

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE  
PREVENTION AND TREATMENT BOARD**

**MEETING MINUTES  
November 14, 2014**

**\*\*\* APPROVED \*\*\***

**Members Present:**

Sgt. Yvonne Brantley  
Jeffrie Cape  
James Fink  
Hon. E. Libby Pollard Hines  
Dr. Cris Sullivan, Chair

**Members Absent:**

Honorable Jeff Sauter

**Staff Present:**

Patsy Baker  
Michelle Bynum  
Debi Cain, Executive Director  
Celeste Colton  
Donna Cornwell  
Debbie Felder-Smith  
Julie Giddings  
Carol Hackett Garagiola  
Sarah Heuser  
Gail Krieger  
Mary Lovik  
Tiffany Martinez  
Sandra Pilgrim-Lewis  
Karen Porter  
LaShawn Thurman, Board Secretary

**Guests:**

Mary Keefe, Michigan Coalition to End Domestic & Sexual Violence  
John Lazet, Department of Attorney General

**Welcome and Introductions**

Chair C. Sullivan convened the November 14, 2014 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Department of Human Services – Grand Tower Building in Lansing, Michigan at 2:15 p.m. Introductions were made and a welcome extended to guests.

**BOARD CONSENT**

Review of agenda; approval of the October 17, 2014 meeting minutes.

**MOTION: Moved by J. Fink to approve the November 14, 2014 agenda and the October 17, 2014 meeting minutes. Seconded by E. Hines. Motion carried.**

## **CHAIR'S REPORT**

C. Sullivan reported that she, D. Cain, M. Bynum and S. Pilgrim-Lewis met with several tribes in Mt. Pleasant. A prior tribal meeting in Sault Ste. Marie was attended by D. Cain, M. Bynum and S. Pilgrim-Lewis. The meetings were held to reach out to the tribal communities and hear their issues and concerns related to violence against women along with sharing the roles and duties of the Board. C. Sullivan stated the importance of inclusion and reaching out to the tribal communities. S. Lewis stated that the tribes were open and receptive to the Board at both meetings. The tribe in Sault Ste. Marie welcomed staff in an opening ceremony in their native language to honor D. Cain. M. Bynum indicated the tribal communities were very welcoming and appreciative of the Board's presence. D. Cain stated that the notes taken at the tribal meetings will be provided to Board members in the January 2015 Board packet.

## **EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE**

P. Baker provided an update on the expenditures for FY'14 for the domestic violence, sexual assault and child advocacy center appropriations.

S. Heuser and C. Hackett Garagiola presented a conceptual framework of the Safe & Together Model (S&TM), which was created by David Mandel, a nationally recognized expert on the intersection of domestic violence and child welfare. DHS is currently seeking sole-source approval to contract with David Mandel & Associates to bring the S&TM to Michigan and obtain funds to support the implementation of an S&TM train-the-trainer certification program, which would certify 10 trainers to deliver S&TM training to child welfare workers and supervisors throughout the state. MDSVPTB has committed to supporting David Mandel & Associates in incorporating the S&TM concepts into the MiTEAM case practice manual.

G. Krieger reported on the Michigan Sexual Assault Model Policy on Law Enforcement Response to Sexual Assault. The policy will be law-enforcement driven, trauma-informed, promotes 2-phase interview process following a sexual assault and includes recent legislative changes and products that are in current development such as a first responders check list, statutory victim notice cards, and sexual assault evidence kit forms. A victim-advocacy review committee will be convened and completion of the product is planned for February 2015.

C. Sullivan thanked Honorable Amy Ronayne Krause (past Chair of the Board) who Chairs the model policy committee for being a key driving force behind the Michigan Sexual Assault Model Policy on Law Enforcement Response to Sexual Assault.

### **Legislative Review**

M. Lovik provided an update on legislation signed into law since the October Board meeting.

M. Lovik presented revisions to a proposed general principle on mediation in PPO cases that was discussed at the Board's October meeting.

### **Motion: Moved by J. Fink to adopt the following General Principle:**

The Board is opposed to mediation in PPO cases involving domestic violence, sexual assault, and, generally, stalking.

This General Principle replaces the Board's Sept. 22, 2006 General Principle

**Seconded by E. Hines. Motion carried.**

M. Lovik presented a proposed general principle on the use of mediation in certain family law cases as discussed at the Board's October meeting.

**Motion: Moved by J. Fink to adopt the following General Principle:**

This General Principle applies to actions for divorce, separate maintenance, the annulment of marriage, the affirmation of marriage, paternity, family support, child custody and parenting time. For purposes of this General Principle, the MDSVPTB understands "mediation" to mean any dispute resolution process that requires the parties to meet with a neutral third-party facilitator in an effort to negotiate agreement at arm's length, whether or not the facilitator makes a recommendation to resolve the dispute at the end of the process. The term "facilitator" refers to the neutral third-party conducting the mediation process. This General Principle does not apply to personal protection orders or to arbitration.

The MDSVPTB is committed to ensuring the safety and autonomy of survivors of domestic violence, sexual assault and stalking. Regarding safety, the Board notes there are significant barriers to reaching a safe, equitable and workable resolution to disputes in cases where one party has engaged in domestic violence, sexual assault, or stalking against the other. First, the physical proximity of the parties in such a setting presents a risk of physical harm to the survivor, and, potentially, to the facilitator of the negotiation session. Second, survivors will likely be unable to meaningfully express their needs and concerns in arm's length negotiations with an individual who has subjected or is subjecting them to coercion, controlling tactics, or other forms of intimidation.

Regarding autonomy, the Board acknowledges that mediation can be beneficial for some survivors who want to participate, if facilitated by a well-trained provider who can address the safety concerns and power inequities that are present in a particular case. Mediation may promote safety and stability in some cases by producing a faster, less expensive settlement that is negotiated outside the public scrutiny of the courtroom. It may empower some survivors by giving them an active role in creating enforceable agreements that are better suited to their needs than court orders would be, especially in cases where the court has failed to account for the presence of domestic violence, sexual assault, or stalking.

Accordingly, the Board believes that decisions to use mediation in cases involving domestic violence, sexual assault, or stalking should be made on a case-by-case basis in consultation with the survivor. It adopts the following guidelines for staff in providing technical assistance:

- a. The use of mediation should be presumed inappropriate when it appears to the mediator or when a party asserts that domestic violence, sexual assault, or stalking has occurred.
- b. In determining whether to overcome the presumption, the following factors shall be considered:
  - i. The referring court and facilitator have screened the case for the presence of domestic violence, sexual assault, or stalking, and will conduct ongoing screening in the event that mediation is commenced.
  - ii. The limits on confidentiality of parties' communications with the mediator are made clear to the parties.
  - iii. The parties have been given the opportunity to object to mediation.

- iv. The survivor voluntarily agrees to participate.
  - v. The court and/or the facilitator has assessed each party's ability to negotiate for him/herself and determined that each party is able to do so.
  - vi. The survivor is allowed, upon request, to have an attorney present during mediation sessions.
  - vii. Mediation is physically safe for all concerned.
  - viii. The parties are able to reach a voluntary, uncoerced agreement.
  - ix. The facilitator is able to manage a case involving domestic violence, sexual assault, or stalking, including making process modifications to promote safety and ameliorate the imbalance of power between the parties.
  - x. The facilitator is trained to manage a case involving domestic violence, sexual assault, or stalking, or co-facilitates with another individual who is so trained.
  - xi. The survivor may withdraw from mediation without sanction or negative impact if he/she believes it is unsafe or that he/she can no longer participate meaningfully.
- c. If one party is protected from the other by a court restraining order, mediation should only proceed if:
- i. The protected party voluntarily agrees to participate,
  - ii. The court (not the protected party) has modified the court order to permit mediation,
  - iii. All of the conditions in section "b" above are met, and
  - iv. The terms of the restraining order will not be the subject of negotiation in mediation.

**Seconded by E. Hines. Motion carried.**

**PUBLIC COMMENT:**

No comments.

**BOARD ANNOUNCEMENTS:**

E. Hines will be attending a dinner at the U. S. Supreme Court along with Chief Justice Roberts.

**ADJOURNMENT:**

**Motion to adjourn by J. Cape. Seconded by E. Hines. Motion carried.**

**The meeting ended at 4:18p.m.**

Respectfully submitted,

LaShawn Thurman  
Board Secretary