

Comprehensive Guidance for Using the Mediator’s Assessment of Safety Issues and Concerns-Short (MASIC-S)¹ (“Comprehensive Guidance”)

The Mediator’s Assessment of Safety Issues and Concerns-Short (MASIC-S) is a modified, shortened version (Rossi, Applegate, Beck, Timko & Holtzworth-Munroe, 2022; Rossi, Applegate, Tomlinson & Holtzworth-Munroe, 2023) of the original Mediator’s Assessment of Safety Issues and Concerns (MASIC) (Holtzworth-Munroe, Beck, & Applegate, 2010)²

¹This Comprehensive Guidance for Using the Mediator’s Assessment of Safety Issues and Concerns-Short (“MASIC-S”) was prepared by Amy G. Applegate, with input from Amy Holtzworth-Munroe, Fernanda S. Rossi, Lily J. Jiang, and Holly Huber. Questions should be directed to Professor Amy G. Applegate at aga@indiana.edu.

² The MASIC-S was developed using a statistical analysis (Item Response Theory) of the original MASIC. See Rossi, F. S., Applegate, A.G., & Beck, C. J., Timko, C., & Holtzworth-Munroe, A. (2022). Screening for intimate partner violence in family mediation: An examination of multiple methodological approaches using item response theory. *Assessment*, 29(8). <https://doi.org/10.1177/10731911211022843>. Also see Rossi, F. S., Applegate, A. G., Tomlinson, C., & Holtzworth-Munroe, A. (accepted for publication); Intimate partner violence screening for separating or divorcing parents: An introduction to the Mediator’s Assessment of Safety Issues and Concerns-Short (MASIC-S). *Family Court Review*. For information on the longer, original MASIC, see Holtzworth-Munroe, A., Beck, C.J.A., & Applegate, A.G. (October 2010). 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, 646-662. <https://doi.org/10.1111/j.1744-1617.2010.001339.x>. The authors also wish to acknowledge their law and psychology students who assisted, directly and indirectly, in the development of the MASIC and the MASIC-S.

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1 Recommended Practices for the Mediator’s Assessment of Safety Issues and Concerns-Short (MASIC-S):

1.1 What is the MASIC-S?

The MASIC-S is a screen for intimate partner violence and abuse (“IPV/A,” also known as and frequently referred to as domestic violence or “DV”) and related concerns between current or past intimate partners (spouses or significant others). The questions in the MASIC-S primarily address behaviors that are associated with severe or concerning levels of DV. After you complete a MASIC-S screen with each party, you will be prompted to consider:

- Does the party need to be referred to a *DV advocate*?
- Based on this party’s report (and the other party’s report), is this case *appropriate for some form of mediation*?
- If this case is appropriate for mediation, are *accommodations needed for this party (and/or the other party) to help ensure a safe, voluntary, and appropriate mediation process*?
 - May the parties mediate together in joint session, or
 - May the parties communicate directly for some or all of the mediation, remotely (online), or
 - Should the parties communicate only through the mediator,
 - entirely in shuttle format, either in person or remote (online)?
 - What additional accommodations are needed for each party to help ensure a safe, voluntary, and appropriate mediation process?

See also the Introductory Video about the MASIC-S, which will be available at odr.com/masic-s on or before May 31, 2023.

1.2 IPV/A Screen for Current or Past Intimate Partners

The MASIC-S is intended for current or past intimate partner couples (whether married, no longer married, or never married) who are mediating a divorce, a separation, or another family law matter. It is not intended for third 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-S should be asked of third parties, then those questions should be asked as relevant in separate interviews with the third parties.

1.3 Confidentiality

The MASIC-S screening process is intended to be done in private with each party, and the information obtained in the screening process from one party may not be shared with the other

party, the other party's attorney, or with the court. It is, however, generally appropriate to share with the attorney for the party interviewed. See Section (1.11) below. To ensure confidentiality when using the MASIC-S on odr.com: 1) screeners may not input any identifying information about the case, the parties, the children, and any other third parties, and 2) the MASIC-S site will not retain any information inputted into any MASIC-S Party Evaluation Form once the screener has left the site. Screeners may save the MASIC-S information from an interview on a downloadable PDF provided on the site.

1.4 Before Using the MASIC-S

1.4.1 Notes and instructions:

Review and become familiar with the notes and instructions for the screener, which are set out at the beginning of the MASIC-S Party Evaluation Form. They contain important information for the screener when conducting the MASIC-S interviews. For your convenience, more complete information about the MASIC-S Notes and Instructions for the Screener are provided immediately below:

NOTES AND INSTRUCTIONS FOR THE SCREENER

WHEN CONDUCTING THE INTERVIEWS

ORDER OF SCREENING: Although males and females can be both victims and/or perpetrators³ of IPV/A, most research shows that female victims report more sexual victimization, fear, and serious physical injury.⁴ This is very important to know and consider in the mediation context. Thus, with male/female couples and where there is no information that the female party is perpetuating more severe abuse on the male party, we recommend screening the female party first, if possible, in the event the screening results indicate that mediation would not be appropriate. Conducting a full MASIC-S screening of the male party might then not be necessary or appropriate. See Sections (1.5.3) and (1.8) below.

CLINICAL JUDGMENT: The term "clinical judgment" is used at times in this tool. Clinical judgment in this context means the application of one's knowledge, skills, abilities, and experience in making decisions about the appropriate process and/or services to be offered to the parties. To exercise effective, reasonable, and sound clinical judgment in understanding and screening for

³ Although it is preferable to refer to someone victimized by IPV/A as a "person who has experienced IPV" or "survivor," we use the word "victim" in the MASIC-S materials to reflect that these individuals have been victimized. In addition, we have chosen to use the term "perpetrator" rather than "abuser" or "person who has committed IPV/A."

⁴ See, e.g., Winstok, Z., & Straus, M. A. (2016), *Journal of Family Violence*, 31(8), 933-935.

IPV/A and making necessary referrals, the screener (and mediator) should have adequate training and experience in the area of IPV/A, and access to any needed consultation.

SCREENER: References to the screener in this tool also refer to the mediator if the mediator is conducting the screening.

ASKING QUESTIONS

DO NOT EDIT THE MASIC-S QUESTIONS: Occasionally, the wording of a question may seem awkward. Even if awkward, please ask each question exactly as it is written because many of these questions have been validated. When asking the questions, we encourage you, however, to substitute the other party's name for [the other party], and use pronouns (e.g., he/she/they) as appropriate.

RECOMMENDED BUT OPTIONAL: Some questions and explanations are marked as RECOMMENDED BUT OPTIONAL. These are not required. Most RECOMMENDED BUT OPTIONAL questions involve providing follow-up details. Some mediators may not have time to ask for detail; other mediators (time permitting) may prefer to ask for detail. This decision is discretionary with the screener or mediation program.

REQUIRED: Questions that are required are so indicated. Also, if an explanation or the answer to a follow up question is necessary, it will be marked as REQUIRED.

DO NOT OFFER “DON’T KNOW” AS AN OPTION: Do not offer the party you are interviewing “don’t know” as a response option to questions. Only mark “don’t know” as a response if the party truly is unable to respond to a question. (Note that these will be scored as Yes answers.)

HOW TO RESPOND TO PARTY QUESTIONS ABOUT THE MASIC-S QUESTIONS ASKED OF, AND ANSWERED BY, THE OTHER PARTY: See Section (1.11) below

IDENTIFYING AND REFERRING TO THE PARTIES AND OTHERS

“OTHER PARTY”: The questions refer to “The other party” or “The other party in this case,” which may be the other parent, other spouse, or significant other. The questions are intended to ask about IPV/A and other concerning behaviors by a current or past intimate partner.

USE OTHER PARTY’S NAME WHEN ASKING QUESTIONS IF POSSIBLE: “The other party” or “The other party in this case” are shown in [brackets] to prompt you to use the other party’s name

verbally during the assessment, if this is possible. This is to help build rapport. For gender neutrality, we are using “[he/she/they]” and “[him/her/them]”. Please choose the appropriate pronoun.

DO NOT RECORD ANY IDENTIFYING INFORMATION ON THE FORMS: When typing in details to questions, do not type in any names or initials. Before finalizing the form, please check to make sure that you did not include any names or initials. Instead:

- When referring to “Mother,” use “Mo” in the follow-up notes section. Mother’s relatives or new partners should be, e.g., “Mo’s mother,” “Mo’s significant other,” etc. Stepmother should be “StepMo.”
- When referring to “Father,” use “Fa” in the follow-up notes section. Father’s relatives or new partners should be, e.g., “Fa’s mother,” “Fa’s significant other,” etc. Stepfather should be “StepFa.”
- With same sex couples, use Male/Female/Nonbinary “Party 1” and Party 2” and comparable derivatives listed above.
- With couples who do not have children, use “Male” and “Female” or “Party 1” and “Party 2.”
- When referring to child/ren: If one child, use “child” in the follow-up notes section. Otherwise “younger” or “youngest,” “older” or “oldest,” “middle,” or another appropriate adjective before “child.”

USE “SOMEONE WHO HAS EXPERIENCED DV” OR “SURVIVOR” RATHER THAN “VICTIM”: When the screener refers an interviewee for services based on IPV/A,” do not call the interviewee a “victim.” If a label is necessary for some reason, it is preferable to describe that party as “someone who has experienced DV” or “survivor” when speaking to that party.

QUESTIONS THAT ARE NOT INCLUDED:

CASE BACKGROUND: The MASIC-S does not ask background questions. Users of the MASIC-S may ask background questions separately from this tool. One of the authors (Applegate) asks all parties to separately complete and submit a confidential intake form, with detailed case and demographic information. To request a copy of this confidential intake form, email aga@indiana.edu.

DISCLAIMER OF LIABILITY:

DISCLAIMER: The MASIC-S (including the current version and any and all prior, future, and derivative versions) is intended for screening purposes only and does not provide any formal diagnosis of anyone screened or discussed in screening. The MASIC-S authors have no legal liability or responsibility for the accuracy and/or completeness of information obtained through screening done with the MASIC-S, or for evaluations and/or recommendations made based upon information obtained through MASIC-S screening. Users of the MASIC-S, or information obtained through MASIC-S screening, are deemed to have accepted the conditions set forth in this disclaimer.

1.4.2 Familiarity with the MASIC-S questions:

Review and become familiar with the questions asked of parties in the MASIC-S Party Evaluation Form. There are four sections with questions. Not all parties will be asked all the questions across the four sections. The questions in Section 1 are mandatory for all parties, unless you are not conducting a full MASIC-S screening on the second party based on the first party's MASIC-S report. See Sections (1.5.3) below and (1.8) below. Parties who respond Yes to any Section 1 question should be asked the questions in Section 2; the screener may also elect to ask the Section 2 questions even if the party did not respond Yes to any Section 1 question. The questions in Section 3 are always optional but recommended. The questions in Section 4 are mandatory for all parties.

1.4.3 Practicing the questions:

Practice asking the questions in the MASIC-S Party Evaluation Form before using it on mediation parties. This will further help you become familiar with the questions and the flow of the interview.

1.4.4 Number of MASIC-S forms:

Typically, the screener will administer one MASIC-S Party Evaluation Form (independently and privately) with each of the two parties (past or present intimate partners) in the case, and then complete one MASIC-S Scoring Form for each party. Once you submit the party's information, you will see that party's total MASIC-S score and all the party's interview responses, and a link to a downloadable PDF version of the party's score and all the party's responses. You should save the PDF version of the party's score and all the party's responses because once you leave the site, the MASIC-S information for that party will not be saved online and thus will no longer be available online. Suggestions for how to name the documents you save are provided.

1.4.5 Issues considered based on the party's report:

The applicable MASIC-S Scoring Form will walk the screener through consideration of the following issues based on that party's report: (a) whether the party should be referred to a DV

advocate; (b) whether or not some form of mediation would be appropriate for that party; (c) if yes, what kind of mediation process; and (d) whether additional accommodations are needed for that party to help ensure a safe, voluntary, and appropriate mediation process. After completing both parties' MASIC-S Party Evaluation Forms and Scoring Forms, you will make final decisions about whether or not to mediate, the mediation process if some form of mediation is appropriate, and any necessary accommodations for each of parties.

1.4.6 MASIC-S scoring forms:

Review the five MASIC-S scoring forms before using the MASIC-S for the first time. These forms are based on the MASIC-S score (higher scores indicate greater levels of, and more concerning, IPV/A, though even lower scores also may be concerning) as well as the presence or absence of the following criteria: (a) whether the party is experiencing current fear of the other party and/or (b) whether party has experienced severe or permanent injury from the other party. Screeners will click on one of five links for the applicable Scoring Form. See Section (F)(4) below.

1.4.7 Suggested guidelines in the scoring forms:

The guidelines in the MASIC-S Scoring Forms are based on the current, up-to-date information from mediation programs using the shortened MASIC, as interpreted by the current research team (Amy G. Applegate, Fernanda S. Rossi, Amy Holtzworth-Munroe, Lily J. Jiang, & Holly Huber). These suggested guidelines are subject to adjustment as more research on MASIC scoring is conducted in the future.

1.4.8 No previous IPV/A screening or training:

If you have not previously screened for IPV/A and/or you have not been trained about IPV/A, please see Section 2 below.

1.5 Before Administering the MASIC-S in a Specific Case

1.5.1 Background information

If possible, review background research on the parties, specifically any court or police records that might address the parties' violent or abusive conduct. We recommend, if possible, that you review the following:

- a. The docket or summary for the parties' case, and any important documents in the case;
- b. Orders of protection sought or entered against either party;
- c. Criminal charges against or convictions of violent or abusive crimes (e.g., domestic battery, intimidation, false imprisonment, criminal trespass, stalking) by either party;
- d. Applicable sex and violent offender registries (state and national); and
- e. Open child welfare cases involving either party.

1.5.2 Scheduling

Schedule the MASIC-S during intake session(s) on separate day(s) from the negotiation session(s), presenting the intake as a necessary routine part of mediation for all mediation parties. It is preferable to administer the MASIC-S at least a week before negotiations start. This provides an opportunity to explain the mediation process, develop rapport with the parties, and observe their reactions when answering the MASIC-S questions. Some parties may never have been asked these questions and not realize that these behaviors constitute abuse/violence. Moving directly into negotiations after answering these questions may be very emotionally difficult for parties. The screener also needs the time to independently and privately interview both parties, make any needed referrals, and consider the appropriate format of the mediation and other accommodations based on the information obtained from both parties in the MASIC-S screening process.

1.5.3 Order of MASIC-S interviews

Arrange to administer the MASIC-S Party Evaluation Form with each party independently and privately (i.e., separately from the other party). Generally, we recommend screening ***the female party first in male/female couples***. Although anyone can be a victim and/or perpetrator of intimate partner violence or abuse, most research shows that female victims report more sexual victimization, fear, and serious physical injury than male victims.⁵ These sex differences in types of victimization are important to consider in the mediation context. Thus, with male/female couples, we generally recommend screening the female party first, if possible, in the event the screening results indicate that mediation would not be appropriate. In such cases, full screening of the male party might then not be necessary or appropriate and might put the female party at risk; instead, consider administering a shortened MASIC-S to the second, male party. We recommend meeting with both parties (separately, of course) unless you conclude, in the exercise of your clinical judgment, that it would be safer not to screen the second party at all. See Section (1.8) below for the appropriate steps to take when administering a shortened MASIC-S.

Although we recommend screening the female party first as a general rule, you may encounter male/female couples in which the female has perpetrated severe violence and abuse against the male. If you know that in advance, based on the background information or in another way, it may be more appropriate to screen the male first.

Regardless of who is screened first, in an extremely violent and/or dangerous situation, the screener may decide the case is inappropriate for mediation after administering the first party's party evaluation form. It is also possible that the screener will not learn that there is an

⁵Winstok, Z., & Straus, M. A. (2016), *Journal of Family Violence*, 31(8), 933-935.

extremely violent and/or dangerous situation until administering the second party's party evaluation form.

In either of these cases, use care in your communications when you decide not to mediate, being attentive to not "blaming" one of the parties. Importantly, do not state or give the impression that mediation is not taking place based on either party's answers to the MASIC-S questions. Doing so could upset or anger a perpetrator and thus endanger the survivor.

Relatedly, 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 based on our experience, we think you and the other party would be best served by having your case heard by the court."

1.5.4 Administering electronically

It is most efficient to administer the MASIC-S Party Evaluation Form electronically, especially because of scoring that is done automatically in the online version at odr.com. If for some reason you would prefer to use paper copies of the MASIC-S Party Evaluation Form (and the related Scoring Forms), contact Professor Amy G. Applegate at aga@indiana.edu.

1.5.5 Considerations when conducting remote screening

See Section (1.12) below for appropriate steps and safeguards when screening remotely (e.g., over Zoom).

1.6 Administering the MASIC-S Party Evaluation Form

1.6.1 Face to face interview (in person or remote)

The MASIC-S Party Evaluation Form is designed to be administered as a face-to-face interview on a computer, laptop, or tablet, and whether in person or on a videoconference platform such as Zoom. Below are the steps of the interview process.

EXPLANATION ABOUT MEDIATION (RECOMMENDED BUT OPTIONAL):

This will depend on what information has already been provided to the parties about mediation. An example script is provided below:

Example Script: In family mediation, parties work together to try to make good decisions for themselves and the child/ren outside of court. Mediators do not take sides and do not decide for

the parties how to settle their case. Rather, mediators assist the parties in exploring ways to resolve any disagreements in this confidential settlement process. Before the parties start mediation, they are asked to provide some information about their situation.

**PARTY NARRATIVE
(RECOMMENDED BUT OPTIONAL):**

We recommend starting the interview by eliciting the party's narrative of what brings them to mediation before asking the MASIC-S questions; this dialogue helps build trust and rapport. It also may cut down on time later in the negotiations as the parties have had their chance to tell their story privately to the mediator. An example script is provided below:

Example Script: I will be asking you some questions today. First, I would like to ask you to tell me, in your words, what brings you and [the other party] to mediation? (Note: Elicit brief narrative about why the parties are in court/mediation.)

**MASIC-S INTRODUCTION
(REQUIRED FOR ALL PARTIES WHO ARE RECEIVING THE FULL MASIC-S SCREENING):**

Read the MASIC-S Introduction that is provided in red below unless you are administering a shortened MASIC-S to the second party being interviewed (because you have determined from the first party's MASIC-S interview that mediation is not appropriate for the case). It is important to read the MASIC-S Introduction to the party before asking the MASIC-S questions. Make sure to correctly state the confidentiality of the process in your jurisdiction, as well as any mandatory reporting duty that is not already included in the Introduction.

**MASIC-S INTRODUCTION
(REQUIRED FOR ALL PARTIES WHO ARE RECEIVING THE FULL MASIC-S SCREENING)**

Required Script: I am now going to ask you a series of questions about your relationship with [the other party]. We ask these kinds of questions of the parties who are the parents of the children in the case, or who are currently or were previously spouses or significant others. [If there are other parties in the case, say: These questions relate to [the other party's name] and not the other parties in the case, but let us know if any of the other parties are doing the kinds of things we are asking about.]

Your responses to these questions will be confidential. They will NOT be shared with the court or [the other party]. Your responses will only be used to decide whether mediation would be appropriate in your case, and if so, how to conduct the mediation. However, in answering the questions below, please keep in mind that if I/we have reason to believe that a child has been subjected to abuse or neglect which has not previously been reported to Child Protective

Services or an appropriate law enforcement agency, I/we [or the mediation program] will need to make a report to Child Protective Services or the appropriate law enforcement agency. [Add any other applicable disclosures about mandatory reporting in your jurisdiction.]

You may wonder about some of the questions you will now be asked, but it is helpful to think of this like a visit to the doctor's office. There, you are often asked questions that may not seem important to you or may not seem to apply to you but are important to the doctor.

The questions you will be asked now are important for deciding what kind of mediation would work well for you and [the other party in this case], or if it would be better for you and [the other party in this case] not to mediate. So please answer the following questions to the best of your ability, knowing that this will be helpful.

In answering these questions, I am asking about things that [the other party in this case] may have done during a conflict, disagreement, fight, or in anger, or to scare you or hurt you, but NOT while joking around.

MASIC-S SECTION 1 QUESTIONS:

These twenty questions are required for all first parties interviewed and all second parties receiving the full (not shortened) MASIC-S. There is an additional **required script** after question 6 in Section 1:

Required Script: Please remember that all questions concern things that [the other party party] ever, whether or not while living with you, may have done during a conflict, disagreement, or fight, or in anger, or to scare or hurt you, but NOT while joking around.

MASIC-S SECTION 2 QUESTIONS:

These four questions are only required if a party answered Yes to any of the Section 1 questions. Otherwise, they are optional.

MASIC-S SECTION 3 QUESTIONS:

This Section, consisting of five questions, is always optional.

MASIC-S SECTION 4 QUESTIONS:

These three final questions are always required for all parties. If you are completing the full (and not a shortened) MASIC-S, use this **required script**:

Required Script: As a reminder, mediation is a confidential settlement process that takes place outside of court. Mediation may happen with the parties communicating directly with each other

in the presence of the mediator, or with each party meeting privately with the mediator and communicating with the other party or parties through the mediator. [At this point the screener should explain how mediation is done in their program.] Not all cases, however, go through the mediation process. I [or the mediation program] will determine whether mediation will take place in your case, and if mediation will take place, how it will be conducted. I have a few more questions to help make these decisions.

Different introductory scripts for the questions in Sections 3 and 4 of the MASIC-S are provided in Section (1.8) below for when you are not conducting a full MASIC-S interview of the second party.

1.6.2 Certification and submission

At the end of the MASIC-S questions, you will be asked to certify the following:

I certify

I understand that Mediate.com/ODR.com will provide me with a link to a downloadable PDF version of the information I have inputted into this MASIC-S form once I have submitted this form to Mediate.com/ODR.com and made the required certification.

I certify

I certify that no identifiable information has been inputted into this confidential MASIC-S form. I further certify that I have not inputted any actual case numbers into this form, and I have not included any case or personal identifying information about the case or the parties in the case, including names, birth dates, social security numbers, locations, and the like

I certify

I understand that my ONLY opportunity to download the PDF version of this completed form will be after I click submit below and receive the link, and I will NOT be able to download the PDF after I leave the website. I also understand that once I download the PDF version of this form and leave the website, I will have the only copy of the information on this MASIC-S form.

After making these certifications, you will be able to press submit.

1.6.3 Receipt of the party's MASIC-S information and Total MASIC-S Score

The *odr.com* version of the MASIC-S will generate the total MASIC-S score for the party and all answers to questions provided by that party.

The MASIC-S assesses multiple types of IPV/A and consequences of IPV/A, with a ***total possible MASIC-S Score of 24:***

- a. coercive control;
- b. physical violence;
- c. threats of severe physical violence;
- d. severe physical violence;
- e. sexual violence;
- f. stalking;
- g. recent/increasing IPV/A;
- h. injury; and
- i. fear

The MASIC-S includes questions about coercive control but intentionally does not include other questions inquiring about other forms of psychological, emotional, and verbal abuse. Research has shown that psychological and emotional abuse can be just as harmful as physical abuse.⁶ The decision not to include these other forms of abuse is based on statistical evidence (using Item Response Theory) that items inquiring about psychological, emotional, and verbal abuse, given their high prevalence in mediation samples, do not provide unique enough information necessary for mediators to identify parties reporting high or concerning levels of IPV/A. Parties who report high or concerning levels of IPV/A often endorse other types of IPV/A, in addition to psychological, emotional, and verbal abuse, that more reliably distinguish them from parties who report lower and less concerning levels of IPV/A. Thus, the MASIC-S focuses on items that inquire about these other types of IPV/A.

From the answers provided, if it would be helpful, you may calculate the detailed scoring set forth below:

Detailed MASIC-S Scoring

Types of IPV/A + Recent/Increasing IPV/A:

Coercive Control (items 1-3, 22-23): _____ of 5 total possible points

Physical Violence (items 7-10): _____ of 4 total possible points

Severe Physical Violence (items 11-14): _____ of 4 total possible points

Threats of Severe Violence (items 4-6): _____ of 3 total possible points

⁶ Coker, A. L., Smith, P. H., Bethea, L., King, M. R., & McKeown, R. E. (2000). Physical health consequences of physical and psychological intimate partner violence. *Archives of Family Medicine*, 9(5), 451. <https://doi.org/10.1001/archfami.9.5.451>

Sexual Violence (items 15-16): _____ of 2 total possible points

Stalking (items 17-18): _____ of 2 total possible points

Recent/Increasing IPV/A (item 21): _____ of 1 possible point

Consequences of IPV/A:

Party's response to Fear (items 19 and 24): _____ of 2 possible points

Current Fear (19B)? Yes or No

Party's response to Injury (item 20): _____ of 1 possible point

Severe or Permanent Injury (20B)? Yes or No

1.6.4 Selecting the appropriate MASIC-S Scoring Form

After reviewing the party's total MASIC-S score and whether or not the party reported severe or permanent injury and/or current fear, you will click on the appropriate Scoring Form for the party. On the odr.com site, you will have these choices:

- Click here if results indicate a MASIC-S score of 10 or higher AND a report of severe or permanent injury and/or current fear. In this case, you will be directed to refer the party to a DV advocate, before considering whether or not to mediate, how to mediate safely (if some form of mediation is appropriate), and other safety accommodations.
- Click here if results indicate a MASIC-S score of 1 to 9 AND a report of severe or permanent injury and/or current fear.
- Click here if results indicate a MASIC-S score of 3 or higher and NO report of severe or permanent injury and/or current fear.
- Click here if results indicate a MASIC-S score of 1 or 2 and NO report of severe or permanent injury and/or current fear.
- Click here if results indicate a MASIC-S score of 0.

1.6.5 Referral to a DV advocate

You are **required** to refer a party to a DV Advocate if the party's responses generate a MASIC-S Score of 10 or higher plus a report of severe or permanent injury and/or current fear. Suggested language for the referral is provided in Part II of the MASIC-S Scoring Form for a MASIC-S Score of 10 or higher plus a report of severe or permanent injury and/or current fear. There are two

options presented (one to make directly to a party; the other to make to the party's attorney for parties who have an attorney).

OPTIONAL REFERRAL TO A DV ADVOCATE: You may also use your clinical judgment to refer to a party to a DV Advocate when the MASIC-S Score is lower than the mandatory referral score. In that case, you should complete the scoring form for a MASIC-S Score of 10 or higher plus a report of severe or permanent injury and/or current fear.

1.6.6 Whether and how to mediate

In Part II of each MASIC-S Scoring Form (Part III for the MASIC-S Scoring Form for a MASIC-S Score of 10 or higher plus a report of severe or permanent injury and/or current fear), you will be asked if you believe that some form of mediation is appropriate based on the party's report.

If you answer No, you will be asked several questions about your decision that no form of mediation is appropriate for this case.

If you answer Yes, depending on the MASIC-S score and the presence or absence of severe or permanent injury and/or current fear, you will be prompted to consider the appropriate format of mediation. For any MASIC-S score higher than 0 that is accompanied by severe or permanent injury and/or current fear, we strongly recommend that the case NOT be mediated jointly in-person.

If you conclude that:

- Some form of mediation is appropriate,
- But the case should NOT be mediated jointly in person, and
- Both parties wish to communicate directly for some or all of the mediation, and
- You believe that this direct communication is safe and appropriate in the particular case:
- Then any direct communication between the parties should take place online, e.g., over Zoom or another communication platform.

We also recommend that a MASIC-S score of 3 or higher (even without the presence of severe or permanent injury and/or current fear) generally should not be mediated jointly in-person. This is because a MASIC-S score of 3 or higher, even without a report of severe or permanent injury and/or current fear means that this party has likely experienced a high or concerning level of intimate partner violence because each of the items in the MASIC-S is associated with severe or concerning levels of DV AND higher MASIC-S scores indicate greater levels of and more concerning IPV/A.

Mediating jointly in person when a party has a MASIC-S Score of 1 or 2 may also not be appropriate in a particular case, even without the party reporting permanent or severe injury and/or current fear.

In these situations, you as the screener will be in the best position to judge whether or not to recommend any accommodations, including the format of the mediation process.

1.6.7 Other Accommodations

The format of the mediation is only one of the possible accommodations to the mediation process. In some cases (e.g., both parties have a MASIC-S score of 0), you may conclude that no accommodations are needed. In other cases, you may recommend other accommodations beyond the format of the mediation. Part II of each MASIC-S Scoring Form (Part III for the MASIC-S Scoring Form for a MASIC-S Score of 10 or higher plus a report of severe or permanent injury and/or current fear) provides various accommodations to be considered:

No Accommodations⁷ (*not recommended for any case with a report of permanent or severe injury and/or current fear, or a MASIC-S score of 3 or higher without a report of permanent or severe injury and/or current fear*):

No accommodations necessary

In this situation, the mediator may consider conducting joint mediation in person (i.e., the parties mediate in the same room with the mediator) for the negotiation process. For some mediators, this is their preferred process. Nevertheless, as a matter of cautious practice, the authors recommend meeting separately with the parties for at least some part of the process before finalizing any mediation agreement, especially if the parties are not represented by legal counsel.

If accommodations are necessary, then you will proceed to the other “Accommodations.”

Screener Recommended Accommodations Needed for this Party Based on their MASIC-S Report:

Are any of the following accommodations necessary to help ensure a safe, voluntary, and appropriate mediation process?

⁷ Note that for a MASIC-S Scoring Form that reflects a MASIC-S score of 10 or higher and a report of permanent or severe injury and/or current fear, we do not include the possibility of no accommodations.

Separation of Parties (check all that are needed):

Remote (Online):

- No direct communications:** Videoconferencing, telephone, or online mediation with parties in separate locations (that are private and safe) and not communicating directly at any time (the mediator shuttles between the parties in separate breakout rooms for the entire mediation).
- Some direct communications possible:** Videoconferencing, telephone, or online mediation with parties in separate locations (that are private and safe), with parties communicating directly for some of the mediation if the mediator is present at all times during the direct communications; parties do not have to communicate directly for all of the mediation (e.g., instead, the mediator could shuttle between the parties in separate breakout rooms for some part of the mediation).

In Person:

- No direct communications:** Parties to mediate in separate rooms at all times (shuttle mediation).
- Staggered arrival and departure times** for parties (with the victim, or in the case of two victims, the primary victim [i.e., the party with the higher IPV/A score who you deem to be more at risk], arriving second and leaving first).
- Escort:** This party needs escort to/from car or public transportation.
- Additional precaution:** This party needs a way to leave the building without being seen by the other party.

Security:

- Secure facility:** Mediation at a secure facility, passing through security, presence of armed guards, etc.

Representation/Support:

(The first two accommodations below are typically considered for a party with a MASIC-S score of 10 or higher and a report of permanent or severe injury and/or current fear:)

- Referral to DV program or shelter for this party

- DV advocate to be present for this party

For any MASIC-S score:

- Attorney to be present for this party
- Support person to be present for this party

Other:

- Other accommodation (specify):

1.6.8 Accommodations not based on IPV/A

Accommodations may also be appropriate based on other, non-DV concerns disclosed in the MASIC-S screening process.

1.7 Completing the MASIC-S Final Case Evaluation

Part III of the MASIC-S Scoring Form (Part IV for the MASIC-S Scoring Form for a MASIC-S Score of 10 or higher plus a report of severe or permanent injury and/or current fear) is considered after both parties have been interviewed. This Part provides:

FINAL CASE EVALUATION

Fill out your final case evaluation in only one of the two MASIC-S Scoring Forms completed for this case.

Typically, you should complete the final case evaluation in of the MASIC-S Scoring Form of the more concerning party MASIC-S report.

If this form was completed after the first party's MASIC-S screening, return here after you have screened the second party to finalize your recommendations in this case.

If this form was completed after the second party's MASIC-S screening, review the MASIC-S Scoring Form for the first party screened to finalize your recommendations in this case.

Follow these Instructions/Answer these Questions:

Consider the information obtained from each party's MASIC-S Party Evaluation Form and Scoring Form.

Has your decision about whether some mediation is appropriate changed? If so, please document your reasoning:

If you are recommending that the case is appropriate for some form of mediation, include the accommodations indicated on this and the other party's MASIC-S Scoring Forms. If accommodations about the structure of the mediation differ between the two forms (i.e., shuttle or joint), your recommendation should be based on the party who has reported the most concerning responses on the MASIC-S.

1.8 When Not Administering the Full MASIC-S Party Evaluation Form to a Party

The guidance below is intended to help the screener administer the MASIC-S Party Evaluation Form to the second party being screened when the screener has decided, based on the first party's responses, that mediation is not going to take place in the case. *See Section (1.5.3) above.*

You may read the EXPLANATION ABOUT MEDIATION that is above the MASIC-S INTRODUCTION, if you believe that will be helpful.

We recommend asking the party for their **Narrative**, following the introduction and wording provided in the MASIC-S.

Do **NOT** read the full MASIC-S INTRODUCTION (REQUIRED FOR ALL PARTIES WHO ARE RECEIVING THE FULL MASIC-S SCREENING).

If you are asking the MASIC-S **Section 3 questions**, read the following introduction to the party (which is a shortened version of the basic MASIC-S Introduction), provided in red below:

I am now going to ask you a series of questions that relate to [the other party's name] and not the other parties in the case, but let us know if any of the other parties are doing the kinds of things we are asking about.

Your responses to these questions will be confidential. They will NOT be shared with the court or [the other party]. Your responses will only be used to decide whether mediation would be appropriate in your case, and if so, how to conduct the mediation. However, in answering the questions below, please keep in mind that if I/we have reason to believe that a child has been subjected to abuse or neglect which has not previously been reported to Child Protective Services or an appropriate law enforcement agency, I/we [or the mediation program] will need to make a report to Child Protective Services or the appropriate law enforcement agency. [Add any other applicable disclosures about mandatory reporting in your jurisdiction.]

Please answer these questions to the best of your ability, knowing that this will be helpful.

Before asking the MASIC-S **Section 4 questions**, read the following introduction to the party (which is a shortened version of the introductory language provided before Section 4), provided in red below:

As I think you know, mediation is a confidential settlement process that takes place outside of court. Not all cases, however, go through the mediation process. I [or the mediation program] will determine whether mediation will take place in your case. I have a few more questions to help make this decision.

If you did NOT ask this party the **Section 3 questions**, then also read this language before asking the Section 4 questions (again provided in red below):

Your responses to these questions will be confidential. They will NOT be shared with the court or [the other party]. Your responses will only be used to decide whether mediation would be appropriate in your case, and if so, how to conduct the mediation. However, in answering the questions below, please keep in mind that if I/we have reason to believe that a child has been subjected to abuse or neglect which has not previously been reported to Child Protective Services or an appropriate law enforcement agency, I/we [or the mediation program] will need to make a report to Child Protective Services or the appropriate law enforcement agency. [Add any other applicable disclosures about mandatory reporting in your jurisdiction.]

1.9 Providing Information to the Court (if Permitted) and the Mediator (if the Mediator is not the Screener)

1.9.1 Conveying your recommendations to the Court (if applicable) and the mediator.

1.9.1.1 *To the Court (assuming this communication is permitted or expected):*

When conveying your recommendations to the Court, indicate only (1) whether or not mediation is appropriate and [if applicable] (2) whether the mediation should be conducted in shuttle format, either in-person or remote (online), or if some direct communications between the parties would be permissible in remote (online) mediation. If you provide more information than this to the Court, you will breach the confidentiality of the screening process and you may put a survivor at risk of harm. We are not providing a form because mediators and mediation programs will differ in whether and how they communicate with the referring court.

1.9.1.2 To the Mediator:

The mediator should receive the recommendation provided to the Court, plus the MASIC-S Scoring Forms from both parties. Depending on the program, we recommend that the mediator also receive the PDFs with the parties' MASIC-S responses and Total MASIC-S Score. This is because the mediator should understand the background between the parties when mediating the case.

1.10 Reminders

Unless you have decided that it is unsafe to proceed with the other party, please complete the MASIC-S Party Evaluation Form and Scoring Form for the other party, and then complete the Final Case Evaluation in one of the parties' MASIC-S Scoring Form.

Even if you conclude that the case should be mediated, an identified survivor in this process may later decide to withdraw from the mediation process and have their case heard by the court.

**Screeners/mediators should always accommodate someone who expresses *fear* of the other party. Accommodation will vary depending on the circumstances, but a mediator should not insist that a party start or continue mediating when that party says that they do not want to mediate because of fear of the other party.

**It is also not appropriate to require or force a party who self-identifies, or who you identify, as a survivor of intimate partner violence or abuse to participate in the mediation process if they do not want to or do not feel comfortable participating.

Some people who have experienced IPV/A may not believe that they are at risk. Although we generally want to empower some who has experienced IPV/A and affirmatively wants to mediate, in making the recommendation whether or not mediation in some form is appropriate, you must also consider: (a) the risks involved and (b) what accommodations to provide if we decide to mediate. In addition to safety risks, be sure to consider any other concerns presented in the specific situation, including balance of power issues, the possibility of coercion, the mediator's ethical duty not to facilitate involuntary and/or unconscionable agreements, and the mediator's ethical duty to remain impartial.

It is also important for the mediator 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.

Even with screening before the start of negotiations, there may be times when a mediator learns belatedly of IPV/A. If during the mediation, the mediator becomes concerned about the possibility of previously unreported IPV/A, the mediator should take a break to consider how to

proceed. The parties should be separate while the mediator determines the appropriate action to take.

1.11 Important Practice Points

Do not say that everyone is asked these (i.e., MASIC-S) 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.”

Do not apologize for asking the MASIC-S questions.

Do not share one party's MASIC-S answers with the other party (or the court) at any time. This means that you should not share a party's MASIC-S answers with anyone, including the other party's legal representative. We also do not recommend sharing the answers with the party interviewed (due to concern that a survivor might share the answers with the other party), though it is probably appropriate to share a party's answers with their legal representative as long as that representative confirms their understanding of the need to maintain the confidentiality of the client's MASIC-S answers.

Do not edit the MASIC-S Questions. If a party asks for clarification, it would be appropriate to explain the question or clarify the time period (present and/or past).

1.12 Special Considerations when Conducting MASIC-S Screening Remotely

When making the appointment to conduct the intake/screening (preliminary contact; i.e., before screening), clarify each party's remote technology capabilities. It is preferable to screen by videoconference platform such as Zoom rather than by telephone, as you will be able to see the party being interviewed and you have better control over the security of the process. We recommend trying to assess each party's “digital literacy and access to the internet.”

1.12.1 During this preliminary contact:

- Encourage the party to use earbuds or headphones when speaking remotely with you.
- Confirm that the party will be able to speak with you privately, i.e., without anyone else within hearing distance.
- If the party wants someone else to be present, clarify who the person is (only an attorney, DV Advocate, or support person should be present).
- Do not conduct the interview if the other party in the case is present, nearby, or could overhear your conversation; in that event, reschedule the interview.

- If the children are going to be present in the home during the interview, ask the party to arrange for someone else to care for them separately from where the party will be speaking with you and in a place where the children cannot hear what is being said.

1.12.2 During the MASIC-S interview:

- Confirm that no one else is present (except approved, disclosed individuals).
- If you are on a videoconference platform, explain to the party that if they wish to communicate something to you but someone else has come in or is able to hear, the party should consider sending you a message via the chat function (but only if that is safe to do).
- Have the party select an emergency word that will communicate to you that the party does not want to continue and is unable to explain why, e.g., because of the presence of someone else).
- If you mediate primarily with male/female couples, assign one emergency word typically for female parties and another for male parties (e.g., “I feel faint,” “I don’t want to talk about politics”), or ask the party to choose a word they would prefer.

1.12.3 General pointers:

- When administering the MASIC-S, it is preferable to be able to see the party’s facial expressions or reactions, or if anyone has entered the party’s room.
- If you are administering the MASIC-S on a computer and you are on a videoconference platform, work out in advance a way to administer the screen without losing the ability to see the party. Learn how to split your computer screen, or use a second monitor. Do not share your screen with the party being interviewed.
- Remember that when administering the MASIC-S by telephone or videoconferencing without video capability, you will not be able to see the party’s facial expressions or reactions, nor will you know if someone has entered the room.
- At the end of the screening process, if the party self-identifies or you identify that party as someone who has experienced IPV/A, explore whether the party wants or is willing to participate in mediation. We do not believe that someone who has experienced IPV/A should be compelled to mediate against their will (though you will need to understand the legal requirements in your jurisdiction).
- On the other hand, you should not promise to mediate if the person who has experienced IPV/A wishes to mediate. There may be a reason why mediation is not appropriate in the case (e.g., even with accommodations, the risk to safety is too high, a party is unable to exercise self-determination, or a party is unable or unwilling to follow the ground rules of mediation).

- If the party is wearing earbuds or headphones when they use the emergency word, or if you have some other reason to believe that there may be a problem for the party you are interviewing, ask Yes/No questions such as:
 - a. “Do you need to hang up?”
 - b. “Are you safe?”
 - c. “Should I call 911?” (Only do this if you have the address where the party is at that time.)
 - d. “Shall I call you at another time?” If yes, “When?”
 - e. “Would it be better if you called me back at some other time?”
- If the party is not wearing earbuds or headphones when the party uses the emergency word, end the interview promptly, explaining that you have to go. Let the party know that they should give you a call back, or that you will be back in touch at another time.

2 Recommendations for Screeners who Have Not Screened for IPV/A and/or Have Not Been Trained about IPV/A

We recommend that screeners review the articles listed below. These demonstrate why the type of screening contained in the MASIC-S (e.g., behaviorally specific screening) is helpful in detecting party reports of IPV/A that can affect the manner of resolving a family law case, i.e., whether and how to mediate a family law case:

Two studies that demonstrate the need for systematic, behaviorally specific IPV screening in family mediation settings:

Ballard, R.H., Holtzworth-Munroe, A., Applegate, A.G., & Beck, C.J.A. (2011). Detecting intimate partner violence in family and divorce mediation: A randomized trial of intimate partner violence screening. *Psychology, Public Policy, and Law*, 17, 241-263.

Rossi, F.S., Holtzworth-Munroe, A., Applegate, A.G., Beck, C.J.A., Adams, J.M., & Hale, D.F. (2015). Detection of intimate partner violence and recommendation for joint family mediation: A randomized controlled trial of two screening measures. *Psychology, Public Policy, and Law*, 21:3, 239-251.

Original MASIC and information on its psychometric properties:

Holtzworth-Munroe, A., Beck, C.J.A., & Applegate, A.G. (2010). 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*, 48, 646-662.

Pokman, V., Rossi, F.S., Holtzworth-Munroe, A., Beck, C.J.A., Applegate, A.G., & D'Onofrio, B.M. (2014). Mediator's assessment of safety issues and concerns (MASIC): Reliability and validity of a new intimate partner violence screen. *Assessment*, 21, 529-542. DOI: 10.1177/107319111452872

Development of the MASIC-S:

Applegate, A.G., Rossi, F.S., Holtzworth-Munroe, A., Beck, C.J., & Jiang, L.J. (September 2020). In a Time of Great Need, a New, Shorter Tool Helps Screen for Intimate Partner Violence. *American Bar Association (ABA) Dispute Resolution Magazine*.

Rossi, F. S., Applegate, A.G., & Beck, C. J., Timko, C., & Holtzworth-Munroe, A. (2022). Screening for intimate partner violence in family mediation: An examination of multiple methodological approaches using item response theory. *Assessment*.
<https://doi.org/10.1177/10731911211022843>

Rossi, F. S., Applegate, A. G., Tomlinson, C., & Holtzworth-Munroe, A. (accepted). Intimate partner violence screening for divorcing or separating parents: An introduction to the Mediator's Assessment of Safety Issues and Concerns-Short (MASIC-S). *Family Court Review*.

Randomized Control Trial of two specialized mediation approaches (shuttle and videoconferencing) versus litigation for family law cases reporting high levels of IPV (and third is related article about training mediators in that study):

Holtzworth-Munroe, A., Applegate, A.G., Beck, C.J., Rossi, F.S., Adams, J.M., Jiang, L.J., Tomlinson, C.S., & Hale, D.F. (2021). Intimate Partner Violence and Family Dispute Resolution: Follow-up Findings from a Randomized Controlled Trial Comparing Shuttle Mediation, Videoconferencing Mediation, and Litigation. *Psychology, Public Policy, and Law*. Advance online publication. <https://doi.org/10.1037/law0000309>

Holtzworth-Munroe, A., Beck, C. J., Applegate, A. G., Adams, J. M., Rossi, F. S., Jiang, L. J., Tomlinson, C. S., & Hale, D. F. (2021). Intimate partner violence (IPV) and family dispute resolution: A randomized controlled trial comparing shuttle mediation, videoconferencing mediation, and litigation. *Psychology, Public Policy, and Law*, 27(1), 45-64. <http://dx.doi.org.proxyiub.uits.iu.edu/10.1037/law0000278>

Applegate, A.G., Beck, C.J., Adams, J.M., Rossi, F.S., & Holtzworth-Munroe, A (2021). Preparing mediators to mediate cases reporting high IPV in a randomized control trial: The importance of a mediation manual, training, and consultation. *Family Court Review*, 59, 725-740. <https://doi.org/10.1111/fcre.12605>

If you are unable to access these articles, please contact Professor Amy G. Applegate at aga@indiana.edu.

We also recommend that screeners (whether or not mediators) receive training in the following areas if they have not been previously trained:

- **IPV/A:** Review of (1) the characteristics, dynamics, impact and consequences, and risks in differing types of IPV/A, (2) how IPV/A may affect the parties' ability to present themselves, communicate, present information, and make important decisions in the mediation process, and (3) research on families with a history of IPV/A.
- **Screening for IPV/A:** Research on why screening is necessary for mediating family law cases and what screening approaches are most likely to detect party reports IPV/A; how to ask difficult personal and probing questions; and what to do with the information obtained through screening.
- **Issues in Mediating Cases in which Parties Report High or Concerning Levels of IPV/A:** Consideration of pros and cons of mediation, including the DV Advocate perspective; research on mediation for cases reporting high or concerning levels of IPV/A; and how to consider such issues in light of information obtained through screening, including possible accommodations.

3 Questions?

If you have questions about administering the MASIC-S, please direct them to Professor Amy G. Applegate at aga@indiana.edu.