

SIMP[LE] Prescreen

(Simplified Initial Mediation Prescreen)

One-page Overview of the Process

First, Orient them.

- Explain your background/experience related to being a mediator
- Explain your role
- Explain what they can expect in the mediation process

First question (self-determination): Do you think you will be able to speak your mind in mediation?

If they say “yes” (they will be able to speak their mind), then move on to the second question (restraining order).

If they say “no” or express concerns, then you should ask open ended questions such as “tell me more about your concern”. This should lead to a discussion of potential safety/self-determination accommodations such as staggered arrival/departure, separate rooms, etc. The goal is to determine if they believe they can speak their mind and make voluntary decisions and any accommodations that may make them comfortable participating.

Second question (restraining order): Have there ever been any restraining orders?

If they say no, then you have completed the SIMP[LE] Prescreen.

If they say yes, then you should ask: What was it for?; When was it put into effect?; When will it expire?; Does the restraining order specifically say you can attend mediation together?; Ask them to send you a copy of the restraining order or have their attorney send you a copy (to determine if it specifically allows mediation).