



NEWSLETTER

Association of Family and Conciliation Courts

An international association of judges, counselors, court evaluators, mediators, and lawyers

Volume 10, Number 1
Winter 1991

Editors: Ann L. Milne
Rebecca Greenlee



SPIDR Committee Completes Report on Mandatory Mediation

The Law and Public Policy Committee of the Society of Professionals in Dispute Resolution has completed its study of mandatory dispute resolution programs. The report "**Mandated Participation and Settlement Coercion: Dispute Resolution as it Relates to the Courts**", has been prepared by the sixteen member committee to present the benefits and possible disadvantages of mandated participation and settlement coercion and to make recommendations to policymakers. The committee was chaired by Ohio State Law School Professor Nancy Rogers and included practitioners, program directors, social science researchers and academics. Committee members reflect a variety of dispute resolution sectors including family, labor and employment, civil rights, community, environmental, commercial and criminal. A portion of the executive summary is presented below.

"Some jurisdictions by statute, rule of procedure, or court rule have required participation in dispute resolution processes such as mediation, summary jury trials, and court-annexed arbitration. The imposition of compulsory participation reflects views by legislatures or courts that benefits accrue to the courts, parties, or public when the use of dispute resolution procedures is not restricted to cases in which all parties agree to participate. As the use of mandatory dispute resolution has expanded, a variety of public policy issues have emerged.

Mandating participation in non-binding dispute resolution processes often is appropriate. However, compulsory programs should be carefully designed to reflect a variety of important concerns. These concerns include the monetary and emotional costs for the parties, as well as the interests of the parties in achieving results that suit their needs and that will last; the justice system's ability to deliver results that do not harm the interests of those groups that have

historically operated at a disadvantage in this society; the need to have courts that function efficiently and effectively; the importance of the public's trust in the justice system; the interests of non-parties whose lives are affected and sometimes disrupted by litigation; the importance of the courts' development of legal precedent; and the general interest in maximizing party choice. In weighing these valid and sometimes competing concerns, policymakers should be cautious not to give undue emphasis to the desire to facilitate the efficient administration of court business and thereby subordinate other important interests. Participation should be mandated only when the compulsory program is more likely to serve these broad interests of parties, the justice system, and the public, than would procedures that would be used absent mandatory dispute resolution.

Mandatory dispute resolution raises different issues than dispute resolution chosen by the parties and should be imposed only when the following criteria are met:

1. The funding for mandatory dispute resolution programs is provided on a basis comparable to funding for trials.

2. Coercion to settle in the form of reports to the trier of fact and of financial disincentives to trial is not used in connection with mandated mediation. In connection with court-annexed arbitration, the financial disincentives, if any, are clear, commensurate with the interests at stake, and used only when the parties can afford to risk their imposition to trial.

3. Mandatory participation is used only when a high quality program (i) is readily accessible, (ii) permits party participation, (iii) permits lawyer participation when the parties wish it, and (iv) provides clarity about the precise procedures that are being required.

In addition, the following practices should be used in connection with mandatory programs:

1. Plans for mandated dispute resolution programs should be formed in consultation with judges, other court officials, lawyers, and other dispute resolution professionals, as well as representatives of the public. Mandatory programs should be monitored to insure that they constitute an improvement over existing procedures, using criteria listed in Recommendation 1. The programs should be altered or discontinued when appropriate.

2. Procedures for compulsory referrals should include, to the extent feasible, case assessment by a person knowledgeable about dispute resolution procedures and should provide for timely consideration of motions for exclusion.

3. Requirements for participation and sanctions for noncompliance should be clearly defined.

Further information is available from Prof. Nancy Rogers, Ohio State University, College of Law, 1659 N. High Street, Columbus, OH 43210 (614) 292-2631.

Board Nominations

AFCC Needs You! If you are interested in serving on the Board of Directors or know someone who is, send the name and resume to Nominations Committee Chairperson Hon. Betty Barteau, City-County Bldg., Rm. #406, Indianapolis, IN 46204. Applicant information should be received by March 1. New Board members will be elected at the annual membership meeting in Pittsburgh. Board members are elected for a three year term and may serve two consecutive terms.

Mister Rogers Neighborhood Comes to AFCC

AFCC Annual Conference

**May 15-18, 1991
Pittsburgh, PA**

Mr. Rogers Talks to Children About Divorce will be the opening presentation at AFCC's annual conference at the William Penn Hotel in Pittsburgh.

OTHER SPEAKERS INCLUDE

Judith Wallerstein, Ph.D.
author *Second Chances*

David Finkelhor, Ph.D.
Univ. New Hampshire

Christopher Clulow, Ph.D.
Tavistock Institute, London

Dr. Abraham Twersky
Medical Director
Gateway Drug & Alcohol Rehabilitation

WORKSHOPS

Domestic Abuse, Research Results, Stepparents, Gay and Lesbian Family Structure, Divorce and Daycare, Divorce and Stress, Gender Issues, Child Support, Dysfunctional Clients, Feminization of Poverty.

For further information contact: Hon. Lawrence Kaplan
Court of Common Pleas
604 City-County Bldg.
Pittsburgh, PA 15219
(412) 355-7127
or Anne Dill (412) 687-8786
or Mark Greenblatt (412) 471-0677

CALL FOR ABSTRACTS POSTER SESSION

**AFCC Annual Conference
Pittsburgh, Pennsylvania
May 15-18, 1991**

A POSTER SESSION featuring current and ongoing research projects will be held on Friday, May 17, 1991 from 3-5pm at the Pittsburgh conference. This will be a great opportunity for conference participants to share information and to network with others.

Submit an Abstract, 200 words or less, double-spaced, describing the results of your research to:

Helene Borke, Ph.D.
6637 Aylesboro Ave.
Pittsburgh, PA 15217
(412) 421-6616

Abstracts must be received by April 15, 1991.

Child Custody Evaluation Institute

AFCC's Child Custody Evaluation Committee, chaired by Dorothy Howard, Las Vegas, NV will be hosting a pre-conference Institute on Elements of a Custody Evaluation, in Pittsburgh, Wednesday, May 15, 1991 9-4pm. The Institute will focus on the elements of a custody evaluation, basic and advanced, and provide innovative techniques for conducting evaluations. Presentations and discussion will include interviewing techniques, report writing, evaluating the home, expert testimony, issues affecting custody and special circumstances including family violence, child abuse/neglect and AIDS. If you or your office conduct child custody evaluations, don't miss this opportunity to expand your skills! For further information contact Dorothy Howard, (702) 455-4185.

The AFCC Newsletter is published four times a year in January, April, July and October. News items should be sent by the 15th of the month preceding publication to Newsletter Editor, Ann L. Milne, 329 W. Wilson St. Madison, WI 53703, (608) 251-4001.

POST-CONFERENCE TRAVEL EXCHANGES

SWEDEN MAY 18-25, 1991

This travel/study tour is being led by AFCC's Vice-President, Bob Tompkins. Members will depart AFCC's Pittsburgh conference for Stockholm, Sweden. Joint meetings will be held with Scandinavian colleagues on May 21-22, 1991. Presenters will discuss the status of dispute resolution in Scandinavia and recent research results. Ample time will be provided for sight-seeing and enjoying the beautiful scenery of Sweden. Tour dates may be extended to meet added travel interests.

The final tour price has not been established but will be approximately \$1600. This will include roundtrip airfare, 6 nights' lodging in a first-class hotel (double occupancy), ground transportation, escorted tour of Stockholm, boat tour of archipelagoes, conference registration, taxes and gratuities.

For further information contact:

Bob Tompkins
Family Division-Superior Court
28 Grand Street
Hartford, CT 06106
(203) 566-7973
FAX (203) 566-8804

Extend Your Trip to Norway & Denmark

AFCC President Russ Schoeneman will be leading a continuation tour to Norway and Denmark May 24-29, 1991 for those AFCC members attending the Stockholm conference. Tour participants will spend two days in Oslo, take a cruise ship to Denmark and spend two days in Copenhagen. Tour package is \$799 per person, double occupancy (additional \$250 for single occupancy). Package includes round trip transfers and portage to all cities, first class train from Stockholm to Oslo, first class hotel accommodations in each city, daily breakfasts, cruise ship smorgasbord and half day sight-seeing tours in Oslo and Copenhagen. Because this tour departs May 24, passengers will receive a \$55 hotel credit on the Stockholm tour. Final payment must be received by March 4. For further information contact Russ Schoeneman (602) 262-3296 or Friendship Tours (203) 243-1630.

IUFO Meeting to Feature Author of IMPASSES OF DIVORCE

The International Union of Family Organizations, an international organization dedicated to fostering the coordination of all voluntary and public organizations which represent the needs of families, will be meeting May 12-15, 1991, immediately preceding AFCC's annual conference at the William Penn Hotel in Pittsburgh. AFCC members are invited to attend. Janet Johnson, PhD., Director of Research at the Center for Families in Transition and co-author of *Impasses of Divorce*, will deliver the keynote paper. Study groups will meet following the plenary. A variety of social events have been planned. IUFO conference registration is \$350. French francs (approximately \$75 US). Hotel, meal and special event package is \$400 double occupancy, \$500 single occupancy. Registration is limited to allow ample opportunity for discussion. Further information may be obtained from Byrnece Gluckstern (303) 730-7227.

Come Fly With Us

Conventions in America, Inc. has been selected as AFCC's airline representative for low-cost transportation to each of our regional and annual conferences. Airline reservations booked through Conventions in America, Inc. provide

- Guaranteed lowest airfares on any airline
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7:00am-4:30pm Pacific Time

Group ID No. 363

Member News

Phil Bushard has taken a leave of absence from the Maricopa Conciliation Services to contract with the Washoe County, (Reno, Nevada) District Court. Phil will be setting up a court-connected mediation program. He can be reached at Court Mediation Program, 2nd Judicial District Court, 75 Court St., Reno, NV 89505 (702) 328-3100.

Hon. Robert Pickrell, judge with the Maricopa Conciliation Court, has retired from the bench. Judge Pickrell formerly served on the Board of Directors of AFCC and has been a long time supporter of court-connected services.

Ruth Pearson Urban, Director of the Las Vegas Child Custody Office, won't be kicking up her heels for the next several weeks. Ruth recently fell and broke her foot while out for a walk. She has returned to work and reports that she is recovering well.

Dues Are Due

AFCC 1991 dues notices were sent the end of November. Please remit your dues as soon as possible and save us the cost of having to send a reminder notice. Tax deductible contributions may be enclosed with your dues and will help AFCC to expand our services and reach new members. This is also a good time to sign up a new member or to give a gift membership.

Individual: \$75/yr

Institutional: \$160/yr (provides 3 copies of Review, Newsletter, etc.)

Student: \$20/yr

Life: \$600 (may be paid in two installments)

CA Chapter Dues

Individual: \$25/yr

Institutional: \$50/yr

Student: \$5/yr

AZ Chapter Dues

Individual: \$25/yr

Institutional: \$40/yr

KS Chapter Dues

Individual: \$25/yr

Institutional: \$50/yr

Remit in US funds to:

AFCC

329 W. Wilson St.

Madison, WI 53703

Court-connected Mediation Programs Need Liability Insurance

AFCC has been advised that some court-sponsored mediation programs may not be provided insurance protection under the court's liability policy. The eliminating factor in many cases appears to be the use of volunteer mediators. Some courts are choosing to self-insure this exposure; others are seeking liability insurance through AFCC's insurance carrier, Complete Equity Markets.

Basic coverage under the Mediators Professional Liability Insurance protects paid and volunteer mediators against claims resulting from mediating domestic relations disputes. Coverage is routinely broadened

to include all types of mediation, mediation training services, counseling services and/or management errors. Endorsements more specific to an insured's needs may also be developed.

Standard limits of liability range from \$100,000 per claim/\$300,000 in the aggregate to \$500,000/\$1,000,000. Limits up to \$2,000,000 per claim and aggregate are also available on a request basis.

Contact Gracine Huffnagle at Complete Equity Markets, Inc., at (800) 323-6234 in the U.S. (except Illinois and Canada) or (708) 541-0900 for more information.

AFCC Submits Grant for Domestic Abuse & Mediation Research

AFCC has submitted a concept paper to the State Justice Institute for funds to conduct a 26 month research project on "The Comparative Effectiveness of Mediation and Adjudication in Custody and Visitation Disputes". The purpose of the study would be to develop information for courts on the effective resolution of custody and visitation disputes in divorce and post-divorce civil actions and actions between unmarried partners where there have been instances and/or allegations of domestic abuse. This longitudinal, experimental comparison of mediated settlements and adjudicated resolutions would be undertaken to provide objective guidelines for courts to use in

determining which intervention most effectively resolves these disputes. The project would be conducted in cooperation with the Urban Institute, Washington, DC. AFCC served as the convener of an international symposium on mediation and domestic abuse May 1989 and as convener of three international symposia on standards and practices for family and divorce mediators (1982-84) which resulted in the development of "Model Standards of Practice for Family and Divorce Mediators", widely adopted by public and private sector mediators across the country. Copies of the "Model Standards" are available from AFCC. See Publication Order form.

AFCC Gift Memberships—A \$25 Savings

How about a gift membership for your favorite judge, lawyer, mediator or counselor? AFCC gift memberships are available for \$50, a savings of \$25 for 1991. This is a great way to introduce a new member to AFCC. Gift members receive all the benefits of full membership including a subscription to the Family and Conciliation Courts Review

and AFCC's quarterly Newsletter. Send your \$50 and the name, address and phone number of the recipient. We will send them a gift announcement in your name and begin their membership in 1991. Gift memberships may only be purchased by current AFCC members for a new member.

Training Workshops in Divorce Mediation

Zena D. Zumeta, J.D. and Carl D. Schneider, Ph.D.

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Chicago, IL

February 24-27, 1991

Atlanta, GA

March 16-19, 1991

Cincinnati, OH

March 4-8, 1991

For information call: 1-800-852-1432

Approved by the Academy of Family Mediators



Association of Family and Conciliation Courts Publication & Video Order Form

PAMPHLETS

Parents Are Forever: Internationally acclaimed pamphlet used by family courts, lawyers, counselors and mediators to help families in the divorce process. Pamphlet addresses custody and visitation issues and helps parents use the divorce experience as an opportunity for growth.

Guide For Stepparents: Little has been written to help the numbers of parents who remarry after a divorce. The guidelines offered in this pamphlet can help resolve some of the questions and concerns of the blended family.

Joint Custody: A New Way of Being Related: This pamphlet provides helpful guidelines for parents considering joint custody of their children and suggestions for what to include in a joint custody agreement.

Twenty Questions Divorcing Parents Ask About Their Children: This pamphlet answers 20 of the most commonly asked questions about how to help children adjust to divorce.

Is Mediation For Us? Presented in a clear and concise manner, this pamphlet describes the mediation process and how it can be helpful to families in resolving divorce-related conflicts.

Child Support: Child support is often a source of hostility between parents. This pamphlet provides gender-neutral answers to some of the most commonly asked questions about child support.

***Child Visitation/Parent Access—A Relationship That Lasts Forever:** Children of different ages have different scheduling needs for time with a parent. This brochure discusses the needs of children of different ages and offers suggestions for making time with one's child the BEST time possible.

***Guide for a Successful Marriage:** This pamphlet explores some of the strengths necessary for a satisfying relationship and discusses some of the issues that couples face during the course of their relationship with suggestions for how best to handle them.

PUBLICATIONS

Sexual Abuse Allegations: Results of a two-year study conducted by Dr. Jessica Pearson on the nature and validity of sex abuse allegations in families going through divorce.

Guidelines For Court-Connected Child Custody Evaluations: This 25-page booklet is a procedural guide that can be used by evaluators charged with the responsibility of preparing custody evaluations for domestic relations courts.

Model Standards of Practice for Family & Divorce Mediation: The Model Standards are the product of three national symposia (1982-84), convened by AFCC, on standards of practice for family and divorce mediators.

AIDS And Family Law: This 12-page paper presents current information from the Center for Disease Control regarding the transmission of AIDS. This paper was approved as an AFCC policy statement on AIDS and family law issues.

FILMS/VIDEO TAPES

***It's Still Your Choice:** This video provides an introduction to the separation and divorce process and demonstrates how mediation can help family members resolve disputes in a cooperative way. A number of court services are using this video as a part of their orientation program. Color, 25 minutes.

You're Still MUM And DAD (New Zealand): Developed by the Family Courts Association of New Zealand, this film depicts children's views about divorce and provides advice for parents on how to better relate to each other and to the children. Color, 30 minutes.

You're Still Mom and Dad: A sensitive portrayal of the issues of joint custody. Designed for parents, professionals and others who wish to understand and implement this post-divorce parenting plan. Color, 38 minutes.

Domestic Violence: The Crime That Tears Families Apart and Mediation: The Crucial Factor: Produced by the Judicial Council Administrative Office of the Court of California, this two-segment video provides information for mediators and others on domestic violence and mediation.

Putting The Pieces Together: Developed by the Clackamas County Family Court Service, this video depicts the mediation of several disputes between a divorcing couple. Color, 50 minutes.

A Family Affair: Designed to inform judges and other professionals about the legal remedies and implications of spousal abuse. This film has received several prestigious awards for its portrayal of this sensitive family problem. Available in 16 mm or video cassette from VISUCOM Productions, Inc., 1255 Veterans Blvd., Redwood, CA 94063. Rental—\$60/3 days; Purchase—\$450.

Divorce Mediation—Theory and Practice: Co-edited by Jay Folberg and Ann Milne and published by Guilford Publications, this volume brings together a wide range of noted practitioners and researchers in one comprehensive and interdisciplinary work.

Marriage, Divorce, and Children's Adjustment: Written by Robert Emery, Ph.D., this 160-page book offers research and analysis of the family divorce process and the accompanying therapeutic and legal interventions.

My Mom And Dad Are Getting A Divorce: Written by Florence Bienenfeld, an AFCC member and former conciliation court counselor, this colorfully illustrated book appeals to children whose parents are going through divorce and helps parents to understand their children's feelings. Available for \$3.95 plus \$1.25 postage and handling from Changing Times Service, Division of EMC Publishing, 300 York Avenue, St. Paul, MN 55101.

*New Offerings
2/91



Pamphlets

	Price	Quantity	Total
Parents Are Forever	\$.25	_____	_____
Guide for Stepparents25	_____	_____
Joint Custody: A New Way of Being Related25	_____	_____
Twenty Questions Divorcing Parents Ask About Their Children25	_____	_____
Is Mediation For Us?25	_____	_____
Child Support25	_____	_____
Guide for a Successful Marriage25	_____	_____
Child Visitation/Parent Access25	_____	_____
Pamphlet orders over 1,000 \$.20 each	each \$.20	_____	_____

Publications

Sexual Abuse Allegations	\$ 12.50	_____	_____
Guidelines for Court-Connected Child Custody Evaluations	4.50	_____	_____
Model Standards of Practice for Family & Divorce Mediation	2.50	_____	_____
AIDS & Family Law	2.50	_____	_____
Divorce Mediation—Theory and Practice	31.50	_____	_____
Marriage, Divorce, and Children's Adjustment	12.95	_____	_____

Videos

You're Still MUM & DAD (New Zealand version)	\$125.00	_____	_____
You're Still Mom & Dad	125.00	_____	_____
Domestic Violence: The Crime That Tears Families Apart and Mediation: The Crucial Factor	125.00	_____	_____
Custody Resolution Counseling	125.00	_____	_____
Putting the Pieces Together	125.00	_____	_____
It's Still Your Choice	125.00	_____	_____

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City, State, Zip _____

Phone _____

Upcoming Events

February 14-17, 1991

March 21-24, 1991

April 11-14, 1991

June 6-9, 1991

Mediation Training

Contact: John Lemmon
5248 Boyd Avenue
Oakland, CA 94618
(415) 547-8089

February 14-15, 1991

March 14-15, 1991

April 11-12, 1991

April 18-20, 1991

May 9-11, 1991

Affairs: Getting the Message

Contact: Emily Brown
1925 N. Lynn St. Ste. 700
Arlington, VA 22209
(703) 528-3900

May 3-4, 1991

Mediation Training

Florence Kaslow, Ph.D.,
Michael Samuels, JD, &
Sharon Press
Contact: Center for Professional
Development, Florida State Univ.
(904) 872-4750

May 15-18, 1991—Pittsburgh, PA

AFCC Annual Meeting

Contact: Hon. Lawrence Kaplan
Family Division
604 City-County Bldg.
Pittsburgh, PA 15219
(412) 355-7127

July 15-20, 1991

Academy of Family Mediators

Annual Conf.—Seattle, WA

Contact: AFM
P.O. Box 10501
Eugene, OR 97440
(503) 345-1205

September 4-7, 1991—Albuquerque, NM

AFCC Southwest Regional and Midyear Board Meeting

Contact: Debra Miller
Court Clinic
415 Tijeras, Northwest
Room G-03
Albuquerque, NM 87103
(505) 841-7409

November, 1991—Baltimore, MD

AFCC Northeast Regional Conference

Contact: Tim Salius
Family Division Superior Court
28 Grand Street
Hartford, CT 06106
(203) 566-7973

Fall 1991—Minneapolis area

AFCC North Central Regional Conference

Contact: Hon. Mary Winter
County Government Bldg.
Rm. 559
Minneapolis, MN 55487
(612) 348-7782

Fall 1991—Vancouver, BC

AFCC Northwest Regional Conference

Contact: Gerald Lecovin
#300-896 Cambie Street
Vancouver, BC V6B 2P6
Canada
(604) 687-1721
or
Jane Grafton
3262 W. 1st St.
Vancouver, BC V6K 1H5
(604) 733-4021

March 29—April 3, 1992—Jerusalem

Interdisciplinary Approaches to Divorce

Contact: Israel Association for Marital and
Family Therapy
P.O. Box 29313
61292 Tel Aviv, Israel
FAX: 972-3-660604

May 6-9, 1992—San Diego

AFCC Annual Conference

Contact: Murray Bloom
1501 6th Ave.
San Diego, CA 92101
(619) 557-2125

October 21-24, 1992—Lubbock, TX

AFCC Southcentral Regional Conference

Contact: Gene Valentini
P.O. Box 3730
Lubbock, TX 79452
(806) 762-8721

Fall 1992—Hamilton, Ont.

AFCC Northcentral Regional Conference

Contact: Gerald McNeilly
Unified Family Court
55 Main Street West
Hamilton, Ont CANADA L8P 1H4
(416) 525-1550

May 1993 (Tentative)—New Orleans

AFCC Annual Conference

Contact: Tim Salius
Family Division Superior Court
28 Grand Street
Hartford, CT 06106
(203) 566-7973

May 1994—Maui, Hawaii

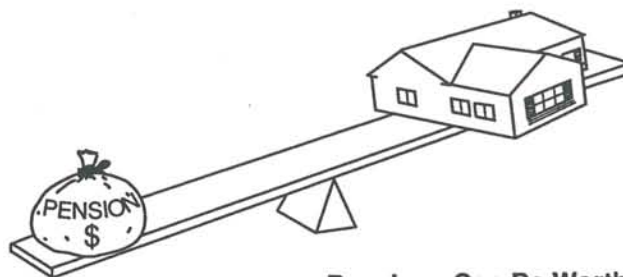
AFCC Annual Conference

Contact: Hon. Douglas McNish
2145 Main Street
Wailuku, HI 96793
(808) 572-9642

Memorial Contributions

Should you have an occasion to make a memorial contribution on behalf of a friend or relative, consider making a donation to AFCC. The Association will notify the individual or family of your remembrance and send a confirmation of the gift to the donor. AFCC is a non-profit association and all gifts are tax deductible.

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1991 MEYER ELKIN ESSAY CONTEST

- Gender Bias in the Courts ■
- Support Enforcement ■
- Children at Risk ■
- Family Violence ■
- Language of Divorce ■
- The Court of the Future ■

The 3rd annual Meyer Elkin Essay Award will be presented at AFCC's annual meeting in Pittsburgh, May 1991. The winner will receive a \$250 cash prize and the engraved Meyer Elkin Essay Award. The winning article will be published in the ***Family and Conciliation Courts Review***. Articles should address any of the themes listed above. Articles must be received by March 1, 1991. Entries should be submitted to Review Co-editors Stanley Cohen and Hugh McIsaac, Family and Conciliation Courts Review, 111 N. Hill Street, Room 241, Los Angeles, CA 90012 USA, (213) 974-5524.

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