

INTIMATE PARTNER VIOLENCE AND POWER IMBALANCE CHECKLIST¹

Factors to consider and assess include the following:

- ❖ Ages of the parties
- ❖ Education / employment / income positions and history
- ❖ Sophistication / any disparity
- ❖ Prior experience with legal proceedings and/or instructing counsel
- ❖ Emotional and mental health / any changes / acknowledgment / management
- ❖ Physical health
- ❖ Memory (reliability / deficits)
- ❖ Any language issues / need for neutral interpreter
- ❖ Children—ages / any exceptionalities, whether and how are they being met, financial cost
- ❖ Separation—when, why and how it came about
- ❖ Living arrangements—when, why and how they came about
- ❖ Parenting arrangements—when, why and how they came about
- ❖ Financial arrangements—when, why and how they came about
- ❖ Any unilateral changes in the status quo (living arrangements, parenting or financial)
- ❖ Financial positions—stability / fragility / strength / distress / vulnerability / dependence / independence / disparity / known or unknown
- ❖ Ability to communicate with partner / manner of communicating / any limitations
- ❖ Separation proceedings—stage / steps taken and pending / costs incurred and projected / any case management
- ❖ Ability to fund payment of professional fees / even playing field
- ❖ History of compliance with agreements, arbitral awards or orders
- ❖ Supports (family, friends, co-workers, professionals, service providers or community services) / isolation
- ❖ Loss of supports, including for children

¹ Prepared by Maxine M. Kerr, *Family Law & Mediation*

- ❖ Addictions / substance abuse / history / changes / treatment / any recommendations for treatment, followed and/or not followed
- ❖ Violence / abuse
- ❖ Anger management concerns
- ❖ Coercive control:
 - Intimidation and bullying
 - Threats to a party, children, pets or other loved ones
 - Monitoring of activities and time
 - Deprivations imposed (such as contact with loved ones, pastimes and food)
 - No independence, including financial
 - “Gaslighting”
 - Name calling, insults, denigration and humiliation
 - Excessive jealousy / possessiveness
 - Access to firearms
 - Control over physical appearance
 - Sexual degradation and control
 - Privacy invasions, such as monitoring and control of social media accounts and communications / tracking devices and spy wear / recordings / publicly placing in a false light / publicly disclosing private information
 - Involvement of children in adult issues / attempting to turn children against a parent
- ❖ Understanding / minimizing or exaggerating of circumstances
- ❖ Influences, pressures and motivations, including new relationships
- ❖ Responsibilities and worries (safety, health, losing children, money, aged parents, uncertainty)
- ❖ Access to information and any asymmetry / secrecy
- ❖ Understanding of information, choices, process, rights and obligations
- ❖ Ability to reason, plan and negotiate
- ❖ Fear / anxiety / perceived absence of choice / hope

- ❖ Ability to make decisions and independence of decision-making
- ❖ Involvement of child protection services
- ❖ Police involvement / criminal record / charges pending / restraining orders / peace bonds / compliance with terms
- ❖ Prior partner histories
- ❖ Escalation (actual, threatened, frequency, severity, children exposed)
- ❖ Effect of “go home and stay home” on the client
- ❖ Client’s comfort level with communicating virtually / ability to master technology