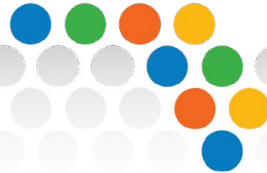




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**DOMESTIC VIOLENCE(DV)/  
INTIMATE PARTNER  
VIOLENCE(IPV) AND  
COLLABORATIVE PROCESS:  
APPLYING THEORY TO  
PRACTICE**

# A PANEL DEMONSTRATION and DISCUSSION

- Roles/Responsibilities



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# OUR PURPOSE

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- **To demonstrate/discuss how to screen for appropriateness in the Collaborative Process of a matter where there has been allegations or action in DV/IPV**
- **To demonstrate/discuss options, decision making and team protocols, for families in which intimate partner violence has occurred.**
- **To demonstrate/discuss the use of different Team models in Collaborative cases where IPV is present.**

# Collaborative Law Process Act

## FLORIDA STATUTES 61.55

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- Creates a uniform system for the practice of Collaborative Divorce in FL

Encourages the peaceful resolution of disputes and the early resolution litigation via settlement

Non-adversarial process that preserves a working relationship between the parties

Reduces the emotional and financial toll of litigation

# Rule 4-1.19

## Rules of Professional Conduct



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- A lawyer must reasonably inquire whether a prospective client has a history of any coercive or violent relationship with another party in a family law matter before agreeing to represent a client in the collaborative law process and must make reasonable efforts to continue to assess whether a coercive or violent relationship exists between parties in a family law matter throughout the collaborative law process.
- A lawyer may not represent a client in the collaborative law process in a family law matter and must terminate the client-lawyer relationship in an existing collaborative law process in a family law matter if the lawyer reasonably believes that the lawyer's client has a history of any coercive or violent relationship with another party in the matter unless:  
(1) the client requests to begin or continue the collaborative law process; and (2) the lawyer reasonably believes that the safety of the client can be protected during the collaborative law process.



# DEFINITIONS

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- **741.28 “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.”**

# DEFINITIONS

- **Domestic Violence (DV) Intimate Partner Violence (IPV):**
  - Willful Intimidation
  - Physical Violence
  - Sexual Violence
  - Psychological Violence
  - And Emotional Abuse
- Part Of A Systematic Pattern Of Power And Control Perpetrated By One Intimate Partner Against Another.
- Frequency And Severity Of Domestic Violence Can Vary Dramatically;
- The One Constant Component Of Domestic Violence Is One Partner's Consistent Efforts To Maintain Power And Control Over The Other.

# DEFINITIONS

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- **DV/IPV is a pattern of coercive, controlling behaviors designed to exert power and control over a person in an intimate relationship through the use of intimidation, threat, physical or psychological/emotional harm, or harassment**
- **DV/IPV is a learned behavior found in every socioeconomic, racial, ethnic, cultural group in society, regardless of sexual orientation or gender identity.**



# TYPES OF ABUSE

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- **Spousal/Partner**
- **Child Abuse**
- **Sexual**
- **Substance**
- **Physical**
- **Psychological**
- **Power Imbalance**

# TYPES OF FAMILIES

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- **Couples w Children**
- **Couples w Children under 5**
- **Couples w Children 5-12**
- **Couples w Children 13-18**
- **Couples w/o Children**
- **Couples Living together**
- **Couples Living apart**
- **Couples w Restraining Order**
- **Couples w No Restraining Order**
- **Couples w DV w Restraining Order**
- **Couples w DV w/o Restraining Order**

# OPTIONAL MODELS

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- **MHP/Facilitator**
- **2 Coach**
- **Child Specialist**
- **2 Coach and Child Specialist**
- **Individual and Family Therapy**
- **Traditional Model**

# QUESTIONS

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- **Is it possible to safely engage in collaborative process when IPV present?**



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# QUESTIONS

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- **Are there options for team protocols to avoid having to simply say case is not appropriate for collaborative process?**
- **How to decide in specific case?**



# QUESTIONS

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- **Do we need a special/new Collaborative model to accommodate DV/IPV cases?**
- **What could it look like?**



# DEMONSTRATION

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**ROBERT MERLIN, ESQ. – ATTY 1 FOR CHRISTEN  
LEISA WINTZ , ESQ. ATTORNEY 2 FOR MATTHEW  
RANDY HELLER, PhD – NETRAL FACILITATOR  
CRAIG FABTIKANT, PhD – CHILD SPECIALIST**

# QUESTIONS FOR DISCUSSION

- **How and who should determine if IPV is present?**
- **If MHP/ facilitator does screening of both parties, can he/she remain neutral? Should someone else do screening? Someone unrelated to process?**
- **Same interviewer for both parties? (may provide better data) Who? If neutral, can he/she stay neutral?**

# Further Questions for Consideration

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- **How do we maintain the safety of the team and the participants?**
- **Other considerations?**
- **How to streamline costs but maintain protection?**
- **Can we create a streamlined model for these cases?**

# PANEL NAMES AND EMAILS

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