

Instructions for Using the MASIC-4¹
As of May 22, 2020

I. General Training in Intimate Partner Violence and Abuse (IPV/A)

Before mediating family law cases, all mediators should have training in IPV/A issues. Some jurisdictions require this training for mediators; others do not. Jurisdictions that require this type of training vary in the content provided. Regardless of mandatory training requirements, at a minimum, mediators should be trained in the characteristics, dynamics, impact and consequences, and risks in differing types of IPV/A, and how IPV/A may affect the parties' ability to present themselves, communicate, present information, and make important decisions in the mediation process.

II. Recommended Practices for the MASIC-4:

A. Before administering the MASIC-4, in general:

- 1) Read Holtzworth-Munroe, Beck, & Applegate, *The Mediator's Assessment of Safety Issues and Concerns (MASIC): A Screening Interview for Intimate Partner Violence and Abuse Available in the Public Domain*, Family Court Review, Vol. 48 No. 4, October 2010, 646-662. This article explains how and why the MASIC was developed and gives some basic information about the MASIC and its administration.
- 2) Become familiar with the questions in the MASIC-4.
- 3) Practice using the MASIC-4 on colleagues before using it on mediation parties. You will learn how to administer the forms, but it is helpful to become familiar with the questions and the flow of the interview.
- 4) Read these Instructions, comparing the sections below with the MASIC-4 Party Evaluation and Case Evaluation, as applicable.

B. Before administering the MASIC-4 in a specific case:

- 1) Conduct background research on the parties: if possible, obtain any court or police records that might address parties' violent or abusive conduct.
- 2) The MASIC-4 is intended for current or past intimate partner couples (whether married, no longer married, or never married) who are mediating a family law matter. It is not intended for other parties in the case (e.g., grandparents or other third parties). To the extent that the mediator believes that some of the questions in the MASIC-4 should be asked of other parties, then those questions should be culled out as relevant for a separate interview.

¹ These Instructions were prepared by Amy G. Applegate, with input from Amy Holtzworth-Munroe and Connie J. Beck. Questions should be directed to Professor Applegate at aga@indiana.edu.

- 3) Schedule the MASIC-4 with DA for intake session(s) on separate day(s) from the negotiation session(s). It is preferable to administer the MASIC-4 at least a week before negotiations start. For fee-for-service mediators in particular, the intake can be presented as a necessary routine part of mediation for all clients.
- 4) Make arrangements to administer the MASIC-4 with each party in person and privately (i.e., separately from the other party), ***preferably with the female party first***. Although males and females can be both victims and/or perpetrators of intimate partner violence or abuse, most research shows that female victims report more sexual victimization, fear, and serious physical injury. (See Winstok, Z., & Straus, M. A. (2016), *Journal of Family Violence*, 31(8), 933-935.) These sex differences in types of victimization are very important to know and consider in the mediation context. Thus, with male/female couples, we recommend screening the female party first, if possible, in the event the screening results indicate that mediation would not be appropriate. Screening the male party might then not be necessary or appropriate.

C. Administering the MASIC-4 Party Evaluation Form:

- 1) ***The MASIC-4 with DA is designed to be administered as an interview and NOT to be given to the parties to complete on their own.***
 - Verbally administer the MASIC-4 to each party individually, in person, before conducting negotiations (if possible, interview the female first). This provides the mediator/intake person with time to develop rapport with the clients and observe their behaviors in clients answering these questions. For some clients, they may never have been asked these questions and not realize that these behaviors constitute abuse/violence. Moving directly into negotiations after answering these questions is at times very emotionally difficult for clients.
 - Explain the mediation process (opening statement).
 - It is usually helpful to elicit the party's narrative of what brings them to mediation before asking the MASIC questions; this dialogue helps build trust and rapport. It also cuts down on time in the actual negotiations as clients have had their chance to tell their story privately to the mediator.
 - Read the Introduction of the MASIC-4 to the party.
 - Review confidentiality requirements of your profession in your jurisdiction (versus any mandatory reporting duty).
 - Do not apologize for asking the MASIC-4 questions.

- Do not say or volunteer that everyone is asked these questions. If a party enquires whether everyone is asked these questions, an appropriate response is: “We ask everyone a series of background questions. We ask the parties some of the same questions and some different questions. No matter what we ask, what you say will be kept confidential from the other party and the court.”
- 2) ***Do not share one party's answers with the other party (or the court) at any time.***
 - 3) The mediator typically will complete a party evaluation form for each party (a total of two for the case). ***In an extremely violent and/or dangerous situation, however, the mediator may decide not to mediate after administering the first party's party evaluation form.*** In that case, there may not be a need, or it may be inappropriate, to administer the other party's party evaluation form. It is also possible that the mediator does not learn that it is an extremely violent and/or dangerous situation until administering the second party's party evaluation form.
 - 4) ***Regardless of when declining or terminating mediation, use care and caution in communications.*** Do not tell the more violent or abusive party that mediation is being declined or terminated because of what the other party disclosed. Consider saying something to the effect that, “It is not always possible for us to start [or finish] mediation. In this case we think it would be best if the court made the decision.” If pressed about why, consider saying, “Mediation does not work for all cases and we just think you and the other party would be best served by having your case heard by the court.”
 - 5) ***The MASIC-4 assesses each party's report of victimization by the other party.*** The MASIC-4 specifically does not ask questions about the parties' own perpetration of these behaviors. This is to avoid asking parties to provide self-incriminating information, which might be discoverable in court.
 - 6) ***The MASIC-4 assesses multiple types of Intimate Partner Violence and Abuse (“IPV/A”).***
 - psychological abuse;
 - coercive control;
 - threats of severe violence;
 - physical violence and severe physical violence;
 - sexual violence;
 - stalking;
 - injury; and
 - fear
 - 7) ***The MASIC-4 Party Evaluation Form includes questions that are relevant for determining levels of IPV/A and potential danger/inappropriateness of mediation:***
 - a. Section 1 questions (background and information needed to consider lethality)
 - b. Section 2 questions (behaviorally specific IPV/A)
 - c. Section 3 questions (other related matters not specifically asked in 1 and 2)

- 8) ***In Section 2, the behaviorally specific questions assess whether or not each of the listed IPV/A behaviors has occurred over two time periods: 1) ever and 2) in the past 12 months.***

When you get to the list of behaviorally specific questions in Section 2:

- a. Make sure the parent understands that there will be two related questions for each behavior or issue. For example, the first question is: "Did [the other party] EVER call you names?" This is a YES or NO question, and it refers to conduct that happened whether or not the parties were living together when it happened. The question relates to things that the other party may have done **during a conflict, disagreement, fight, or in anger, or to scare you or hurt you, but NOT while joking around.**
- b. If the answer to the first question is NO, then move on to the next question.
- c. If the answer to the first question is YES, then the follow-up question is, "Did that happen in the last 12 months?" Again, this refers to the same kind of conduct, and regardless of whether the parties have been living together. The party should respond using YES or NO.

D. Administering the separate MASIC-4 Mediator Case Evaluation Form:

- 1) Record each party's reports of the other party's abusive or violent behaviors, including lethality factors (use check marks or number of positive responses in each category).
- 2) Identify who should be identified as victim(s) (this is an objective determination based on party reports).
- 3) If you identify both parties as victims, determine which party (if either) should be identified as the primary victim (this is a subjective determination). In determining the primary victim, look particularly at the MASIC indicators of threats, coercive control, intimidation, injury, fear, and recent changes to frequency and severity of the behaviors.
- 4) Record your concerns as the mediator about the parties, considering the violence and abuse reported, and its impact on each party.
- 5) Determine whether mediation is appropriate:
 - i. A party who has been victimized should not be required to mediate.
 - ii. If mediation is declined or terminated, exercise caution in how you communicate this to the parties.
- 6) If you determine that mediation is appropriate, consider possible accommodation(s) to mediation procedures.

E. Ongoing Screening:

It is also important to continue to be alert for IPV/A that was not disclosed in the screening process. This may become apparent after screening, during the negotiation

process. Consider the parties' conduct and/or reactions towards each other. It may be appropriate to re-ask some of the MASIC-4 questions (in a non-judgmental way) as more information is learned.