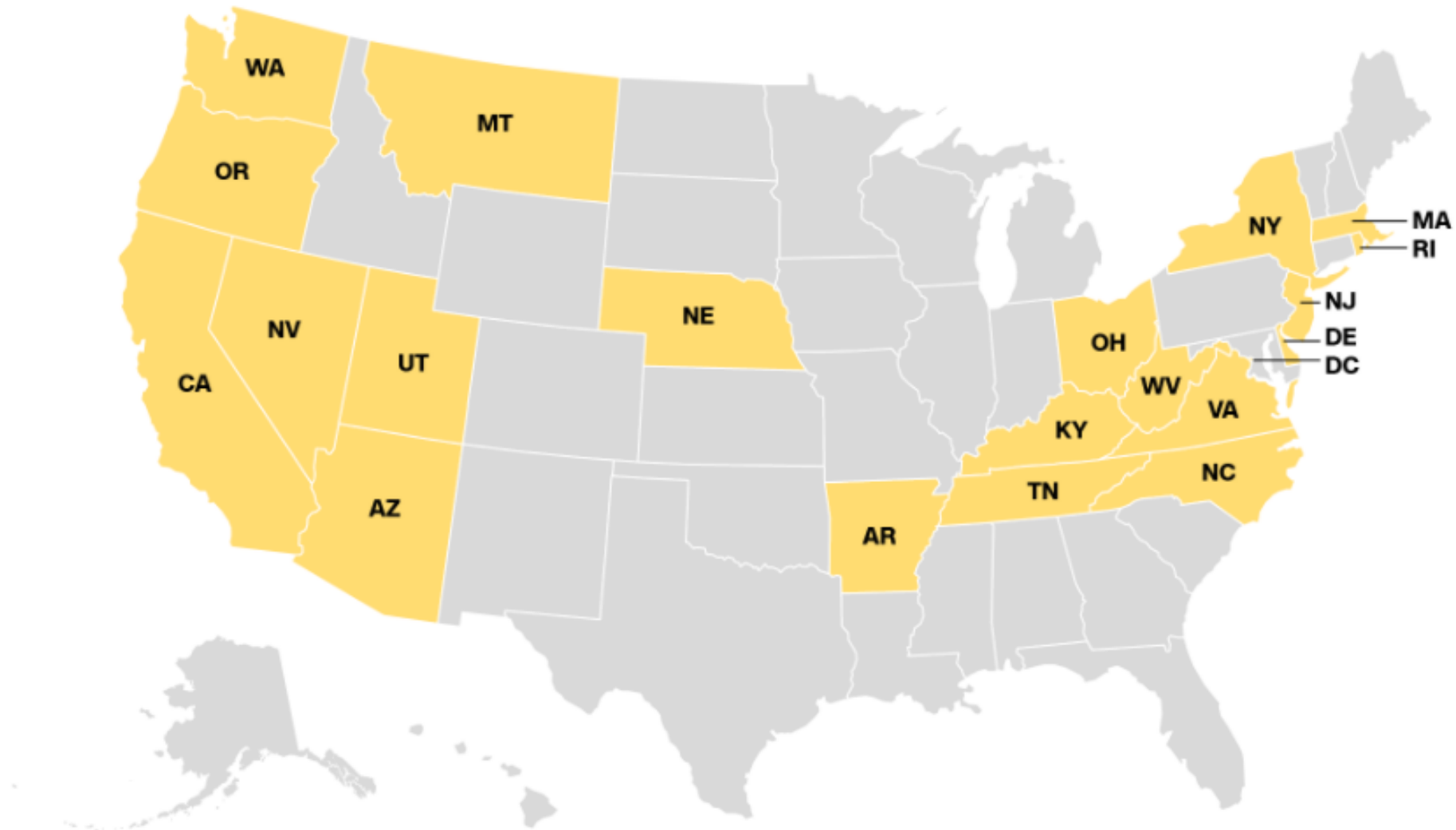
Learn more: [www.victimsatcrime.org/childvictims](http://www.victimsatcrime.org/childvictims)

Get and give. Help for our  
**Victims of Crime**

[www.victimsatcrime.org](http://www.victimsatcrime.org)

# Rape & Family Law

States requiring a conviction to block parental rights



# Parenting After Child Sexual Abuse



# Response from others

- The most important response is how caregivers react to the abuse and that the response is not negative.
- Reactions that increase the risk for negative outcomes include disbelief, blaming the child for the victimization, or blaming the child for causing trouble to the family or the offender.

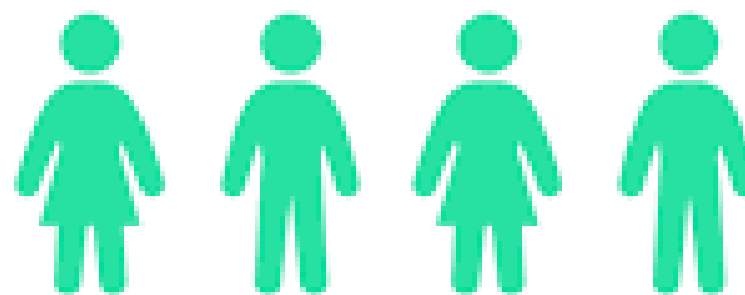
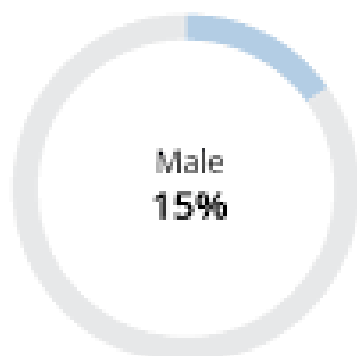
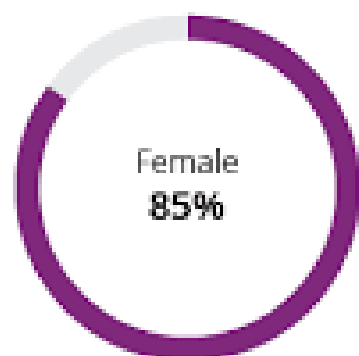


**1**<sup>IN</sup>**4** US  
WOMEN

EXPERIENCED  
VIOLENCE BY A  
PARTNER AT SOME  
POINT IN HER LIFE.

## More Women Experience Intimate Partner Violence

Victims of domestic violence, by gender, 2010



**1 IN 15  
CHILDREN**

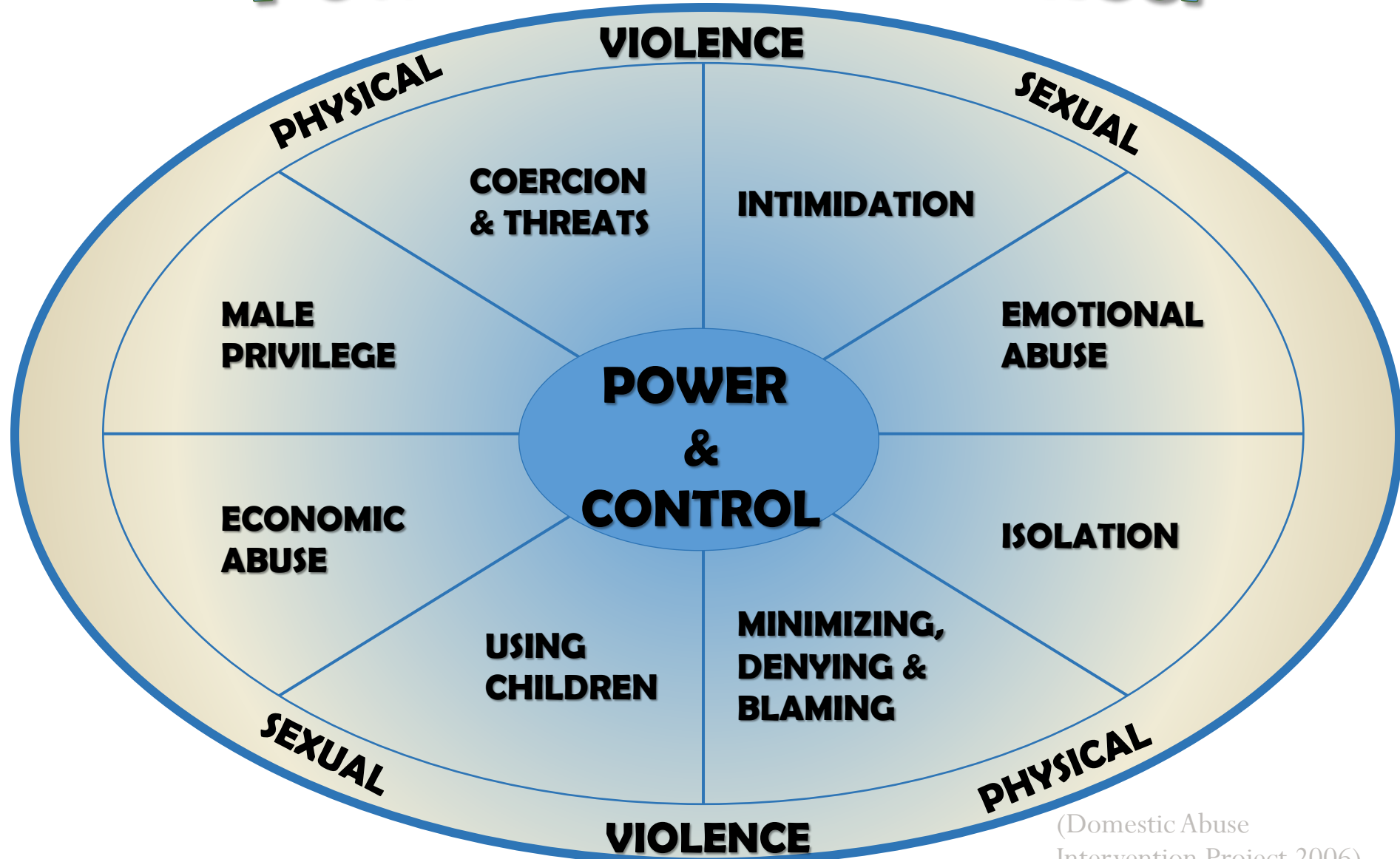
ARE EXPOSED TO  
INTIMATE PARTNER  
VIOLENCE EACH YEAR  
(90% OF THESE ARE EYEWITNESSES)



# Intimate Partner Violence

- Physical
- Sexual
- Emotional/Psychological
- Financial

# Power & Control Wheel



# Vulnerable Victims



# Physical Abuse

- Pinching
- Squeezing
- Shoving
- Punching
- Slapping
- Kicking
- Throwing things/someone
- Breaking things
- Shaking
- Spitting
- Biting
- Hair Pulling
- Trapping someone in a room/bathroom
- Restraining someone
- Denying basic needs such as food, shelter, medical attention, use of restroom
- Using objects to hit someone
- Causing a miscarriage
- Reckless Driving
- Strangulation
- Using weapons to hurt someone
- Breaking Bones
- Murder



More than  
**two-thirds**  
of victims are **strangled**  
at least once

{ the average is **5.3** times per victim }

# Emotional/Verbal Abuse



# Reproductive Coercion Defined:



- ***BIRTH CONTROL SABOTAGE:***
  - active interference with contraceptive methods (flushing pills; poking holes in condoms; refusing to wear condom)
- ***PREGNANCY COERCION:***
  - threats or pressure to promote pregnancy
  - partner attempts to control pregnancy outcomes

# Pregnancy and Young Women

One-quarter (26.4%) of adolescent females reported that their abusive male partners were

**TRYING TO GET THEM PREGNANT**

Miller et al, 2007





# Teen Parents

26% of mothers age 17 or younger and 23% of 18- and 19-year-old mothers experience violence before, during, or after their pregnancies.



# Rapid Repeat Pregnancy



Adolescent mothers who experienced physical abuse within three months after delivery were nearly twice as likely to have a repeat pregnancy within 24 months



# IPV in Family Law Setting

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Fight, Flight, or Freeze

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# Beyond the individual...



# Vicarious Trauma

- Compassion fatigue
- Burnout
- Can mimic PTSD



# Secondary Stress Trauma

STS [secondary traumatic stress] ... is a normal and universal response to abnormal (violence induced) ... events.

The enduring or negative effects of this response, however, can be prevented from developing into a disorder (STSD).



# STS

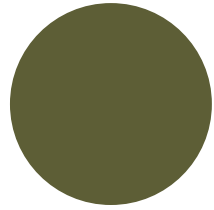
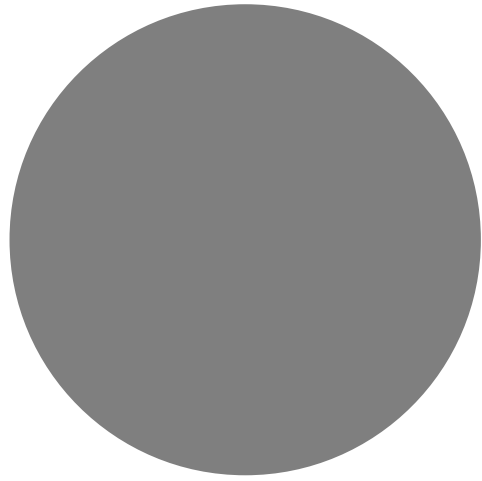
## Signs

- Decreased energy
- Disconnection
- Numbing
- Hopelessness
- Cynicism
- Anger
- Nightmares

## Contributing factors

- The nature of the work
- Personal history
- Current life events
- Fear of the unknown
- Cumulative exposure





# How to Help a Survivor: The B.A.S.E.R. Model

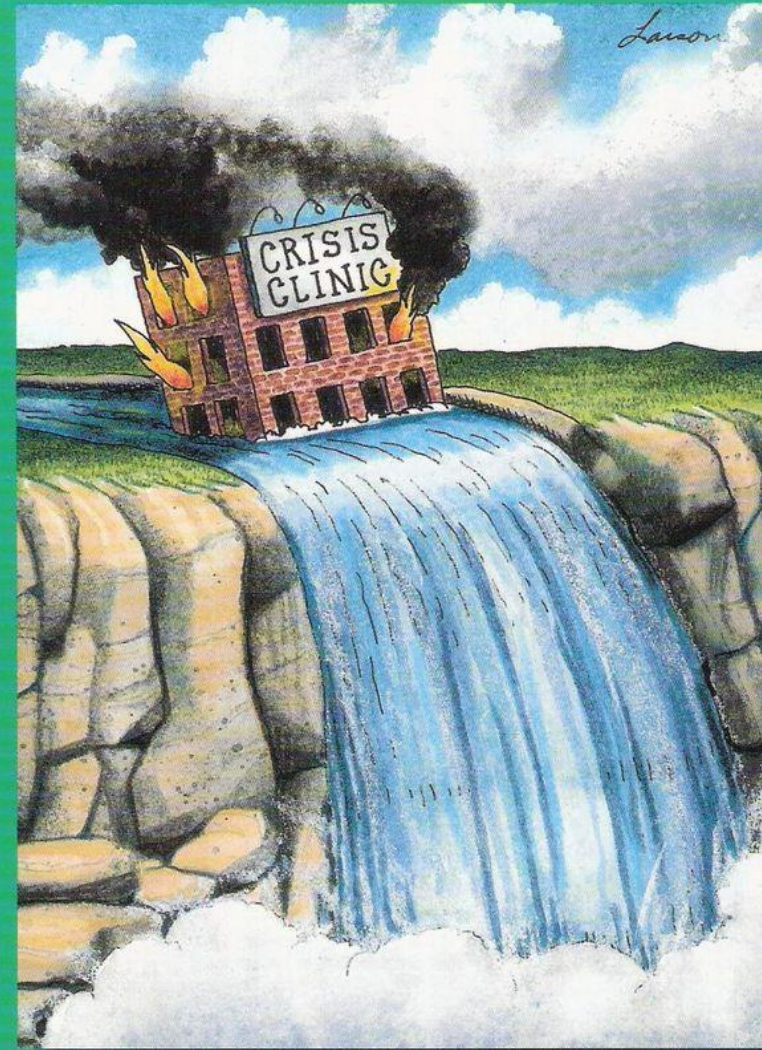


## B.A.S.E.R. Model

Believe  
affirm  
support  
empower  
refer

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Adapted from T.A. Henderson  
(1992)

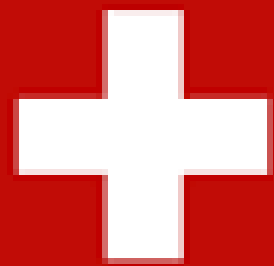


# Believe

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- "I believe what you are telling me."
- "I am here for you."





**KEEP**

**CALM**

**AND**

**STAY**

**NEUTRAL**

# Affirm

- “I am glad you told me about this.”
- “It is not your fault.”
- “No one deserves to be hurt.”





# LAWFUL NEUTRAL

The Prime Directive prohibits me from helping you.

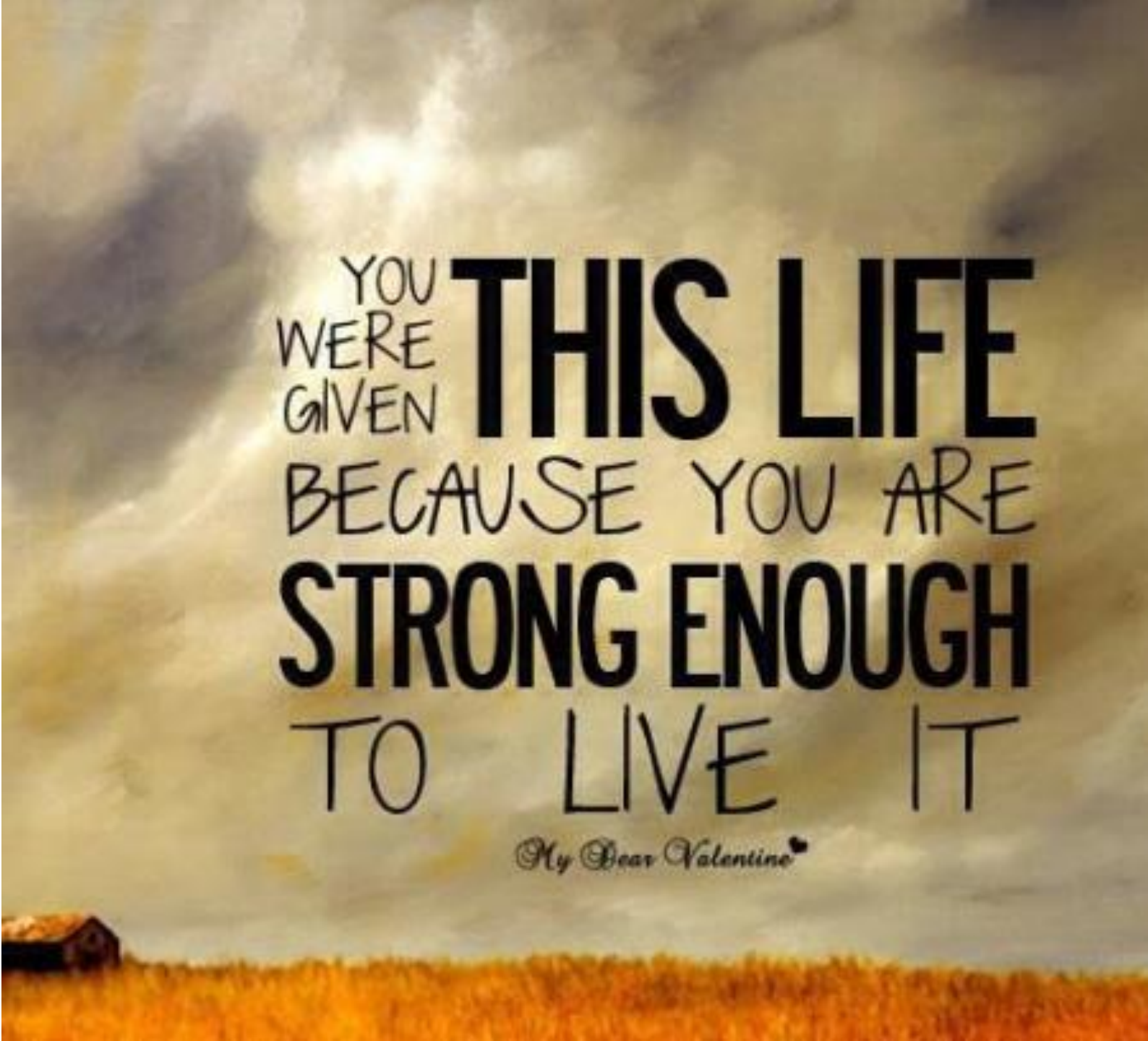
# | support

- “You are not alone.”
- “I am here for you.”
- “How can I support you best?”
- “What can I do?”
- “Do you want me to go with you?”
- “I can help by...”
- “Would it be helpful if I...”



# Empower

- “It took a lot of strength to speak up about this.”
- “You are strong enough to get through this.”
- “You did what you had to do to survive.”
- “It took courage to tell me.”



YOU  
WERE  
GIVEN **THIS LIFE**  
BECAUSE YOU ARE  
**STRONG ENOUGH**  
TO LIVE IT

*My Dear Valentine* ♥



We must always  
take sides.  
Neutrality  
helps the  
oppressor, never  
the victim.  
Silence  
encourages the  
tormentor,  
never the  
tormented.

- *Elie Wiesel*

B.A.S.E.R. Model  
believe  
Affirm  
support  
Empower  
Refer

Adapted from T.A.  
Henderson (1992)



BASER: Refer

---





BASER: Refer



# B.A.S.E.R. Model

believe

Affirm

support

Empower

Refer

Adapted from T.A.  
Henderson (1992)



# Screening

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Denial,  
Minimization,  
Fear of Disclosure

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# Screening Approaches

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ACCORDING TO THE  
PRENUPTIAL AGREEMENT,  
I'LL HAVE THE HOUSE, AND  
YOU'LL HAVE THE KIDS  
AND DOG!



One size fits all



| Parenting  
plans

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Drafting

---

Implementing

---

Changing

Unplanned no  
school day

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We love snow!!!

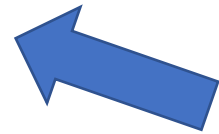
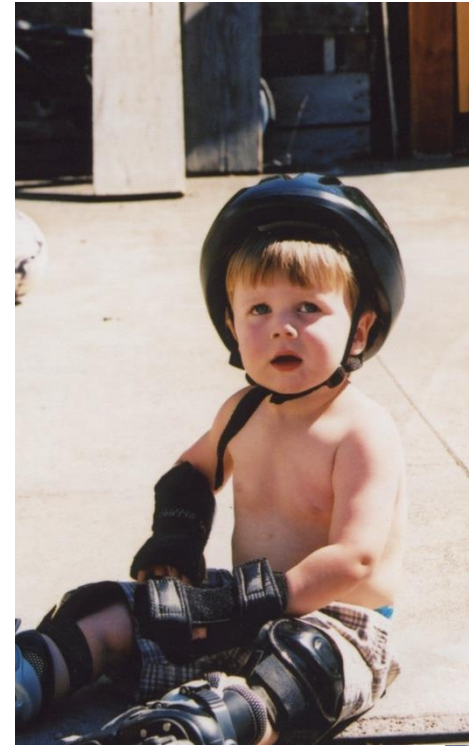
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What are we going to do with the kids?

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# Helmets, car seats, life jackets



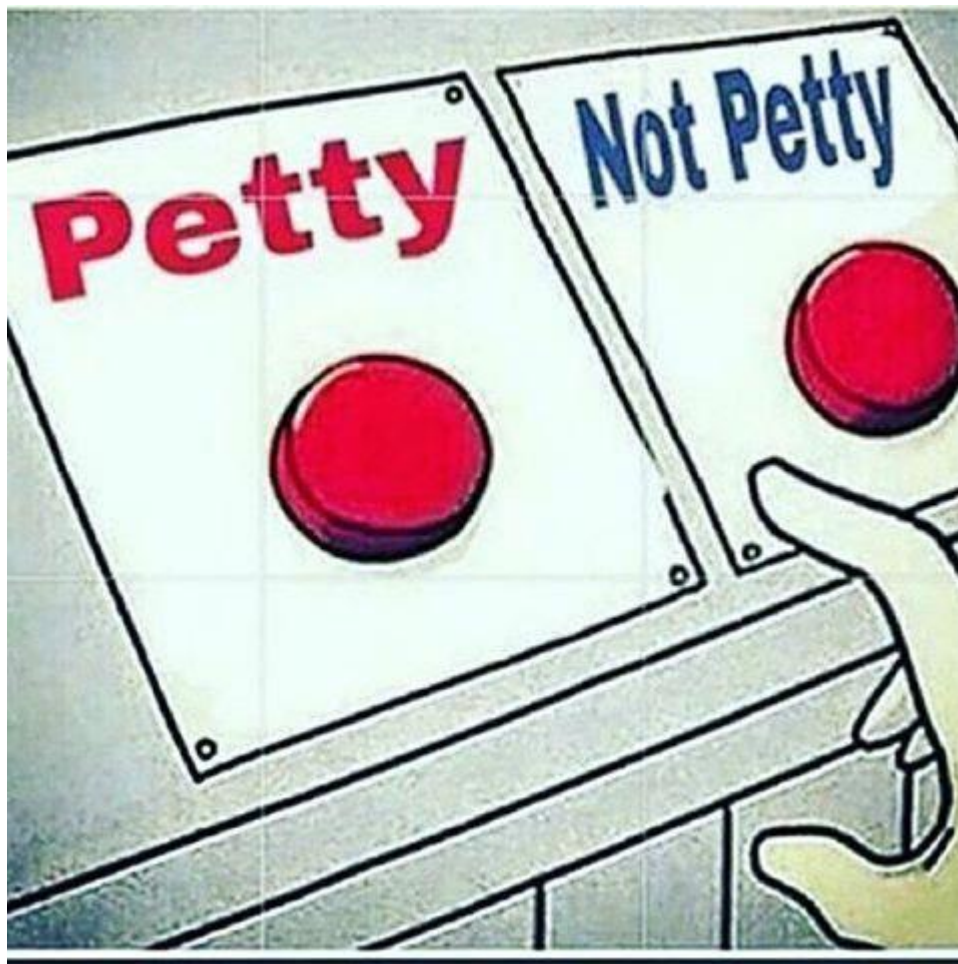
Bad parent!



Good parent!



Petty?



...or not petty?





Through kids' eyes



# Shifting client behavior and attitude



**WHEN I LOOK BACK ON MY  
LIFE, I SEE PAIN, MISTAKES  
AND HEART ACHE.**

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**WHEN I LOOK IN THE  
MIRROR, I SEE STRENGTH,  
LEARNED LESSONS AND  
PRIDE IN MYSELF.**

---

Looking back



Dear \_\_\_\_\_:







# Tips for establishing rapport





The mediator noticed there was  
some hostility...

Meeting them where they are

Building trust

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*J*udging a person

does not define who they are.

*I*t defines who you are.





If you don't like something, change it.  
If you can't change it, change  
your attitude.

*Maya Angelou*

You need to  
just get over  
it...

---







Different Approaches

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**JUST BECAUSE YOU'RE  
PARANOID  
DOESN'T MEAN THEY  
AREN'T AFTER YOU.**

CATCH-22

# Pitching win-win scenarios for children

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You Just Don't Understand...

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## Maintaining boundaries



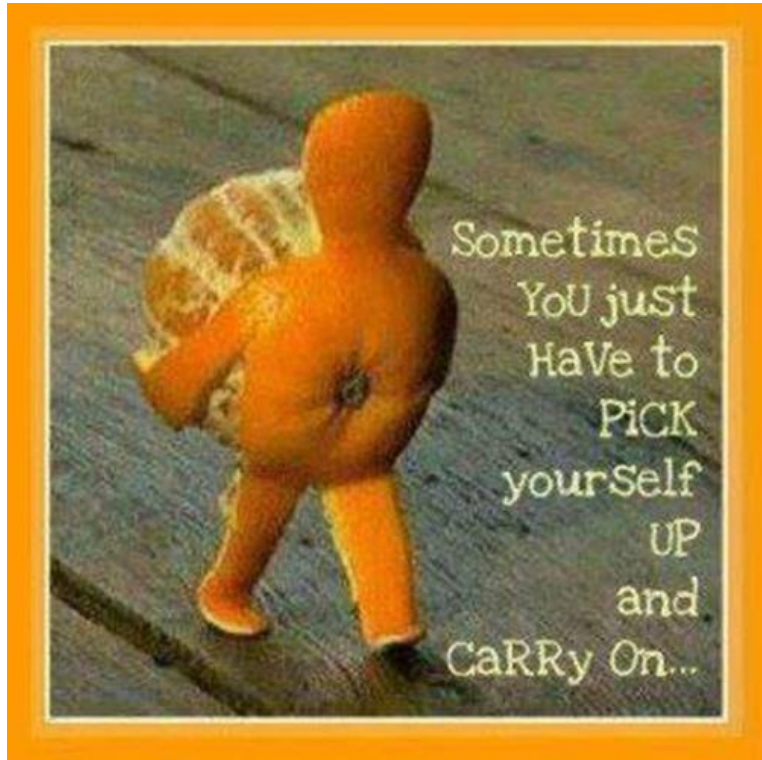
- Boundaries are **unspoken limits** in relationships between those who provide services and those who receive services.
- Maintaining boundaries gives those we serve a real sense of **safety**—they can focus completely on their own needs.
- Boundaries remind us that our power to guarantee safety is limited—the **survivor is in charge** of her or his life.
- Boundaries remind us of the power differential that is inherent in our relationships with survivors—they help keep the power in **balance**.



Tips for intake



# Tips for keeping folks focused



# Warnings

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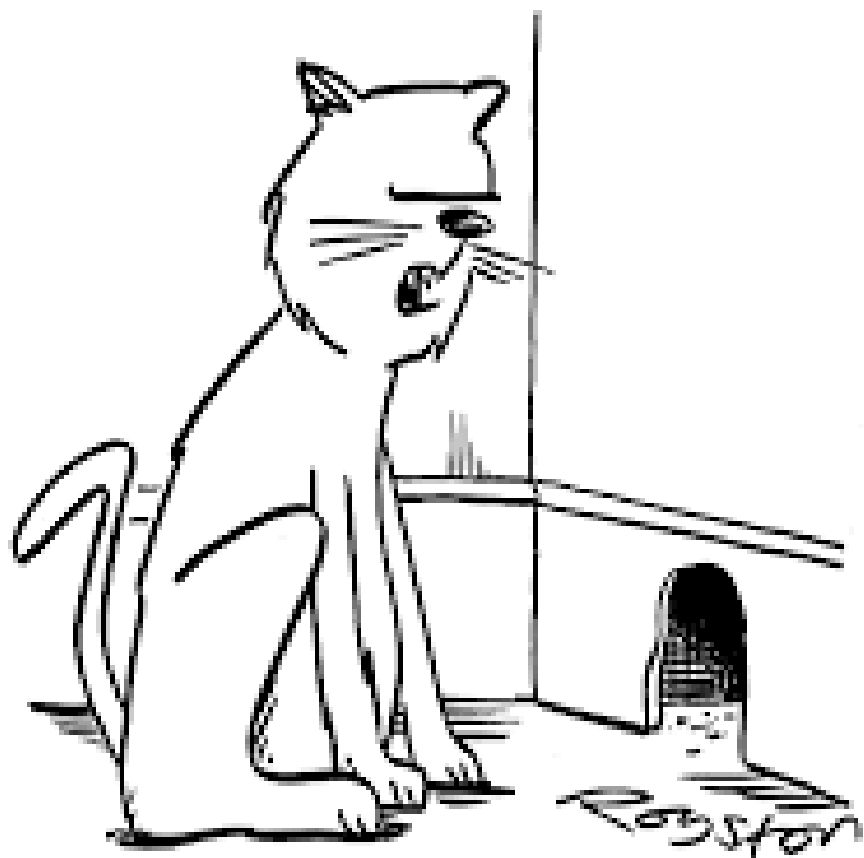


Environment Matters

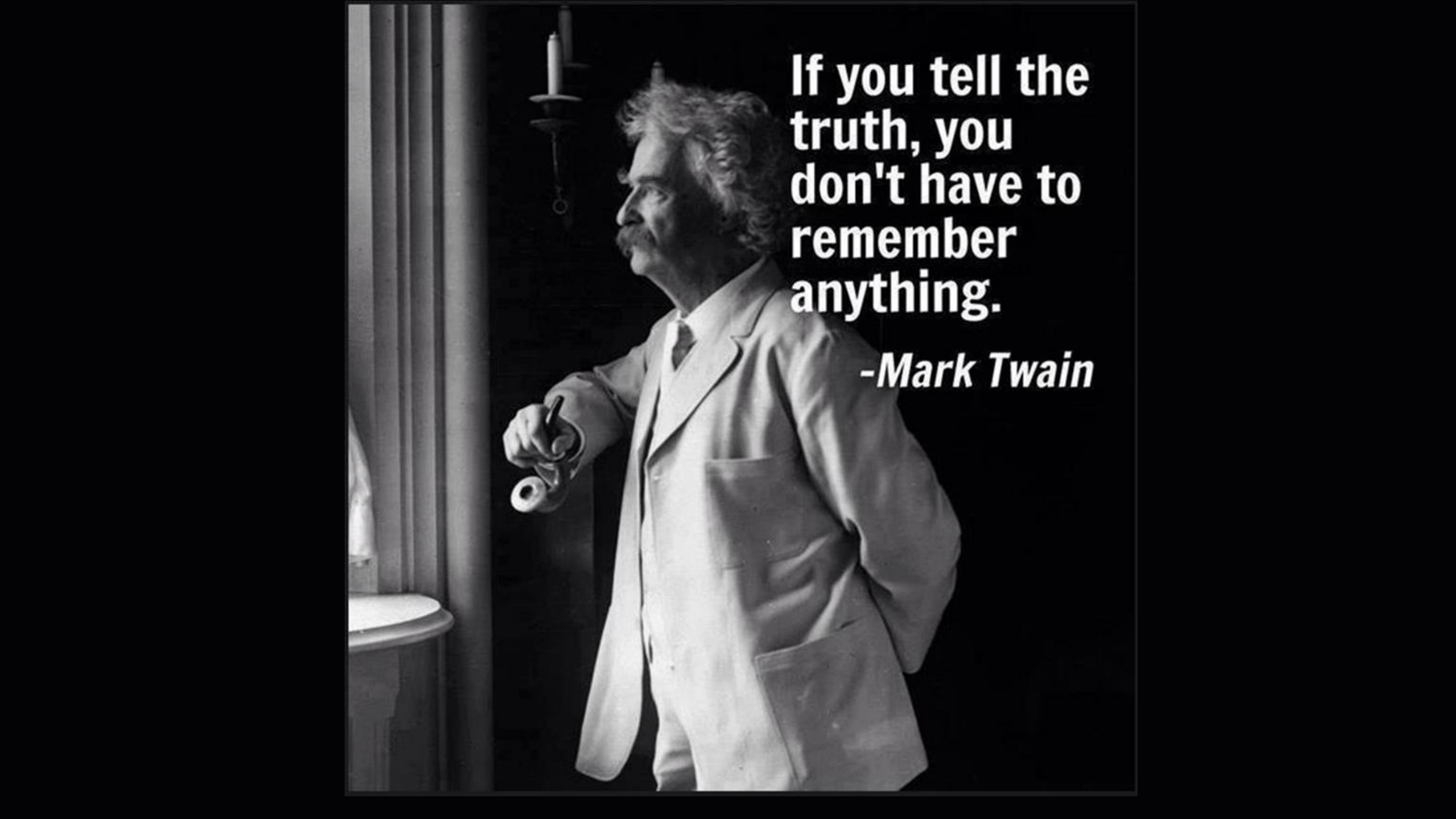
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*“Can't we talk about this?”*



**If you tell the  
truth, you  
don't have to  
remember  
anything.**

***-Mark Twain***

## VICTIMS OF REVENGE PORN



**90%**

90 percent of revenge porn victims in CCRI's sample were women.



**93%**

93 percent said they have suffered significant emotional distress due to being a victim.



**49%**

49 percent said they have been harassed or stalked online by users who saw their material.

**If you are a victim in need of support, visit [www.EndRevengePorn.org](http://www.EndRevengePorn.org)**

Sources:

1. McAfee's Love, Relationships, and Technology Report  
<http://www.mcafee.com/us/about/news/2013/q1/20130204-01.aspx>

2. Cyber Civil Rights Initiative's "Effects of Revenge Porn" Survey\*

\*CCRI survey results were achieved from a survey that was hosted on [endrevengeporn.org](http://endrevengeporn.org) from Aug 2012-Dec 2013. Participants self-selected into the study by visiting our website and filling out the survey on their own accord. Results depicted are reflective of a female-heavy sample, due to most of our site visitors being women.



Questions or comments?  
Now is a goodtime!



# Memoirs about intimate violence and childhood trauma



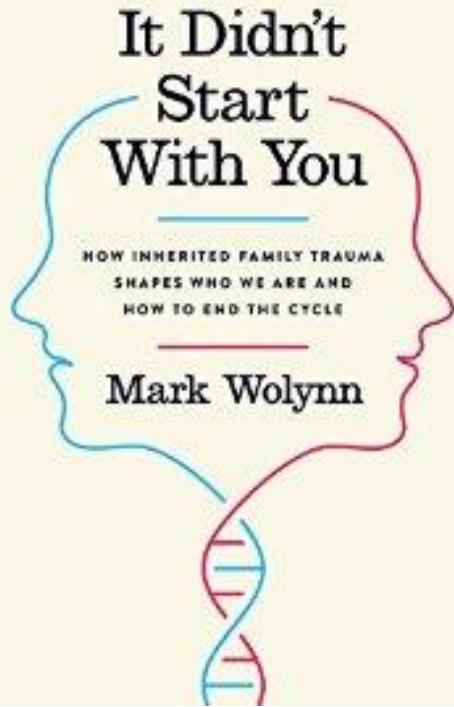
The legal & psychological advice you need

# splitting

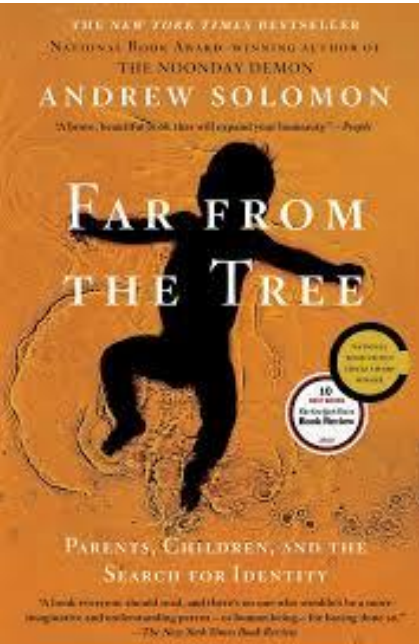
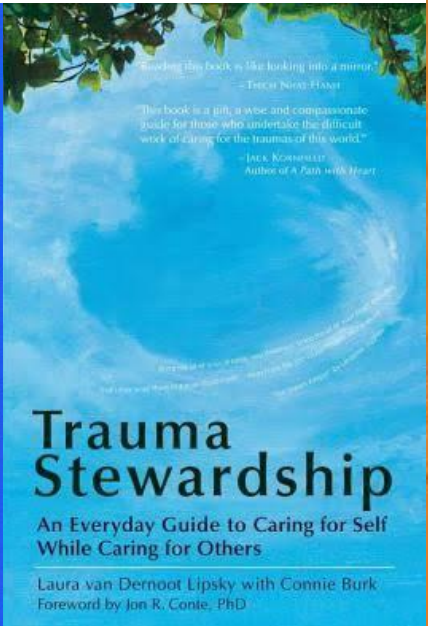
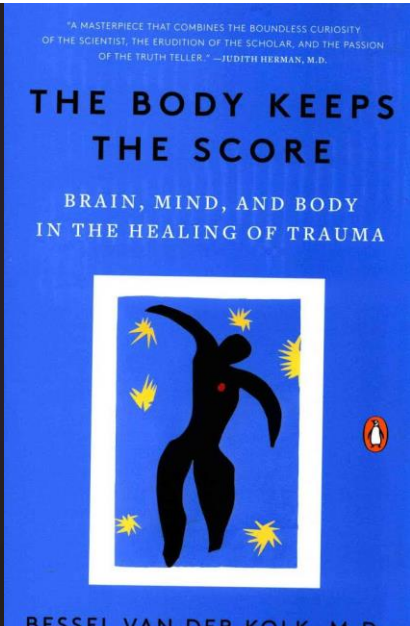
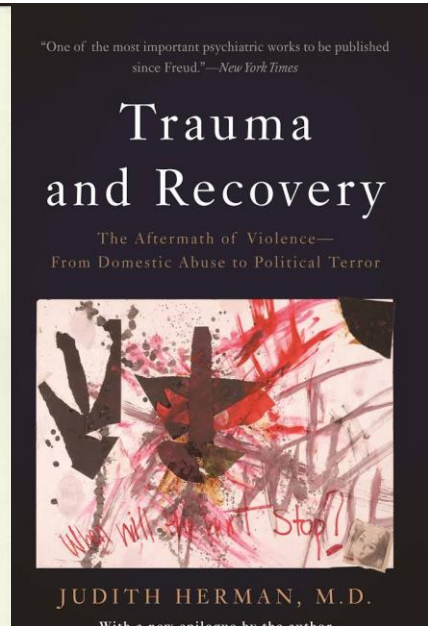
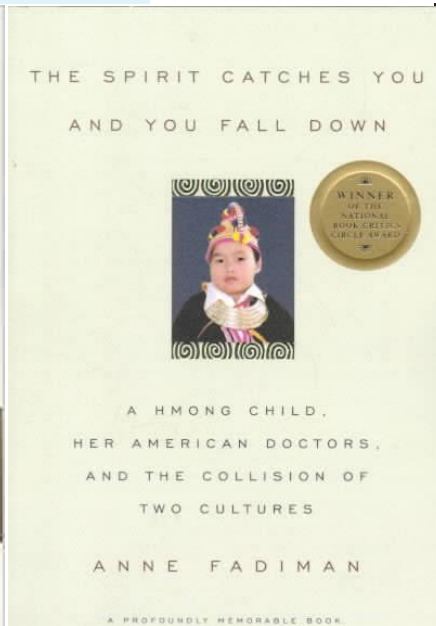
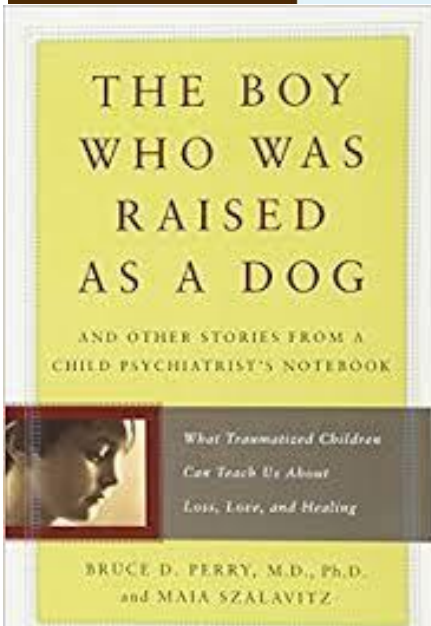
Protecting Yourself While Divorcing Someone with Borderline or Narcissistic Personality Disorder

Bill Eddy, LCSW, JD  
Attorney, Mediator, and Clinical Social Worker

Randi Kreger  
Coauthor of *Stop Walking On Eggshells*



## Non-fiction books







## 5-4-3-2-1 for Anxiety Relief

Remember that what is happening to you is a normal response to your trauma. Your thoughts are directly linked to how you feel. Sometimes we lose control of our thought processes, but you have tools that can help you get back a sense of control and lead to healthier thought patterns. In moments of anxiety or triggered trauma it is important to focus on the present until the symptoms subside.

**Breathe** in 5 seconds, hold 5 seconds, breathe out 5 seconds. While you breathe, do the following 5 things in order:



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**Breathe** in 5 seconds, hold 5 seconds, breathe out 5 seconds. While you breathe, do the following 5 things in order:

**5: See FIVE** things, like a bird, a lamp, a coat. Say what you see.

**4: Touch FOUR** things around you, like your hair, the ground, grass, or a pillow. Name them when you touch them.

**3: Hear THREE** things around you. Maybe you can hear a clock, a car, a dog barking. List each noise when you hear it.

**2: Smell TWO** things, like soap, a pencil, or lotion. Move around until you find two. Articulate each scent when you smell it.

**1. Taste ONE** thing taste. What does the inside of your mouth taste like, gum, coffee, or food? Focus on your mouth as the last step. Put into words what you taste.

**5: See FIVE** things, like a bird, a lamp, a coat. Say what you see.

**4: Touch FOUR** things around you, like your hair, the ground, grass, or a pillow. Name them when you touch them.

**3: Hear THREE** things around you. Maybe you can hear a clock, a car, a dog barking. List each noise when you hear it.

**2: Smell TWO** things, like soap, a pencil, or lotion. Move around until you find two. Articulate each scent when you smell it.

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## Roll Play 1

### Instructions for P1

#### Avery TURIN

[To be read by P1 only]

You're an architect. You present with a gentle personality. Six months ago, you retained the services of Chandler, Esq. — a young immigration attorney — to secure an H1-B employment visa for a talented Korean designer whom you believed would be critical to your company's work. You paid Chandler a \$15,000 retainer some six months ago. All seemed to be progressing satisfactorily for the first few months as Chandler sent you regular itemized statements to reflect the hours expended on the case. Then Chandler called to say that U.S. Citizenship and Immigration Services [formerly, the Immigration and Naturalization Service, INS] had announced that it had exhausted its H1-B visa allocation for the year. Chandler offered to refund you the unused balance (\$4700) of the retainer. Enraged at your attorney's failure to secure a visa, you argued that Chandler should refund much more money, at least \$10,000. You might have said something threatening (you can't remember exactly what you said). Certainly, you have some power to damage his/her reputation because you're influential in the San Francisco Chamber of Commerce.

You requested mediation because you felt litigation would likely end with a judge siding with a fellow lawyer. Right now, you'd like an apology and at least the \$5000 back from Chandler. Principles are important to you. In your industry, it is common for contributors to a failed project not caused by the contributors to equally share the loss.

Several years ago you were involved in an accident which caused a traumatic brain injury. You suffer from mood swings and often don't remember that you have lost your temper with people around you.

You do not volunteer information about your accident and injury, but you don't shy away from the topic if it is raised.

**Other character notes:** You're a Jekyll-and-Hyde: pleasant, calm, and softly spoken, but also revealing glimpses of a very angry and aggressive facet of your personality. Play the character according to your instincts. Yield only when you feel you've gotten what you need.

Mediator:

Party 1 (P1) is Avery Turin

Party 2 (P2) is Chris Chandler, Esq.

Avery is an architect who is alleging that Chris owes them money after Chris failed to secure an immigration visa for Avery's employee.

## **Role Play 1**

### **Instructions for P2**

**Chris CHANDLER, ESQ.**

[To be read by P2 only]

You're an immigration attorney. You accepted a case about six months ago from an architect (Turin) who needed to secure an H1-B visa for a Korean employee. You received a \$15,000 retainer from Turin and consumed \$10,300 in fees while working on the case. You submitted the visa application ahead of the deadline, and then, to your surprise, received an announcement from the Center for Immigration Services [formerly, the Immigration and Naturalization Service, INS] that the H1-B visa allocation for the year was now exhausted. No new H1-B visas would be issued until next year.

You called Turin to break the bad news. They were clearly angry — excessively so, in your opinion. You ended the call by saying that you'd mail them a refund for the unused portion of the retainer.

When Turin received your check for \$4700, he/she called you in a state of rage, threatening to "hound you" unless you "take responsibility and repay the money owed". Several more calls followed with Turin demanding various sums of money, all in excess of the \$4700. You tried to reason with them, hoping to avoid a complaint to the Bar Association that might damage your as-yet untarnished reputation. You also know that Turin is also quite influential on the San Francisco Chamber of Commerce, and you're concerned about having your name dragged through the mud with a constituency of business executives on whom you depend for much of your clientele.

**Other character notes:** Deep down, you suspect Turin is a nice person. Like a lot of artist types, he/she is emotional and perhaps doesn't understand business realities. You'd like to find a way through this mess. You won't tolerate being bullied, and you want some assurance your name isn't going to be slandered in the Chamber of Commerce



## Role Play 2

### Mediator

You are assisting the Smiths with a divorce w/ children.

### Pat Smith

You are a manager of a government office. You have a lot of responsibility at work and you pride yourself on doing a good job. You have 2 children, ages 4 and 6. Your spouse has been at home with the children until now, but she has expressed interest in getting a part time job when the children are both in elementary school. At this point, you expect your spouse to fulfill traditional roles in caring for the children. You also expect the children to be quiet at home because you need the house to be a sanctuary from your work. You put your spouse down at home, telling her she is incapable as a house keeper and that she doesn't know how to handle the children because she is not strict enough. You often explode at the children and your spouse, which makes the children jump, then freeze in place. You believe this is appropriate fatherly behavior because "how else will the children learn to be respectful and appropriate." You believe you should have equally shared parenting time but full decision making authority because your spouse "can't handle anything."

Additional characteristics:

You are charming and pleasant to others. You interrupt you spouse and say "that's not the real issue" or "that's not important." You do not lose your temper around others, though.

### Cameron Smith

You are married to a man who runs a busy government office. He is often under pressure at work. He takes extreme pride in doing everything well. He wants his home to be his castle, with you and your two children, ages 4 and 6, to be absolutely quiet and respectful to him when he gets home. You perform traditional stay-at-home spouse duties well. meals are generally on time, nourishing and tasty. You aren't a perfect housekeeper, but who is with two small children? Your spouse often explodes at you and the children, telling you that you are incompetent and that you undermine him as their father by coddling them too much. When he yells, the children jump, get big eyes, and freeze in place. When they resume their activities, they are subdued. You have decided to divorce because of your spouse's treatment of you. He has never hit you or the children, but he can be physically rough when they are misbehaving. You think you should have sole custody and your spouse should have parenting time every other weekend. Even this schedule makes you nervous.

Additional characteristics:

You have found that the best way to handle your spouse is not to contradict him or question his abilities. You are therefore very accepting of his ideas in general, usually trying to agree with him on everything and then working backwards to try to carve out something you think will work better for you. In mediation you always let him talk first and keep saying things like "that's a good idea and something we should think about." if the mediator asks you to caucus, don't volunteer the domestic violence/coercion and control aspect of this matter. Continue to ask the

mediator for advice and say things like “oh, that might work, do you think he might agree to that?” and “I can’t tell him, can you?”

### Role Play 3

#### Mediator:

You are mediating a custody case. The child is 8 and the parents were never married. Payton is the mother and Jessie is the father.

You look at the intake information sheet several times because the referral sheet from the court has a birth date for Payton that would make her 20 and the math on that doesn't seem right. Jessie's DOB says he is 26.

#### Participant 1: Peyton

You are Payton, a 20 year old mother of an 8 year old boy. When you were 12, you and your sister were kidnapped by an 18 year old (Jessie) who kept you captive for 2 days, raping you. You found out 1 month after the assault that you were pregnant. Despite the circumstances of the pregnancy, you chose to give birth and support your child because "he shouldn't be a victim, too." The 18 year old is now 36 and is seeking custody and parenting time.

#### Additional facts:

You work 2 jobs trying to make ends meet for you and your son. Despite this, you are not making a living wage and you receive some assistance from the state. The state started this problem by trying to recoup child support from Jessie without your participation. They even told him your address and he was able to serve you with this law suit. Although you were willing to testify against Jessie all those years ago, the prosecutor gave Jessie a deal resulting in a 6 month reduced jail sentence. Jessie has never met your son. You choose how much of your story to share with the mediator.

#### Participant 2: Jessie

You are 26 years old and your name is Jessie. When you were 18 you kidnapped two sisters, age 12 and 13 and raped them during a two day captivity. The 12 year old became pregnant and gave birth to a boy. You feel terrible for what you did. You served 6 months in jail for pleading guilty to a lesser offense of sexual misconduct rather than rape. You have been wanting to make things right, including wanting to get to know your son and contribute to his life. You were so grateful when you were contacted by the state about child support collection. You were able to get Payton's address and try to make amends. She didn't want to have anything to do with you, so you served her with a lawsuit and are asking for joint custody and parenting time.

Additional facts: You have become religious and think that forgiveness is required by all people. You do not shy away from the fact that you did something wrong, but you just want to ensure your son grows up with a father in his life.

## Role Play 4

### Mediator

You are meeting with your clients for the first time. The case involves the lease of business of property. The parties are Harper Jones and Jules Greene.

### Participant 1: Harper Jones

A former Army Ranger, you are intelligent and ambitious. You have been diagnosed with PTSD. You have nightmares and sleep interference. You have always wanted to own and operate your own restaurant. You put money down on a lease option on an existing restaurant but the business has been struggling and you have not been able to make your monthly payments the past 3 months.

You do not like to talk about your military career or your PTSD. However, you find it hard to sit still in a room without losing your temper. This is why the restaurant business is ideal for you – there's a lot of movement and variety of tasks which keep you engaged and moving quickly to the next task.

You were recently served with legal notice to bring your lease payments current or leave the property. You really want to continue in this business. You would like to work out some payment options, as there has been construction in the area of your restaurant for the past 3 months and you believe business will pick up if you can just get past the next few weeks of letting people know they can easily access the restaurant again. You are a little frustrated with Greene, however, because you feel he is being too invasive into your management techniques

### Additional characteristics:

During this role play, a loud noise will be made in the room. This noise causes you to jump and pace, wring your hands and have difficulty concentrating again. See if the mediator can soothe the situation or if you would like to caucus or terminate the session.

### Participant 2: Jules Greene

You are a retired restaurant owner with several independent restaurants in the community. Over the past five years you have been selling or leasing your locations in order to retire. You leased your last facility to Jones last year. It wasn't long until you started seeing that Jones was having trouble concentrating with certain aspects of the business. Since you didn't want to have the lease/option fail, you asked Jones if you could assist with anything. When he showed you the order history for the store, you noticed a high amount of waste. When you made suggestions on how to stop such waste, Jones became belligerent and refused to talk with you. Then they just stopped making payments on the lease and avoiding you. You admire many things about Jones and you want the lease to be a success. However, you have to support your retirement with the lease payments, so you cannot continue to go without a restructure or

termination. You feel like you have a lot of knowledge that could be useful to Jones if he wanted to take advantage of your advice.

## Role Play 5

### Mediator

You are volunteering in a neighborhood dispute resolution program. Two neighbors, Peyton and Harley have a disagreement over Peyton's cat.

### Participant 1: Harley

You are coming to your first session of neighborhood mediation. You are fed up with your neighbor's cat. You love birds. You have planted a garden that attracts them and have set up houses with seed and water fountains and baths so that all types of birds come to your yard. Peyton recently moved in, along with their cat. It is an indoor/outdoor cat and wanders into your yard. You have seen it chasing your birds. The cat also uses your garden beds for its business. You want Peyton to keep the cat inside or get rid of it.

### Participant 2: Peyton

You recently moved into the neighborhood. You are in your 20s and single. However, you brought your beloved cat, Fluffy, with you to this neighborhood after your parents were in a car accident and lost their home because of medical bills. Their new apartment complex won't let them keep the cat so you moved into a new neighborhood to a place that would allow you to keep the cat. You experienced a childhood trauma. Fluffy reminds you greatly of the cat you had when you were young and you are emotionally attached to this newer cat that you have only had for 2 years because of this. You even named this cat after the original cat, Fluff. Fluff was the only thing that kept you together during the aftermath of the traumatic experience. Your childhood cat always knew when you needed comfort. He would purr and rub on you and curl up with you at night. Fluffy looks like your childhood cat and is a definite comfort to you now.

Your first encounter with Tucker was very pleasant. They were someone you could respect and like as a fellow animal lover. They have a beautiful garden and love the birds that come to visit. You were very surprised one day when they asked you to "keep that damn cat away from my house!" Ever since then, you have had a hard time even looking at them when you see them outside your houses.

Additional characteristics: You are withdrawn and quiet, keeping head low, this reminds you of when you were young and you were traumatized. Cry, ask for a tissue, etc. Don't reveal what is going on for you unless you are comfortable. You decide whether you reveal how this is affecting you, whether you ask for a caucus or how withdrawn you become. You are extremely protective of the cat and defensive about your ability to provide a good home for Fluffy.

## Role Play 6

### Mediator:

You are a human resources mediator. You are meeting with an employee (Rory Grant) and a supervisor (Kai Carter) about a workplace disagreement.

### Participant 1 Rory Grant

You have been employed by the same company for 4 years. You are a mid-level manager and you have some supervisory responsibility for projects and personnel. Your former VP with whom you work very well recently received a lateral transfer. The new VP has a very different management style than you and the previous VP. You like to work from an empowerment and encouragement model, whereas the new VP is authoritarian and rarely compliments his subordinates. They recently reprimanded you in a staff meeting for “taking too long” to brief your team members about the goals and steps of a project prior to delving into some roadblocks you’ve been hitting. You have asked for an HR intervention, as you feel the VP has started targeting you for replacement.

You have worked hard in your life to overcome a repeated experience of not fitting in. When you were 9 years old your mother passed away from cancer. You were taken care of by relatives, but you were never quite sure if you were loved by the aunts and uncles you resided with. You experienced many adverse childhood experiences while in their care and have never received counseling. No one other than the former VP at work knows about your childhood. Additional characteristics: You want reassurances a lot. You become crestfallen if you are criticized. You wring your hands and look down a lot during the session. You want to be reassured that you are not being targeted and that your work is valued. You engage in catastrophic thinking.

### Participant 2 Kai Carter

You have been with the company for over 20 years. You are hard driving, expecting little chatter and lots of results. You don’t like “water cooler” discussions with your co-workers, as you view this as a waste of company time. When an employee performs well, they can expect to be recognized in their annual review with a favorable ranking.

Since taking over the new division in which Rory Grant is your mid-level manager, you have been unable to deal with the constant “checking in” that Rory does with you. Talks about “being on the same page” and offering support just divert into gossiping about the weekend. You just want Rory to get the job done and let you know when it is accomplished. You recently had to

reprimand them in a staff meeting for taking too much time on the agenda to brief the team on progress rather than just discuss problems.



## Role Play 7

### Mediator

You are working with a couple getting divorced, Reese and Morgan Hunter-Cohen. They have 2 teen age children. Money is tight but there is a house without a mortgage that needs to be distributed.

### Participant 1 Reese Hunter-Cohen

You are a graphic designer for a large company. Recently, your company started downsizing in your department because of changes in technology and out sourcing. You believe you will be losing your job within the next 3 months. You have 2 teen age children who are active in sports and extracurricular activities. They are away from the house a lot, but they grew up in the home and are very attached to it. Your spouse wants to stay in the home. They recently started working  $\frac{3}{4}$  time at a school, so they are available during non-school hours to support their extracurricular activities.

On top of getting divorced and potentially losing your job, you have moved into your mother's house. Your mother is battling a severe form of cancer and must have absolutely sterile surroundings. The children therefore do not visit you at your mother's home. Your mother is not likely to survive.

### Additional characteristics:

You are completely withdrawn in session. You hardly look up. Your tone is flat and you don't make eye contact or react to what your spouse is saying. It is no secret that these things are going on, it's just that you are completely overwhelmed and you simply can't think of alternatives. You give in to everything your spouse demands.

### Participant 2 Morgan Hunter-Cohen

Your spouse is a graphic designer and is likely to be laid off from their job within 3 months. Your marriage has been struggling for years as your spouse has been helping your mother-in-law through several bouts of cancer. You are angry at your spouse because the downsizing was predicated and they have done "nothing to find a new job or retrain." You have had to return to work after raising two children to high school age. You are now working  $\frac{3}{4}$  time and running the kids to their after school activities. You can't wait until the older one gets their license and you can stop with the driver's Ed training, too. You feel like the kids don't want to be with your spouse, their lazy, depressed, and short-tempered parent. You want the house and a restricted parenting time schedule – just one Saturday afternoon every other week. Your spouse is living with your mother-in-law in a sterile environment due to her cancer treatments. You want parenting time outside of their grandmother's home.



## Role Play 8

Mediator: You are mediating a dispute between 2 employees at a business: Rowen and Lee. The employer values both employees

Participant 1: Your name is Rowen and you are a mid-level manager at a business. You handle web ordering for one line of products for the business. You often coordinate with your co-worker, Lee (who is a woman), when Lee is handling the web ordering for a different line. You both have different shifts, but you try to overlap hours during the day to coordinate shipping when possible. You do coordinate by email when you cannot overlap your schedules. You often talk with Lee about ideas you each have about new product lines and how your boss could expand sales. You are older than Lee and been with the company longer. You have socialized often outside of the work place with Lee. You both have partners and the four of you have partied together. You know that Lee is mad at you following a recent social event. Your boss has asked you to mediate, but you aren't quite sure what the issue is. Right now you have been placed on paid leave. You'd like to get back to work ASAP.

Participant 2: Your name is Lee (who was pregnant) and you are a mid-level manager at a business. You handle web ordering for one line of products for the business. You often coordinate with your co-worker, Rowen, when Rowen is handling the web ordering for a different line. You both have different shifts, but you try to overlap hours during the day to coordinate shipping when possible. You do coordinate by email when you cannot overlap your schedules.

You have socialized often outside of the work place with Rowan. You both have partners and the four of you have partied together. One day at work recently, Rowan expressed to you that they were feeling sad about the death of a long time friend. You asked Rowan over for a drink after work. You sat on your front porch where Rowan did most of the drinking. You talked about work, including the ideas you each have about new product lines and how your boss could expand sales.

This is a common topic of conversation, as you view Rowan as a mentor to you. During this time, Rowan told you that you were not being politically smart at work and that you needed to shape up and take more advice about advancement of your product ideas. At one point, Rowan made an ugly "Duh!" face at you and reached over and slapped you across each cheek. It could have been an attempt to joke with you, but you felt Rowan was getting very mean. You were not hurt and did not have marks from the incident. You were shocked by this behavior, but Rowan didn't seem to even give it a second thought. Rowan eventually went home. You are now attempting to work in the same space as Rowan, coordinate your shipping and ordering components and "work as usual." You are finding that you cannot do this. You are afraid to be around Rowan and you can't fathom the fact that they doesn't even seem to remember this incident. You are feeling hurt and don't know how you can keep working with the company. You don't want to quit and you don't think you should be forced to work with Rowan.

Additional facts for participant 2: (You decide if you wish to reveal in mediation)About 6 months ago, you broke up with a boyfriend. After that break up, you found out you were pregnant. You had an abortion, but you have not had a chance to process the emotions of that. Everything is raw for you and you are teary a lot. You are not depressed, but you feel like nothing is going right currently. You second guess yourself on a lot of your decisions. You did not report Rowan's behavior to the police because you are feeling so unsure about things right now.

## Values Exercise 1

Cheyenne and Jayden are in love. Jayden breaks a leg and cannot leave home. Jayden asks Cheyenne to visit every day during recuperation. Cheyenne lives on the other side of the river where everyone is low income. One night Cheyenne asks Kendall, the boat captain for transportation across the river to be with Jayden. Kendall says it will cost \$50, which Cheyenne does not have. Kendall says the price cannot be discounted because "I need to support my family and can't be giving freebies all the time." Cheyenne then asks a neighbor for a \$50 loan. The neighbor says they won't loan it to them, but will give Cheyenne the money if Cheyenne sleeps with the neighbor. Cheyenne doesn't want to do this, but wants to fulfill the commitment to Jayden to come every day. Cheyenne sleeps with the neighbor, pays the boat captain and makes it to Jayden's house. Upon arrival, Cheyenne collapses in tears and tells Jayden the story. Jayden ends the relationship, upset over this "affair." Amari sees Cheyenne outside of Jayden's house. When Cheyenne tells Amari what happened, Amari breaks down Jayden's door and beats Jayden up while Cheyenne watches and laughs.

Who is the worst "bad actor" in this scenario and why?

## Values Exercise 2

### CONVERT THESE TO OPEN-ENDED QUESTIONS

1. What is the last grade in school that you were able to complete?
2. How many cigarettes do you smoke per day?
3. Have you ever had a sexually transmitted infection or an abortion?
4. Don't you think it would be a good idea to stop smoking cigarettes?
5. In the last week, how many alcoholic drinks have you had?
6. Have you ever been incarcerated?
7. Have you felt sad, lifeless, or exhausted most of the day every day for the
8. last two weeks?
9. Did anyone in your family growing up have a mental illness?
10. When is the last time you were tested for HIV?
11. Do you physically discipline your child?
12. Have you ever witnessed or experienced yourself a life-threatening accident or physical or sexual assault?
13. Do you carry a gun or a knife on you?
14. Have you paid your rent this month?
15. Do you have enough access to food?
16. Are you thinking about harming yourself or others?

Criterion A: The person was exposed to: death, threatened death, actual or threatened serious injury, or actual or threatened sexual violence, as follows: **(one required)**

- **Direct exposure.**
- **Witnessing**, in person.
- **Indirectly**, by learning that a close relative or close friend was exposed to trauma. If the event involved actual or threatened death, it must have been violent or accidental.
- **Repeated or extreme indirect exposure to aversive details** of the event(s), usually in the course of professional duties (e.g., first responders, collecting body parts; professionals repeatedly exposed to details of child abuse). This does not include indirect non-professional exposure through electronic media, television, movies, or pictures.

Criterion B: The traumatic event is persistently re-experienced in the following way(s): **(one required)**

- Recurrent, involuntary, and intrusive **memories**. Note: Children older than six may express this symptom in repetitive play.
- Traumatic **nightmares**. Note: Children may have frightening dreams without content related to the trauma(s).
- Dissociative reactions (e.g., **flashbacks**) which may occur on a continuum from brief episodes to complete loss of consciousness. Note: Children may reenact the event in play.
- Intense or prolonged **distress** after exposure to traumatic reminders.
- Marked physiologic **reactivity** after exposure to trauma-related stimuli.

Criterion C: Persistent effortful avoidance of distressing trauma-related stimuli after the event: **(one required)**

- Trauma-related thoughts or feelings.
- Trauma-related external reminders (e.g., people, places, conversations, activities, objects, or situations).

Criterion D: Negative alterations in cognitions and mood that began or worsened after the traumatic event: **(two required)**

- **Inability to recall** key features of the traumatic event (usually dissociative amnesia; not due to head injury, alcohol, or drugs).
- Persistent (and often distorted) **negative beliefs and expectations** about oneself or the world (e.g., "I am bad," "The world is completely dangerous").
- Persistent distorted **blame** of self or others for causing the traumatic event or for resulting consequences.

- Persistent negative trauma-related **emotions** (e.g., fear, horror, anger, guilt, or shame).
- Markedly **diminished interest** in (pre-traumatic) significant activities.
- Feeling **alienated** from others (e.g., detachment or estrangement).
- Constricted affect: persistent **inability to experience positive emotions**

Criterion E: Trauma-related alterations in arousal and reactivity that began or worsened after the traumatic event: **(two required)**

- **Irritable or aggressive behavior**
- **Self-destructive or reckless behavior**
- **Hypervigilance**
- **Exaggerated startle response**
- **Problems in concentration**
- **Sleep disturbance**

Criterion F: Persistence of symptoms (in Criteria B, C, D, and E) for **more than one month**.

Criterion G: Significant symptom-related distress or functional impairment (e.g., social, occupational).

Criterion H: Disturbance is not due to medication, substance use, or other illness.



## ASSESSMENT

**Date:** \_\_\_\_\_

**Your Name:** \_\_\_\_\_

**Address** \_\_\_\_\_

\_\_\_\_\_

**Phone** \_\_\_\_\_

**Email** \_\_\_\_\_

**Name Of Other Party:** \_\_\_\_\_

### DIRECTIONS:

Have you experienced any of these behaviors from the other party in your case?

\_\_\_\_\_ Slapped, hit, kicked, punched, grabbed, pushed, restrained

\_\_\_\_\_ Harassed, stalked/followed

\_\_\_\_\_ Uninvited touch, forced sex

\_\_\_\_\_ Destruction of property, threats or harm to pets or children

\_\_\_\_\_ withholding of assistance, car keys, financial information, money, medicine

\_\_\_\_\_ Yelling, name calling, ridiculing, swearing, blaming

\_\_\_\_\_ Angry gestures, brandishing weapons

\_\_\_\_\_ Other, please explain: \_\_\_\_\_

If you marked any of the categories, how has this affected your ability to:

1. Share your thoughts and ideas with the other person? \_\_\_\_\_

\_\_\_\_\_

2. Work cooperatively with the other person? \_\_\_\_\_

---

3. Express an opinion different from the other person? \_\_\_\_\_

---

4. Share "bad" information with the other person? \_\_\_\_\_

---

5. Be in the same room with the other person? \_\_\_\_\_

---

Is there a current restraining order for domestic violence in your matter? Yes \_\_\_\_\_ No \_\_\_\_\_

Date Issued: \_\_\_\_\_ Expires: \_\_\_\_\_

Individuals protected: \_\_\_\_\_

Are coparenting communications permitted by the order? \_\_\_\_\_

# Everything Is Awful and I'm Not Okay: Questions to ask before giving up

**Is your body tense?** Try relaxing your shoulders, jaw, and neck.

**Are you hydrated?** If not, have a glass of water (or herbal tea).

**Have you eaten in the past three hours?** If not, get some food — something with protein, not just simple carbs. Perhaps some nuts or hummus?

**Have you showered in the past day?** If not, take a shower right now.

**If daytime: are you dressed?** If not, put on clean clothes that aren't pajamas. Give yourself permission to wear something special, whether it's a funny t-shirt or a fancy outfit.

**If nighttime: are you sleepy and fatigued but resisting going to sleep?** Put on pajamas, make yourself cozy in bed with a teddy bear and the sound of falling rain, and close your eyes for fifteen minutes — no electronic screens allowed. If you're still awake after that, you can get up again. Try again in an hour.

**Have you stretched your body in the past day?** If not, do so right now. A run or trip to the gym, a walk or roll around the block. Keep going as long as you please. If the weather's bad, drive to a big box store and go on a brisk walk through the aisles you normally skip.

**Have you said something nice to someone in the past day?** Do it! Whether online or in person, make it genuine; wait until you see something wonderful about someone and tell them about it.

**Have you moved your body to music in the past day?** If not, do so — go dancing with friends or just dance around the room for the length of your favorite upbeat song.

**Have you cuddled a living being in the past two days?** If not, do so. Don't be afraid to ask for hugs from friends or friends' pets. Most of them will enjoy the cuddles too; you're not imposing on them.

**Do you feel ineffective?** Pause right now and get something small completed, whether it's responding to an e-mail, loading up the dishwasher, or packing your gym bag for your next trip. Good job!

**Do you feel unattractive?** Smile and take a selfie to send to a friend who will remind you how great you look. Resist society's restrictions on what beauty can look like.

**Do you feel paralyzed by indecision?** Give yourself ten minutes to sit back and figure out a game plan for the rest of the day. If there's a decision or problem being a roadblock, simply set it aside for now and pick something else that seems doable. At this moment, the important part is to break through that stasis, even if it means doing something trivial.

**Have you seen a therapist lately?** If not, make an appointment and hang on until you can talk through things. Call a friend or a hotline in the meantime.

**Have you been over-exerting yourself lately — physically, emotionally, socially, or intellectually?** That can take a toll that lingers for days. Give yourself a break in that area, whether it's physical rest, taking time alone, or relaxing with some silly entertainment.

**Have you changed any of your medications in the past couple of weeks, including skipping doses or a change to a generic prescription brand?** That may be screwing with your head. Give things a few days, then talk to your doctor if it doesn't settle down.

**Have you waited a week?** Sometimes our perception of life is skewed, and we can't even tell that we're not thinking clearly, and there's no obvious external cause. It happens. Keep yourself going for a full week, whatever it takes, and see if you still feel the same way then.

You've made it this far and you will make it through.

**You are stronger than you think.**



# Safer Screening

## Personal Interactions.

How comfortable are you with interacting with Xxxx now?

## Everyday Decision-making.

When you look back over time, how were practical, everyday decisions made in your relationship?

## Control of Everyday Life.

Is there anything that gets in your way of doing the things you want or need to do in your daily life...

## Physical Violence.

Has there ever been any physical violence between you and ? If so, can you tell me about that?

## Emotional Well-being.

Have you ever felt so ashamed, humiliated, embarrassed or fearful by something you or \_\_\_\_\_ said or did to the other that you didn't want anyone else to know about it?

## Sexual Autonomy.

Have you or \_\_\_\_\_ ever forced the other to do sexual things the other didn't want to do or insisted on having sex when the other didn't want to? If so, can you tell me about that?

## Fear of Physical or Psychological Harm.

Have you or \_\_\_\_\_ ever been concerned that the other was going to physically or psychologically harm the other, the children, or pets? If so, please explain.

## **Books: Memoirs**

After Silence. Nancy Venable Raine. 1998.  
A Piece of Cake. Cupcake Brown. 2005.  
Becoming Maria. Sonia Manzano. 2015.  
Between Two Worlds. Zainab Salbi. 2006.  
Color Me Butterfly. Lydia Marlow. 2007.  
Crazy Brave. Joy Harjo. 2012.  
Crazy Love. Leslie Morgan. 2009.  
Intimate Politics. Bettina Aptheker. 2006.  
I, Tina. Tina Turner. 1986.  
Know My Name. Chanel Miller. 2019.  
Lucky. Alice Sebold. 1999.  
Point Last Seen. Hannah Nyala. 1997.  
What Is A Girl Worth. Rachel Denhollander. 2019.  
When Katie Wakes. Connie May Fowler. 2002.  
You Don't Have to Say You Love Me. Sherman Alexie. 2017.

## **Books: Non-Fiction**

At the Dark End of the Street. Danielle McGuire. 2010.  
Courting Disaster. Jennifer Dunn. 2002.  
Far From the Tree (Chapter 9: Rape). Andrew Solomon. 2012.  
It Didn't Stat With You. Mark Wolynn. 2016.  
Queering Sexual Violence. Jennifer Patterson. 2016.  
Sexual Citizens. Jennifer Hirsch and Shamus Khan. 2020.  
Splitting. Billy Eddy and Randi Kreger. 2011.  
The Body Keeps the Score. Bessel van der Kolk. 2014.  
The Boy Who Was Raised As A Dog. Bruce Perry. 2006.  
The Courage to Heal. Ellen Bass. 1988. (very dated, but still has relevance)  
The Spirit Catches You and You Fall Down. Anne Fadiman. 1997.  
The Survivor's Guide to Sex. Staci Haines. 1999.  
Trauma and Recovery. Judith Lewis Herman. 1992.  
Trauma Stewardship. Laura van Dermoot Lipsky and Connie Burk. 2007.

## **Articles**

*No Way to Turn: Traps Encountered by Many Battered Women with Negative Child Custody Experiences*. <http://www.tandfonline.com/doi/full/10.1080/15379418.2016.1213114>

*Practice Guides For Family Court Decision-Making In Domestic Abuse-related Child Custody Matters.* <https://www.afccnet.org/Portals/0/PublicDocuments/practice-guides-for-family-court-decision-making-ind.pdf>

*Addiction Doc Says: It's Not The Drugs. It's The Aces...Adverse Childhood Experiences.* <https://acestoohigh.com/2017/05/02/addiction-doc-says-stop-chasing-the-drug-focus-on-aces-people-can-recover/>

*Domestic Violence and Mediation*, Donna Guion, Texas Wesleyan Law Review, Volume 15, Number 3, Summer 2009, 545.

*Making Appropriate Parenting Arrangements In Family Violence Cases: Applying The Literature To Identify Promising Practices.* [http://www.justice.gc.ca/eng/rp-pr/fl-lf/parent/2005\\_3/2005\\_3.pdf](http://www.justice.gc.ca/eng/rp-pr/fl-lf/parent/2005_3/2005_3.pdf)

*The Mediator's Assessment Of Safety Issues And Concerns (Masic): A Screening Interview For Intimate Partner Violence And Abuse.* <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-1617.2010.001339.x/full>

*Comparing The Mediation Agreements Of Families With And Without A History Of Intimate Partner Violence.* <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-1617.2012.01457.x/abstract>

*Differentiation Among Types Of Intimate Partner Violence: Research Update And Implications For Interventions.* <http://digitalcommons.auctr.edu/cgi/viewcontent.cgi?article=1001&context=challenge>

## **Support Groups and Organizations**

- RAINN (Rape, Abuse, & Incest National Network). National Sexual Assault Hotline: 1-800-656-4673. <https://www.rainn.org/>
- NCADV (National Coalition Against Domestic Violence). <https://ncadv.org/>
- The Veteran's PTSD Project. <http://militaryexperience.org/veterans-ptsd-project/>
- Brain Injury Resource Center. Hear Injury Hotline. 1-206-621-8558. <http://www.headinjury.com/>
- The Wounded Warrior Project. <https://www.woundedwarriorproject.org/>