



NEWSLETTER

Association of Family and Conciliation Courts

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

Volume 15, Number 1
Winter 1996

San Antonio—1996 Annual Conference

AFCC Looks at Best Interest

A FCC will bring together prominent researchers and practitioners in the field of family and divorce for the 1996 Annual Conference, *Best Interest: Special Issues for Children & Families*, May 8–11, 1996. Linda Hahn, AFCC President Elect and Conference Chair, and the Conference Planning Committee have developed a very full program with an exceptional selection of institute, plenary and workshop sessions.

Joan Kelly, Ph.D., co-author of *Surviving the Breakup*, and Janet Johnston, Ph.D., co-author of *Impasses of Divorce*, will be among those participating in a round table discussion on **Defining Best Interest**. Discussants will assess various definitions of "best interest" and the implications for judges, mediators, lawyers and mental health professionals.

Among the workshop offerings: Dealing with Angry Clients; Ethical Issues for Custody Evaluators and Family Mediators; Children's Wishes in Custody and Access Disputes; Parenting Plans for Never Married Parents: Big Barriers, Best Practices; The Impact of Parent Education on Court-Based Mediation; and The Influence of Professionals on the Decision to Divorce.

The popular Friday afternoon extended workshops will include:

- Guidelines for Guardians ad Litem
- Child-Focused Mediation
- Services for Pro-Se Families
- Parental Alienation in High Conflict Families

Six pre-conference institutes will be offered on Wednesday, May 8.

■ Power Imbalances in Mediation

Stephen Erickson, J.D., Director, Erickson Mediation Institute, Minneapolis, MN

Marilyn McKnight, M.A., Executive Director, Cooperative Solutions, Minneapolis, MN

■ Representing the Best Interest of Children in Custody Disputes

Larry Lehner, Ph.D., Director, Alameda County Family Court Services, Oakland, CA

Gregory Firestone, Ph.D., Coordinator, University of South Florida Mediation Institute, Tampa, FL

Nancy Palmer, J.D., Mediator, Maitland, FL

- Barbara Evans, J.D., Dallas, TX

■ Judicial Institute: Child Development and Settlement Conferences

Joan Kelly, Ph.D., Director, Northern California Mediation Center, Corte Madera, CA

Hon. Kristena LaMar, Circuit Court of Multnomah County, Portland, OR

■ Domestic Abuse: Responding to the Challenges

Hon. Arline Rotman, Massachusetts Probate and Family Court, Worcester, MA

Desmond Ellis, Ph.D., York University, Toronto, ONT

Linda Cavallero, Ph.D., University of Massachusetts Medical Center, Worcester, MA

■ Education Programs for Children of Separation and Divorce

Risa Garon, Children of Separation and Divorce, Columbia, MD

■ Advanced Applications in Custody Evaluations

Janet Johnston, Ph.D., Director of Research, Center for the Family in Transition, Corte Madera, CA

E. Robert LaCrosse, Ph.D., Denver, CO

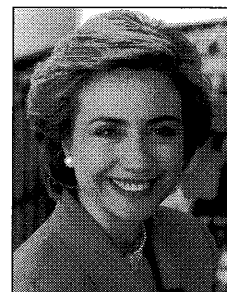
S. Margaret Lee, Ph.D., Greenbrae, CA

Philip M. Stahl, Ph.D., Bay Tree Psychology Associates, Dublin, CA

For those who have never experienced San Antonio, this conference will be a treat. The Hyatt Hotel is located directly on the Riverwalk, just a short distance from historic sights, shops, clubs, restaurants and more. The local committee is also planning recreational opportunities including a River Run. So start training and bring your running and dancing shoes.

First Lady to Serve as Honorary Chair of World Congress

Hillary Rodham Clinton, First Lady of the United States, has accepted an invitation to serve as Honorary Chair of the **Second World Congress on Family Law and the Rights of Children and Youth**. The announcement was made by Justice Alastair Nicholson, AFCC Vice President, at AFCC's Northwest Regional Conference in Stevenson, Washington. The **Second World Congress** will take place in association with AFCC's **Annual Conference** June 3–7, 1997 at the Hyatt Embarcadero in San Francisco, CA.



Mrs. Clinton's well known commitment to families and children has included serving as Chair of the Board of the Children's Defense Fund and Chair of the Arkansas Education Standards Committee. Her recent trips to South Asia, Beijing and Latin America have focused on the needs of children and families around the world.

Co-sponsors of the **World Congress** include AFCC, the United Nations International Year of the Family, the American Bar Association Family Law Section, Law Asia, the American Academy of Matrimonial Lawyers, the International Academy of

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AFCC's 1996 **Annual Conference** is co-sponsored by the Texas Association of Mediators, the American Bar Association Family Law Section and the Dispute Mediation Service of Dallas County. For registration information, contact AFCC at 329 W. Wilson St., Madison, WI 53703; (608) 251-4001, FAX (608) 251-2231.



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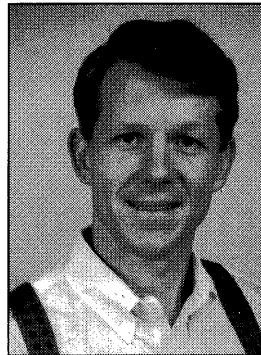
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If Our Work Were Sacred

President's Message

by John Kydd
Seattle, Washington



This column is written on the eve of the holidays. The pasture by my window glistens with dawn frost and the sheep nestle with the llamas. Families and the idea of family take on a special glow. Holiday movies

are unabashedly sentimental, charities are popular and kindnesses are remembered.

Meanwhile the local family court labors to stem the tidal wave of last minute holiday conflicts and the contestants are as bitter as ever. Who stole our holiday spirit? Why is the sacred left on the Courthouse steps? Why are clergy in the Congress, the army, airports, hospitals and none in the Courthouse?

If our work were sacred how would it change? Sacred here does not mean of any particular faith. The sacred is valued by all faiths.

First, a family in conflict would no longer simply be seen as having a series of "problems." Calling something a problem implies that something is broken or "wrong." Problems imply that we know enough about the situation to "diagnose" it. If we can diagnose it then we create an expectation that we can "fix" it.

If families were sacred then families in conflict would pose *mysteries*, not problems. Such mysteries can never be fully understood but yield a lifetime of learning. What injury do we inflict by prematurely "fixing" them?

If marriage is sacred why isn't divorce? If children are sacred then why is post-divorce parenting pruned of the sacred and reduced to allocations of time and money?

If parenting were sacred, then parental conflict would be sacred. Catch-all labels such as "co-dependent" and "dysfunctional" would fade from use since they do not adequately respect the mystery of parenthood. If conflict were sacred, conflict resolution would be sacred. Its techniques would be taught from kindergarten. Resolution of conflict would be the fourth "R" in our traditional "Three R" school curriculum. High school mediation teams would have more prestige than debate teams. Empathy would no longer take a back seat to reason. Family court mediation services would be well paid and fully funded.

Having a disease used to be viewed as a personal failing. Physical diseases are

now mostly without stigma. Marital conflict would be a metaphysical disease; a disease of the "third body" created by marriage and parenthood. Divorce would no longer be a devastating failure. It would be a difficult process of healing and atonement of that "third body" into a different form. Parents would recognize that while their work was still sacred, they could no longer work together as closely as they had in the past.

Whether the diseased body is physical or meta-physical, it must be healed. Healing on a sacred level would demand a deeper acceptance of fear, violence and cruelty to face the *full* reality of our humanity. Blaming and categorical denial would be the province of children, not parents. Healing would be both personal and interpersonal for egos which are individual and interindividual.

If family courts were sacred, judges would be secular clergy or, perhaps, physicians of the soul. They would receive special training and special status as experts in reweaving the torn fabric of family. As healers they would recognize that the dignity, respect and concern of their court process may be as (or more) important than their decision. Professionals involved would no longer be savaged for their observations. The parents would be supported for embracing their part in the mystery of their conflict in order to sustain the mystery of their devotion to their children. Failing to spend time with (or frustrating access to) their children would be as serious a concern as failing to pay child support.

If counsel were sacred they could no longer flourish as "bombers." Inflaming the conflict or demonizing the other parent would be seen as unprofessional and antithetical to healing. Counsel would be trained in deep advocacy, that is, helping their client see past their shallow desires for revenge or winning to their deeper needs for healing and parenting. Counsel could still be pointed in their advocacy. In the sacred, uncomfortable situations can be very good. Since their utterances were sacred, counsel could no longer get away with any act that diminishes the capacity to parent. Sacred advocacy would become a stewardship which aims to preserve the best and heal the rest.

If family court services were sacred, family evaluators would be highly respected and afforded reasonable caseloads. Evaluators would be seen as stewards of post-marital parenting. Since marriage would be viewed as a mystery of unutterable complexity, evaluator recommendations would not be seen as immutable judgements of parental character. The evaluator would be accorded the same respect as the parents.

If our work were sacred, more respect would be given to the stress of our work. Sabbaticals and breaks would be a neces-

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ASSOCIATION NEWS

from the Executive Director, Ann Milne

This new column will provide readers with an inside look at AFCC; its membership make-up, organizational structure, financial picture, staff and day-to-day administration. We welcome questions and suggestions of topics to be addressed.

Did you know that when you joined AFCC that you were joining a very unique membership organization?

Most membership organizations and trade associations are composed of individuals from a single discipline who share a common professional focus.

AFCC's interdisciplinary membership is both its strength and its challenge. The interdisciplinary nature of AFCC's membership provides a professional richness not found in other membership associations. This inter-professional mix is one of AFCC's strengths and contributes to the stimulating professional diversity found in conference programs and AFCC products and publications, including AFCC's Journal, *The Family and Conciliation Courts Review*, and this Newsletter.

Unlike more homogeneous organizations, AFCC members can exchange information and talk about policies and procedures with colleagues from a variety of perspectives and persuasions. This inter-professional exchange with those "across the table" has been noted by AFCC members as one of the most valuable aspects of membership. And some of our most spirited exchanges occur in the AFCC Hospitality Suite after conference sessions!

While other organizations focus on the needs of a single constituency, the challenge for AFCC is to serve the needs of

multiple professions with a common interest—the constructive resolution of family conflict. AFCC is the common denominator organization for professionals in the field of domestic relations and dispute resolution.

The Challenge of Membership Recruitment

In 1996, AFCC will be launching a strategic membership recruitment campaign and we need your help in telling others about our unique organization. Please let us know what we can do to help you recruit colleagues in your area. Start a chapter? Put on a conference? Host an AFCC exhibit? Provide membership materials? **1996 is the year to let others know about AFCC and the UNIQUE nature of our membership.**

Who We Are

AFCC membership is made up of the following disciplines:

Discipline	% of Membership
Mediators	28%
Mental Health	17%
Attorneys	17%
Custody Evaluators	12%
Parent Educators	5%
Judges	4%
Academics	2%
Court Administrators	2%
Researchers	1%
Other	11%

Where We Come From

AFCC members span the globe. How many colleagues are in your area?

UNITED STATES

AL	6	MO	25
AK	11	MT	2
AZ	70	NE	1
AR	1	NV	27
CA	310	NH	6
CO	35	NJ	19
CT	35	NM	9
DE	2	NY	38
FL	45	NC	22
GA	13	ND	3
HI	17	OH	54
ID	14	OK	4
IL	65	OR	42
IN	35	PA	43
IA	8	RI	3
KS	52	SC	6
KY	4	SD	2
LA	18	TN	4
ME	3	TX	42
MD	35	UT	6
MA	75	VT	5
DC	5	VA	23
MI	20	WA	33
MN	20	WV	0
MS	1	WI	36
		WY	1
Total			1356

CANADIAN PROVINCES

ALB	9	NS	12
BC	16	ONT	43
MAN	6	QUE	13
NB	7	SAS	5
Total			111

COUNTRIES

UNITED STATES	1356
CANADA	111
AUSTRALIA	10
NEW ZEALAND	9
GERMANY	1
SOUTH AFRICA	1
JAPAN	2
ISRAEL	3
DENMARK	1
SCOTLAND	1
SWEDEN	2
SPAIN	1
PORTUGAL	1
PUERTO RICO	1
Total	1513

Call for Parent Education Programs

AFCC Updating Parent Education Directory

AFCC, in cooperation with faculty at the University of Western Michigan, will publish an updated *Directory of Parent Education Programs* in the spring of 1996. This directory will serve as a resource guide for courts and professionals who make referrals to parent education programs.

If you would like to be included in AFCC's Directory, please contact:

AFCC, 329 W. Wilson St.,
Madison, WI 53703
Attn: Parent Education Directory
(608) 251-4001
Fax: (608) 251-2231



MEMBER PROFILE

Carolyn Wah, Brooklyn, New York

Carolyn Wah, AFCC member from New York, has maintained an active and specialized family law practice in Brooklyn for more than ten years. Although she finds her work extremely rewarding, Carolyn might have never practiced law were it not for the advent of the personal computer.



Raised in Queens, NY, Carolyn attended the State University of New York in Oswego, where she majored in English Literature. After surveying the job opportunities for literature majors, Carolyn decided to apply to law school. She attended Rutgers University Law School in Camden, New Jersey where she also clerked for the U.S. Attorney in Philadelphia. At the same time, Carolyn became active with the Jehovah's Witnesses.

After earning her J.D., Carolyn was not convinced she wanted to practice law, and accepted a position selling computer busi-

ness application. "I worked in sales for ten years and I enjoyed the work" Carolyn said. "But the desk top computer killed the industry. Fortunately, I had my law degree to fall back on."

Carolyn dovetailed her legal credentials with her religious practice and accepted a position working as counsel to the Jehovah's Witnesses at its world headquarters in Brooklyn. She has been there for more than ten years.

"I represent Witnesses who are involved in child custody cases," Carolyn explained. "There are a lot of Witnesses in mixed marriages. Often, one spouse joins after they are already married. When they divorce and one parent leaves the Jehovah's Witnesses the other parent may use religious practices as a reason my client should not be granted custody. My role is to neutralize any potential biases against the religion."

Carolyn treats the issue of a non-traditional religion like any other difference between parents. "Religions do not have to be incompatible. It takes two people to bring a child into the world. The child should have the opportunity to learn from both. The choice will ultimately be up to the child."

When she is not working, Carolyn enjoys traveling. She has toured Europe, Canada and Central America. She is also learning Cantonese in preparation for a trip to China. "It's difficult," Carolyn notes. "Cantonese is a tonal language and singing is not really my forte."

While she may be uneasy singing, Carolyn feels no such qualms about public speaking. A first time AFCC presenter at the Annual Conference in Montreal, Carolyn's evaluations ranked among the conference's highest. She credits her sales background. "I gained a lot from sales that helps me as a presenter and a lawyer," Carolyn said. "I learned how to get up on my feet and speak from an agenda and how to build a relationship with someone so that they feel that they can trust you. You don't get that in law school."

Carolyn gets great satisfaction from her practice. "It is the most rewarding work I can imagine," she said. "I've watched children grow to maturity. There is real joy in seeing your work help a young person through a horrible time in their life. That satisfaction is just immeasurable."

New Jersey Certifies Domestic Violence Professionals

The New Jersey Association of Domestic Violence Professionals (NJADVP) has certified 136 counselors, shelter workers, mental health professionals and lawyers as specialists in the field of domestic violence. This is the first certification of domestic violence professionals in the United States.

The 15-member NJADVP board received hundreds of applications for the first round of certification. Applicants were evaluated on their knowledge of domestic violence

theory and practice; number of educational hours completed in the area of domestic violence; and the number of direct service hours working with victims, their children and/or perpetrators.

According to Cheryl Kramer, NJADVP President, certifying domestic violence professionals will help ensure that the public is able to turn to qualified, experienced practitioners for assistance. Ms. Kramer noted that New Jersey's certified domestic violence professionals are expected to have

the ability to work with victims, children and batterers and to understand the law, the range of interventions, and issues of race, class, culture and sexual orientation. Specialists also are required to work toward the prevention of domestic violence in their community.

For further information about Domestic Violence Specialist Certification, please contact the New Jersey Association of Domestic Violence Professionals at (609) 584-8107.

Hillary Rodham Clinton

(continued from page 1)

Matrimonial Lawyers and the Canadian Department of Justice.

The **Second World Congress** will include discussion on:

- *Children in a Violent World*
- *Family Law, Family Forms and Family Functions*
- *The Effects of Poverty*
- *Health Issues for Families and Children*
- *The Impact of Culture and Education*

If you would like more information or are interested in presenting at the **Second World Congress**, please contact:

Association of Family
and Conciliation Courts
329 W. Wilson Street
Madison, WI 53703 U.S.A.
(608) 251-4001
FAX (608) 251-2231

Correction

The Fall edition of AFCC's **Newsletter** incorrectly reported the telephone number of Christine Coates, AFCC Vice President. The correct telephone number is (303) 443-8524.



Helping Those Who Help Themselves

The Maricopa County, Arizona Self-Service Center

by Robert James, Assistant Administrator
Self-Service Center, Maricopa County
Phoenix, AZ

The number of self-represented litigants is on the rise in Arizona and throughout the United States. In 1992 more than 45,000 self-represented litigants were involved in cases in the Superior Court of Arizona in Maricopa County. By the end of 1995 this number is expected to have exceeded 80,000. This tremendous increase in volume, coupled with the Arizona Court's commitment to increasing access to the citizens it serves, has prompted the development of the Self-Service Center of Maricopa County. The Self-Service Center is a service delivery system which employs creative methods in bridging the gap between the culture of the court system and the citizens it serves.

The Self-Service Center—the first of its kind in the United States—was designed by the Superior Court of Arizona in Maricopa County, with the help of community leaders, to improve access to court services for self-represented litigants.

Program Services

The Self-Service Center helps self-represented litigants by providing instructions, information and referrals to community resources.

Court forms and instructions are modified to be more user-friendly for self-represented litigants. Instructions help litigants fill out and process court forms.

Court information is provided, including listings of courts, hours of operation and location. Also provided is information about departments within the Superior Court and explanations of legal terms and processes in the Domestic Relations and Probate/Mental Health Departments of the Court.

A *roster of attorneys* willing to offer brief advice and limited service is available as is a *roster of community mediators and arbitrators*. Linkages are provided to various human and professional services.

To maximize the effectiveness of the Self-Service Center, a multi-faceted approach to service delivery is employed.

Audiotext Telephone System

An automated telephone system allows customers to obtain information about court processes, forms and other available services.

Computer Bulletin Board System

Customers with access to a personal computer and modem can acquire court forms and instructions and will soon have access to the rosters of lawyers and alternative dispute resolution providers.

Internet

Customers with Internet access can receive court forms and instructions, court information and will soon have access to the rosters of lawyers and alternative dispute resolution providers.

Physical Office Location

The Self-Service Center maintains a main office on the fourth floor of the Maricopa County East Court Building. The office offers all of the above-mentioned services.

Extension Sites

Computer equipment will soon be placed at various locations throughout metropolitan Phoenix. The computers will be able to access all of the program services.

• • •

The many components of the Self-Service Center and the variety of delivery systems make this a one-of-a-kind program which could be the impetus for the development of similar programs throughout the United States. Interest and support have come from national organizations such as the American Bar Association and the State Justice Institute. The Self-Service Center has the potential to benefit the Court, the legal community and, most importantly, users of the legal system.

For further information about the program, please contact Robert James, Assistant Administrator, Self-Service Center, (602) 506-6314. The Self-Service Center will be conducting a workshop at AFCC's Annual Conference in San Antonio, TX. The workshop will be sponsored by the Arizona Chapter of AFCC.

President's Message (continued from page 2)

sary part of practice. Our conferences would be forums for professional learning and personal healing. Our relationships would grow from collegial to familial.

We would become an extended family of healers of family. We would look out for one another more. We would better understand how the well being of each of us affects the well being of all of us. We would examine difficult questions deeply (i.e., why does the masculine carry so much violence? How

does our society not see the needs of parents and children in poverty?). We would know how much is missed when everything is understood. We would find answers in rituals and wisdom in carrying questions unanswered.

Sacredness assumes we would share what wounds us and what renews us. Colleagues who meditate could share their meditation. Others might share their prayers, their walks, their runs, their

dancing, their meals or their fireside chats. Activities would become traditions and traditions cherished rituals.

There is no mystery in how to begin.

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An Overview of Family Mediation in South Africa

by Hugo van der Merwe, Community Dispute Resolution Trust South Africa

Family and divorce mediation in South Africa has developed in a segmented fashion as different services have been established for distinct components of the population. To some extent these differences are a result of the racial divisions established by the apartheid legal system: separate courts and laws for different race groups. There is also a differentiation between those who can afford professional fees and those who depend on the services of government and non-government organizations (NGOs). The historic animosity between various NGOs, community-based organizations (CBOs) and the government have exacerbated this division.

These divisions have increasingly been broken down with the development of joint ventures and cooperative efforts. South Africans come from very diverse backgrounds. However, increased understanding of the roles, achievements, strengths and weaknesses of the various sectors have enabled them to work together to learn from one another.

This article provides an overview of the South African experience of divorce mediation, an outline of the various mediation services offered in South Africa and some brief comments about the strengths and weaknesses of the available services.

The sectors of involvement that will be addressed are: (1) court and other state structures; (2) private practitioners; (3) NGOs, university-based services and welfare institutions and (4) CBOs and traditional authorities.

These sectors are not absolute categories with distinct boundaries. There are various organizations that operate in more than one sector.

■ Court and other State Structures

The Magistrate's Divorce Court (which has generally been termed the Black Divorce Courts) and the Family Advocate are the two court structures that are presently doing some form of mediation. Social Workers in provincial structures are often involved in this arena, sometimes through court referrals and sometimes as a result of other intervention requests.

While the basic premise of the divorce process is based on an adversarial process, there are certain areas in the Black Divorce Courts where there is some superficial mediation style intervention.

At the point of intake, the clerk of the court is empowered to help the parties draw up all the court documents including the divorce agreement. In cases where the clerk is approached by both the parties, he or she may attempt to assist them in reaching an agreement on custody and other issues.

A second area in which mediation-type interventions may exist is in those cases referred to the Department of Social Welfare by the magistrate. These referrals are typically made in cases where the parties disagree about custody and the magistrate requests further information before making a decision. Social workers are assigned to do a background investigation and make a recommendation. However, sometimes they facilitate an agreement between the parties, which is then accepted by the magistrate.

The quality of mediation in the Black Divorce Courts may be compromised by overlapping duties and a lack of mediation training. Mediation is, therefore, a limited, irregular and informal component of the settlement process in these courts.

The Family Advocate, which has been in operation since 1990, is involved in settling disputes over custody and access. While it monitors all cases involving minor children, it intervenes only in very particular cases.

The legislation and rules outlining the functioning of the Family Advocate fail to define mediation and have been criticized for not making proper use of mediation procedures. The "purity" of the mediation used by the Family Advocate has been questioned for a number of reasons, but mainly because it is instructed by the law to provide a range of overlapping services on behalf of the court.

There is concern that the intervention of the Family Advocate is not voluntary, that the process can be intimidating because of the need to establish facts and that it is not a neutral approach because the Family Advocate makes judgements about the parenting abilities of the parties. This places the mediator in the position of proposing solutions and making a judgement if the parties fail to agree.

Nevertheless, family advocate offices have taken it upon themselves to build their mediation capacity and adjust their approach to address these concerns. Many of its cases are settled by getting the parties to reach agreement.

■ Private Practitioners

A large number of individuals have been trained in divorce mediation. Many practice mediation in their personal capacities. They represent a wide spectrum of professionals, but mainly come from law, psychology or social work backgrounds. Few private practitioners make a living exclusively on the basis of their mediation practices. They typically supplement it with income from other areas of professional practice.

Fees charged by private practitioners vary from person to person, but generally make them inaccessible to a large segment of the population. Private practitioners have also been mainly drawn from the white community, leaving the most disadvantaged communities without a local skills base.

While there are probably roughly five hundred trained divorce mediators in South Africa, there has not been sufficient demand for their services. There is thus a huge untapped resource in this sector.

The encouraging side of the picture is the individual successes achieved by these practitioners. They experience high settlement rates and very high levels of satisfaction. Research done in other countries on similar mediation models has also revealed strong results. Another positive element of this sector is the acceptance of divorce mediation as an interdisciplinary discipline. Many lawyers and mental health professionals operate as multi-disciplinary mediation teams.

■ NGOs, University-Based Advice Services and Welfare Institutions

This broad heading includes organizations which are not directly government controlled and which train and/or provide mediation services to those communities who cannot afford the services of lawyers or other private practitioners.

While it is difficult to generalize about programs in this sector, they all help to fill an important gap by providing highly skilled services (sometimes through the use of volunteers) either free of charge or at minimal costs to communities that would otherwise have very little access to the law or to effective dispute resolution procedures.

Because of their reporting requirements and academic links, these structures have made valuable contributions in terms of research and policy work. As a result of their

South Africa *(continued from page 6)*

relatively impartial status, they have also been able to pull together resources and services from different sectors such as community, government and private practitioners.

The organizational infrastructure that supports these services also makes them a strong and articulate lobbying force. Their links to educational structures and the funding they receive for training programs also makes them an important element of public education regarding mediation developments and legal literacy.

■ Community Based Organizations

Community Based Organizations are often overlooked by government structures as an important role player in the resolution of family disputes. Advice Centres and community based paralegals are an important resource for legal assistance in marginalized communities. Family law is commonly covered in paralegal training and these service providers are often the only resource in the community for residents who need information about maintenance, custody and divorce.

These structures often assist parties in resolving disputes without going to court. They either negotiate a settlement on behalf

of the person who approaches them or they mediate disputes in a non-partisan manner. Family conflict is one area where mediation is considered an appropriate approach.

The paralegal movement has become increasingly organized and is likely to receive formal recognition by the state as an important component of judicial services. It has a national structure that is composed of provincial representatives.

The main strength of community based structures is that they operate in close cooperation with their communities. They are seen as accessible and responsive to community concerns. Many have existed for a number of years and have extensive experience providing advice and mediation. Training has come from a variety of sources including the Black Sash, the Lawyers for Human Rights and the Legal Resources Center.

Community based organizations also play an important role in educating communities about the law and their rights. They have also mobilized communities to lobby for change. In South Africa there is a serious legacy of fear and distrust of the judicial system. These structures serve as an important link to bridge the gap between the courts and the communities. They are, how-

ever, severely constrained by a lack of resources. The change in government has presented a difficult funding situation as international funders have withdrawn much of their support and the government has been slow to move in to fill the gap.

Another community based approach has been that of street committees and people's courts. While the model of dispute resolution in these courts has generally been more adjudicatory, the procedures can be very informal. The goal is that of reconciliation between the parties. While they do not deal with divorce, *per se*, they have settled many disputes around custody and maintenance.

It is important to recognize the contributions that the various sectors can make to the field of family and divorce mediation. To move forward those in the field must gain an appreciation for the needs and goals of those who provide and use services. Policies that tap all the available resources must be developed.

Reprinted with permission from the Community Mediation Update, the newsletter of the Community Dispute Resolution Trust, South Africa. This article was edited for publication in the AFCC Newsletter.

Northwest Regional Conference Looks to the Future

AFCC's Northwest Regional Conference, *Making it Better for All of Us: Building Our Professional Family*, provided participants with an opportunity to join together to focus on the future of family courts amidst majestic views, wonderful food and an outstanding program.

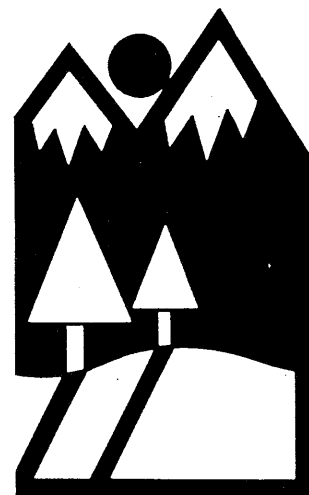
Futurist Robert Theobald's opening night charge to the knowledge groups—small working groups which met throughout the conference—inspired participants to meet the following morning to discuss how to help families of the 21st century meet the challenges they will soon face.

The conference included an exciting selection of workshop sessions and a closing plenary session on *Courts of the Future*, featuring Hon. Wallace Carson,

Chief Justice, Oregon Supreme Court; Jay Folberg, J.D., Dean of University of San Francisco School of Law; and Constance Ahrons, Ph.D., author of *The Good Divorce*.

The Northwest Regional Conference also provided the opportunity for friends and family of Dr. Stanley Cohen to pay tribute to the former AFCC Executive Director, who died in a tractor accident on his farm last spring. Family members, friends and colleagues dating back more than thirty years gathered to share their stories, thoughts and memories.

Special thanks go to Hugh McIsaac, Conference Chair, for his extraordinary efforts in bringing AFCC members across the *Bridge of the Gods* to the Skamania Lodge.



MEMBER NEWS

Elizabeth Kerns, AFCC Board member from South Bend, Indiana was appointed to the Indiana Supreme Court Joint Task Force on Mediator Training and Certification. Ms. Kerns was appointed to the Task Force by Chief Justice Randall T. Shepard.

David Manville, AFCC member from Detroit, MI was appointed Special Liaison between the Wayne County (MI) Friend of the Court and the newly formed Wayne County Task Force on Fathers Absence. Mr. Manville presented the keynote address at the inaugural meeting of the Task Force.

Jennifer Mastroski, AFCC Board member from State College, Pennsylvania, has accepted a full-time appointment as Assistant Professor in the Institute for Continuing Justice Education and Research at Penn State University. Her new contact information: 1004 Oswald Tower, Penn State University, University Park, PA 16802. Phone: (814) 863-0895; Fax: (814) 863-7044; e-mail: mvc@psuvm.psu.edu

Ellen Rudd, AFCC member from Indianapolis, Indiana has resigned as Director of the Marion County Domestic Relations

Counseling Bureau. Ms. Rudd is leaving the field of social work to pursue a degree in computer technology. Janice Davidson has assumed the position of Director.

Judith N. Stimson, AFCC member from Indianapolis, Indiana was honored by the Indiana State Bar Association for her work on the *Indiana Alternative Dispute Resolution Handbook*. Ms. Stimson served as a co-editor and contributing author.

AFCC Chapter News

Arizona Chapter Paves the Way for San Antonio Workshop

A FCC's Arizona Chapter has generously offered to send representatives of the Self-Service Center of Maricopa County to conduct a workshop at AFCC's **Annual Conference**, in San Antonio, Texas. The Self-Service Center assists those without legal representation by providing legal forms, information and assistance for divorce, custody, child support, wage assignments and guardianships. (See story on page 5.)

The Self-Service Center will offer a three hour extended workshop, Friday afternoon, May 10. AFCC extends a special *thank you* to the AFCC Arizona Chapter.

Chief Justices Highlight Massachusetts Parent Education Panel

Hon. Mary C. Fitzpatrick, Chief Justice of the Massachusetts Probate and Family Court, and Hon. Anne C. Dranginis, Chief Administrative Judge, Family Division of the Superior Court of Connecticut, were featured speakers as AFCC's Massachusetts Chapter assembled a distinguished panel of experts to discuss parent education programs.

Hon. Arline Rotman, AFCC Treasurer, moderated the program which also included Tim Salius, Chair of AFCC's Professional Development and Technical Assistance Committee; Andrew Schepard, Chair of AFCC's Parent Education Committee; Bob Tompkins, former AFCC President; Hon. Sean D. Murphy, First Justice of the Hampshire, MA Probate and Family Court; Sophia

O'Brien Chief Probation Officer, Office of the Commissioner of Probation, Boston, MA; and Kenneth D. Herman, Director, Children and the Law Program, Massachusetts General Hospital.

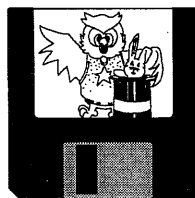
California Chapter Conference in San Diego

A FCC's California Chapter will host it's 1996 conference, "The Times They Are A-Changing," February 23-24 at the Westgate Hotel in downtown San Diego. The conference will focus on children and families and the changing expectations of family members.

The keynote speaker will be Richard Louv, a nationally known author, journalist and regular contributor to *Parents Magazine*. Sociologist Richard Masden, author of *Habits of the Heart*, will present the plenary session. The conference will also offer six workshops on a variety of interesting topics. For further information, contact Patricia Chavez-Fallon, Conference Chair, at (619) 557-2100.

Florida Members Looking to Establish a Chapter

A FCC members in Florida are in the early stages of organizing an AFCC Florida Chapter. An organizational meeting is scheduled to take place January 21, 1996 at the **Second International Symposium on Child Custody Evaluations**. If you are interested in joining or receiving more information, contact AFCC member Jeff Liang, at (904) 893-7667.



Divorce Mediation Resources 96

by **James C. Melamed, J.D.**
Former AFM Executive Director
& **Kathleen Corcoran, M.S.**

Over 50 computer files (in your designated file format) and printed sets of all materials necessary for a successful divorce mediation practice. Expanded and revised for 1996, these materials now include facilitative legal summaries for mediation participants.

Why spend hundreds of hours researching and entering data to create these documents on your own?

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- Extensive Marital Settlement Agreement and Memorandum of Understanding Provisions
- Promotional Materials

Call 1-800-JDAGREE

for full information and to order

The cost is \$129.95. Please designate desired file format.



Divorce Mediation Training with Jim Melamed

Former AFM Executive Director; Professor of *Negotiation and Mediation* at the University of Oregon School of Law; Former Chair, Oregon Dispute Resolution Commission

Divorce Mediation Training*

February 7-11, 1996	Portland, Oregon
March 13-17, 1996	Los Angeles, California
March 20-24, 1996	Eugene, Oregon
May 1-5, 1996	St. Louis, Missouri
May 15-19, 1996	Los Angeles, California

**Approved by AFM as a 40-hour Divorce Mediation Training*

Advanced Divorce Mediation Training

January 18-19, 1996	Eugene, Oregon
June 6-7, 1996	Los Angeles, California

Ask around.

There is no better mediation training.

Call 1-800-JDAGREE

for full information and to register.

AFCC Teams with University of Wisconsin to Offer Family Court Service Institute

A FCC and the University of Wisconsin Division of Health and Human Issues will co-sponsor the first **Family Court Service Institute**, June 18–21, 1996 at the University of Wisconsin's lake front Madison campus. The University of Wisconsin is located on the shores of Lake Mendota in the heart of Madison. Late afternoon and evenings will be available for relaxing at the University's famous lake side terrace, strolling down the wooded lake shore path, sailing, canoeing and swimming, or shopping on the bustling State Street Mall.

The four day program will include three components: Establishing a Parent Education Program; Conducting Child Custody Evaluations; and Developing and Administering Court Services.

■ Establishing a Parent Education Program, June 18, 1996

The number of parent education programs is growing every day. This program is designed for those interested in developing an educational program for separated and divorcing parents. Topics will include: Establishing a Program; Developing Curriculum and Content; Ongoing Maintenance of Your Program; and Professional and Policy Issues, including training, certification and more. Faculty include *Carol Roeder-Esser, M.S.W.*, Director, Programs for Divorcing Families, Mission, Kansas; *Kenneth Waldron, Ph.D.*, Capitol Square Associates, Madison, Wisconsin; and *Peter Salem, M.A.*, AFCC Associate Director, Madison, Wisconsin.

■ Conducting Child Custody Evaluations, June 19–20, 1996

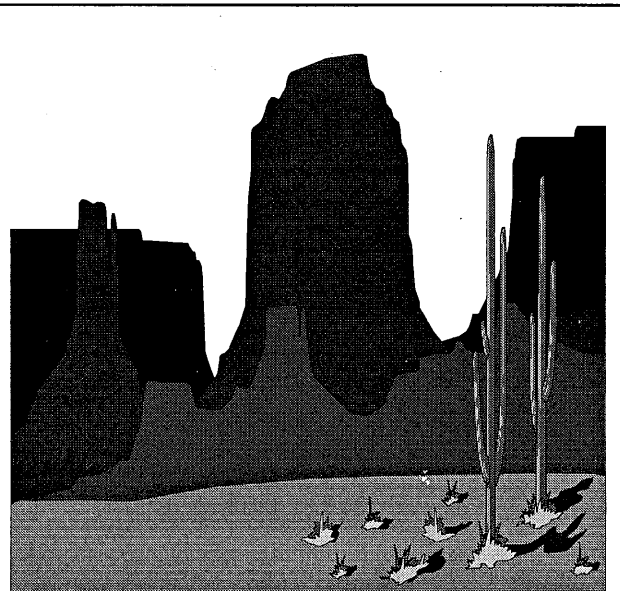
This two day program will address the core skills required to conduct an effective child custody evaluation. Participants will explore: Interviewing Techniques; Assessment and Evaluation; A Paradigm for Pulling it All Together; Presenting the Data; Critical Ethical and Professional Issues; and Supervision. Faculty will include *Lorraine Martin, M.S.W.*, Director, Office of the Official Guardian, Ministry of the Attorney General, Toronto, Ontario; *Robert Tompkins, M.S.*, Deputy Director, Family Division, Connecticut Superior Court, Wethersfield, Connecticut; and *Doneldon Dennis*, Supervisor, Hennepin County Family Court Services, Minneapolis, Minnesota.

■ Developing and Administering Court Services, June 21, 1996

This program is designed especially for those who supervise or administer court services. Topics addressed will include: Staffing; Budgeting; Staff Supervision; Evaluation of Services; Relationships with the Bench and Bar; and Helping Prevent Staff Burnout. Faculty include *Lorraine Martin, M.S.W.*, Director, Office of the Official Guardian, Ministry of the Attorney General, Toronto, Ontario and *Robert Tompkins, M.S.*, Deputy Director, Family Division, Connecticut Superior Court, Wethersfield, Connecticut.

Lodging will be available at the University's special rate of \$49 single, \$54 double per night. A discounted registration fee will be offered for those who attend all four days.

Participants may register for one day or all four. For further information, contact Professor James Campbell, Lowell Hall, 610 Langdon Street, Madison, Wisconsin, 53703, Phone: (608) 262-2352. Or contact AFCC, 329 W. Wilson St., Madison, WI 53703, Phone: (608) 251-4001, Fax: (608) 251-2231.



1996 Supervised Visitation Network Conference

**May 5-7, 1996
Austin, Texas**

**For More Information,
Please Contact:
Mike Wilkinson**

**Executive Director
The Kids Exchange
503 West 14th Street
Austin, Texas
78701
Phone: (512) 472-8407**

AFCC Call for Presenters

Northeast Regional Conference and Board of Directors Meeting Boston, MA, September 19–21, 1996

Autumn in New England! AFCC is now accepting proposals for the 1996 Northeast Regional Conference, *Facing Up to the Complexities of Family Violence: No Simple Solutions*. The conference will take place September 19–21, 1996 at Boston's Swissôtel, located just a short walk from the Boston Common, Quincy Market, the North End, Boston's Public Garden and the Boston Harbor.

The program committee is interested in presentations related to family violence. Submissions will be accepted until March 15, 1996. Topics of interest include, but are not limited to:

- Family Violence: Implications for Public Health and Public Policy
- Maintaining Safe Parent-Child Relationships
- Enhancing Investigation and Assessment Skills
- Ethical Dilemmas of Working with Violent Clients
- Innovative Programs and Processes for Victims, Abusers and Children

If you are interested in presenting, please send a brief abstract and a one page outline with a resume to:

AFCC
329 W. Wilson St.
Madison, WI 53703
(608) 251-4001
Fax: (608) 251-2231



Call for Papers

■ The **International Society of Family Law** will hold a North America Regional Conference June 13–15, 1996 in Quebec City, Canada. The Laval University Faculty of Law is co-hosting the conference, entitled "Parent and Child in North America Family Law." All scholars of family law and related disciplines are invited to submit proposals for papers to be presented at the conference. Proposals should be no more than two pages in length and describe or outline the proposed paper. Please include the name of the author, institutional affiliation, address, telephone, fax and e-mail. Send proposals to one of the following:

Professor Margo Melli, University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706; fax: (608) 262-1231; e-mail: mmelli@law.wisc.edu

Professor Edith DeLeury, Faculty of Law, Laval University, Pavillon Charles-De-Koninck, Ste-Foy, Quebec, Canada G1K 7P4; fax (418) 656-7714; e-mail: edith.deleury@fd.ulaval.ca

■ The **Mediation Council of Illinois (MCI)** is holding its 12th annual Spring Conference, April 19–20, 1996 in Champaign, IL. If you are interested in submitting a proposal, please contact Kathleen Borland, MCI Education Committee Chair, at (312) 345-8822.

UPCOMING EVENTS

January 20–22, 1996
Clearwater Beach, FL
AFCC Second International Symposium
on Child Custody Evaluations
Contact: AFCC
(608) 251-4001

January 27–29, 1996
Clearwater Beach, FL
AFCC Second International Congress
on Parent Education Programs
Contact: AFCC
(608) 251-4001

February 8–10, 1996—Miami, FL
Academy of Family Mediators
Mid-Winter Conference
Contact: AFM
(617) 674-2663

April 11–13, 1996—Williamsburg, VA
American Bar Association
Family Law Section Spring Meeting
Contact: ABA
(312) 988-5603

May 4–6, 1996—Austin, TX
Annual Conference
Supervised Visitation Network
Contact: Mike Wilkinson
(512) 472-8407

May 8–11, 1996—San Antonio, TX
AFCC 33rd Annual Conference
*Best Interest: Special Issues
for Children & Families*
Contact: AFCC
(608) 251-4001

June 6–8, 1996—Washington, D.C.
American Bar Association
National Conference on Children and the Law
Contact: ABA Center on Children and the Law
(202) 662-1720

June 18–21, 1996—Madison, WI
Family Court Service Institute
AFCC and University of Wisconsin
Contact: Professor James Campbell
(608) 262-2352

July 22–27, 1996—Breckenridge, CO
Academy of Family Mediators
Annual Conference
Contact: AFM
(617) 674-2663

September 19–21, 1996—Boston, MA
AFCC Northeast Regional Conference
and Board of Directors Meeting
*Facing Up to the Complexities
of Family Violence: No Simple Solution*
Contact: AFCC
(608) 251-4001

October 24–26, 1996—
Coeur d'Alene, Idaho
AFCC Northwest Regional Conference
Contact: AFCC
(608) 251-4001

October 23–26, 1996—
Winnipeg, Manitoba
Family Mediation Canada
Annual Conference
Contact: FMC
(519) 836-7750

June 3–7, 1997—San Francisco, CA
AFCC Annual Conference and
Second World Congress on Family Law
and the Rights of Children and Youth
Contact: AFCC
(608) 251-4001

San Antonio Texas



AFCC's 33rd Annual Conference

May 8-11, 1996

Best Interest: Special Issues for Children & Families

Hyatt Hotel on the Riverwalk

\$128 single or double

*"In the best interest of the children" is a phrase we use every day;
but how often do we stop and think about what it really means?*

Pre-Conference Institutes

Wednesday, May 8, 1996 • 9:00am-5:00pm

- Mediation Institute: Power Imbalances in Mediation
- Representing the Best Interest of Children in Custody Disputes
- Judicial Institute
- Domestic Abuse: Responding to the Challenges
- Establishing Programs for Children of Separation and Divorce
- Advanced Applications in Custody Evaluations

Conference Workshops Include:

- Tailoring Court Services to the Best Interest of the Child
- Services for Pro Se Families • Dealing with Anger
- Child Focused Mediation • Guidelines for Guardians ad Litem
- Court Appointed Special Advocates • Move Away Cases
- Standards for Supervised Visitation
- Parenting Plans for Never Married Parents

Early bird registration ends January 31!

For registration information contact:

AFCC

329 W. Wilson Street

Madison, WI 53703

(608) 251-4001 • FAX: (608) 251-2231

AFCC California Chapter Conference

The Times They Are A-Changing

February 23–24, 1996

San Diego, California

The Westgate Hotel

Featured Speakers

- Richard Louv, Award Winning Journalist and Author,
Childhood's Future, Fatherlove, America II and
101 Things You Can Do for Our Children's Future
- Richard Madsen, Ph.D., Sociologist and Co-Author,
Habits of the Heart and *The Good Society*

Conference Workshops

- Reverse Gender Bias
- ADHD and Child Custody Cases
- The Python & The Pig:
Opening Our Minds to Cultural Differences
- Personality Disorders and Revolving Door Cases
- Drug and Substance Abuse Update
- Parental Alienation

For further information contact:

Patti Chavez-Fallon, Marcia Ziegler or Mary Swenson
Family Court Services
1501 Sixth Avenue
San Diego, CA 92101
(619) 557-2171

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