



FOUNDED IN 1963

# AFCC NEWS

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Volume 28, Number 4

Fall 2009



## AFCC Member Price Freeze Extended

The AFCC Board of Directors has voted to extend the price freeze initiated in 2008 for members until at least January 2011. The unanimous decision was reached at the Board's November 5, 2009, meeting in Reno, Nevada, at the AFCC Regional Training Conference. The price freeze will extend to registration fees for conferences, training programs and pre-conference institutes as well as publication prices and membership dues. AFCC dues have not increased since 2001. The freeze does not apply to non-member prices, but AFCC will make every reasonable effort to keep costs down.

## Annual Conference in Denver to Build on Special Issue of Family Court Review

You won't want to miss AFCC in Denver, Colorado, June 2-5, 2010, for the 47th Annual Conference, *Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict*. The program builds on the January 2010 issue of *Family Court Review*, a special issue on alienation titled *Alienated Children in Divorce and Separation: Emerging Approaches for Families and Courts*. The conference will take place at the newly remodeled Sheraton Denver and the conference program and registration will be available by January 2010.

AFCC's Resource Development Committee is offering a record number of scholarships for the conference, some of which include



[www.afccnet.org](http://www.afccnet.org)

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**ASSOCIATION OF FAMILY  
AND CONCILIATION COURTS**

AFCC is an interdisciplinary and international association of professionals dedicated to the resolution of family conflict.

### **Mission**

To improve the lives of children and families through the resolution of family conflict.

### **Vision**

A justice system in which all professionals work collaboratively through education, support and access to services to achieve the best possible outcome for children and families.

### **Values**

- Collaboration and respect among professions and disciplines
- Learning through inquiry, discussion and debate
- Innovation in addressing the needs of families and children in conflict
- Empowering families to resolve conflict and make decisions about their future

*Views expressed in the AFCC News are those of individual contributors and do not necessarily reflect the opinions of AFCC.*

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## **AFCC News**

Vol. 28, No. 4 Fall 2009

### **Editor**

Leslye Hunter  
editor@afccnet.org

### **Newsletter Design & Contributing Editor**

Nola Risse-Connolly

### **Contributing Editor**

Erin Sommerfeld

Published by AFCC  
6525 Grand Teton Plaza  
Madison, WI 53719  
Tel: (608) 664-3750  
Fax: (608) 664-3751  
Email: afcc@afccnet.org  
Web: www.afccnet.org

AFCC News is a publication of the Association of Family and Conciliation Courts and is published four times a year. Deadlines for news items and advertising are January 1, April 1, July 1, and October 1.

### **AFCC News Advertising**

	AFCC member	Non-member
Full page	\$425	\$600
Half page	\$300	\$450
Quarter page	\$150	\$250

# President's Message

## The Unique Value of Membership

The value of membership is a topic of frequent discussion among members of the AFCC Board of Directors. Do we offer members enough benefits? Are there sufficient opportunities to engage? Are dues too high? Too low? Or just right? Notwithstanding the difficult global economy, and unlike other professional associations, AFCC has been fortunate in the last year to not only sustain its membership but to experience modest growth. This may not last, but insofar as it continues, I believe it reflects the uniqueness of AFCC and the special value of membership. Indeed, there are significant tangible member benefits and, as our materials proclaim, AFCC membership is certainly an investment in professional excellence. But in my assess-

*AFCC members go beyond merely being excellent practitioners, policy makers or researchers. They are true leaders in their communities...*

ment, the value of membership in AFCC goes well beyond "what's in it for me?"

The intangible value of membership became particularly apparent to me in August when I was privileged to be a delegate at the Fifth World Congress on Family and Children's Rights held in Halifax, Canada, a conference presented by an international organization based in Australia. More than 100 AFCC members attended the Congress and we seemed to share a special and unique bond.

We took pride in each of the numerous times a presenter

mentioned an AFCC initiative, publication or accomplishment. We congregated together as friends and as members of a like-minded family. We discussed, pondered and shared points of view on issues that were raised at the sessions. And we gathered socially and made or renewed friendships.

Membership in AFCC gives us something more than a mere affiliation. Membership in AFCC is a choice, one I made three decades ago. We are not required to join for licensure or certification. It is not a prerequisite to our profession or a guild. It is a personal choice made for a very specific reason or reasons.

As AFCC members we have a privileged sense of belonging to an association that, notwithstanding our professional differences, is like-minded. We are not necessarily like-minded in our points of view or even our approaches. We are, however, like-minded about being the best we can be to serve families and children: to attain professional excellence.

This professional excellence is apparent to me in the members of our association. AFCC members go beyond merely being excellent practitioners, policy makers or researchers. They are true leaders in their communities; they spearhead initiatives, create programs, initiate research projects and, of course, provide outstanding service to children and families. Beyond this, they work with colleagues across borders and across disciplines to help create a better field of practice for us all.

Finally, AFCC members approach their work and their association with an almost missionary zeal. AFCC had an exhibit table at the World Congress in Halifax last summer. While most organizations have paid staff working behind their exhibit tables, for AFCC it was our president-elect, Bob Smith, and Board member Hon. Linda Fidnick. They volunteered their free time, extolling the virtues of membership and conveying the uniqueness and the indefinable benefits of AFCC.

Over the last decade AFCC has taken on a greater leadership role in our field. We have asked the tough questions and encouraged the tough debates; convened collaborating organizations for ground-breaking initiatives; produced conferences that present the latest thinking in the field; and created Task Forces that have developed standards and guidelines that raise the bar (pun intended) in the field of family law that strive for "professional excellence."

In order to continue to grow and to work at the highest level, we need every member of AFCC and then some. We need all AFCC members to reach out to colleagues and help them understand that, while there are plenty of tangible, practical benefits of membership, the greatest payoff is the intangible benefit of improving our field for families and children. That is what my membership has provided for me and I sincerely hope you feel the same.



**Hon. Emile Kruzick**  
AFCC President  
Brampton, ON, Canada



# Message from the Executive Director

## Asking the Difficult Questions



**Peter Salem**  
AFCC Executive Director  
Madison, Wisconsin

In May 1998, AFCC opened its annual conference with a plenary session entitled "Marriage, Separation and Divorce: Back to the Future?" The speakers were Dr. Isolina Ricci, well-known to AFCC members as author of *Mom's House, Dad's House*; Dr. David Popenoe of the National Marriage Project, Dr. Barbara Dafoe Whitehead, author of the *Atlantic Monthly* article "Dan Quayle was Right"; and the moderator was Fred Barnes, Executive Editor of the *Weekly Standard* and now a

political commentator for Fox News. An overflow audience witnessed a spirited discussion about a return to traditional values, covenant marriages and whether public policy should focus on marriage preservation over separation and divorce. The audience, while polite, clearly sided with Dr. Ricci over her more conservative counterparts. By all accounts the program was a success, or so I thought.

But several session evaluations criticized AFCC for presenting the conservative voice. Certainly many appreciated the discussion, but others were unhappy—some downright angry—that we created a forum for views not closely aligned with what seemed to be prevailing member sentiment. I was surprised. The session was interesting (to me at least), respectful and, as it turned out, somewhat prescient, because a short time later the U. S. had new political leadership that backed most of the initiatives our guests supported.

Over the years, AFCC has continued to ask the difficult questions, even when the answers were not necessarily popular. The Model Standards of Practice for Child Custody Evaluation were heavily criticized during the drafting process. Timothy Tippins and Jeffrey Wittmann set off a firestorm of a debate when they wrote in *Family Court Review* that custody evaluators should not make custody and access recommendations. AFCC's work with the Family Violence Department of the National Council of Juvenile and Family Court Judges has drawn criticism from more than one perspective. Plenary sessions at our New Orleans conferences that challenged divorce, the benefits of shared parenting and the role of children in the process raised the ire of some audience members. I have even managed to stir the pot a bit myself with a recent *FCR* article questioning whether we should continue mandatory mediation.

There are many difficult questions on the AFCC horizon. Members of the AFCC Child Custody Consultation

Task Force are wracking their brains as they tackle the process of developing guidelines. You will have an opportunity to hear about and contribute to this work at the AFCC Annual Conference in Denver next June.

Also in Denver, AFCC will build on a special issue of *FCR* to be published in January 2010, and once again take on the challenging topic of alienation. It has been nearly a decade since AFCC members first presented a reformulation of parental alienation syndrome at the 2000 Annual Conference, publishing their work the following summer in a special issue of *FCR*. So in spite of the oft misattributed definition of insanity—doing the same thing over and over and expecting a different result—here we go again!

I guess it would be easier if we simply declared victory and announced that we have found the solution to our problems. Parent education, mediation, collaborative law, parenting coordination, unified family courts and many other ideas have been trumpeted as saviors at one time or another. Every new idea makes an important contribution, but we know in our hearts that there is no single answer to the vexing challenges that our members must address, sometimes on a daily basis. And we know that if we are to fulfill the AFCC mission, we must continue asking the difficult questions. And when the questions are so difficult, disagreement is inevitable.

So as we disagree in the future, let us keep in mind not only the end goal of helping children and families, but the AFCC organizational values that will help us get there:

- Collaboration and respect among professions and disciplines
- Learning through inquiry, discussion and debate
- Innovation in addressing the needs of families and children in conflict
- Empowering families to resolve conflict and make decisions about their future

My father once told me that nobody gets upset with people or organizations that are not making a difference; so I think it is okay if everyone does not agree with what AFCC says or what it stands for. But I hope we can all agree that our discussions should be transparent, and at some level open to all who wish to participate or respond; that they are respectful, and never personal; and that they are aimed at improving our work, our field and the lives of the children and families we serve. I look forward to disagreeing with you soon.

## MEMBER PROFILE

# Louise Lee McEvoy, J.D.

Louise Lee McEvoy is an Amicus Attorney, an Attorney *Ad Litem* and President of the Texas Chapter of AFCC.

### What does your current position entail?

My position mainly entails representing the best interests of children who are in a CPS case or a private custody matter. It is my goal to find out not only about the child, but also the environment and people who have influenced the child's life. Then I am better equipped to represent to the Court *all* of the issues that make up the best interests for that particular child.

### How did you become interested in the field of separation and divorce?

I earned my B.S. in Child Development and Family Relationships at the University of Texas in Austin. With this degree, I worked in the education field as a preschool teacher, the Early Childhood Educator at The Children's Museum of Houston, and as an Early Intervention Specialist with ECI (Early Childhood Intervention). Yet, I wanted to do more. I wanted to do more to help children who needed a strong voice, so I went to law school to advocate for children.

### What advice would you give to someone entering the field now?

First, know your boundaries and take care of yourself first. You are no help to those who need you if you are not as healthy as you can be. As we all know, working with high conflict families can affect us emotionally, mentally, and physically.

Second, along the same lines, remember that this is your job and not your life. Yes, you may be influencing the lives of the children and families that you work with, but the circumstances that were created by the families are simply that – created by them, not you.

Third, focus on the great, positive, and constructive work that you do or have done. Eight out of ten of my cases suck the emotional energy out of my day, but every now and then, there are one or two cases where my work has made a positive impact in a child/family's life. Those are the days when I get to tell my husband, "It was a good day to be a lawyer."

### What are the greatest challenges (or biggest changes) you see in the field now?

Fatigue, burnout and turnover.

### What would you like to see happen in the field 10 years from now?

I would like to see the need for my job to be extinct. I know it will not happen in ten years, but I think it would be nice if high conflict is a term of the past and that healthy communication techniques are more of the norm in our society.

### What aspect of your work do you enjoy the most?

Helping a family reunify (at the end of a CPS case) and/or helping parents learn how to be better parents.

### How did you first learn about AFCC? When was that?

I first learned about AFCC when I was in law school. My professor was Judge Leta Parks, a former AFCC Texas Chapter President. She is such a huge advocate of AFCC. She encouraged me to join when she learned about my background and my ambitions. That was about nine years ago.

### What do you like most about AFCC?

Learning. I enjoy learning how other professionals are helping these high conflict families in their respective hometowns. I enjoy learning about the influences that impact their jurisdictions. I enjoy learning about our similarities and, more importantly, our differences in how we work with high conflict families.

### What is your proudest personal achievement?

I feel that my proudest personal achievement has been finding out what God intended marriage to be like. Marrying my husband Robert is the best thing that has ever happened to me.

### What do you enjoy doing in your free time?

Right now, it is getting our life ready for our new baby girl in February. It is a very exciting time for us. During my pre/post-pregnancy days, I enjoy spending time with family and friends – whether it is watching a game on TV, traveling, eating, or just relaxing with them. I also enjoy watching movies.

### Answer a question that you wish I had asked.

Where do you think the next AFCC conference should be held? Honolulu, Hawaii.



**Louise Lee McEvoy**  
Houston, Texas

# The Wingspread Conference on Domestic Violence and the Uniform Collaborative Law Act: A Thank You

**By Andrew Schepard, J.D.**  
Hempstead, New York

The Uniform Collaborative Law Act (UCLA) owes a debt of gratitude to the Wingspread Conference on Domestic Violence organized by AFCC and the Family Violence Department of the National Council of Juvenile and Family Court Judges (FVD/NCJFCJ) and the Special Issue of *Family Court Review* that resulted from it.

I was privileged to participate in the Wingspread Conference, which took place in February 2007 at the Johnson Foundation Conference Center outside of Racine, Wisconsin, commonly called Wingspread and designed by the legendary architect Frank Lloyd Wright. The conference was significant because it was organized by two organizations that address the problem of domestic violence and the family court from different perspectives and with different constituencies. The FVD/NCJFCJ has a long history of partnering with leaders in the domestic violence advocacy community and serving as a catalyst for important advances in this area. AFCC is a leader in the movement to develop alternatives to litigation for parents and children in family court.

Wingspread Conference participants included experienced representatives from the family court judiciary and other court professionals, domestic violence advocates, representatives from a variety of professions that operate in the family court system, and academics from law and social science. They engaged in thoughtful, facilitated dialogue about domestic violence and the family court in small groups for several days. A conference report drafted by co-reporters Professors Nancy Ver Steegh of William Mitchell Law School and Clare Dalton of Northeastern Law School was published in the July 2008 *Family Court Review* along with detailed articles by participants in the Wingspread Conference.

The dialogue incubated at Wingspread permeated the deliberations of the UCLA Drafting Committee. This is no small matter, as the Uniform Law Commission (ULC) is one of the most important law reform organizations in the United States. The ULC has worked for uniformity of state laws since 1892. It consists of over 300 lawyer commissioners from every state. It has drafted more than 200 uniform laws on numerous subjects and in various fields of law where uniformity is desirable and practicable. The signature product of the ULC, the Uniform Commercial Code, has simplified the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. The ULC has taken the same approach to alternative dispute resolution and family law developing, for example, the Uniform Mediation Act,

the Uniform Arbitration Act and the Uniform Child Custody Jurisdiction and Enforcement Act.

For those readers not familiar with collaborative law, for present purposes it is enough to note that it is an alternative dispute resolution process where parties and collaborative lawyers agree in advance, in a collaborative law participation agreement, that a collaborative lawyer represents a party only for the purpose of negotiations and is disqualified from representing that party in court if negotiations break down. The Wingspread Conference provided a rich education about the dilemmas that alternative dispute resolution presents to victims of domestic violence. From the outset of its work, the Drafting Committee recognized the importance of addressing domestic violence concerns in the development of the UCLA. It invited Rebecca Henry, now the Acting Director of the ABA's Commission on Domestic Violence, to participate in its sessions to insure that the perspectives of the domestic violence advocacy community were taken into account. The empirical data and research perspectives presented at the Wingspread Conference and in the *FCR* Special Issue were discussed by the Drafting Committee and observers; they are cited extensively in the UCLA's Preface and Commentary. Collaborative law leaders and domestic violence advocates discussed the nature and scope of training for collaborative lawyers around issues of domestic violence during the drafting process.

The result is that the UCLA seriously addresses the subject of domestic violence. The most important provision is Section 15, which provides:

## COERCIVE OR VIOLENT RELATIONSHIP.

- (a) Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer must make reasonable inquiry whether the prospective party has a history of a coercive or violent relationship with another prospective party.
- (b) Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.
- (c) If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer may not begin or continue a collaborative law process unless:

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# The Future of Family Law Education Conference

**By Nancy Ver Steegh J.D., M.S.W.**  
St. Paul, Minnesota

Have you ever wished that the family lawyers you encounter were more skilled and compassionate? If you are an attorney, did you emerge from law school fully prepared to meet the challenges of family practice? These are some of the questions that inspired fifty law professors and family law professionals to attend the Future of Family Law Education Conference held at William Mitchell College of Law in St. Paul, Minnesota, on June 25, 2009.

The seeds for the conference were sown several years earlier. In October of 2006, the *Family Court Review* published the final report of the Family Law Education Reform project (FLER) authored by Mary E. O'Connell and J. Herbie DiFonzo. The Report brought to fruition a series of dialogues between professors and interdisciplinary family law professionals. Documenting dramatic changes in the practice of family law, the FLER Report raised awareness concerning the gap between the traditional content of family law courses and the day-to-day practice of family law.

Today's family lawyers need a thorough understanding of many issues and practices that traditional family law courses rarely touch upon. These include the appropriate—and inappropriate—uses of dispute resolutions processes, new case management techniques in the family courts, the key roles played by professional from other disciplines in the court system, and current research on such issues as the effects of conflict and loss of parental contact on children. Mary E. O'Connell & J. Herbie DiFonzo, *The Family Law Education Reform Project Final Report*, 44 Fam. Ct. Rev. 525, 528 (2006).

The Report called for law student training in the "Four C's": content, context, conduct, and competence. Law schools traditionally focus on family law content, the statutes and cases that undergird the family law system. While content remains important, lawyers must be able to apply knowledge within a larger context, which the FLER Report defines as including: "(1) courts and family dispute resolution processes; (2) issues of class, race, gender, age, and power; (3) financial issues; and (4) issues of policy and law reform." Lawyers should be able to conduct themselves ethically and civilly and demonstrate strong competency in the areas of communication, education, and management. The Report urged family law professors to adopt new teaching methods, teach from an interdiscipli-

nary perspective, and focus more on ADR and less on litigation.

The FLER Report provided encouragement and support for family law professors who had already begun to modify their courses and it inspired others to start innovating. Two years later, a growing number of professors were experimenting with new course designs and teaching methods but they were largely acting alone, without much opportunity to cross-pollinate ideas. Because professors needed a way to communicate and collaborate, the FLER Project website was launched.

The FLER Project website (<http://www.flerproject.org/>) is intended for use by full-time and adjunct law professors and those teaching related academic courses. It contains three types of material:

- short discussion guides written by recognized experts in social science, mental health, and alternative dispute resolution designed to help professors integrate interdisciplinary perspectives on topics such as domestic violence, child abuse and neglect, developmental psychology, mediation, parenting evaluations, and unified family courts;
- simulation exercises on skills such as interviewing, counseling, negotiation, representation in mediation, and courtroom advocacy;
- sample course syllabi for skills-based family law courses.

All of the materials found on the site have been donated by the professors who developed them (more are welcome!). The site is sponsored by the Association of Family and Conciliation Courts; Hofstra Law School's Center for Children, Families, and the Law; and William Mitchell College of Law.

Extending FLER work, the Future of Family Law Education Conference provided those who attended with an opportunity to share the many joys and a few of the frustrations inherent in educational reform. Programs included the following topics:

- review of the FLER Report;
- interdisciplinary practitioner advice concerning what family lawyers should know and be able to do;
- tips on course design;

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## AFCC Executive Director Awarded William T. Grant Foundation Fellowship

Peter Salem, AFCC Executive Director, is one of three Distinguished Fellows selected this year by the William T. Grant Foundation. The Fellowship is designed for those who are in mid-career and influential in their roles to create connections between research, policy, and practice. Fellows use their experiences to return to their primary roles and work to increase the supply of, demand for, and use of high-quality research in the service of improved youth outcomes.

Peter has worked for AFCC since 1994 and was previously a director and mediator in a Wisconsin court-connected mediation program. He will use his Distinguished Fellows award to become a more effective consumer of research in order to systematically integrate social science research into the family law community and facilitate partnerships between researchers, practitioners and policymakers. He will work with Irwin Sandler, Sharlene Wolchik and David MacKinnon at the Arizona State University Prevention Research Center, which specializes in research on children of divorce. Peter will strengthen his understanding of research methods and processes by immersing himself in an experimental evaluation of a court-based intervention for high-conflict families, as well as participating in some smaller scale research undertakings. He will spend one week each month participating in research activities at ASU.

"This program has become an integral part of our work to improve the relevance of research, particularly for practitioners. The researchers who have completed their Fellowships are doing work that reflects a more accurate understanding of the needs of practitioners, and while there are fewer graduates from policy and practice roles, they tell us they are much more able to commission and recognize good empirical work," said Robert Granger, President of the William T. Grant Foundation.

## Workgroup Formed to Develop Guidelines for Child Protection Mediation

The Association of Family and Conciliation Courts, the American Humane Association (AHA) and the Werner Institute for Negotiation and Dispute Resolution at Creighton University School of Law have formed a partnership to support the development of Guidelines for Child Protection Mediation. The impetus to develop guidelines came from a desire to integrate the lessons learned over the last 25 years in the practice of child protection mediation into a resource for existing and struggling programs and practitioners.

A workgroup has been formed and has begun meeting by teleconference. The workgroup represents a range of disciplines and expertise, and includes AFCC members Bernie Mayer, Karen Largent, Marilou Giovannucci, Liz Dunn, Greg Firestone, Catherine Friedman, Susan Storcel, Debora Brownyard, and Susan Butterwick.

The workgroup will rely on additional outside experts for advice and guidance through a consultation group. Planning is underway to define the scope of the guidelines including format, areas to be addressed and a work plan.

The workgroup anticipates convening an open forum hosted by AFCC at its Annual Conference in June 2010 in Denver. The open forum will provide a broader audience of conference attendees an opportunity to examine the progress and provide input and feedback to the workgroup.

Anyone interested in learning more about the initiative may contact Marilou Giovannucci at [marilou.giovannucci@jud.ct.gov](mailto:marilou.giovannucci@jud.ct.gov).

## Join AFCC's eNEWS list!

AFCC eNEWS, Association of Family and Conciliation Courts' free monthly e-newsletter, available to members and non-members, provides practice tips from leading experts, the most up-to-date research and statute information, family law in the news, and reading recommendations, as well as the latest updates on what is happening with AFCC, from conference plenary previews to the newest training opportunities. Send an email to [afcc@afccnet.org](mailto:afcc@afccnet.org) to sign up now for the monthly AFCC eNews!

## Don't Miss AFCC in Denver!

### AFCC's 47th Annual Conference

***Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict***

**June 2-5, 2010, Denver, Colorado**



## Denver

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\$1,000 travel stipends. AFCC members receive preference for all conference scholarships. Look for the scholarship application announcement in the *AFCC eNEWS* and on the AFCC website at [www.afccnet.org](http://www.afccnet.org) in January.

The Sheraton Denver is offering conference attendees a special group rate of \$165 per night, single or double. The Sheraton just completed a \$70 million renovation and is conveniently located on the 16th Street Pedestrian Mall at the heart of Denver's business and financial districts. Check the AFCC website and the *AFCC eNEWS* for the latest information on the conference, including the conference program brochure, online registration and hotel reservations. For more information, please contact AFCC at [afcc@afccnet.org](mailto:afcc@afccnet.org) or (608) 664-3750.

## Save the Date!

### AFCC Ninth Annual Symposium on Child Custody Evaluations

**October 28-30, 2010**

**Hyatt Regency Cambridge**

**Cambridge/Boston, Massachusetts**

## Sneak Peek! *FCR* Special Issue on Alienation Coming in January

AFCC members can preview issues of *FCR* online before the print version is sent out. Until then, here is an early peek at the articles you'll find in the upcoming January issue. AFCC's Annual Conference in Denver will build on the content of this special issue.

### **Family Court Review, Vol. 48, No. 1, January 2010**

**Editorial Notes:** Andrew Schepard

**SPECIAL ISSUE:** Alienated Children in Divorce and Separation: Emerging Approaches for Families and Courts

#### **Guest Editors' Introduction:**

Barbara Jo Fidler & Nicholas Bala

#### **Articles**

**Children Resisting Post-Separation Contact with a Parent: Concepts, Controversies and Conundrums**

Barbara Jo Fidler & Nicholas Bala

**Family Bridges: Using Insights from Social Science to Reconnect Parents and Alienated Children**

Richard A. Warshak

**Commentary on Family Bridges: Using Insights from Social Science to Reconnect Parents and Alienated Children**

Joan B. Kelly

**Helping Alienated Children with Family Bridges: Practice, Research, and the Pursuit of "Humbition"**

Richard A. Warshak & Mark R. Otis

**When Children Reject or Resist Spending Time with a Parent: Tailoring the Intervention to Fit the Problem**

Steven Friedlander & Marjorie Gans Walters

**Outcomes of Family Counseling Interventions with Children Who Resist Visitation: An Addendum to Steven Friedlander and Marjorie Walters**

Janet R. Johnston & Judith Roth Goldman

**Overcoming Barriers Family Camp: A Program for High-Conflict Divorced Families Where a Child is Resisting Contact with a Parent**

Matthew J. Sullivan, Peggie A. Ward & Robin M. Deutsch

**Early Identification & Prevention of Parent-Child Alienation: A Framework for Balancing Risks & Benefits of Intervention**

Peter G. Jaffe, Dan Ashbourne & Alfred Mamo

**Alienating Audiences from Innovation: The Perils of Polemics, Ideology, and Innuendo**

Richard A. Warshak

**Alienation: Canadian Court Cases 1989-2008**

Nicholas Bala, Suzanne Hunt & Carolyn McCarney

**One Case – One Specialized Judge: Why Courts Have a Duty to Manage Alienation and Other High Conflict Cases**

The Honorable Donna J. Martinson

## AFCC Member News

**Linda Elrod**, AFCC member from Topeka, Kansas, was appointed to the U.S. Secretary of State's Legal Advisory Committee on Private International Law (ACPIL). ACPIL met in Washington, D.C. on October 19-20, 2009. Professor Elrod was on a panel for International Family Law issues and spoke on emerging issues in international law.

**Ford Nicholson**, AFCC member from Tucson, Arizona, recently retired after 23 years of working for the Pima County Family Center of the Conciliation Court. Mr. Nicholson worked for 20 years as a custody/parenting time mediator, and became Clinical Supervisor in March 2006.

**Suzan Ponder-Bates**, AFCC member from Festus, Missouri, has been appointed by Governor Jay Nixon to the Child Abuse and Neglect Review Board. The board provides an independent review of child abuse and neglect determinations in instances in which the alleged perpetrator is aggrieved by a decision of the Children's Division of the Department of Social Services.

**Theresa Spahn**, AFCC member from Denver, Colorado, has recently accepted a position with the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver. Ms. Spahn leaves her position as founding Executive Director of Colorado's Office of the Child's Representative (OCR), where for the past eight years she has been instrumental in overseeing and training GALs, Child Legal Representatives and attorney Child and Family Investigators. OCR represents approximately 19,000 Colorado children each year in juvenile, family law and probate cases.

**Larry V. Swall**, AFCC member from Liberty, Missouri, has been named the 2009 Missouri Bar Family Law Practitioner of the Year. He is also this year's recipient of the Missouri Bar Association's President's Award.



## AFCC Members Write On

**Katherine Andre**, AFCC member from northern California and her co-author Amy J.L. Baker have written *I Don't Want to Choose: How Middle School Kids Can Avoid Choosing One Parent Over the Other*. Published by Kindred Spirits, the book fills a gap in prevention efforts by teaching children of divorce how to navigate the conflicts and loyalty binds that can lead to choosing one parent over the other. The authors use 17 common parental alienation situations to teach critical thinking skills and to manage emotions so that children can resist the pressure to take sides. A workbook and facilitator's manual for a school-based prevention group are also available.

**Ken Lewis**, AFCC member from Glenside, Pennsylvania, has written *Child Custody Evaluations by Social Workers: Understanding the Five Stages of Custody*. Published by the NASW Press, it is a first of its kind book offering advice to professional social workers on how to conduct custody evaluations. Dr. Lewis describes the five stages: marital discord, initial custody, visitation denial, custody modification and child removal, and the special consideration each stage requires.

**Marsha Kline Pruett**, AFCC member from Northampton, Massachusetts, and her husband, co-author Kyle Pruett, have written *Partnership Parenting: How Men and Women Parent Differently—Why it Helps Your Kids and Can Strengthen Your Marriage*. Published by Da Capo Lifelong Books, the book, with wisdom and humor, helps couples take advantage of their individual strengths to raise confident children while simultaneously improving their marriage.

## John M. Haynes Distinguished Mediator Award

Robert Benjamin is this year's recipient of the John M. Haynes Distinguished Mediator Award given by the Association for Conflict Resolution. The award is given to a prominent and internationally recognized leader in mediation who demonstrates personal and professional commitment to finding mediation solutions to conflict while balancing therapeutic and legal perspectives. Past recipients of this award include AFCC members Peter Salem, Jim Melamed, Arnie Shienvold, Nina R. Meierding, Zena D. Zumeta, Barbara Landau, Donald T. Saposnek, Larry S. Fong, Joan B. Kelly and Janet Johnston.



**Robert Benjamin and Peter Salem**

# AFCC Chapter News

## California

The AFCC California Chapter is working on its upcoming annual conference, *The Crisis of Underfunding Family Court Resources: A Clear and Present Danger to Our Children*, to be held in Santa Monica on February 12-14, 2010. The conference brochure and registration are available at [afcc-ca.org](http://afcc-ca.org). The chapter focused this year on organizational efforts, with special attention to their members—how to expand their participation and meet their needs. Two membership surveys have been completed and the chapter board has spent a great deal of time working on a plan for implementation based on the data collected.

## Colorado

The AFCC Colorado Chapter spring conference, *Nontraditional Family Structure*, focused on an exploration into nontraditional families and the various influences on children. The full-day conference was well attended and spurred a lot of discussion about related issues. The chapter's fall conference, *Domestic Violence Assessment and Parental Responsibility: Using the Latest Research in Parenting Plans and Complex Cases*, was co-sponsored by the Metro Denver and Boulder County Interdisciplinary Committees on Child Custody. The Colorado Chapter is excited to welcome AFCC to Denver for the AFCC 47th Annual Conference, June 2-5, 2010, and hopes that you will all join them in the mile-high city!

## Florida

The AFCC Florida Chapter has completed a project, published by Professional Resource Press, that includes a monograph on making empirically based parenting plan recommendations, a Bench Book supplement (that has been distributed to the Office of State Court Administration under the Florida Supreme Court), a comprehensive bibliography of the reviewed social science literature, and a Power Point presentation to support workshops and educational seminars where the material is presented. Many of the authors have volunteered to form a speakers' bureau to train people in the various circuits. The Bench Book supplement is available at [www.flafcc.net](http://www.flafcc.net).

The chapter has also formed a Task Force, titled Social Investigation and Parenting Plan Evaluation (SIPPE), to define various processes used in what used to be called custody evaluations, and to work toward the establishment of best standard practices.

## Louisiana

Congratulations to Louisiana on becoming AFCC's newest provisional Chapter! The chapter was approved at the AFCC Board of Directors Meeting at the Regional Training Conference in Reno, Nevada, November 5, 2009.

## Family Court Review Seeks Associate Editor

*Family Court Review (FCR)*, the quarterly academic and research journal of the Association of Family and Conciliation Courts (AFCC), is seeking an Associate Editor. *FCR*, an interdisciplinary journal, is published at Hofstra University Law School and is operated by a student editorial staff, working under the supervision of the Editor.

The Associate Editor will be responsible to and work closely with the Editor. He or she will work with the Editorial Board and student staff of *FCR* to promote the interdisciplinary mission of *FCR* and AFCC. Duties of the Associate Editor include:

- Soliciting and developing articles with a particular emphasis on empirical research in the social and behavioral sciences;
- Advising the Editor of trends in social and behavioral sciences and empirical research that should be reflected in *FCR*;
- Consulting with Guest Editors of special issues;
- Assisting in making *FCR*'s research articles understandable and relevant to all professions that make up the interdisciplinary readership of *FCR*;
- Aiding the Editorial Board, the Editor and the student staff during the process of reviewing social and behavioral science and empirically based articles submitted to *FCR* for suitability for publication, especially when reviewers of articles are in disagreement;
- Recruiting authors for *FCR* articles;
- Advising the *FCR* student staff in the research and writing of their student notes;
- Suggesting appropriate books and reviewers for *FCR* book reviews;
- Attending meetings of and suggesting new members for the *FCR* Editorial Board;
- Participating in planning meetings with AFCC and Publisher of *FCR*.

For a complete job description or to apply, please contact: Betty J. Black at [Betty.J.Black@hofstra.edu](mailto:Betty.J.Black@hofstra.edu). Applications must be received by February 1, 2010.



## Wingspread

*continued from page 6*

- (1) the party or the prospective party requests beginning or continuing a process; and
- (2) the collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during a process.

The UCLA is the first uniform statute that places an obligation on a lawyer for a party to screen and help protect the safety of a victim of a violent and coercive relationship (the act's term for domestic violence, suggested by Rebecca Henry, because of state to state differences in defining domestic violence). In addition, Section 9(c) (2) creates an exception to the disqualification requirement for a collaborative lawyer to represent a victim in proceedings seeking emergency protection orders if substitute counsel is not immediately available. The UCLA also creates an exception to the evidentiary privilege otherwise extended to a collaborative law communication which is: "a threat or statement of a plan to inflict bodily injury or commit a crime of violence," Section 19 (a) (2). This exception recognizes that confidentiality in collaborative law communications must yield to the value of protecting the safety of victims of coercion and violence.

The provisions addressing domestic violence in the UCLA were among its most controversial. A motion to strike Section 15 failed on the floor of the Uniform Law Conference by a very close vote of 58-70. Thereafter, however, the UCLA was passed unanimously and recommended for adoption to the States.

My point here is not to argue the merits of the domestic violence provisions of the UCLA. It is simply to note that the provisions in the Act show how seriously the subject was taken during the drafting process and how central the

Wingspread Conference was to the drafting of this landmark development for the collaborative law movement.

Indeed, it could even be suggested that the influence of the Wingspread Conference might extend to future law reform efforts. Towards the end of the floor debate on the UCLA, James Bobb, an especially thoughtful ULC Commissioner from Indiana, asked:

I ... understand that [Section 15] is the first time something like this [the requirement of screening for domestic violence] has been introduced in a uniform act. I would certainly recognize that the concerns that animate the requirements of Section 15 would exist in other contexts....In other words, this can arise in a number of settings, where the coercive or violent relationship could result in at least unfairness in the proceeding....Is the reason that this [Section 15] is here is that this [collaborative law] is a particularly unique system of alternative dispute resolution...or is this [domestic violence] something that the [Uniform Law] Conference should be sensitive to and put in other acts in which this danger is manifest?

I replied:

It's something [Section 15] you should be extremely proud of....[It] is part of the general trend in alternative dispute resolution to reconcile the great trends in family law of basically allowing people to self-determine [while] recognizing there is a significant risk of violence and coercion in the devastation of domestic violence....

I hope that those who organized the Wingspread Conference and *FCR* Special Issue share that sentiment. Thank you for bringing your expertise and perspective to the drafting of the UCLA.

## Family Law Education Conference

*continued from page 7*

- suggestions for integrating skills education into family law courses;
- demonstration of teaching;
- incorporating scholarship into teaching;
- integration of doctrine, skills, and clinics across the law school curriculum;
- teaching with technology; and
- teaching controversial topics.

The Conference was sponsored by the Midwest Family Law Consortium (Indiana University School of Law—Indi-

anapolis, University of Missouri—Kansas City School of Law, William Mitchell College of Law); Academy of Matrimonial Lawyers, Minnesota Chapter; Association of Family and Conciliation Courts; Association of Family and Conciliation Courts, Minnesota Chapter; and Hofstra University School of Law, Center for Children, Families and the Law.

Although family law professors are frequent leaders in reform, they are being joined in this effort by the legal academy as a whole. Several influential books and reports have underscored the need for law schools to more closely align their educational programs with the knowledge, skills, and professional attributes practitioners need to better serve their clients. In addition, new law school accreditation requirements are likely to support long-term change.

## How Permeable Should the Boundary between Court Personnel and Outside Service Providers Be?

How permeable should the boundary, or membrane, be between court personnel and outside professional service providers? This question, notwithstanding its ponderous implications for community-court relations, is answered (if at all) in strikingly different ways from one court jurisdiction to another. As a result, an outside professional service provider (custody evaluator, divorce educator, parent coordinator) may well find themselves accountable to highly discrepant rules in court jurisdictions in close proximity to one another. What passes as accepted practice (say, dropping by the court house and chatting up a judge in chambers) in one locale may be strictly forbidden in another. Perhaps the only universal rule is prohibiting *ex parte* communication with a judicial officer regarding a particular case. Or is it?

Arguments can easily be made for competing positions on this important subject. In defense of the impermeable position, one that effectively imposes a news blackout between court officials and outside service providers, some argue that courts must protect themselves from even the appearance of cronyism, or any other possible tainting of impartiality. By contrast, it can be argued that courts stifle

innovation and fail, merely because of ignorance, to refer or suggest professional services aimed at diverting combative litigation, to their and the public's disadvantage.

AFCC members and like-minded colleagues commonly feel a responsibility to contribute to bringing about an innovative, if not enlightened, interface between courts, and the community comprised of researchers, divorce educators, custody evaluators, parent coordinators, and mediators. A simple, direct way of making such a contribution is taking a few minutes to complete a ten-item online questionnaire developed by AFCC members Les Herold of California and Chris Hahn of Montana. Their survey affords the opportunity to add text commentary to straightforward agree/disagree statements representing varying positions on the question of how openly and freely outside professional services providers should be able to interface with court personnel.

*If you would like to participate in this survey, contact Les Herold, Ph.D. at [lesherold@verizon.net](mailto:lesherold@verizon.net) or Chris Hahn, Ph.D. at [chris@constructiveagreement.com](mailto:chris@constructiveagreement.com).*

## AFCC Board Approves Brief Focused Assessment Guidelines

The AFCC Guidelines for Brief Focused Assessment, developed by the AFCC Task Force on Brief Focused Assessment, were adopted by the AFCC Board of Directors on November 5, 2009. The Guidelines will be posted on the AFCC website in the Resource Center under Standards of Practice.

The Task Force on Brief Focused Assessment was appointed in 2007 by then AFCC President Hon. Bill Fee to study the issues of "limited assessment" models used in family courts.

In August 2007, the Task Force conducted a survey of family court practitioners that revealed that these assessments are increasingly practiced in a multitude of family court settings, but with little clear definition or standardization of methodology and practice.

In early 2009, a draft of the Guidelines on Brief Focused Assessment was made available for comment on the AFCC website, and the Task Force held an Open Forum at the AFCC Annual Conference in New Orleans. The Task Force received many thoughtful and articulate comments that were carefully considered in the final editing process.

The Task Force was co-chaired by Phil Bushard, D.P.A. and Linda Cavallero, Ph.D. (Reporter); members include: Andrea Clark, M.S.W.; Hon. Linda Fidnick; Jonathan Gould, Ph.D., ABPP; Susan E. Hanks, Ph.D.; Grace M. Hawkins, M.S.W.; Lorraine Martin, M.S.W.; Carole McKnight, B.A.; Nancy Olesen, Ph.D.; Jennifer L. Rosato, J.D.; Arnold Shienvold, Ph.D.; and Robert M. Smith, J.D., M. Div.



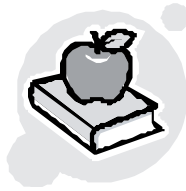
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### AFCC is on Facebook! Become a Fan!

Keep in touch with friends and colleagues, get updates and announcements from AFCC, and network with those you meet at AFCC events. To visit the AFCC Facebook page, go to [www.facebook.com](http://www.facebook.com), then search for "Association of Family and Conciliation Courts." Click "Become a fan." You don't have to be a Facebook member to view the page!

## Educator's Guide Online

*An Educator's Guide: Interacting with Separating, Divorcing, Never-Married Parents and their Children* is a new AFCC publication written by a work group appointed by former AFCC President Hugh Starnes and chaired by Barbara Steinberg, Ph.D. This guide addresses not only how educators can recognize the challenges these children face, but how they can facilitate the parent's involvement in the child's education at a difficult time for the family. The *Guide* also provides information to help teachers identify how they can be most helpful to the families and courts without getting caught on the middle of the parents' conflict. Family court professionals and the roles they play are defined, as well as the type of information they request from teachers or school administrators. This guide is designed specifically for educators, who will find it useful in navigating all aspects of the family law process. You can download the *Guide* on the AFCC website, [www.afccnet.org](http://www.afccnet.org), in the Resources for Professionals section of the Resource Center.



## AFCC Award Nominations

AFCC is seeking nominees for the following awards to be presented at AFCC's 47th Annual Conference in Denver, Colorado, June 2-5, 2010.

### John E. VanDuzer Distinguished Service Award:

Recognizes outstanding contributions and/or achievements by members of AFCC.

**Stanley Cohen Research Award:** Recognizes outstanding research and/or research achievements in the field of family and divorce.

**Irwin Cantor Innovative Program Award:** Recognizes innovation in court-connected or court-related programs. Nominations for this award should be for programs, not individuals.

If you would like to nominate someone for one of the awards, please email your nomination to AFCC in care of Erin Sommerfeld at [esommerfeld@afccnet.org](mailto:esommerfeld@afccnet.org). Please specify the award for which you are submitting a nomination. Include your name, address and phone number along with the same information for the nominee. Please include a statement of no more than 600 words as to why you believe the nominee is a good candidate for the award. The nomination deadline is March 15, 2010.

Electronic submissions in Word or WordPerfect are preferred. For further information on award criteria and nomination instructions, please visit the "Awards Committee" page on the AFCC website at [www.afccnet.org/about/awards\\_committee.asp](http://www.afccnet.org/about/awards_committee.asp).

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## AFCC Board of Directors Nominations

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

Nominations must be received by January 15, 2010, in order to be considered by the committee prior to the election at AFCC's 47th Annual Conference, June 2-5, 2010 in Denver, Colorado.

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

Robin Deutsch  
Chair, Nominating Committee  
c/o AFCC  
6525 Grand Teton Plaza  
Madison, WI 53719  
Fax: (608) 664-3751  
Email: [afcc@afccnet.org](mailto:afcc@afccnet.org)



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—Mary Lund, Santa Monica, California

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**Conference Program Available in January 2010 at [www.afccnet.org](http://www.afccnet.org)!**

For more information, contact AFCC at [afcc@afccnet.org](mailto:afcc@afccnet.org) or (608) 664-3750.



## Association of Family and Conciliation Courts

# Upcoming AFCC Conferences and Trainings

### AFCC Conferences

#### **AFCC 47th Annual Conference**

*Traversing the Trail of Alienation:  
Rocky Relationships, Mountains of  
Emotion, Mile High Conflict*

June 2-5, 2010

Sheraton Denver  
Denver, Colorado

#### **AFCC Ninth Symposium on Child Custody Evaluations**

October 28-30, 2010

Hyatt Regency Cambridge  
Cambridge/Boston, Massachusetts

#### **AFCC 48th Annual Conference**

June 1-4, 2011

Hilton Orlando Bonnet Creek Resort  
Orlando, Florida

#### **AFCC 49th Annual Conference**

June 6-9, 2012

Hyatt Regency  
Chicago, Illinois

### AFCC Training Programs

#### **Parenting Coordination: Helping High Conflict Parents Resolve Disputes**

*Joan B. Kelly, Ph.D.*

December 7-8, 2009

Baltimore, Maryland

#### **Advanced Issues in Child Custody: The Child's Perspective**

*Mindy Mitnick, M.Ed.*

December 9-10, 2009

Baltimore, Maryland

#### **Parenting Coordination: Working with High Conflict Families**

*Christine Coates, M.Ed., JD*

February 22-23, 2010

Houston, Texas

#### **Attachment, Alienation and Difficult Clients**

*Arnold T. Shienvold, Ph.D.*

February 24-25, 2010

Houston, Texas

### AFCC Chapter Conferences

#### **New York Chapter Annual Conference**

Association of the Bar of the  
City of New York

December 4, 2009

#### **Arizona Chapter Annual Conference**

February 5-7, 2010

Hilton Sedona Resort and Spa  
Sedona, Arizona

#### **California Chapter Annual Conference**

February 12-14, 2010

Sheraton Delfina Hotel  
Santa Monica, California

#### **Missouri Chapter Annual Conference**

March 11-12, 2010

Sheraton St. Louis  
St. Louis, Missouri