

## CLIENT SCREENING TO IDENTIFY DOMESTIC VIOLENCE VICTIMIZATION\*

The Domestic Abuse Committee of the Family Law Section of the Minnesota State Bar Association created the following domestic violence screening tool over a period of years. We worked with attorneys who represented both victims of domestic abuse and perpetrators of domestic abuse, and consulted judges and many other professionals who regularly work with victims and abusers. The goal of this tool is to make it easier for attorneys to incorporate domestic abuse screening as a routine part of practice and to enhance safety for themselves, their staff and their clients. The Committee considers the screening tool a work in progress and would greatly appreciate your feedback as you utilize the tool in your practice. Please direct your feedback via email to Rana Alexander at rana@bwlap.org.

### PART I. SCREENING PROTOCOL FOR ATTORNEY

#### Introduction and Preliminary Matters

The Minnesota Rules of Professional Conduct Rule 1.1 states: “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.” The Comment to this Rule states: “Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge.”

The Minnesota courts have recognized the importance of domestic violence and the risks that it may present. The Minnesota Supreme Court provided a Risk Assessment Bench Guide to each judge in the state for use in any kind of case, civil, family or criminal, which involves domestic violence.

Lawyers in most areas of practice have already had or will have a client who is a victim or perpetrator of domestic violence. Most people experiencing or perpetrating domestic violence are reluctant to share that information with anyone, including their counsel; therefore, lawyers may not realize just how many of their clients are affected by domestic violence. However, to effectively represent the client, a family law lawyer *must* be knowledgeable about domestic violence because domestic violence needs to be taken into consideration when determining custody, relocation, parenting time, distribution of assets, whether or not to participate in mediation or other forms of alternative dispute resolution, and the type of parent education. Therefore, screening for domestic violence with every client, every time, is crucial to every attorney’s practice.

Screening must occur within the context of a *conversation* with the client. A tool used simply as a questionnaire will not encourage the type of conversation between an attorney and client that leads the attorney to a full understanding of the client’s situation. When directly questioned about the violence or abuse in their lives, many victims of domestic violence will not identify themselves as victims. However, victims become more willing to self-identify when they feel

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\* This protocol is focused on identifying victims of domestic violence, not necessarily perpetrators.

their allegations will be given the appropriate attention, when they know it is safe to share the information, when they trust the information will be handled responsibly and when they know the information is important to the case.

This screening protocol is not simply a new questionnaire. The protocol and sample questions will, instead, help the attorney apply the lens of domestic violence to existing interviewing processes by guiding the attorney to listen for certain answers and to follow up appropriately. Any one answer may not indicate there is a domestic violence relationship. Sometimes it is evident only after careful reflection on all of the information you receive taken as a whole.

One of the most important reasons to screen for domestic violence is its importance to child custody and parenting time. Research shows that a parent's use of violence can have serious implications for parenting. For example, a victim of physical intimidation and domination can suffer temporary or even sustained mental health or parenting problems. Those problems can stem from being under constant fear and stress while trying to protect children from the actions of the abusive parent.

The most dangerous type of domestic violence, and the one that most affects client representation is "battering". A "batterer" – one whose violence is part of a pattern of intimidation, threats and other tactics designed to dominate a partner – is likely to have attitudes and beliefs that seriously compromise his/her ability to parent children and can cause permanent psychological problems for children. Batterers as parents are far more likely than other parents to expose their children to several risks such as: exposure to threats or violence towards the victim parent; increased risk of physical or sexual abuse by the batterer; subjection to rigid, authoritarian parenting; neglectful or irresponsible parenting; psychological abuse and intimidation; being used by the batterer to abuse the other parent; and exposure to violence if the batterer enters into a new relationship.

Screening for domestic violence will help you, it will help your staff and it will help your client and any of the children involved in the case.

### **1) Screening will help you:**

- ✓ Gather all the critical information about the client's situation. Without it, your representation will not be sufficient. Knowing about the domestic violence in your client's life will help you comprehend the dynamics of the relationships with which you are working and enable you to better understand all the relevant facts.
- ✓ Recognize that while an abuser's concern for the children may seem genuine, often the concern only masks the desire to control your client. Abusers are manipulative, charming and tactical. Thus, the sooner you know who your opposing party really is, the better you can advise your client on legal options and strategies.
- ✓ Foster a better relationship between you and your client. A strong relationship is mutually beneficial. If the client is happy, s/he is more likely to consider your advice, believe that you are working in his/her best interest, and pay your bills.

- ✓ Avoid a possible malpractice claim. If you are not screening for domestic violence, you are missing important information essential for ethical representation of your client. Just as you insist on evaluating your client's financial situation, you must determine if domestic violence is occurring in your client's life.

## **2) Screening will help and protect staff:**

- ✓ Everyone is safer if the attorney knows that a situation is dangerous.

## **3) Screening will help your client:**

- ✓ Seek risk assessment and safety planning advice to help prevent death and serious injuries.
- ✓ Stay safe and out of court with competently-crafted court orders, which anticipate and seek to reduce the opportunity for abusive behaviors.

Understanding the dynamics of the relationship can help you obtain better outcomes for the client. You are already interviewing your clients; this tool will help you do it better and more effectively.

### What Are You Screening For?

“Domestic violence” and “domestic abuse” are terms which have many different meanings. The legislature has defined “domestic abuse” for purposes of the Order for Protection procedure and the criminal statutes. However, in order to intervene effectively, a practitioner should start by inquiring about a broader range of behaviors which constitute abuse. It is important to understand the complex issues of violence within intimate relationships, which include (1) the intent of the offender, (2) the meaning of the act to the victim and (3) the effect of the violence on the victim – in other words, the *context* within which any given act of violence occurs. Other relevant factors include the particulars of the incident, and how much violence, coercion, or intimidation accompanied the violent event.

Much of the domestic violence you will likely encounter in your representation in contested cases is violence in the exercise of coercive control, or “battering”. Battering occurs when a party (usually male) uses violence as *one* tactic in a larger escalating pattern aimed at intimidating and controlling the victim. Threats, psychological and emotional abuse, isolation of the victim, manipulation of children, and exercise of economic control are other tactics used in a battering relationship. In a battering relationship physical or sexual violence does not need to be recent to produce victim intimidation. Just the threat of future violence is often enough for the abuser to continue to assert power and control over a victim.

Sometimes the violence has other features, motivations and implications for representation. For example, some people who use violence against an intimate partner are using it to resist being battered by their violent and dominating partners. This violence can be self-defensive,

retaliatory or simply used to “stand up to” an abuser. These perpetrators are victims (usually women) who are employing a range of strategies to cope with the abuse. The strategies include mollifying the abuser, avoiding conflict, being submissive or compliant, and fighting back. While this violence may be criminal or constitute “domestic abuse” for legal purposes, it has very different implications for custody and parenting time than does “battering” violence.

There are also some people who use violence in their relationships WITHOUT a history of intimidation, threats, and coercion. In these cases, the violence does not cause fear, does not cause the victim to change her behavior in response to the threat of harm, and the violence is usually quite minor.

Most important, therefore, is to screen for battering which includes the existence of intimidation, threats and domination, along with violence which need not be recent. As one major component of this screening, you must work with your client to assess the risk of future injury or serious harm to your client or children. You must develop and utilize methods of gathering relevant information to assess the abuser’s history and dangerousness. Knowing you are dealing with a batterer will help you maximize victim safety and account for the likelihood that a batterer will violate court orders and use the legal system to continue to harass your client.

The different contexts within which domestic violence is committed (e.g. coercive controlling, responsive or resistive to being battered) call for different responses. You must ensure that (1) the relevant information is obtained on each person who uses violence in his/her relationship, (2) as appropriate, the information is provided to other professionals such as custody evaluators and the court, and (3) the information is incorporated into decisions about how the case is handled and what relief is requested.

✓ **Be alert for the following signs that domestic violence has occurred or is occurring:**

- ✓ Dominating, intimidating, terrifying, rule-making, stalking, harassing and injurious behaviors; attempts to control and manipulate the actions and responses of spouses/partners and sometimes children
- ✓ Severe, recurring or life-threatening abuse; for example, repeated bruises, broken bones, and physical attacks or threats with weapons
- ✓ Slaps, pushes, shoves, threats, emotional and financial abuse, false imprisonment, and any other behavior used to control and coerce the other spouse/partner
- ✓ Degrading, humiliating or belittling behavior
- ✓ Use of the legal system to punish or harass partner/spouse
- ✓ Attempts to control victim-lawyer appointments or communication
- ✓ Repeated unwanted phone calls or texts to victim at work, home or cell phone
- ✓ Isolation of victim from relatives, friends, co-workers, or neighbors

✓ **Look for risk factors:**

- ✓ Client expresses concern or fear of abuser’s violent behavior
- ✓ Violence that is severe, increasingly frequent and recent
- ✓ Client isolated, few social resources

- ✓ Abuser carries, has access to, uses, or threatens with a weapon
- ✓ Threats to kill the client, children or pets
- ✓ Strangulation, attempts to “choke” the client
- ✓ Stalking
- ✓ Prior police intervention in one or more domestic violence calls
- ✓ Threats of suicide by the abuser
- ✓ Violence outside the home

Violence with a pattern of coercion is a serious marker of high risk violence. Coercion may be displayed as control of children, finances, or activities; sexual aggression; intimidation; hurting pets; or isolating the victim from support systems.

Remember: Research shows that victims’ perceptions of high danger are often accurate; their perceptions of low danger are not.

Finally, remember the most dangerous time for a victim is when the abuser becomes aware that the victim has decided to leave the relationship.

## **Tips for the attorney:**

### **First contact with a client:**

- ✓ Block your office telephone and cell phone numbers and check periodically to insure that they remain blocked.
  - If your client's partner finds out that the client is talking to or seeing an attorney that in itself can prove dangerous for some clients whose partners are threatened by an impending separation.
- ✓ Find out if client's partner knows s/he is seeking a separation/filing a legal action.
- ✓ Get permission to send documents and letters to the client's house.
  - Ask, "Is it safe to send things to your house"?
- ✓ Always get a safe alternate contact for the client.
  - If your client is a victim of domestic violence and you cannot reach him or her, it could be because s/he is in danger.
- ✓ If you use a written intake questionnaire, include questions about abuse, conflict and control.
- ✓ Tell the client to create a new e-mail account only for communication with the attorney and to create a password that is unlike any other password the client has previously used.
- ✓ Determine the necessity of interpreter services.
- ✓ Ensure your staff understands domestic violence and that what may seem like sound advice to a client who is not a victim of battering, may be potentially lethal to one who is (e.g. suggesting that the children be exchanged at a non-safe location).

### **The first interview (and on-going during the representation):**

- ✓ Explain confidentiality and attorney-client privilege to the client.
  - Do not assume the client understands fully what confidentiality and attorney-client privilege really mean. Many domestic violence victims have been warned by the abuser not to disclose the abuse. The client may, therefore, believe that disclosing this information to you is putting her/him in danger. A clear understanding of confidentiality and attorney-client privilege will help the client feel more comfortable in disclosing important information.
- ✓ Have a calendar (covering the past few years) handy to use when interviewing client.
- ✓ Be comfortable with silence; listen; let your client think.
- ✓ Arrange for an interpreter, if necessary.
- ✓ Ask open ended questions.
- ✓ Look at the client; look for visual clues indicating your client is uncomfortable or may want to say more, but needs encouragement.
- ✓ Use everyday language; avoid acronyms and legal terminology.
- ✓ Check to make sure your client understands; allow and encourage the client to ask questions.
- ✓ Avoid using the label "domestic violence" with which many victims do not identify.
- ✓ Be aware that your client might think the abuse is normal; don't expect all victims to self-identify as victims.
- ✓ Understand that the client might minimize the abuse.
- ✓ Remember that domestic violence is not just physical abuse.

- Most domestic violence victims say the emotional abuse within the context of physical violence, threats of violence and/or coercion and intimidation was much more harmful than the physical abuse.
- ✓ Do not make victim-blaming statements such as, “I’d never put up with that” or “Why did you stay in this relationship?” or “Why didn’t you just leave?”
- ✓ Do make supportive statements such as, “I believe you” or “that must have been difficult for you,” or “you did the best you could with the information you had at the time.”
- ✓ If your client does not initially disclose domestic violence, inquire periodically about domestic violence throughout the representation; be vigilant and aware of any warning signs.
- ✓ Encourage your client to tell his/her story more than once; as the client’s trust in you grows so will the client’s belief that it is safe to disclose important details.
- ✓ Determine if there are any prior civil or criminal proceedings, arrests, no contact or other restraining orders.

During representation:

- ✓ Remain mindful of the recommendations above.
- ✓ Look for sudden, inexplicable changes in a client’s position (e.g. willingness to enter into agreement).
- ✓ Note speech patterns and behaviors, such as one party consistently referring to “we;” a sense of ownership over the partner; one party speaking for the other; threats/fantasies of homicide/suicide; one party consistently answering first; obsession over the other partner; or insulting statements.
- ✓ Stay alert; the level and type of risk may likely change over time and as circumstances change; determining and managing risk is an ongoing process.

If the attorney has reason to believe that domestic violence is an issue:

- ✓ Let your client know that the abuse is not his/her fault and that the violence is not okay.
- ✓ Do a risk assessment (See “Suggested Screening Questions” and “The Risk Assessment Bench Guide”).
- ✓ Assist your client in making an interim safety plan.
- ✓ **Encourage your client to connect with a local domestic violence program for support, safety planning and additional resources. For information about a local domestic violence program in your client’s area please visit [www.mcbw.org](http://www.mcbw.org) or call Day One at 866-223-1111.**

# CLIENT SCREENING TO IDENTIFY DOMESTIC VIOLENCE VICTIMIZATION\*

## PART II. SUGGESTED SCREENING QUESTIONS

These questions should be used in conjunction with the Screening Protocol for Attorneys, Part I of this packet.

Many of these are questions already asked by attorneys as part of the interviewing process in any family court case. It is important that the attorney be listening for answers that may identify whether the client has experienced domestic violence or coercive controlling abuse. Remember that abusers may use many different tactics to coerce a partner.

This is not to be used as a questionnaire. Instead, each sample question is designed as an invitation to the client to talk about the issue raised. Note for each question what to listen for in the client's answer. Follow up questions may well be appropriate. Be careful when asking "why" questions as they may be experienced by a client as victim-blaming and may undercut your relationship with the client (e.g. "why didn't you call the police?" or "why did you stay in the relationship?").

### Opening Questions:

- 1) What do you believe are the issues currently in dispute between you and [insert name]?
- 2) Who wants to end the relationship? Tell me why.
- 3) Does he/she know you are ending the relationship? What will his/her reaction be?
- 4) Would you feel comfortable in a meeting with [insert name]?

### What to Listen For:

Control issues; safety of client, children, pets; focus on other party's behavior; fear of harm, risk of violence or lethality  
IF CLIENT IS IN DANGER OR EXPRESSES FEAR do immediate risk assessment (see end of document).  
Fear; apprehension of being in the same room.

### Employment Questions:

- 1) Are you currently employed? Where, doing what, for how long, etc.
- 2) Have you ever lost a job, either by being laid off or by being fired? If yes, please tell me about how that happened.
- 3) Is [insert name] employed?

### What to Listen For:

Access to money; isolation; dependency  
Job interruption because of partner  
Unemployment of the batterer is a lethality factor

### Financial Questions:

- 1) How are decisions about money made in your relationship?
- 2) Do you know what your family's assets and debts are?
- 3) Whose name(s) is on the bank and other financial accounts?

### What to Listen For:

Control of and access to resources or information about finances; control of partner through financial abuse

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### **Relationship Questions:**

- 1) When you look back over time, how were decisions made in your marriage/relationship?
- 2) Do you feel you had meaningful input in how the decisions were made? Are you comfortable with that?
- 3) What happens when you speak your mind and express your point of view to [insert name]?
- 4) Do you have a say in decisions at home?
- 5) Tell me about your support system.
- 6) Tell me about what kinds of activities you engage in outside the home or your job.
- 7) Does [insert name] engage in activities outside the home or job? If yes, tell me about them.
- 8) Do you think you each trust the other to make decisions for him/herself? For the family? Please tell me more about it.
- 9) Does [insert name] ever try to control you in a way that makes you uncomfortable? (such as whom you see or talk to, how you spend money, what you wear, whether or not you work or go to school.)
- 10) What can you tell me about [insert name]'s upbringing?
- 11) Tell me about your upbringing.

### **Children, Custody and Parenting Time Questions:**

- 1) How are the children doing?
- 2) If the parties are living separately: With whom are the children living now? How did that come about? How did that decision

### **What to Listen For:**

Overbearing partner;  
exaggerated jealousy;  
possessiveness; controlling  
and domination; threats;  
who controls money,  
decides where to live, with  
whom time is spent either  
together or separately.

Demeaning; minimizing;  
name calling; extreme  
argumentativeness;  
intimidation; threats

Domination;  
powerlessness; control;  
coercion

Imbalance between parties;  
life balance; client not  
allowed to do things alone;  
client isolated

Hobbies with potential for  
violence directed at your  
client (collecting comic  
books vs. collecting knives)

Partner questions even  
fairly minor decision-  
making; tells client what to  
do; client denied  
meaningful input; one party  
taking responsibility for  
other party's behavior or life  
decisions

Exaggerated control;  
inappropriate boundaries;  
jealousy; rigid gender roles

Abusive/controlling  
behaviors; alcohol; drugs;  
family history of abuse

### **What to Listen For:**

Unreasonable control by  
partner; fear; safety issues;  
other parenting concerns

Flight risk (passports?); one

get made? How is that arrangement working?

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| 3) Do any of your children have any special needs such as educational, physical or emotional needs?  | party removed from home; parenting time problems; not seeing children; fear by client; decision making by intimidation   |
| 4) Please describe the relationship between you and your children.   | Safety; child's coping; parenting issues   |
| 5) Please describe the relationship between the children and [insert name].  | Children acting out, using violence, acting like batterer; withdrawn; clingy   |
| 6) How well do you and [insert name] cooperate and communicate about your children? Describe a recent parenting conflict and how it was resolved.        | Strained relationships; children feel need to modify behavior; children used against client; rigid abusive parenting   |
| 7) Do you have any concerns about [insert name]'s parenting?   | Unreasonable control; other party undermining client's parenting; who makes decisions regarding children; overly argumentative                                   |
| 8) Tell me about a time when your child acted out and [insert name] disciplined the child?   | Dominating, undermining decisions, shaming   |
| 9) Do you have any concerns about [insert name]'s methods of discipline?   | Physical discipline; rigid; shaming/humiliation; threats; destruction of valued possessions; withholding of basic needs; exaggerated/disproportionate discipline |
| 10) Have you and [insert name] ever had any disagreements about how to parent your child? Tell me about the most recent disagreement?                    | Undermining of the parent  |
| 11) Do you have any concerns about your children or for their safety?  |  |
| 12) Have you ever contacted child protection or have they ever contacted you? If yes, please tell me about it.   | Abuse of children or children witnessing domestic violence   |
| 13) Do you have any pets? Do you have any concerns about [insert name]'s methods of caring for or dealing with the pets?                                 | Abuse of pets; threats to pets used to abuse children or client  |
| 14) Has [insert name] ever refused or prevented the children from seeking medical treatment or taking medications? If yes, please tell me what happened. |  |

**Coercive Control Questions:**

- 1) When you and [insert name] fight and/or are angry with each other, what happens?

**What to Listen For:**

Exaggerated anger; threatening words or actions; veiled threats to client, family, her friends, pets; damage to property, prevented from leaving house or room; restrained client

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| 2) Does [insert name] call you names? What names? Tell me about a situation when that happened.  | Humiliation; degradation; sexual degradation; intimidation   |
| 3) Have you ever felt afraid of [insert name]? What are you afraid of? Why are you afraid?   | Take seriously client's level of fear for self or others; fear of death is strong predictor; if fear seems out of proportion, ask more questions, don't dismiss it |
| 4) Please tell me about the time you were most afraid.   | Balance of power in the relationship; if client has used violence, was other side fearful; existence or lack of coercive control by client                         |
| 5) Do you think [insert name] has ever been afraid of you? Please tell me more about it.   | Over-accommodating behavior that seems out of proportion to the circumstances  |
| 6) Have you ever changed your behavior because you were afraid of the consequences of a fight? Please tell me more about it.   | Need for safety; escape abuse; ability to leave  |
| 7) Have you ever left the home, even if it was for a couple of hours following an argument? Tell me more about what happened.  | Coercion or entrapment by unfounded reporting; child abuse or neglect  |
| 8) Has [insert name] ever threatened to report you to child protection? Please tell me about it.   | Stalking; jealousy   |
| 9) Has [insert name] ever followed you, examined your phone records, interrogated you about where you were and with whom, or otherwise monitored you? Accused you of having an affair? | Expression of fear; disproportionate invasion of privacy   |
| 10) Do you ever have to hide things from [insert name] for fear he/she will get upset? Tell me more about that.  | Isolation; control; safety (ability to flee); risk of injury; parenting risks  |
| 11) Do you have a driver's license? Access to a car? Is that access ever limited by [insert name]? Do you have your own set of car keys?   | Forced conversation; belligerence; use of restraints; withholding of something of value (e.g. car keys)  |
| 12) If [insert name] wanted to talk about problems at a time when you didn't want to, what would happen?   |  |

### **Physical Violence Questions:**

- 1) Has there ever been any physical confrontation between you and [insert name]? OR Does [insert name] ever get physical and push, grab or hit you? If so, when was this and what happened?
- 2) Have you or neighbors or family members ever called the police or thought of calling the police because of problems between you and [insert name]. (If no, do not ask "why" a client did not call. If yes, please tell me more about it)
- 3) Has [insert name] ever been arrested for or accused of any crime? If yes, please tell me about it.

### **What to Listen For:**

Context of violence; frequency; degree of harm

Domestic violence related? Frequency; possible set-up by partner (trespass, OFP, child abuse); coercion

History of intervention; context of violence; frequency of incidences; understand client's efforts to stop harm; history of

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| 4) Have you ever been arrested for any crime? If yes, please tell me about it. Were you convicted of the crime?   | compliance with court orders<br>DV related; violent; high risk behaviors; assaults against anyone; drugs; DWI; possible set-up by partner (trespass, OFP, child abuse); |
| 5) Have you ever seen a doctor or gone to the hospital because of being hurt by [insert name]?  | Defensive; minimizing; protective of abuser   |
| 6) Have either of you ever had or does either of you currently have a court order such as an order for protection (OFP), harassment restraining order (HRO) or a domestic abuse criminal no contact order (DANCO) either protecting you or against you?     | Dynamics of relationship; client's efforts to stop harm   |
| 7) If yes, tell me about the circumstances that led to the order.   |   |
| 8) If yes, has the order ever not been followed? If yes, please tell me about it.   | Defiance or disregard for authority; decreasing concern for consequences; client's feelings about the violation   |
| 9) If yes, was the order ever vacated or dismissed? If yes, please tell me about it.  | Recanting; coercion; compliance with abusers wishes; minimization   |
| 10) Do you or [insert name] own or have access to any firearms or weapons? If yes, what kinds of firearms or weapons and how many? Has [insert name] threatened you, the children or [him]self with a weapon or other object? If so, tell me what happened. | Use of or threats with gun or weapon; fear; use of household objects to create fear; do lethality risk assessment; the mere presence is a risk factor                   |
| 11) Has [insert name] ever forced you to do sexual things you did not want to do?   | Rape; injuries; coercion; threats; forced use of pornography  |
| 12) Has [insert name] ever refused or prevented you from seeking medical treatment or taking medications? If yes, please tell me what happened.   | Hiding abuse; extra vulnerability of client   |

**Alcohol, Drugs and Mental Health Questions:**

- 1) Do you or does [insert name] drink alcohol or use drugs?
- 2) Has your or [insert name]'s use of alcohol or drugs created problems for you or your children? If yes, please tell me more about your concerns.
- 3) Have you or [insert name] ever been in treatment or had treatment ordered or recommended by a professional?
- 4) What is the current status of treatment?
- 5) Is there a history of alcohol or drug abuse in either of your families? If so, please describe.
- 6) Have you or [insert name] been treated for any mental or emotional problems? (If yes, how recently? What is the current status of treatment?) Please tell me about it.

**What to Listen For:**

Higher level of risk (however alcohol or drugs does not cause domestic violence); self medication; coping mechanism; encouragement by other party

History of abuse

Civil commitment; context of abuse; narcissism; suicide attempts; depression;

- 7) Has [insert name] ever accused you of being mentally ill? Tell me more about that.

anxiety; PTSD  
If client states s/he has PTSD, ask about underlying traumatic events/patterns of behavior. Ask follow up questions

**Summary Questions:**

- 1) What is the worst thing, true or untrue, your partner will say about you? Please tell me more about it.
- 2) What is your biggest fear regarding what will happen during this proceeding? Please tell me more about it.
- 3) Are you currently afraid that [insert name] will harm you? Kill you? If yes, do you believe you are in immediate danger? Please tell me more about it.

**What to Listen For:**

Other party takes no responsibility for actions (blaming victim); blatant lying by other party; saying client is the violent one  
Imminent danger; fear of losing children; fear of use of court system by other party  
Emotional and physical risk; safety issues for client and other family members; fear

## **Risk Assessment Questions**

(Adapted from the Minnesota Domestic Violence Risk Assessment Bench Guide)

**Additional questions to ask if the client discloses or you suspect domestic violence is occurring:**

- 1) Has [insert name] ever used or threatened to use a **weapon** against you?
- 2) Has [insert name] ever attempted to **strangle** or choke you?
- 3) Has [insert name] ever **threatened to or tried to kill** you?
- 4) Has the physical **violence increased in frequency or severity** over the past year?
- 5) Has [insert name] **forced** you to have **sex**?
- 6) Does [insert name] try to **control** most or all of your **daily activities**?
- 7) Is [insert name] constantly or violently **jealous**?
- 8) Has [insert name] ever threatened or tried to commit **suicide**?
- 9) Do you **believe** that [insert name] will re-assault or attempt to kill you?

Note: The **presence** of these factors can indicate **elevated risk** of serious injury or lethality. The **absence** of these factors is not, however, evidence of the absence of risk or lethality.