EXHIBIT NO. 5
DATE 3/20/13
BILL NO. HB555

Montana Judges Association

February 20, 2013

Judiciary Committee
Montana House of Representatives
1301 E 6th Avenue
Helena, MT 59601
phone: (406) 444-4607

Re: HB-555

Dear Judiciary Committee Members:

The Montana Judges Association is comprised of members of the judiciary, including 46 District Court Judges, two Water Court Judges, and the seven members of the Montana Supreme Court.

On behalf of the Judges Association, I write to urge you to support HB-555. Among other provisions, this legislation would allow survivors of domestic violence to opt into mediation in family law matters.

Current Montana law bars district courts from ordering to mediation family law cases that involve domestic violence. MCA § 40-4-301(2). This absolute bar harms survivors, the courts, and the families of Montana. Among other things, the absolute bar:

- Re-victimizes survivors by robbing them of control over their lives—in particular the way in which they choose to resolve disputes with their abusers.

- Delays the administration of justice. Family law cases involving domestic violence comprise a significant portion of district court cases. Barring courts from referring these cases to mediation would worsen already congested court dockets and delay their resolution.

- Promotes the adversarial resolution of family disputes. By prohibiting the use of mediation—a non-adversarial dispute-resolution process—in family disputes, Montana sets a bad example for its families.

By allowing domestic violence survivors to opt into mediation, HB-555:

- Gives power and control back to survivors in these situations. It allows them to choose what *they* feel is best for themselves and their children. In many cases, survivors may decide not to go to mediation with their abusive partners. But at least they are allowed a choice.

- Provides relief to district courts. District courts are already overburdened with family law cases. Allowing courts to order parties to mediation would free up court dockets, enhance judicial economy, and promote the administration of justice.

- Promotes the non-adversarial resolution of family disputes. It allows families to choose to resolve their disputes in a peaceful, non-confrontational manner.

We urge you to support the bill and protect the domestic violence survivors, courts, and families of Montana.

Very truly yours,

Katherine M. Bidegaray
President, Montana Judges Association