

AUSTRALIAN DISPUTE RESOLUTION ASSOCIATION, INC.

DOMESTIC VIOLENCE

POLICY & GUIDELINES

INTRODUCTION

This policy is a research and education service by Australian Dispute Resolution Association, Inc. (ADRA) for the development of mediation services with the intention of promoting responsible and ethical care of victims of domestic violence who request mediation.

As many mediation agencies already have their own policies, it is hoped that ADRA's policy will enable those agencies to evaluate their policies. The policy and procedures will demonstrate the resources needed by family mediation agencies to provide an adequate level of service to victims of domestic violence and hopefully will assist to inform funding providers of the added financial burden placed on agencies in meeting these needs.

The Policy is an outcome of ADRA's October 1991 conference: Mediation and Domestic Violence - Protection and Empowerment Issues, initiated by ADRA's Family Mediation Division. The Conference was a response to growing concern from the mediation and domestic violence community as to the suitability of mediation for couples with a history of domestic violence in their relationship.

Both the Conference and the development of this policy have been invaluablely aided by the work of the National Committee on Violence Against Women expressed in their Position Paper on Mediation by Dr Hilary Astor.

ADRA's policy is essentially consistent with the guidelines advocated by the National Committee on Violence Against Women. Central to this policy are the concepts of:

- >> An intention to exclude from mediation the majority of disputes where there has been domestic violence unless certain protections are rigidly safeguarded.
- >> The introduction of procedural guidelines to provide effective protection for those victims who make a free and informed choice to use mediation.

ADRA joins with the National Committee on Violence Against Women in acknowledging that mediation is undesirable in many cases of domestic violence because it may expose the victim to many kinds of unacceptable risk.

ADRA also joins with the National Committee on Violence Against Women in acknowledging the reality that:

- >> It is not possible to screen out all couples affected by domestic violence as many women will, for their own reasons, choose not to reveal the facts of violence no matter how skilful the intake interviewer.
- >> Consequently the policy guidelines are provided to protect against the most serious outcome of such an eventuality.

>> The victim has a right to choose the method to resolve her dispute provided it is a free and informed choice.

John Pollard,
President,
ADRA.

Margaret Burns,
Convenor, ADRA
Domestic Violence Committee.