

**Appendix C:**  
**Proposed Uniform District Court Rule**

Rule \_\_\_: Screening for Domestic Violence in Family Law Cases

- A. “Domestic violence” means the physical, sexual, or emotional abuse of an individual or the individual's child by that individual’s spouse, former spouse, partner or former partner, or by a person with whom that individual or the individual’s child lives or has recently lived.
- B. Prior to referral to mediation, settlement conference, or other dispute resolution process, the court shall screen for domestic violence all petitions for dissolution and parenting plan filed under Chapter 4 and Chapter 6, Title 40, of the Montana Code Annotated.
- C. Upon the filing of a petition for dissolution or parenting plan, the court shall:
  - 1. Conduct a review of the public record to determine whether there is reason to suspect domestic violence. A reason to suspect domestic violence includes, but is not limited to, a party’s allegation, a past or present order of protection, a past or present child abuse or neglect proceeding, and a past or present criminal prosecution for partner or family member assault.
  - 2. If the court finds a reason to suspect domestic violence after such review, the court shall refer the matter to a domestic violence screener, who shall conduct a personal, confidential interview of each party. The domestic violence screener may be court staff or volunteer trained in domestic violence.
  - 3. Except as provided for in subsection 4, *infra*, the court shall not refer family law cases to mediation in which there is reason to suspect domestic violence.
  - 4. Notwithstanding a reason to suspect domestic violence, the court may refer a family law matter to mediation, settlement conference, or other dispute resolution process upon each party’s written informed consent. Any mediation, settlement conference, or dispute resolution process that parties opt into shall be conducted by a mediator, settlement master, settlement judge, or facilitator trained in domestic violence. During such mediation, settlement conference, or dispute resolution process, the mediator, settlement master, settlement judge, or facilitator shall have the continuing responsibility to screen for domestic violence and, where appropriate, discontinue the process.

- D. It is the collective responsibility of district judges, standing masters, designated court personnel, attorneys, mediators, settlement masters, settlement judges, and advocates to screen for domestic violence.
  
- E. All district court judges, designated court personnel, attorneys appearing before the court in family law cases, mediators, settlement masters, settlement judges, and facilitators shall undergo continuing training in domestic violence under a program approved by the court.