

Appendix A:
State-by-state (including the District of Columbia) summary of domestic violence screening procedures

State	Statute	Official Screening Tool?	Who screens?	Policy/Standard	Can survivor opt-in?
Alabama	Ala. Code § 6-6-20 (2007)	No	Trained mediator required to screen. Ala. Code § 6-6-20(f)	Mediation barred when a protective order is in place.	Yes
Alaska	Alaska R. Civ. Proc. 100 (2007)	No	Not specified.	Mediation barred when a protective order is in place. Alaska Stat. §§ 25.20.060, 25.20.080 (2000)	Yes
Arizona	Ariz. Fam. Law Proc. R. 67(3) (2007)	No	Court and Mediator. Rule 67(2) and (3)	Mediation barred when a protective order is in place or when conduct that would form the basis of an order exists.	No
Arkansas	Ark. Code Ann. § 9-12-322 (1999)	No	Not specified.	A party may move to dispense with the referral to mediation for <i>good cause</i> shown.	No
California	Cal. R. of Ct. R. 5.215. (2012)	Differential Domestic Violence Assessment 5.215(f)(2)	Family Court Services staff. Cal. R. of Ct. 5.215(f)(1)	Mediator may exclude counsel or advocate if, in their discretion, exclusion is appropriate. Cal. Fam. Code §3182.	No
Colorado	Colo. Rev. Stat. Ann. §13-22-311 (1988)	No	Party. §13-22-311(1)	Court shall not refer to mediation when one party claims that it has been the victim of physical or psychological abuse by the other party.	Yes

State	Statute	Official Screening Tool	Who screens	Policy/Standard	Can victim opt-in?
Connecticut	Conn. Gen. Stat. Ann. §§ 46b-53a, 46b-59a, 54-56m	DVSI-R, Domestic Violence Screening Instrument ¹	Court Staff	The tool may be accessed on pages 768-775 at http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1140&context=plr	No
District of Columbia (DC)	U.S. District Ct. Rules of DC LEV. R. 84.4	No	Not specified	No DV exemption, but inappropriate when a party can demonstrate <i>good cause</i> or if one of the parties is <i>pro se</i> .	No
Delaware	Del. Code Ann. tit 13 §711(A) (2007)	No	Court	Mediation barred when a protective order is in place or court finds existence of an act of domestic violence against the party.	Yes, but only with counsel.
Florida	Fla. Stat. Ann. §§ 44.102, 61.183 (2005)	Proposed tool	Court Staff	The Florida Supreme Court Committee on ADR Rules and Policy has proposed a screening instrument. ²	No
Georgia	No mediation statute.	NA	NA	An early version of § 19-5-1 allowed a judge to refer family law cases to mediation where an ADR program exists. The section was not included in the final version enacted as Laws 2007, Act 264.	NA
Hawaii	Haw. Rev. Stat. Ann. §580-41.5	No	Mediator §580-41.5(b)	Mediation barred when a protective order is in place.	Yes
Idaho	Idaho R. of Civ. Pro. 16	Case Management Screening	Family Court Services	The tool may be accessed at http://www.familycourtservices.org/wp-content/uploads/2010/07/Family-Court-Services-Intake-Questionnaire.pdf	No

¹ Peter Salem, et. al., *Triaging Family Court Services: The Connecticut Judicial Branch's Family Civil Intake Screen*, 27 Pace L. Rev. 741, 757 (2007).

² Florida Dispute Resolution Center, *Domestic Violence Screening Instrument Piloted*, http://www.flcourts.org/gen_public/adr/tr_dvscreen_oct05.shtml (accessed Oct. 19, 2012).

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Illinois	Ill. Sup. Ct. R. 905, Court Rule 13.4	Varies by county.	Mediator screens in Cook County.	Cook County uses Confidential Interview Questionnaire and Domestic Violence Protocol. The tool can be accessed at http://courtadr.org/files/CookCoILConfidentialInterviewQuestionnaire.pdf	No
Indiana	Ind. Code Ann. § 31-15-9.4-1	Mediator's Assessment of Safety Issues and Concerns Tool	Mediator	Recommended in Family Court Review, Vol. 48 No. 4, October 2010 646-662.	No
Iowa	Iowa Code Ann. § 598.41 (2012)	Statutory checklist .Iowa Code Ann. § 598.41(j)	Court	Mediation barred in the following situations: protective orders; parent held in contempt; and arrests, police response, or conviction for domestic abuse.	No
Kansas	Kan. Stat. Ann. § 23-602.	NA	NA	No domestic violence exception.	NA
Kentucky	KY Rev. Stat. Ann. §§ 403.036, 403.720, 403.010-403.350	No	Court	Mediation shall not be ordered if there is a finding of domestic violence. Ky. Rev. Stat. Ann. § 403.720.	Yes, but subject to conditions of KY Rev. Stat. Ann. § 403.036.
Louisiana	La. Rev. Stat. Ann. §§ 9:363 and 9:332	No	Court	“No spouse or parent who <i>satisfies the court</i> that he or she, or any of the children, has been the victim of family violence perpetrated by the other spouse or parent shall be court ordered to participate in mediation.” La. Rev. Stat. Ann. § 9:363	No

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Maine	Me. Rev. Stat. tit. 19-A, § 251	No	Court	Upon motion supported by affidavit, the court may, for <i>extraordinary cause shown</i> , waive the mediation requirement.	No
Maryland	MD. R. 9-205(b)-(c)	(1) In-person screening tool; and (2) pleadings-stage screening tool	Self help programs; court; and mediator.	The screening tool can be accessed at www.courts.state.md.us/family/pdf/screening.pdf	No
Massachusetts	No mediation statute.	NA	NA	NA	NA
Michigan	MCR 3.216 and 2.403	Model Court protocol for domestic violence and child abuse screening in matters referred to domestic relations mediation.	Court and Mediators	The screening tool can be accessed at: http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/odr/Domestic%20Violence%20Screening%20Protocol.pdf	No
Minnesota	Minn. Stat. Ann § 518.619	No	Court and Mediators ³	Court uses a probable cause standard for determining eligibility for mediation.	No
Mississippi	No mediation statute.	NA	NA	NA	NA
Missouri	Mo. Ann. Stat. § 452.372(2) and Mo. Sup. Ct. R. 88.04.	No	Court	Mediation waived for <i>good cause</i> .	No

³ Minnesota State Court Administrator's Office, *Minnesota Judges Juvenile Protection Benchbook: Screening Cases for an ADR Program* 34-4 (Children's Justice Initiative Nov. 2011).

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Montana	Mont. Code Ann. § 40-4-301	No	Court	Mediation barred if the court has <i>reason to suspect</i> that one of the parties or a child of a party has been physically, sexually, or emotionally abused by the other party.	No
NE	Neb. Rev. Stat. § 43-2937	No	Court	Mediation excused with <i>good cause</i> and (a) agreement of both parents; or (b) when mediation is not possible without undue delay or hardship to either parent.	No
Nevada	Nev. Rev. Stat. §§ 3.475, and 3.500(2)(b)	No	Court	May exclude for <i>good cause</i> shown, including a history of child abuse or domestic violence by one of the parties.	No
New Hampshire	N.H. Rev. Stat. Ann. §458:15-a	Statutory Checklist	Court	Mediation barred in the following situations: assault, reckless conduct, criminal threatening, sexual assault, interference with freedom, destruction of property, unauthorized entry, or harassment.	Yes
New Jersey	N.J. CT. R. 1:40-4, 1:40-5, 1:40-10	No	Court	Mediation barred when a protective order is in place. N.J. Ct. R. 1:40-5	No
New Mexico	N.M. STAT. ANN. § 40-4-8	No	Court	The court shall refer to mediation if feasible <i>unless a party asserts or it appears</i> to the court that domestic violence or child abuse has occurred.	Yes, but subject to the conditions of N.M. Stat. Ann. § 40-4-8.

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New York	No mediation statute.	NA	NA	NA	NA
North Carolina	N.C. Gen. Stat. 50-13.1	No	Court	The court may waive the mediation requirement for <i>good cause</i> , including domestic violence.	No
North Dakota	N.D. Cent. Code § 14-09.1-02	No	Court	The court may not order mediation if the custody, support, or visitation if issue involves or may involve physical or sexual abuse of any party or the child of any party to the proceeding.	Yes, if the conditions of N.D. Cent. Code § 14-09.1-02(B)(1)-(5) are met.
Ohio	Ohio Rev. Code Ann. §§3109.05, 2919.25	No	Mediators	Local mediation rules must specify procedures for screening for domestic violence, both before and during mediation.	Yes, if the conditions of Ohio Sup. R. 16(2)(a)-(e) are met.
Oklahoma	Okla. Stat. Ann. tit. 12, § 1801	No	Not specified	The statute does not mandate mediation. However, there is no mention of excluding from mediation when domestic violence is present.	Yes
Oregon	OR. REV. STAT. §§ 107.765, 107.755, 107.097, 107.138, 107.718	Oregon Judicial Information Network (OJIN)	Court and Mediator	Cases are screened using the OJIN to identify any history of assault and/or safety-related restraining orders involving the parties.	No

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Pennsylvania	PA. Stat. Ann. tit 23 § 3901	4-Part screening procedure ⁴ : (1) averment of domestic violence or child abuse; (2) court review. (3) telephone screening; and (4) in-person screening	Court staff and mediators	The tool can be accessed at www1.cj.msu.edu/~outreach/mvaa/Domestic%20Violence/Friend%20of%20the%20Court%20DV%20Resource%20Book/Appendix_E_foc.pdf	No
Rhode Island	R.I. GEN. LAWS § 15-5-29	NA	NA	No domestic violence exception	NA
South Carolina	S.C. Code Ann. §63-3-530	NA	NA	No domestic violence exception.	NA
South Dakota	S.D. Codified Laws § 25-4-56	No	Court	Mediation barred when: (1) conviction of domestic abuse; (2) conviction of assault against a person, except against any person related by consanguinity, but not living in the same household; or (3) history of domestic abuse.	No
Tennessee	Tenn. Code Ann. §§ 36-4-131, 36-6-305	No	Court	Mediation barred when there is an active order of protection or the court finds domestic abuse or any criminal conviction involving domestic abuse within the marriage.	Yes, but subject to conditions of Tenn. Code Ann. § 36-6-305(1)-(3).

⁴ Pennsylvania Coalition Against Domestic Violence & The Women's Law Project, *Screening for Domestic Violence and Child Abuse: Divorce and Child Custody Mediation*, www1.cj.msu.edu/~outreach/mvaa/Domestic%20Violence/Friend%20of%20the%20Court%20DV%20Resource%20Book/Appendix_E_foc.pdf (accessed June 29, 2012).

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Texas	Tex. Fam. Code Ann. § 6.602	No	Court	Prior to final mediation order, a party may object to mediation on basis of family violence. After an objection, a hearing must be held. If suit is referred to mediation, court must take measures to safeguard the physical and emotional safety of the party who filed the objection. § 15.112.	Yes, but subject to the conditions of Tex. Fam. Code Ann. § 15.112(c).
Utah	Utah Code Ann. §§ 78B-7-111 78B-6-207	No	Court	Exemption may be granted for <i>good cause</i> . Utah Code Ann. § 78B-6-207(1).	No
Vermont	15 Vt. Stat. Ann. § 666	Approved screening models include: Tolman Screening Model; National Coalition Against Domestic Violence Guidelines; and the Marriage and Family Counseling Service Checklist.	Mediators	In addition to the approved screening tools, the program details how to conduct the screening, when mediation is not appropriate, and safeguarding procedures.	Yes
Virginia	Va. Code Ann § 20-124.4	No	Court	Court shall “ascertain upon motion whether there is a history of family abuse.”	No
Washington	Wash. Rev. Code Ann. § 26.09.015 (1)	No	Court	Parties are exempt from mediation if there are prior convictions for domestic violence or harassment.	Yes

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West Virginia	W. Va. Code § 48-9-202 and R. Prac. and Pro. of Fam. Ct, R. 39	No	Family Case Coordinator Family Court staff. ⁵	The supreme court of appeals shall make rules providing for pre-mediation screening for family violence. The rules <i>should not establish a per se bar.</i> §48-9-202(b)	No
Wisconsin	Wis. Stat. Ann. §767.11	Intake form	Court	If family court requires intake form, it must inquire into the presence of family violence. The court considers the following: child abuse, spousal battery, or domestic abuse.	No
Wyoming	No mediation statute.	NA	NA	NA	NA

⁵ West Virginia Supreme Court of Appeals. *Going to Family Court in West Virginia*, <http://www.state.wv.us/wvsca/familyct/GoingtoFC.pdf> (accessed June 29, 2012).