

AFCC NEWSLETTER



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An association of family, court and community professionals

FALL 2001

New York Conference Rescheduled

AFCC has rescheduled its Northeast Regional Conference, originally planned for September, as a one-day conference to be held on Monday, March 18, 2002. The **Symposium on High Conflict Families and the Courts** will take place at the New Yorker Hotel in Manhattan.

The tragic events of September 11, 2001 forced the cancellation of the conference scheduled to begin two days later. More than 550 participants had registered, breaking the attendance record for an AFCC regional conference. The cancellation of the conference pales in comparison to the results of the attacks, however New York area registrants and local committee members felt that it was important to reschedule and strongly encouraged AFCC to do so.

The program will offer one plenary session, three workshops, three extended workshops and a Judicial Leadership Institute. The day begins with a fast-paced discussion of one of the field's hottest issues: overnights for infants and young children. The session features Albert Solnit, M.D., Director of the Yale Child Study Center and co-author of the landmark book *In the Best Interests of the Child*. Dr. Solnit is joined by Sonja Goldstein, J.D., Toby Kleinman, J.D., Robin Deutsch, Ph.D., of Harvard Medical School and Massachusetts General Hospital; and Hon. Jacqueline W. Silbermann, New York Administrative Judge for Statewide Matrimonial Matters. Matrimonial attorney Robert Z. Dobrish will moderate the session.

Conference workshops will include:

- Assessing and Addressing Allegations of Sexual Abuse
- Collaborative Family Law
- Working with Parents in High Conflict Families: The Impact on the Professional
- The Alienated Child Within an Alienating Family System
- Domestic Violence, High Conflict Families and the Courts
- Conducting Effective Cross-Examination and Expert Testimony

In collaboration with the New York Office of Court Administration, AFCC is offering a Judicial Leadership Institute. This full-day program is designed to help develop and implement court and community based programs. Judges from all jurisdictions are encouraged to take advantage of this unique opportunity to work with leading experts in building model courts, case management, therapeutic justice, alternative dispute resolution, family services and the impact of divorce on children.

The conference brochure will be sent to all AFCC members in early December. An on-line copy can be downloaded from the Conferences Page of the AFCC web site at www.afccnet.org.

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AFCC Prepares for the Big Island of Hawaii

AFCC is preparing its 39th Annual Conference, *Looking Over the Rim: New Horizons for Families, Courts and Communities*. The conference will take place June 5-8, 2002 at the Hilton Waikoloa Resort on the Big Island of Hawaii.

The conference will feature an exciting line up of featured presenters. Robert Emery Ph.D. and Joan Kelly, Ph.D. will provide a look at resiliency of children of divorce. Catherine Smith, J.D., who argued the grandparent visitation case *Troxel vs. Granville* before the United States Supreme Court will join Professor Mary O'Connell and others in a round table discussion on the widespread implications of the Supreme Court's ruling. Other confirmed presenters include: Janet Johnston, Ph.D., San Jose, CA; Zena Zumeta, J.D., Ann Arbor, MI; Hon. Linda Dessau, Melbourne, Australia; Christine Coates, M.Ed., J.D. Boulder, CO; Larry Fong, Ph.D. Calgary, Alberta; Philip Stahl, Ph.D., Danville, CA; Hon. Emile Kruzick, Orangeville, Ontario and Andrew Schepard, J.D., Hempstead, NY.

The conference will feature an impressive selection of half-day pre-conference institutes including

- Alienated Children in Separation and Divorce
- Parenting Plans for Infants and Toddlers
- A Developmental Approach to Relocation Disputes
- Programs for Children of High Conflict Divorce

- Mediation Skills
- Collaborative Family Law
- Judicial Officers Institute: Mediation Skills for the Courtroom
- Parenting Coordinators/Special Masters
- Mini-Evaluations

AFCC has negotiated a very favorable guest room rate of \$150 per night, single or double room, for conference registrants at the Hilton Waikoloa. For those interested in spending additional time sightseeing (see related article on pages 6-7) the AFCC group rate is available from May 30-June 13, 2002 on a space available basis. Make your reservations early by calling the Hilton at 1-800 HILTONS (800- 445-8667) or (808) 886-1234. Be sure to mention AFCC to assure the \$150 group rate.

Watch your email for the Early Bird Brochure, which will be sent to all members electronically in December. AFCC members can register for the conference at a discounted rate through March 1, 2002.

AFCC is also planning a post-conference trip to Australia and New Zealand. For more information, please contact AFCC at (608) 664-3750 or afcc@afccnet.org.

Be certain to keep an eye on the Conference Page of the AFCC web site at www.afccnet.org for updates.



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PRESIDENT'S MESSAGE



*Denise Herman McColley
Napoleon, Ohio*

The last three months have been difficult for all of us. We watched in horror as attacks were waged upon the twin towers of the World Trade Center and the Pentagon and as ordinary United States citizens did all in their power to thwart what was likely to have been a fourth attack on the United States Capitol Building or some other Washington, D.C. landmark. We joined in our thoughts and prayers for those who have been lost, for their families and for those who are assisting in the recovery efforts and in supporting the bereaved. We were appalled as United States citizens contracted anthrax poisoning, causing serious illness or death. We were filled with fear, hope and pride as soldiers from many countries bravely traveled to foreign soil to fight a war with terrorists and those who harbor them. Some of us have been personally touched by the loss of lives, property and security. Most of us have been working with a sense of foreboding and feelings of mourning for those who have been lost and concern for their families and friends. We have done what we can to support the victims of the attack and their families. And we have all lived through experiences we never could have imagined were possible just last August.

On the other hand, what has occurred in the last months has served to make us focus on the value of families, of children, of parents, of siblings and of other close relationships and has renewed in us the importance of the work we all do in helping

to strengthen and preserve these bonds. We are fortunate to be employed in professions that are positioned to give assistance to those who are struggling with maintaining and improving those relationships.

AFCC is an organization that has provided many of us with a professional "home" and with important relationships that have been developed and fostered through similar experiences and the opportunity to learn from each other. Through AFCC we have wonderful opportunities to learn in an interdisciplinary setting about families and children and how to respond to the myriad of problems they experience, particularly when going through a divorce, a separation or a battle over placement of children in other court proceedings. I am not aware of any other organization that affords its membership or its conference attendees similar opportunities.

AFCC is nearly forty years old (we will celebrate our fortieth birthday in 2003!). The foresight, thought and innovative thinking demonstrated by AFCC's founders is truly amazing. As I attend legal continuing education, I note that attempts have just recently been made on a limited basis to move to interdisciplinary education in the areas of family and juvenile law. AFCC has been doing this for almost forty years and has been doing it well. Our conferences are typically ranked highly by conference attendees and our program format is well regarded by other organizations and individuals. We have a well-respected journal, *The Family Court Review*, and other publications. We are very fortunate to be members of AFCC with the ability to learn and grow professionally through AFCC's conferences, publications, journal and web site interest groups.

Unfortunately, most of us are not in a position to personally change or provide services to anyone who has been harmed by the horrific events that occurred this past September and since then. However, all of us are in positions that allow us to help families and children on a daily basis. I urge you to continue to grow and develop in your skills and techniques in serving these families and children and to use AFCC and its resources to assist you in your efforts.

*Thinking about
AFCC's 39th Annual Conference in Hawaii?
See pages 6 and 7 to learn more!*

Parenting Coordination: Overview of the Model and Implementation Issues

BeaLisa Sydlík, J.D., Family Law Senior Policy Analyst, Oregon Judicial Department, AFCC Task Force on Parenting Coordinators/Special Masters, Salem, OR

The parenting coordinator (PC) model is being implemented in many states and in countries throughout the world as an intervention for addressing the needs of families in domestic relations proceedings where high levels of conflict threaten the family adjustment process. This article provides a brief overview of common implementation issues and different approaches to resolving them.

Statutory Authority

Despite its prevalent use, the only known statutory framework for parent coordination is Oklahoma's "Parenting Coordinator Act" enacted in June 2001, authorizing a PC's appointment where the court makes specific findings that the case involves high conflict. Oregon's 2001 Legislative Assembly passed broad statutory language permitting appointment of professionals to assist the court in resolving parenting time disputes, including making recommendations and providing parents with problem solving, conflict management and parenting time coordination services. Only the Vermont state legislature has financially supported the PC concept. The Vermont Court Administrator's Office was awarded budget enhancements to develop PC protocols and forms and to subsidize participants in the program. Other states have "borrowed" the authority of a related statutory concept, e.g., guardians ad litem, referees or special masters or relied on judges' equity powers to appoint PCs.

Appointment of the Parent Coordinator

The PC's appointment is typically by stipulation of the parties or court order. In some jurisdictions the PC may be appointed even over a parent's objection if particular findings are made; e.g., complex family dynamics require speedy resolution, the parties demonstrate a pattern of continuing high conflict, children will be negatively affected by parental conflict, multiple motions have been filed, the parties are unable to work together cooperatively or the children's best interests would be served by a PC's appointment. A local rule in North Carolina provides that PCs must be chosen from a list maintained by the trial court administrator.

Timing of the PC Intervention in Family Law Proceeding

Typically the PC is appointed to monitor and enforce a parenting plan after it becomes part of a final judgment and only rarely to assist in developing the initial parenting time plan. Some have expressed the concern that involving the PC before entry of final judgment may confuse parents as to the role of the court as ultimate authority in their proceedings.

Term of Appointment, Removal and Resignation

A typical term of appointment for a parenting coordinator is two years. However, Vermont appoints PCs for eight-week periods (15 hours total) following which the court holds a status conference where a parent-child contact plan is ordered. Parents then engage in a six month trial period to test out the plan. The brief intervention is deemed advisable for high conflict parents who often have a low tolerance for lack of resolution.

The PC may resign or be removed by legal process. A typical reason for resignation is nonpayment of fees. In Oregon, a grievance procedure exists to disqualify a PC "on any grounds applicable to a judge or an arbitrator."

Areas of PC Decision Making Authority

Parenting coordinators are typically authorized to address issues including: (1) time sharing arrangements, including holiday and summer planning; (2) daily routine; (3) daycare/babysitting; (4) transportation and exchange; (5) medical and dental care; (6) psychological counseling for the child; (7) extra-curricular activities; (8) education; (9) discipline; (10) methods of communication; and (11) certain payment issues, e.g., for child's extra-curricular activities, daycare services and transportation. Parenting coordinators are commonly limited from making changes to a custody determination, relocation order, substantially altering existing access schedules or determining child support issues.

Confidentiality and Ex Parte Communications

The PC process is *not* confidential. The PC can be called as a witness to testify to the court and to make recommendations to the court. The PC may also communicate with third parties to assess family dynamics and investigate allegations made by the parties. Some orders state that the PC may be

required by law to report child abuse, elder abuse and threats of abuse against another person. The parents may communicate *ex parte* with the PC and, in some jurisdictions, the PC may communicate *ex parte* with attorneys. Some jurisdictions permit the PC to immediately communicate with the court in emergency situations which may result in an interim order.

Access to Non-Parties, Children and Privileged Information

The PC is usually authorized to have contact with third parties, including school officials, physicians, mental health providers, guardians ad litem and custody evaluators. The PC almost always meets with the children. The PC may view all orders and pleadings filed in the case as well as school and medical records, psychological reports and evaluations. Parties are almost always requested to provide releases to permit this level of investigation and stipulations or orders appointing the PC uniformly contain a provision that the parties agree to execute them.

PC Proceedings

The PC is typically given wide latitude in how sessions with family members are conducted. These are commonly described as "informal." Meetings with parents may be scheduled either separately or together. Meetings may be held by phone conference.

PC Compensation

Typically, the parties share the expense of the PC in proportions initially set by agreement or by the court and based upon income and ability to pay. The PC is often empowered to alter this percentage where one parent abuses the process or unreasonably consumes more of the PC's time. Many PCs are authorized to request payment in advance since parents dissatisfied with the process often decide to unilaterally withhold payment. PC hourly rates can range from \$75 to \$200.

PC Qualifications and Training

Most jurisdictions require the PC to possess a social science or mental health degree; others provide that paraprofessionals, such as court staff, could fulfill the function provided they receive adequate training. In some jurisdictions, attorneys serve as PCs. Areas of required expertise include: (1) conflict resolution theory and techniques; (2) child development, including adjustment to divorce; (3) family dynamics;

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AFCC President Receives Ohio State Bar Foundation Award

AFCC President Denise Herman McColley was honored by the Ohio State Bar Foundation at its annual meeting and awards dinner on November 9, 2001 in Columbus, Ohio. The evening marked 50 years of service by the Bar Foundation to the community and the legal profession.

Ms. McColley was presented with the Public Service Award, given annually to an individual employed in public or government service whose work has advanced the goals sought to be furthered by the Foundation and improved relationships among lawyers, citizens and the justice system. While

accepting the award Ms. McColley was also presented with a floral bouquet by AFCC to mark this special occasion.

The Ohio State Bar Foundation recognizes people, organizations, government attorneys and research for service that addresses the mission of the Foundation. The awards express appreciation for their efforts and the benefits they have provided to the state of Ohio, the justice system and toward improving the public's understanding of the law. AFCC congratulates President Denise Herman McColley on this outstanding accomplishment.

Save the Dates!

Fifth Custody Evaluation Symposium and Congress on Parent Education and Access Programs Scheduled for 2002

AFCC is pleased to announce that the *Fifth International Symposium on Child Custody Evaluations* and the *Fifth International Congress on Parent Education and Access Programs* will be held in November 2002 at the Westward Look Resort in Tucson, Arizona.

The *Fifth International Symposium on Child Custody Evaluations* will be held November 7-9, 2002. The Westward Look was the site of the first Symposium on Child Custody Evaluations in 1994 and AFCC looks forward to returning to the site that helped launch this very popular and successful program.

The *Fifth International Congress on*

Parent Education and Access Programs will be held November 10-12, 2002. AFCC has expanded the conference program and title to include a focus on the many different types of access programs that have emerged since the Congress was first held in Chicago in 1994.

The Westward Look is a beautiful southwestern style resort with spectacular mountain views, wonderful amenities and convenient to the Tucson airport. AFCC has secured a room rate of \$114 per night for conference registrants. Watch the *AFCC Newsletter* and the Conference Page of the AFCC web site at www.afcc-net.org for more information.

Parenting Coordination

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(4) domestic relations law; (5) parenting education and techniques; and (6) domestic violence training. In Oregon, a PC with culturally unique clients has "....an affirmative duty to educate himself or herself about the norms and values of that culture prior to conducting any substantive work on the case."

Immunity

In Arizona and Oregon, the court order appointing the PC explicitly provides that s/he acts as a quasi-judicial officer and has limited immunity. This does not necessarily prevent the filing of individual complaints with professional licensing boards. In Vermont, PCs are required to have \$250,000 of professional liability insurance coverage.

PC Recommendations/Decisions and Judicial Review

If the parties resolve their issues, the PC or an attorney may draft a stipulation agreement. If the parties have empowered the PC to arbitrate unresolved disputed issues, the PC can render a final decision which cannot be overturned by the court except for abuse of discretion, acting beyond the scope of authority, wrongdoing or fraud. A more frequent application of the PC model is that, where the parties cannot agree, the PC submits a written report to the court. This becomes a court order unless a parent files objections within a specific number of days (usually 10-20), after which a contested hearing is held where the PC may be called informally or by subpoena to testify.

AFCC Member News

Elise Edelson Katch, AFCC member from Denver, Colorado has published her first book, *The Get: A Spiritual Memoir of Divorce*. The book is a personal account of a Jewish divorce. Many non-Jewish readers will find it valuable because of the universal appeal of loss, healing and transformation.

Larry Fong, AFCC member from Calgary, Alberta was presented with the John Haynes Distinguished Mediator Award at the first conference of the Association for Conflict Resolution, October 2001, in Toronto. The award is presented for outstanding contributions to the field of mediation. It was previously known as the Distinguished Mediator Award but was renamed The John Haynes Distinguished Mediator Award upon the death of John Haynes in honor of his contributions to the field. Past recipients include John Haynes, O.J. Coogler, CDR Associates, Harvard Program on Negotiation, Albie Davis, Joan Kelly, Hugh McIssac and Raymond Shonholtz.

Geri Fuhrmann, AFCC member from Worcester, Massachusetts was presented with the University of Massachusetts Carballo Governor's Award for Excellence in Public Service for her work as director of the Child and Family Forensic Center at the University of Massachusetts Medical School. Dr. Fuhrmann was one of ten recipients selected by the governor from more than 300 nominees.

Rene Rimelspach of Columbus, Ohio was the 2001 winner in the law student category of the James Boskey ADR Writing Competition, jointly sponsored by Association for Conflict Resolution and the American Bar Association Section of Dispute Resolution. Ms. Rimelspach won for her essay "Mediating Family Disputes in a World with Domestic Violence: How to Devise a Safe and Effective Court-Connected Mediation Program." Rene is the daughter of AFCC member Ron Rimelspach of Toledo, Ohio.

Andrew Schepard, AFCC member from Hempstead, New York, received the 2001 Friend of the Chair Award of the Family Law Section of the American Bar Association at its recent annual meeting. The award recognizes Professor Schepard for meritorious service exceeding the expectations of Family Law Section leadership. Professor Schepard served as reporter for the *Model Standards of Practice for Family and Divorce Mediation* and is editor of AFCC's quarterly journal, *Family Court Review*.

Jeffrey Zimmerman and **Elizabeth Thayer**, AFCC members from Avon Connecticut, recently published *The Co-Parenting Survival Guide*, a guide for parents to develop skills to sustain effective co-parenting partnerships.

AFCC Chapter Update

Florida Chapter Inaugural Conference a Success

by Linda Fieldstone, Secretary, AFCC Florida Chapter

AFCC's Florida Chapter is off to a great start as 150 participants attended the inaugural conference, *Enhancing Collaboration to Better Serve Children and Families*. The conference took place November 9-10, 2001 in Tampa, FL.

The program included an outstanding array of plenary sessions beginning with a keynote address by Florida Supreme Court Justice Barbara Pariente and featuring sessions facilitated by Sharon Press, J.D., Director of Florida's Dispute Resolution Center and Ann L. Milne, ACSW, AFCC Executive Director.

In addition to plenary sessions, participants were offered a selection of eight workshops and four pre-conference institutes on topics including mediation ethics, therapeutic jurisprudence, collaborative and cooperative lawyering and the Uniform Mediation Act.

Presenters included national experts Gregg Herman, J.D., Milwaukee, WI; Susan Boyan, M.Ed., Atlanta, GA; Elizabeth Hickey, M.S.W., Salt Lake City, UT; and Philip Stahl, Ph.D., Danville, CA along with leading practitioners from Florida. Each session featured presenters from at least two professional disciplines in order to provide a broad perspective and model the collaborative practices promoted by the conference and AFCC.

The conference concluded with Board Member Joe Hood presenting a complete set of FLAFCC's monthly newsletters to Ann Milne in appreciation of AFCC's support in planning the conference. Special mention also goes to the following Florida AFCC Board members for their role in planning the conference: Gregory Firestone, President; Shelly Finman, President Elect; Hon. Hugh Starnes, Vice President; Linda Fieldstone, Secretary; JoAnne Holt, Treasurer; Joseph Hood, Esq., Hon. Judith Kreeger and Deborah Day, Ph.D.

AFCC Arizona Chapter Debuts Web Site

AFCC's Arizona Chapter is proud to announce the official posting of its new web site. The site is located at www.azafcc.org and may be accessed directly or from the link on the Chapter Page of AFCC's web site. Check out all of the AFCC chapter web sites at the following addresses:

Arizona:	www.azafcc.org
Florida:	www.flafcc.org
New Jersey:	www.psychologyinfo.com/nj-afcc
Texas:	www.texasafccnet.org

AFCC New Jersey Chapter Meeting

AFCC's New Jersey Chapter held its Annual Meeting on December 9, 2001 in South Orange, NJ. The meeting featured a presentation on collaborative practices in family law by New Jersey Chapter member Curtis J. Romanowski, J.D., with panelists Andrew Schepard, J.D., Hon. Michael Diamond, Sharon Montgomery, Psy.D., Cary Cheifetz, J.D. and Phil Sobel, J.D.

If you are interested in becoming a member of AFCC's New Jersey Chapter, contact Dr. Sharon Montgomery at (973) 285-0579 or Dr. Ron Silikovitz at (973) 736-2424.

New Orleans Group Hosts Local Meeting

AFCC Membership Committee Co-Chair Leslye Hunter and AFCC members Pamela Gibbs, Barbara Madere and Lisa Matthews co-hosted over thirty prospective members at a reception and continuing education program in New Orleans, October 19, 2001. The program, entitled "50/50: Fair to Whom?" was presented by the co-hosts and Hon. Alan Green.

The event was well attended by local judges, attorneys and mental health professionals. It provided a networking opportunity for professionals who work with high conflict families and showcased the camaraderie and intellectual stimulation for which AFCC is known. Enough interest and excitement was generated that the group has decided to host quarterly AFCC programs.

New York Conference Rescheduled

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Acknowledgments

AFCC wishes to thank all of the conference registrants for their patience and understanding as the AFCC Executive Committee, Board of Directors and administrative office addressed the many challenges in our path as a result of the conference cancellation.

AFCC appreciates the efforts of the many conference presenters and volunteers who worked so hard in preparation for the event.

Special thanks also go out to the following people and organizations:

- Local co-chairs Andrew Schepard and Elayne Greenberg, who worked so hard to get the September conference off the ground and to make the March conference a reality.
- Hon. Jacqueline W. Silbermann and Joyce Funda of the New

York Office of Court Administration for their ongoing support of the conference and the Judicial Leadership Institute.

- Marshall Tracht, of Hofstra University Law School and Lance Elder and Robyn Schneider of Education & Assistance Corporation (EAC, Inc.). Both Hofstra and EAC agreed to serve again as co-sponsors and their contributions will enhance the quality of the conference.

AFCC Contributes to Victim Assistance

The AFCC Board of Directors has approved the contribution of \$2,000 from the AFCC Resource Development Fund to the National Organization for Victim Assistance (NOVA), an organization dedicated to promoting services for victims of crime and crisis. For additional information about NOVA see its web site at www.try-nova.org.

Ten Things To See and Do on the Big Island of Hawaii

The AFCC annual conference will be held June 5-8, 2002 at the Hilton Waikoloa Village located on the west side of the Big Island, north of Kona, in the luxurious Kohala Coast Region. The West side of the Island is commonly referred to as the "dry side" when compared to the more than 100 inches of rain that falls in the rainforest surrounding Hilo, located on the east side of the Island. There is a lot to see and do on the Big Island so reserve a car and a couple of extra days before or after the conference.

We've put together this list of suggestions to give you some idea of the variety and types of activities that you can do off the hotel property. In a future issue of the *AFCC Newsletter*, we'll tantalize you with a description of the Resort property and the many things to see and do on-site.

1 The Volcano

The Big Island is best known for the Kilauea Volcano. Put aside your notion of a mountain with rushing rivers of hot molten lava consuming everything in its path. Kilauea is viewer-friendly. Depending on the ever changing volcanic activity, you may be able to walk within a few yards of a lava flow. The Park Rangers are there to make sure you get the best views and stay out of harms way. You will have to decide whether you want to spend a day exploring the caldera, vents, lava tubes and watching in awe as the lava flows into the sea or catch the highlights on your way to or from Hilo as you take in some of the other sights along the way. Hawaii Volcanoes National Park is worth the time if you have it. Consider staying overnight at the Volcano House (reserve a room with a view) and take in a night time view of the volcano as Madam Pele, the fire goddess, puts on her spectacular show. Either way be sure and dress for the heat and bring a jacket for the cool weather you will encounter at the summit at 4,000 ft.

2 Mauna Kea

Another one of Mother Nature's attractions is Mauna Kea, the tallest mountain in the world at 32,000 feet from its underwater base to its peak. At nearly 14,000 feet above sea level, Mauna Kea or White Mountain, is the home of the Keck Telescope. Here you will



be able to view the sights 12 billion light years away. The view from atop Mauna Kea is breathless- literally and figuratively. You will be able to look down on the clouds and see Mauna Loa, home of the Volcano, off in the distance. Time your visit so that you can take in the sights in the daylight and stay for the most spectacular sunset you will ever see. An escorted tour is the easiest way to take in this site and saves the nerves of the driver and passengers.

3 Kailua-Kona

Alternately referred to as Kailua-Kona, Kona, Kailua or Kailua Town, this is the town hub on the west side of the island. Alii Drive runs through the center of town past an array of shops, restaurants and historic sights. Walking through downtown you will see the calm city beach, King Kamehameha the Great's Personal heiau (temple), Hulihe'e Palace, the vacation home of Hawaiian Royalty, Mokuaukua Church, the first Christian church built in the islands in 1820, and modern day attractions such as the Hard Rock Café. Shopping downtown is much more affordable than at the hotel resort shops and there are plenty of restaurants and sunset views.

4 The Place of Refuge or Pu'uhonua o Honaunau

The Place of Refuge is a few miles south of Kona. Along the way you can stop at Kealahou Bay and Napo'opo'o Beach and look across the Bay at the Captain Cook Monument. You can hike down to the monument from the road to Napo-opo'o but it is two miles each way and a 1,300 foot descent to the water. A much better way to see the monument is on one of the boat trips described below. Before you get to the Place of Refuge be sure and also stop at the Painted Church. This quaint church built between 1899 and 1904 is Hawaii's version of the Sistene Chapel. The walls and ceiling are covered by primitive but dramatic frescos of the story of Christ.

A few more miles down the road and you will come to the Place of Refuge, designated a national park in 1961. The grounds contain some of the most fascinating history of Hawaii. In ancient times, commoner's lives were governed by the kapu system. Breaking a kapu usually meant death. The Place of Refuge was a safe place where one could come to escape punishment and where defeated warriors could find asylum. The reconstructed Hawaiian houses, temples, petroglyphs and 1,000 foot rock wall built in the 1500's provide a glimpse into Old Hawaiian native life.

5 Kealahou Bay and the Captain Cook Monument

Those of you old enough to remember Arthur Godfrey will recognize the refrain "I wanna go back to my little grass shack in Kealahou Bay, Hawaii." Kealahou Bay is the site of Captain Cook's discovery of the Hawaiian Islands as well as his demise when he returned. This spot was actually deeded to the United Kingdom and is now marked by a white obelisk. Kealahou Bay is also a popular spot to see and swim with the spinner dolphins that reside there. The Bay is an underwater state park and has some of the best snorkeling in the state. You can rent kayaks from The Kona Boys (808 322-3600) or better yet hire one of the Kona Boys to lead a guided tour (includes lunch and kayaking lessons).

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Ten Things To See and Do

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If you prefer a bigger boat, the Fair Wind II is a 63 foot catamaran that provides a 4-1/2 hour trip to Kealahou Bay and includes all of your snorkeling gear, SNUBA, breakfast and lunch (808-322-2788). It's a leisurely trip and a great way to see the Bay and the beautiful fish and coral.

6 Coffee

Kona Coffee is deemed by many coffee aficionados as the best coffee in the world. Make sure you look for 100% Kona coffee as opposed to a blend. There are several coffee farms that are open to the public on your trip south and can be a fun side trip. Look for Greenwell's on Highway 11, the main highway south, or ask for directions to Bayview Coffee Farm. The Old Coffee Mill, a coffee co-op and museum, is also a worthwhile stop and is located on the road to Kealahou Bay. The process of making coffee is interesting and rather involved and explains in part the high cost of a bag of Kona Coffee.

7 Hilo

Hilo is a charming mix of old and new Hawaii. Hilo receives over 100 inches of rain a year. Much of it falls at night but be prepared for several short bursts of rain or drizzle during the day. All the rain, however, accounts for the lush vegetation. There are several beautiful botanical gardens, orchid and protea farms and many waterfalls on this side of the Island. Sites to see along the way are Rainbow Falls, Pe'epe'e Falls, Boiling Pots, Nani Mau Gardens and the Hawaiian Tropical Botanical Garden.

8 Waipio Valley

The Waipio Valley is a lush wonderland where taro farming is still the main occupation. Thousands of inhabitants and their homes were destroyed by the tsunami of 1946. Now the Waipio Valley is home to those who choose a more reclusive lifestyle and affords some of the most beautiful scenery on the island with steep cliffs, majestic ocean views, fields of taro and miles of black sand beach. The overlook is an unforgettable view and will be as far as you should go unless you have a four-wheel drive or take one of the shuttle trips or the ride down and back in one of the open air horse-drawn wagons.

9 Golf

While not exactly site seeing, the Big Island's golf courses are beautiful. There are at least 12 championship courses within a short drive of the Hilton Waikoloa Village and two 18 hole courses right on property. It's not unusual to look up from a shot and see whales cavorting out on the ocean. If you intend to golf, expect to pay between \$100-\$200 for 18 holes. The Mauna Kea course is just down the road. Built in the early 1960's, this Rockefeller resort course was designed by Robert Trent Jones. It's lush rolling hills, ocean view and the signature third hole where you drive across the ocean to hit the green is awesome. Even if you aren't a golfer, it's worth riding along in the cart.



10 Shopping

Who said shopping wasn't one of the seven wonders of the world? The Hilton Waikoloa Village has some of the best shops on the island and the most expensive. The hotel shuttle will take you to the King's Shopping Center just down the road from the hotel where there is a wide array of stores selling clothing, jewelry, art and novelties. But the best and least expensive shopping is probably in the little towns on the way to the Volcano and the Waipio Valley and in downtown Kona. Don't miss the Kona Farmer's Market, open Wednesdays and Fridays through Sundays. It's located right across from the Wayland Gallery. The vendors sell beautiful flowers and exotic fruits and will ship them back to the mainland for you. A huge bouquet of antheriums, orchids, protea and ginger can be purchased for under \$25.

Looking to dust off your passport?

Stay tuned for more information on the post-conference trip to New Zealand and Australia. We're putting together a package tour to the North and South islands of New Zealand and to Cairns, Australia, the home of the Great Barrier Reef where we will join colleagues from down under for more networking and sightseeing.

Reducing Stress and Burn-Out: Guidelines for the Divorce Professional

by Jeffrey Zimmerman, Ph.D. and Elizabeth S. Thayer, Ph.D.,
Avon, Connecticut

As divorce professionals we are bombarded daily with the impact of troubled relationships. We help families transition through sadness, anger and the frustration of lost dreams, betrayal and unmet expectations. We see the pain that parents cause each other and their children as they try to untangle their marriages and restructure some type of family life in the midst of one of the most stressful life change events.

Working with high-conflict separated and divorcing families adds an additional layer of stress. We are often put in the bind of working with people who are addicted to conflict, focusing exhaustively on the trivial and telling us that we are not doing a good job because they do not get what they want or what they think is fair. All of this occurs under the guise of taking care of the children. Yet, too often lawyers, judges, family relations counselors, custody evaluators, mediators and other professionals see the battle rage on and the children suffer.

At the same time we go back and forth from our professional lives to our personal lives and face our own family, issues and crises. We strive to be fair, objective and effective as we balance our own struggles with the needs and "facts" of the case before us. Unfortunately, we cannot easily divorce ourselves from our work nor can we separate the impact of our work on ourselves. There are constant uncertainties, vague definitions of "success" and countless important and subtle decisions that need to be made to do some good. What we have is a recipe for stress and its resulting symptoms. If you feel angry at the clients you are trying to help or overwhelmed, ineffective and upset by the incredible sadness and devastation that so many of the families you come in contact with experience then you may be experiencing the deleterious effects of this kind of divorce work on yourself, your family, social contacts and professional relationships.

Below are some helpful hints for trying to deal with the constant stress or burn-out that we face:

Set Reasonable Standards for Success

Separated and divorcing parents often have very unreasonable standards for success. They believe they are "right" and will be vindicated if they only have a chance to tell their story. We sometimes believe that if we present a rational framework to the parents they will understand. Yet they are dealing with one of the least rational and most subjective situations anyone faces as an adult being a parent. It is very important to recognize that while some parents are ready to achieve great success, others are not. We need to set reasonable expectations. For some it may be establishing and following a parenting plan. For others it may be decreasing the amount of litigation. Some may be able to achieve a reasonable degree of conflict containment. Others may be able to collaboratively co-parent. We need to recognize their differences and judge our own successes by reasonable standards for each family.

Keep Your Ego Out of It

As professionals who are paid to help solve problems we often define our own self-worth by others' appreciation of what we do and

their definitions of success. Unfortunately, in this field we often face others' disappointment with the outcomes from our work. However, the reality is that the anger we hear from others, while directed at us, is not really directed at who we are as a person or professional. Anyone taking our position would likely get the same response from the parent. Remember, you just happen to be the professional dealing with this family. Their anger is not really about *you*. It is more likely that their anger is about (1) their perception of how your actions or recommendations do not fit with their own views of what is best or (2) their addiction to conflict and their unwillingness to let go of a particular position.

Get Peer Support

Peer support from other professionals can be a major aide in reducing stress and burn-out. Your peers and colleagues likely experience the same types of feelings and situations. They can also be more objective if you discuss ideas about how you might approach a hypothetical situation. Your peers can also help you debrief in ways that might prevent the stress from being directed at friends, family or clients.

Keep Learning

Keep up your professional learning. You will get new ideas and fresh viewpoints. Read and attend presentations from divorce professionals who are not from your own specialty. Get a different viewpoint. Take a divorce professional to lunch.

Get Professional Help if Needed

Too often we allow our own feelings of depression and stress to build to a critical point. Do you feel that you are often too depressed, anxious, irritable, or lethargic? Are you drinking more alcohol, using drugs, sleeping or eating too much or too little? Are you making too many mistakes? Do your friends and family keep saying, "Are you sure you are OK?" If so, it may be time to seek some confidential counseling to help you sort through the stress and focus on taking better care of yourself.

De-stress and Enjoy Life

Most of your work day may be spent addressing the needs of others. This can be terribly depleting. Make sure you structure some time to take care of yourself. Enjoy being with your loved ones. Know when to put the work down and take some time just for you. Engage in the same kinds of things we recommend to others such as exercise, stress management techniques, yoga and other spiritually enriching activities.

The work we do is truly hard work. Someone once told us, "Each case takes a little bit of your soul." Yet, the work we do is also crucially important to the families we touch and the children who some of us may never meet. Take care of yourself and you will better take care of those you seek to help.

Drs. Zimmerman and Thayer will be presenting the workshop "Working with Parents in High Conflict Families: The Impact on the Professional," at AFCC's Northeast Regional Conference, March 18, 2002 in New York.

AFCC Co-sponsors Dispute Resolution Section Conference

A FCC will team up with the American Bar Association Section of Dispute Resolution to co-sponsor a one-day conference, *All in the Family: A Symposium on the Use of ADR to Resolve Family, Family-Business and Intergenerational Disputes*.

The conference program will examine mediation in a variety of family disputes and features presentations by AFCC members Andrew Schepard, Elayne Greenberg and Christine Coates.

The keynote address will be presented by Professor Robert H. Mnookin of Harvard Law School. Professor Mnookin is the Samuel Williston Professor of Law at Harvard Law School, the Chair of the Steering Committee of the Program on Negotiation at Harvard Law School and the Director of the Harvard Negotiation Research Project. A leading scholar in the field of conflict resolution and family law, Professor Mnookin has applied his interdisciplinary approach to negotiation and conflict resolution to a wide range of family-related issues.

The conference will feature the the following workshops:

"How to Use ADR in Trust & Estate Matters"
John Gromala, Ray Madoff and David Gage

"Collaborative Law"
Pauline Tessler

"Mediating With High Conflict Families"
Christie Coates, Nancy Welsh and Ed Monte

"When Death or Divorce Strike: Options for Valuing, Dividing, Selling or Maintaining Family Businesses"
Hon. Abraham Gafni, Ron Drucker and Jane Scacetti

"Mediating Under the New Model Standards and the Uniform Mediation Act"
Richard Reuben, Andrew Schepard and Elayne Greenberg;

"Mediation and Mental Illness"
Eric Drogin, David Hoffman, Judith Cohen and Beryl Minkle

AFCC and the ABA are working in cooperation with the American Institute for Certified Public Accountants, the American Psychological Association, the Family Firm Institute, the Pennsylvania Bar Association Alternative Dispute Resolution Committee, and the Philadelphia Bar Association Alternative Dispute Resolution Committee. ABA cosponsors include the Section of Family Law and Practice, the Tax Law Section and the Business Law Section. For additional information concerning the conference, contact Janice Hodge-Bannerman at the ABA Section of Dispute Resolution at (202) 662-1687.

AFCC Award Nominations

A FCC is seeking nominees for the following awards to be presented at AFCC's 39th Annual Conference on the Big Island of Hawaii, June 5-8, 2002.

Distinguished Service Award: Presented in recognition of outstanding contribution to the field of family and divorce.

Stanley Cohen Research Award: Recognizing innovative and outstanding research in the area of family courts and family law.

Irwin Cantor Innovative Program Award: Presented to an innovative program serving the family court community.

If you would like to nominate someone for one of the above awards, send a fax or email of no more than two hundred words to the AFCC Administrative Office. Please specify the award for which you are submitting a nomination. Include your name, address and telephone number along with the same information for the nominee. Please include a brief statement as to why you believe the nominee to be a good candidate for the award.

The deadline for nomination is April 1, 2002. Please forward your nomination to:

AFCC Awards Nomination
6515 Grand Teton Plaza, Suite 210
Madison, WI 53719
Email: afcc@afccnet.org

AFCC Board of Directors Nominations

The AFCC Nominating Committee is seeking the names of individuals to serve on the AFCC Board of Directors. Recommended individuals must be AFCC members and have an interest and knowledge of AFCC and its work.

Nominations must be received by February 1, 2002 in order to be considered by the committee prior to election at the AFCC Annual Conference, June 5-8, 2002 on the Big Island of Hawaii.

If you or another member you know is interested in serving on the AFCC Board of Directors, please forward name, contact information and resume to:

Hon. Arline Rotman (ret.)
Chair, AFCC Nominating Committee
c/o AFCC
6515 Grand Teton Plaza, Suite 210
Madison, WI 53719-1048
Fax: (608) 664-3750
Email: afcc@afccnet.org



Web Site Update Coming!

AFCC is pleased to announce that the Member Page of the AFCC web site is being expanded to include some new features, including:

- A searchable **AFCC Membership Directory** you can use to search for colleagues by name, profession and location. This feature will also provide a direct email link for more efficient communication.
- The *AFCC Newsletter* will now be emailed to our members. A link to the *Newsletter* will be emailed to AFCC members and the *Newsletter* will be archived on the AFCC web site.

Check the web site at www.afccnet.org for more information and updates!

Do We Have Your Updated Email Address?

AFCC is moving toward more efficient electronic communications with members and we want to be certain that we are reaching you! If you have not recently received electronic communication from our office, please forward your proper email address to afcc@afccnet.org.

ABA Publishes Booklet on Unified Family Courts

The American Bar Association is pleased to announce the availability of its new booklet, *Unified Family Courts: Justice Delivered*. The booklet is a part of the ABA's Roadmap series, a tool for bar associations, courts and members of the community interested in the improvement of the justice system.

The new booklet examines courts that holistically serve children and their families by combining many of the elements of traditional juvenile and family courts into one system. It provides examples of unified family court programs around the nation

and furnishes a list of resources. Roadmap booklets are plain-language "how-to-get-there" guides designed to help the bench, bar, community organizations and local policymakers to improve and reform the justice system.

Single copy price for the booklet is \$5.00, with quantity discounts. For more information or to place an order, contact ABA Publications, P.O. Box 10892, Chicago, IL 60610-0892. You may contact them by telephone (800)285-2221 or email abasvccr@abanet.org



Surf's Up! Low Airfares to Hawaii!

AFCC's 39th Annual Conference will take place June 5-8, 2002 on the Big Island of Hawaii and while many AFCC members are daydreaming about the Hawaiian surf, others are surfing the Internet, contacting travel agents and digging out their frequent flyer miles to find the best available air fare. The *AFCC Newsletter* offers the following starting points.

Burkhalter Travel, AFCC's official travel agency, can help you save up to 10% off of the lowest available coach fares. Call (800) 556-9286 or (608) 833-6968 and ask for Pat Williams (extension 250) or Wendy Bartnick (extension 254) in the Group Department. Be sure to ask about special zone discounts.

- Travelocity.com—
<http://www.travelocity.com/>
- ETN, claims it's the mother source for finding the cheap fares online! Here are some of their databases:
<http://www.etn.nl/>
<http://www.etn.nl/discount.htm>
<http://www.etntelephone.com/farebase/>
<http://www.etntelephone.com/discountflights/>
- Bestfares.com—
<http://www.bestfares.com/>
- Lowestfare.com—
<http://www.lowestfare.com>
- Cheap Tickets, Inc.—
<http://www.cheaptickets.com/>
- Air Travel Advisory Bureau—
<http://www.atab.co.uk/>
- Expedia Travel—
<http://www.expedia.com/>

Good luck and happy surfing!

Canadian Judicial Council Supports AFCC

The Canadian Judicial Council has authorized funding for twenty Federal Judges to attend AFCC's 39th Annual Conference, June 5-8, 2002 on the Big Island of Hawaii. This is the fourth consecutive year that the Judicial Council has supported attendance of Canadian Judges at AFCC's Annual Conference. AFCC thanks the Hon. Madam Justice Heather Smith and Judicial Council Executive Director Jeanne Thomas and AFCC members Hon. George Czutrin and Hon. Emile Kruzick for their role in facilitating this support.



AFCC to Award Conference Scholarships to Members

AFCC's Awards and Scholarships Committee, in collaboration with the Resource Development Committee, has established a tuition scholarship program. Three scholarships will be awarded to AFCC members for AFCC's 39th Annual Conference, June 5-8, 2002 on the Big Island of Hawaii. Scholarships will include registration fees for the conference and for two half-day pre-conference institutes. Scholarship recipients are responsible for funding their own travel, lodging, meals and all other related expenses.

The Awards and Scholarships Committee will make the awards based on (1) the needs of the individual; (2) how the individual will use the information gained to enhance services in their community and (3) how the individual's presence at the conference will add to the diversity of the AFCC community.

Scholarship applications will be available in January on the Conference Page of the AFCC web site at www.afccnet.org. If you do not have Internet access please call AFCC at (608) 664-3750 and request that a copy be mailed or faxed.

SYMPOSIUM ON HIGH CONFLICT FAMILIES AND THE COURTS



**Association of Family and Conciliation Courts
Northeast Regional Conference**

NEW YORK CITY

Rescheduled for March 18, 2002

New Yorker Hotel • \$129 per night, single or double room

*More information is posted on the Conference Page of the
AFCC website at www.afccnet.org*

