



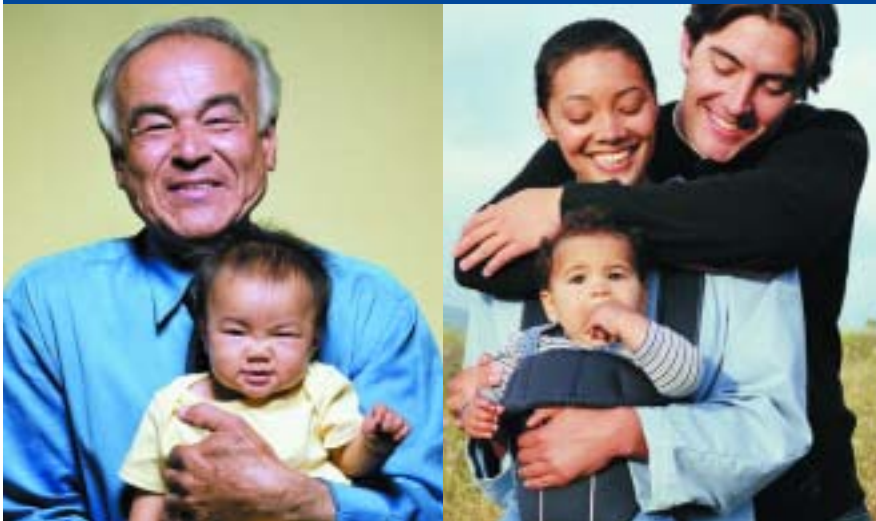
AFCC NEWS

FOUNDED IN 1963

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Volume 25, Number 1

Winter 2006



AFCC's 43rd Annual Conference

Make your Way to Tampa Bay

It is time to relax, refresh and recharge at AFCC's 43rd Annual Conference at the Westin Innisbrook Resort in Tampa Bay, Florida, May 31-June 3, 2006. Make plans to join AFCC at a world-class resort and learn the latest innovations from more than 150 presenters from thirty states and a half-dozen countries. *Juggling Conflicts, Crises and Clients in Family Court* will include three plenary sessions, six pre-conference institutes and more than sixty sessions on research, mediation, child custody evaluation, parenting coordination, domestic abuse and other relevant topics.

Plenary Sessions

An outstanding line-up of plenary presenters will get the palm trees swinging as challenging topics will be tackled—from the rights and interests of children and parents to the latest changes for family court judges.

Thursday morning's opening session will kickoff with *In Whose Best Interests? Juggling the Rights, Needs and Interests of Children, Parents and Families*. Are the needs of children of divorce and separation more important than the rights of their parents? What ethical and practice challenges confront the judge, lawyer, custody evaluator and mediator? These questions will be examined by Hon. Susan B. Carbon, Vice President, National Council of Juvenile and Family Court Judges; David Hofman, J.D., Immediate Past-Chair, ABA Section of Dispute Resolution; Isolina Ricci, Ph.D., author, *Mom's House, Dad's House* and moderator Professor Nancy Ver Steegh, William Mitchell College of Law.

Two more plenary sessions are slated for Friday morning. *Juggling for Judges: It's Not Just Decision Making Anymore* will be presented by Barbara Babb, J.D., M.S., University of Baltimore School of Law; Hon. Denise McColley, Napoleon, Ohio; Hon. R. James Williams, Halifax, Nova Scotia; and

www.afccnet.org

continued on page 7



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

All 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 Advertising

Advertising copy must be camera ready and payment made in U.S. funds.

	AFCC member	Non-member
Full page (7 1/2" x 10")	\$425	\$600
Half page (7 1/2" x 4 7/8")	\$300	\$450
Quarter page (3 5/8" x 4 7/8")	\$150	\$250

President's Message

A Big Tent, Familiar Bedfellows and Model Standards of Practice

In the summer of 2004, then AFCC President Leslye Hunter appointed the Child Custody Evaluation Standards Task Force to review and update AFCC's 1994 Model Standards of Practice for Child Custody Evaluation. The 12-member interdisciplinary Task Force was composed of professionals from psychology, social work, court services, mediation and law (including a family court judge and family lawyer) from the private and public sectors.

The Task Force diligently set about its work, holding face-to-face meetings, exchanging emails, conducting conference calls, studying, researching, and communicating with a wide variety of professionals. Letters were sent to 17 professional organizations offering an opportunity to provide input and comment on the Model Standards.

To solicit input directly from AFCC members, three separate public forums were conducted at AFCC conferences at different points in the process. The first meeting was held at the beginning of the process to learn about the concerns and the interests of members up front. The second meeting was held to report on progress and get feedback on the general direction the Task Force was moving. The third meeting was held after a draft of the Model Standards was posted for public comment.

In early August 2005 a draft of the Model Standards was posted on the AFCC Web site and members were informed via email that public comment was being solicited through mid-October 2005. The draft was also furnished to several professional organizations and individuals.

At the conclusion of the first period of public comment, the Task Force reviewed the comments and extensive revisions were made to the Draft Model Standards. In fact, the revisions were so extensive the Task Force added a second period of public comment from December 2005-January 2006.

There was considerable public participation in the process. The three public meetings attracted more than 200 participants, and approximately 600 additional comments were provided in response to the posted drafts. The vast majority of comments were supportive; most suggested refinements to the language and arrangement of the Model Standards. There were also those who voiced significant criticism. Some suggested that AFCC should not waste resources on custody evaluations because they are

harmful and engender more litigation. Others felt that the Model Standards would set up custody evaluators for lawsuits or grievance complaints. Still others viewed the Model Standards as an attempt to micromanage the work of professionals performing custody evaluations, that custody evaluators already know how to conduct evaluations and that the level of detail is unnecessary. (As a judge, and having talked to many other judges, I can attest to the fact that there are plenty of custody evaluators who could make good use of detailed Model Standards.) A few criticized the process and the Task Force as being elitist.

Whoa! What about the "big tent, familiar bedfellows" stuff with all this dissent and discord? Well, as one who has served in many different volunteer and professional organizations, I have come to believe that without some dissent and controversy, not much of substance is happening. With meaningful advances and change come spirited differences of opinion. What sets apart the truly progressive and worthwhile organizations is how they handle controversy.

At AFCC, we have always been able to meet difficult challenges by "agreeing to disagree" if we cannot achieve unanimity. That's why I say we are "familiar bedfellows" and not "strange bedfellows." We also have a very big tent. Model Standards for custody evaluations are not only of interest to those who perform them; judges, lawyers, divorcing parties, unmarried parents, magistrates, and court services personnel all have an interest in the final product being professional, useful, and reflecting competency. Within the evaluators' tent are psychologists, social workers, marriage and family



Hon. Hugh Starnes
AFCC President
Fort Myers, Florida

What sets apart the truly progressive and worthwhile organizations is how they handle controversy.

continued on page 11

MEMBER PROFILE

Publications Committee Co-chair, Wendy Bryans, LL.B.



Wendy Bryans, LL.B.
Ottawa, Canada

Wendy Bryans, AFCC Board member from Ottawa, Canada is a lawyer with the Canadian Department of Justice. She is Co-chair, with Linda Fieldstone, of the Publications Committee. During the past year, she worked on the passage of same-sex marriage legislation and a project developing spousal support advisory guidelines.

How did you become interested in AFCC?

In 1993, I tagged along with one of my colleagues who was presenting on the development of national child support guidelines at the AFCC Annual Conference in New Orleans. The locale was spectacular, the speakers informative and the opportunities to discuss some of my favorite issues plentiful. One afternoon after a particularly stimulating session by Robert Mnookin, I was swimming in the hotel pool and struck up a conversation with one of our former Supreme Court Justices, Claire L'Hereux-Dubé, about her life on the bench. For a person from a northern clime, both the setting and the company seemed positively magical.

What was the hook that kept you involved?

Substantive divorce law in Canada is a federal responsibility and that's the area I work in. The provinces and territories look after most other aspects of family law and the actual administration of justice. Justice Canada is also involved with the appointment of family court judges and contribution programs for family court services. So while we are involved at a policy and paper level with programs, we don't actually have direct contact with them. AFCC provides an ideal forum to learn about innovations in mediation, child custody evaluation and parenting coordination as well as a place to meet those that actually do the work.

A policy lawyer like myself also spends much of their time developing the options for reform of an area. And the obvious places to look for these options are American states and other countries such as the United Kingdom, Australia and New Zealand. AFCC is a great place once again to meet people who are doing things differently and to ask them how various reforms are actually working out "on the ground."

What made you interested in serving on the Board?

I was lucky enough to be asked to serve on the Board by former president George Czutrin. And unlike many of the Boards that I have served on, the organization looks as good inside as it does when one is a member, enjoying the conferences, newsletter or publications.

I have been with the Canadian Department of Justice for over twenty years and so have really only worked in one organizational culture. It's energizing and stimulating both to spend some time in a different culture and to work on more practical issues. For example, I am learning huge amounts about organizing a series of AFCC publications on innovative court services from my Committee Co-chair Linda Fieldstone.

Finally, both the AFCC staff and fellow Board members are a very positive and encouraging lot to be around. Indeed, they are downright warm and fuzzy. While I am not there yet, I like to think that I could learn to be less bureaucratic.

What is the favorite part of your job?

Working with legislative drafters is definitely a favorite, both because of the possibility of the policy being implemented into legislation and of the drafting process itself. In Canada we draft simultaneously in French and English; it is very high tech. The policy lawyers talk and the English and French drafters write. Each person has their own computer screen but the policy lawyers do not have keyboards. As the drafters compose and the words come up on the screen, we debate each one. It's actually possible for four people to write together.

And when you are not being a policy lawyer?

I am a bit of an insomniac and read a lot of fiction at night. This fall I have enjoyed Vikram Seth's *Two Lives*, Zadie Smith's *On Beauty*, Stephen Greenblatt's *Will in the World* and Ian McKewan's *Saturday*. I play indoor tennis at least one night a week to keep warm in the winter and love to cross-country ski in the hills north of Ottawa. In the summer, I swim and spend time on the canoe as much as I can.



GLOBAL ISSUES

A New Justice System for Families and Children

by **Nancy Cameron, Q.C. and Jerry McHale, Q.C.**
Vancouver, British Columbia, Canada

The Justice Review Task Force was established in British Columbia (B.C.) on the initiative of the Law Society of B.C. in March 2002. The committee is unique in that it is a working coalition of prominent forces in the justice system, with a mandate to identify a wide range of reform ideas and initiatives in order to make the justice system more responsive, accessible and cost effective. The committee is composed of the Chief Justice of the B.C. Supreme Court, the Chief Judge of the B.C. Provincial Court, lawyers representing the Canadian Bar Association (B.C.) and the Law Society of B.C., and the provincial Deputy Attorney General and Assistant Deputy Minister.

The Family Justice Review Working Group was appointed by the Task Force to explore options for fundamental change to the family justice system in B.C. It was asked to make recommendations regarding the design of a family justice system that would meet the following criteria: accessible, effective, integrated, fosters early resolution, minimizes family conflict and is oriented to the needs of children and families.

In June 2005 the Family Justice Review Working Group released a report recommending future directions for family law in that province. Entitled *A New Justice System for Families and Children*, the report explores options for fundamental change to the B.C. family justice system built on the above criteria. The 37 detailed recommendations go to the basic structure and organization of the family justice system.

The drafters were “singularly struck by the consistency of the recommendations made in family law reports, articles and academic papers” in B.C. and in other jurisdictions over the last thirty years. This consistency reflects the emergence of clear family law policy values in common law jurisdictions around the world.

The central theme articulated in the report is the need for a fundamentally non-adversarial approach to the management and resolution of conflict arising on family breakdown. The report recognizes that there has already been considerable movement in this direction in the family justice system over the last ten or 15 years with the increased use of, for example, mediation, collaborative law and judicial settlement conferences. However, it also observes that all such innovations tend to be conceived as add-ons to the adversarial framework and that the adversarial analysis substantially dominates family justice structures.

Family justice systems, by and large, still treat each new case as a potential trial, even though very few of those

cases will ever go to trial. The report recommends that we stop “managing cases to trial” and start “managing cases to settlement,” and that we shift the emphasis and the resources from the back to the front end of the family justice system. It suggests that we need a system where consensual dispute resolution ceases to be the “alternate” approach, and where trial becomes a true last resort. The report focuses on developing a system to support the resolution of as many family cases as possible outside the courtroom. It recommends making collaborative processes and support services widely available to address the underlying emotional issues that actually drive family conflict.

None of this is to say that courts are not essential. As the report puts it, “we need courts, but not a court-focused system.”

The report’s major recommendations include:

- the creation of “Family Justice Information Hubs.” Hubs would serve as an accessible front door to the family justice system. They would provide information, assessment and referral for family members and would also serve to coordinate community services for separating families;
- extensive services to support families, especially high conflict families;
- subjection to screening and assessment, mandatory participation in a consensual dispute resolution process before any contested court hearing, with subsidy for at least one mediation session;
- simplification and streamlining of family court forms and procedures;
- a simple, informal and less adversarial hearing model, with broad judicial freedom to intervene and direct the hearing process;
- a specialized family law bench of judges who are skilled facilitators as well as decision makers, and with judges who have a special interest in commitment to and aptitude for family law.

Perhaps the biggest challenge in family justice reform is the need for a continuing evolution of the culture of the family justice system. The report concludes by noting “Changes to systems and procedures alone will not be sufficient, and in fact are secondary to changes to the values, standards, principles and practices that constitute the day to day workings of the family justice system.”

The full report and appendices can be found on the internet at www.bcjusticereview.org/working_groups/family_justice/family_justice.asp.

In Memoriam



Hon. John E. VanDuzer

Justice John E. VanDuzer

Justice John E. VanDuzer, the first Canadian President of AFCC, passed away in November 2005 after a battle with cancer. While his list of professional accomplishments is lengthy, he is remembered fondly by AFCC friends for his elegance, kindness and for being a true gentleman. Though retired from the bench in 2002, he continued to attend AFCC conferences and participate

regularly. Easily recognizable in his blue double-breasted blazer, gray flannel slacks and accompanied by his wife Joan, he always had a thoughtful word for everyone.

Friends and family, including numerous dignitaries and AFCC members, celebrated Justice VanDuzer's life with song, poetry and stories in a memorial service in Hamilton, Ontario, November 13, 2005.

Throughout his career, Justice VanDuzer distinguished himself as a tireless advocate for children and families. He was one of the first three judges appointed to the first integrated federal-provincial Unified Family Court in 1976; set up the Dawn Patrol Group Home to aid troubled youth; was an Elder and Sunday School Teacher at St. Giles' United Church; served on the Committee for Citizens of Distinction and was President of the Hamilton Community Concert. In recognition of his outstanding contribution to society, in 2003 McMaster University awarded him an Honorary Doctorate of Laws.

John and Joan VanDuzer were generous contributors to AFCC, providing resources for conference scholarships and sponsoring AFCC's first Innovation Mini-Grant in 2005. In 2000, together they were awarded the AFCC Distinguished Service Award for outstanding contributions to the field of family and divorce. In the fall of 2005 the AFCC Board of Directors voted to name this award the John E. VanDuzer Distinguished Service Award.

Justice VanDuzer is survived by Joan, his children Peter, Tony and Sarah, his stepchildren Michael, Connie, and Gwyn, and his grandchildren Taylor, Eli, Anders, Mac, Simone, Claire, Melissa, Kaitlin, Diego and Daniela.

An extraordinary individual, treasured by family and admired by friends, Justice VanDuzer will be missed but never forgotten. Donations in lieu of flowers may be made to the John E. VanDuzer Scholarship Fund through the Hamilton Community Foundation, 120 King Street West, Suite 700, Hamilton, L8P 4V2

Commissioner Bobby R. Vincent

Long time AFCC member Commissioner Bobby R. Vincent passed away in November 2005. Commissioner Vincent, who retired with his wife Kathryn to Colorado Springs in 2003 after 26 years on the San Bernardino County bench, died November 4, 2005 in Denver from complications of surgery. He was widely respected for his commitment to judicial practices that reduced conflict among families attempting to resolve domestic problems, and for assuring that all parties, including those who could not afford an attorney, received a fair hearing.

The Family Law Bar of San Bernardino County has established a charitable trust in memory of Commissioner Vincent. The Bobby R. Vincent Memorial Trust will benefit families who are victims of domestic violence by funding charitable services in the justice system that provide assistance to self-represented persons and which ameliorate or prevent the incidence of domestic violence in the first instance. Tax-deductible contributions to the Bobby R. Vincent Memorial Trust are welcome and should be sent to Marvin M. Reiter, C.P.A., 330 North "D" Street, San Bernardino, California 92401-1523.

AFCC Thanks Trainers and Partners

AFCC would like to thank the following academic intuitions and trainers for partnering with AFCC for the 2005 training programs. Loyola University New Orleans School of Law co-sponsored two trainings in February, which were presented by **Christine A. Coates**, M.Ed., J.D. and **Leslie M. Drozd**, Ph.D. In June, **Jonathan Gould**, Ph.D. and **Joan B. Kelly**, Ph.D. presented at the Loyola University Chicago School of Law's Child and Family Law Center. Christie presented again in December along with **Marsha Kline Pruett**, Ph.D., M.S.L. to wrap up the year at the University of Baltimore School of Law's Center for Families, Children and the Courts.

AFCC offers training programs in collaboration with Universities that are open to the public and can also provide on-site training and consulting for agencies and organizations. Each training program is eligible for continuing education hours and nearly 300 people attended last year's trainings. Thanks again for making the 2005 training programs a success!

Make your Way to Tampa Bay

Continued from page 1

moderator, Hon. Emile Kruzick of Orangeville, Ontario. *What's Wrong with Children's Rights?* features leading experts Martin Guggenheim, J.D., New York University School of Law; Linda Elrod, J.D., Editor, *Family Law Quarterly*; Marsha Kline Pruett, Ph.D., Yale School of Medicine; and moderator, Andrew Schepard, J.D., author of *Children, Courts and Custody* and editor of the *Family Court Review*.

Pre-Conference Institutes and Cutting Edge Workshops

Don't miss the opportunity for intensive trainings on Wednesday, May 31. Six full-day pre-conference institutes will be available on topics such as *Advanced Institute on Parenting Coordination* presented by Christine A. Coates, M.Ed. J.D., Barbara Jo Fidler, Ph.D., and Matthew J. Sullivan, Ph.D.; and *Domestic Violence: What's a Neutral to Do?* presented by Deborah O. Day, Psy.D., Hon. William G. Jones, Kelly Browe Olson, J.D., LL.M., and Hon. Alice Blackwell White.

Participants can expect a wide range of workshops focusing on the most recent advances in today's family courts, including special issues in military divorces, child abduction prevention and assessing religious disputes. Furthermore, the conference offers an opportunity to learn how to actively manage and address professional and personal challenges that impact our everyday lives.

All conference sessions will be recorded and CDs of the sessions may be ordered in the Exhibitor Forum. A description of each workshop can be found in the conference brochure, posted on the conference page of the AFCC Web site at www.afccnet.org. Online registration is now open.

Continuing Education, Connecting with Colleagues and More

In addition to sharpening your practice skills, the conference offers continuing education opportunities for psychologists, mental health professionals, mediators, Florida mediators and Florida lawyers.

Conference attendees can expect many opportunities to network and collaborate. AFCC's Annual Conference attracts 600-800 professional leaders who work with children and families in conflict. The conference will give participants the opportunity to meet fellow peers, colleagues and AFCC members from around the globe.

Thursday evening, participants are invited to explore the Tampa Bay area during the Taste of Florida gatherings. The following night, prior to AFCC's banquet, the Eighth Annual Silent Auction will take place. Sports memorabilia, original artwork, fine wines, weekend hotel packages and many other unique items will be offered. Proceeds from the auction will help support AFCC's special programs and initiatives. If you would like to donate an item to the AFCC Silent Auction, please contact David Vigliotta, Marketing and Development Manager, at dvigliotta@afccnet.org or (608) 664-3750.

Accommodations

The Westin Innisbrook Resort is a great getaway for the entire family! Hotel reservations can be made online at www.starwoodmeeting.com/Book/AFCC or by calling the resort toll-free at (800) 456-2000. Please identify yourself with AFCC to receive the special group rate.

The resort is offering AFCC conference registrants room rates beginning at \$128. The majority of rooms at the resort are suites, which include full kitchens and patios or balconies. Junior Suites are \$148 per night for single or double accommodations and larger suites are specially priced for bringing the family or sharing with friends. Attendees are encouraged to reserve their rooms early! On April 28, 2006, the AFCC block of non-reserved rooms will be released to the public for general sale and the special group rate will not be guaranteed after that date.

The resort is only 20 miles from the Tampa International Airport (TPA). For ideas on optional activities, such as day trips to Walt Disney World or simply relaxing on the beach, please view the back cover of this newsletter. Further details on the area can be found at www.visittampabay.com and www.floridasbeach.com. If you have any questions about AFCC's 43rd Annual Conference, contact us at afcc@afccnet.org or (608) 664-3750.

Upcoming AFCC Conferences

Missouri AFCC Annual Chapter Conference

April 6-7, 2006
Creve Coeur, Missouri
aclark@stlouisco.com

Massachusetts AFCC Annual Chapter Conference

April 7, 2006
Westin, Massachusetts
khenell@verizon.net

AFCC 43rd Annual Conference

May 31-June 3, 2006
Westin Innisbrook Resort
Tampa Bay, Florida
www.afccnet.org

AFCC Seventh International Symposium on Child Custody Evaluations

October 19-21, 2006
Sheraton Midtown Atlanta
Atlanta, Georgia
www.afccnet.org

AFCC Seventh International Congress on Parent Education and Access Programs

October 22-23, 2006
Sheraton Midtown Atlanta
Atlanta, Georgia
www.afccnet.org

AFCC 44th Annual Conference

May 30-June 2, 2007
Capital Hilton
Washington, D.C.
www.afccnet.org

AFCC 45th Annual Conference

May 28-31, 2008
Westin Bayshore Resort
Vancouver, BC, Canada
www.afccnet.org

Family Law Education Reform Project Report Completed

by Andrew Schepard, J.D.

Co-chair, Family Law Education Reform Project, Hempstead, New York

The *Family Law Education Reform (FLER) Project* was created to address a question that no academic group or professional association has asked before—does the law school's family law curriculum adequately prepare future family lawyers for the challenges of practice? Sponsored by AFCC and the Center for Children, Families and the Law of Hofstra Law School, the *Report's* answer is “not well,” a conclusion that requires reconsideration of the nature and purposes of legal education in an area central to the welfare of thousands of children and parents.

FLER examined current courses and teaching materials, and organized several think tank conferences in which family law professors and stakeholders in the family law system shared their views on the family law curriculum. With support from the Johnson Foundation and the JAMS Foundation, the project also systematically surveyed judges, lawyers, mediators, mental health professionals and others about the knowledge and skills required to effectively practice family law.

FLER is co-chaired by Andrew Schepard, Professor of Law, Hofstra University School of Law, Director of the Center for Children, Families and the Law and Peter Salem, AFCC Executive Director. FLER's reporters, Professors Mary E. O'Connell of Northeastern University School of Law and J. Herbie DiFonzo of Hofstra University, wrote a *Report* for law schools to improve their family law curricula. This column briefly summarizes their rich and thorough examination of the state of law school family law education.

Family Law Practice in the 21st Century

The *FLER Report* documents the dramatic change in family law practice in the last quarter century. Virtually everything about family law has evolved—the role of the family court, the procedure for resolving family disputes, the role of the family lawyer and the substantive law. For example, in many jurisdictions today's family court judge is more than an adjudicator. The judge may oversee a multi-disciplinary group of service providers all engaged with the children and families whose cases are before the court. Many jurisdictions have created unified family courts that group a range of issues, from divorce and custody to juvenile crime to child support, under one courthouse roof with a single judge deciding all legal issues relating to a single

family. Many jurisdictions have created specialized courts for divorce, domestic violence, drug abuse, and permanency planning, which compel litigants to participate in both mental health and social services designed to serve therapeutic and rehabilitative goals.

Some jurisdictions have created multi-door family courthouses, which incorporate and frequently mandate a wide variety of dispute resolution options (e.g., mediation, family group conferencing, educational programs, parenting coordinators, early neutral evaluation for parenting and financial matters, arbitration) to resolve disputes without adjudication. When disputes are adjudicated, family courts increasingly rely on neutral expert reports from professionals (e.g., mental health experts, financial appraisers) appointed by the court rather than hired by a party. An influx of self-represented litigants has also become part of the landscape of today's family court.

Modern family law practice is evolving rapidly as well. Today's family lawyer must be fully equipped to work with professionals from different disciplines and multiple dispute resolution processes in an increasingly complex and differentiated system. The traditional full service adversarial model of lawyer representation is being increasingly challenged by emerging models that call for problem solving, collaboration, and unbundled (limited task) representation. Many argue that family lawyers should have different ethical responsibilities than lawyers in traditional civil and criminal cases, including a responsibility to discuss alternative dispute resolution with their clients and an obligation to “do no harm” to their clients' children.

The Skills and Knowledge Necessary to Practice Family Law

FLER's survey of stakeholders in the family law system presented a list of 22 skills, generated through consultation with law faculty and a review of relevant literature. Survey respondents were asked to rank each skill as “extremely important,” “moderately important,” or “not important at all.” Over 90% of respondents identified the following as “extremely important:”

- listening
- setting realistic expectations for clients
- involving clients in decision-making
- identifying clients' interests

These responses suggest that today's family law practitioner should be equipped with strong interpersonal, collaborative and negotiation skills.

When asked to rank a list of knowledge areas by importance to family law practice, respondents placed highest priority on the understanding of:

- financial issues
- impact of separation and divorce on children
- ethical dimensions of family law practice
- relevant laws and court procedures

Several frequent responses were unique to family law and, like the impact of divorce and separation on children, are at the intersection of law, mental health and social science:

- impact of separation and divorce on parents
- dynamics of domestic violence
- dynamics of child abuse and neglect

What Are Law Schools Teaching?

The *FLER Report* analyzed family law casebooks, the source that best encapsulates what law teachers regard as the fundamentals of the family law curriculum. In a review of eight standard family law texts, the Project discovered that 79% of the pages were devoted to case material or statutes, with the bulk of those pages being case law. Although family courts increasingly hear on social science data, the mean family law text for classroom use contained 1,166 pages, only 18 (1.5%) of which involved social science. The course books contain very little material on interviewing, counseling, negotiation and ethics, and hardly anything on the impact of divorce and separation on children and child development.

The survey also asked participants to identify the five topics most important to cover in a comprehensive family law curriculum. Participants were free to enter any titles or topics they chose. Not surprisingly, the law itself was mentioned more often than any other topic. Negotiation, mediation and other alternative dispute resolution processes were identified by more than three out of four respondents, as were courses on children's issues and experiences in family law. Financial matters, the court process, and understanding the effects of abuse and domestic violence were the next three areas most often named.

Accessing the Report

The Reporters will prepare a final *Report* to be published in the *Family Court Review* in October 2006 with additional commentary from legal educators, judges, lawyers, mediators and mental health professionals.

If you are interested in reading the *Report*, you can download the document from the AFCC Web site at www.afccnet.org/about/fam_law_tf.asp. AFCC will be hosting two workshops on the research and implementation of the *Report* at its 43rd Annual Conference in Tampa Bay. More detail on these workshops can be found in the AFCC conference brochure on the AFCC Web site at www.afccnet.org or by calling (608) 664-3750.

FLER Report Endorsed by The National Council of Juvenile and Family Court Judges

The Board of Trustees of The National Council of Juvenile and Family Court Judges (NCJFCJ) enthusiastically and unanimously voted to endorse the Report of the Family Law Education Reform Project issued by the Association of Family and Conciliation Courts and the Center for Children, Families and the Law of Hofstra University School of Law. Under the leadership of NCJFCJ President, Judge Stephen Rubin, Tucson, Arizona, the Board of Trustees discussed the *Report* at their Mid-Winter Board meeting in January, recognized the importance of the project and pledged their support. Judge Susan Carbon, NCJFCJ Vice-President, Plymouth, New Hampshire, participated in the project's development meeting at Wingspread and provided insight into the history of the project.

Hofstra Law School Announces New LL.M. in Family Law

Hofstra Law School is pleased to announce the establishment of a new LL.M. Program in Family Law, which will be organized in conjunction with the Center for Children, Families and the Law. The LL.M. program was created in response to contemporary family law practice's increased demand for specialization and the need for an interdisciplinary focus for resolving family issues. It will be the only program of its kind in the eastern United States, and one of only three programs in the country.

Hofstra Law School expects to enroll students in the Family Law LL.M. program beginning in the fall of 2006. For more information on the program and how to apply, please view www.hofstra.edu/law/llmfamilylaw or contact Maureen Kessler, Director of Graduate Admissions, at (516) 463-5270 or lawmck@hofstra.edu.

J.M. Craig Press, presents: Did you know?

Clinicians have known for some time that parents were more likely to abuse their children when they had been abused by their own parents. An empirical study from the *Journal of Interpersonal Violence* entitled, "Battered Mothers Who Physically Abuse Their Children" (Coohey, 2004), examined whether experiencing abuse increased the chance that mothers would be abusive to their children.

Four groups of mothers were studied. The first did not harm their children, and they had not been mistreated. A second group was battered, but they did physically abuse their children. A third had been battered by partners, but did not physically abuse their children. The fourth had not been battered, but they abused their children nonetheless.

Here are the results:

1. The chances of a mother being battered and abusing her own children were significantly greater if she had been abused by her own mother. If a mother had been both physically and psychologically abused by her mother, the chances were far greater that she would both be battered by a partner and abuse her own children.
2. Mothers who had been emotionally criticized by their mothers abused their children more than those who had not faced such criticism, but less than either of the first two groups.
3. Mothers who had not been mistreated by their own mothers were less likely to abuse their own child even if they were battered by a partner.

For this as well as other valuable research visit J.M. Craig Press online at www.jmcraig.com or call (877) 960-1474. AFCC members receive a 25% discount on all J.M. Craig Products.

Family Law Writing Competition

Hofstra Law School and AFCC are sponsoring the annual Family Law Writing Competition to celebrate the establishment of Hofstra's LL.M. program in Family Law. The competition is run in cooperation with the editorial staff of the *Family Court Review*.

Any law student may enter, however, Hofstra Law School students are ineligible to participate. Submissions must be received by March 15, 2006. First prize includes \$500 and consideration for publication of the article in *Family Court Review*. For topic ideas and further submission criteria, please contact lawfcr@hofstra.edu or view www.hofstra.edu/pdf/law_fcr_writing_competition.pdf.

AFCC Board of Directors News

William J. Howe III, J.D., attorney from Portland, Oregon, has resigned from the AFCC Board of Directors, effective January 1, 2006. **Arnold Shienvold**, Ph.D., founding partner of Riegler, Shienvold & Associates in Harrisburg, Pennsylvania, has been appointed to fill Bill's seat on the Board. Arnie is a longtime AFCC member and presenter, and is a member of the AFCC Task Force on Model Standards for Child Custody Evaluation. He is also a former president of the Association for Conflict Resolution. Bill will continue to serve as Co-chair of the International Committee and is presenting a workshop at this year's Annual Conference in Tampa Bay. AFCC thanks Bill for his commitment and leadership and looks forward to his continued contribution to the association.

AFCC President Elect, **Mary M. Ferriter**, Esq. will begin a new position with Esdaile, Barrett & Esdaile in Boston, Massachusetts, beginning February 27, 2006. Mary previously practiced with Pakenham, Schmidt & Federico. Her new contact information after the starting date is:

Esdaile, Barrett & Esdaile
75 Federal Street
16th Floor
Boston, MA 02110
Phone: (617) 482-0333

Free Membership Announced

Congratulations to **Ruthanne Allen-Hunt**, Ph.D. of Hayward, California who won a free AFCC membership by providing AFCC with her email address! All AFCC members with an email address in our membership database were included in the contest.

AFCC is increasingly using electronic communication to become a more efficient and effective organization. We make every effort to limit membership emails to once or twice per month. Other benefits of providing your email address include the ability to receive the AFCC e-newsletter, which will be launched this winter.

Send us your email address! AFCC will not distribute or publicize your email address beyond listing it on the AFCC Membership Directory, available only to AFCC members. To be included in next year's drawing, please login to the Member Directory on the AFCC Web site to double check if your email is listed and accurate. To update or provide a new email address, please send an email to Dawn Holmes at dholmes@afccnet.org.

Congratulations again, Ruthanne!

President's Message

Continued from page 3

therapists, and other mental health professionals, including those with four-year college degrees. In AFCC there are the numerous state, province, and international jurisdictions, as well as a variety of professional regulatory provisions, both voluntary and mandatory.

It is no wonder, then, that the idea would arise that some serious, professional attempt be made to state what principles are involved in producing a competent and useful child custody evaluation. There are cases where the custody evaluation is the only vehicle available for obtaining a final resolution of a parenting dispute. Important rights and obligations will likely be determined from that evaluation and the resolution. I believe we cannot sit idly by and pretend there is no need for guidance as to standards and competency in the process of performing a custody evaluation.

Among AFCC's articulated core values are two that seem to me to be of particular significance here:

- Collaboration and respect among professions and disciplines.
- Learning through inquiry, discussion and debate.

I am very proud that through the process of developing the Model Standards of Practice for Child Custody Evaluation, our members have demonstrated these values. Let's all remain gathered under our large tent, even as we engage in serious and spirited discussions!

AFCC Member Named President of IACP

AFCC member **Susan A. Hansen**, J.D., of Milwaukee, Wisconsin, became President of the International Academy of Collaborative Professionals (IACP) in January 2006. Sue is a partner in the law firm of Hansen & Hildebrand, S.C., practicing in the areas of family law, mediation, arbitration and collaborative divorce. She has practiced in the southeastern Wisconsin area for over twenty years and was previously a teacher for Milwaukee Public Schools.

Online Member Bookstore Launched

AFCC recently launched the AFCC Member Barnes & Noble Online Bookstore. More than 80 books are available that were written or edited exclusively by AFCC members.

We invite you to browse the online bookstore by logging on to the AFCC Web site Shopping Center at www.afccnet.org/shopping/ and clicking Online Bookstore. A portion of the sale of each book goes to support AFCC programs and initiatives. The books posted on the AFCC Online Member Bookstore do not necessarily represent the views or policies of AFCC.

If you have written or edited a book not listed in the bookstore, please send an email with the title of your book and the words Member Bookstore in the subject line to afcc@afccnet.org. Your book must be available on the Barnes & Noble Web site to be listed in the online bookstore.



AFCC Members Write On

Barbara Landau, AFCC member from Toronto, Ontario, released a fourth edition of her co-authored book under the new title *Family Mediation & Collaborative Practice Handbook*. It has been five years since the last edition was published under the title *Family Mediation Handbook*.

Ken Lewis, AFCC member from Glenside, Pennsylvania, recently published *Five Stages of Child Custody*. The book defines the stages from marital discord to child removal and explains the separate yet interrelated roles of family lawyer and the mental health professional.

Thomas S. Merrill, AFCC member from Honolulu, Hawaii, has co-authored a book with his wife titled, *Settle for More: You Can Have the Relationship You Always Wanted... Guaranteed!* The couple recently completed a two-month national book tour and the book is currently in its second printing.

Robert Zibbell, AFCC member from Framingham, Massachusetts, has written a casebook for family investigators and evaluators in Massachusetts. It is entitled, *Critical Cases in MA Family Law: A Mental Health Professional's Perspective on How Appellate Law Informs GAL Investigations and Evaluations*. The publication of this casebook was supported by the AFCC Massachusetts Chapter and the MA Association of Guardians ad Litem, Inc.

Have you written a book? We want to let others know about new books in the field by AFCC members. Please send information to David Vigliotta, Editor, AFCC News, at editor@afccnet.org.

AFCC Chapter News

Arizona Chapter Update

In October 2005, the AFCC Arizona Chapter hosted its first mini-conference on parenting coordination and nearly 80 people were in attendance.

The Arizona Chapter has recently organized fundraising opportunities, including a holiday-themed wine tasting and membership reception in Phoenix, and will hold a silent auction at its Annual Conference in February. The chapter also conducted a membership drive and cocktail hour in Tucson.

Florida Chapter Update

The AFCC Florida Chapter hosted its Fifth Annual Conference, *Resolving Family Conflict: Innovations, Initiatives and Advanced Skills*, October 28-29, 2005, with more than 160 participants in spite of a hurricane earlier that week. Florida Supreme Court Chief Justice Barbara Pariente was the keynote speaker. Justice Pariente met with the President's Committee to discuss ways the chapter could assist the efforts of the court, and children and families throughout the state.

Preceding the conference, a Florida Organizational Collaboration Initiative (FOCI) retreat took place involving 11 statewide organizations and agencies to discuss possible collaborations, shared values, opportunities and projects. The Florida Chapter is hosting the FOCI web page (www.flafcc.org/FOCI/index.asp) in this groundbreaking effort to share information across multiple interdisciplinary organizations.

Massachusetts Chapter Update

The AFCC Massachusetts Chapter will host its Annual Conference, *Six and Under: The Magic Years with Divorcing and Never Married Parents*, on April 7, 2006, at Regis College in Weston, MA. Currently, the need for resolution of paternity cases competes with divorce cases in family court. Devising parenting plans for young children is a challenge for those involved in both of these types of domestic relations cases. This conference will address how research informs these issues for lawyers, guardians *ad litem*, and the family courts. Dr. Marsha Kline Pruett of Yale University and the Yale Child Study Center will be keynote speaker.

The Massachusetts Chapter is also co-sponsoring, with the Center for the Study of Psychology and Divorce, a comprehensive training for parenting coordinators on May 5-6, 2006 at the Hilton Boston/Dedham Hotel. The role and functions of the parenting coordinator and the interventions helpful in reducing conflict will be addressed by Dr. Robin Deutsch and Hon. Eileen M. Shaevel.

For additional information on the Massachusetts Chapter, please contact Karen Henell at khenell@verizon.net.

Missouri Chapter Update

The AFCC Missouri Chapter is pleased to announce an advanced training on child development issues, April 6-7, 2006, at the Creve Coeur Community Center in St. Louis County. AFCC Board member and Director, Children and the Law Program of Massachusetts General Hospital, Dr. Robin Deutsch, will lead the one-and-a-half day seminar.

The 2006 St. Louis Area Lunch and Learn Series are scheduled for the following dates: March 8, May 10, July 12 and September 15. CLE credits have been offered for prior Lunch and Learn presentations. For more information, contact Andrea Clark at (314) 615-8094 or aclark@stlouisco.com.

New Jersey Chapter Update

The AFCC New Jersey Chapter is in the process of revising its Web site. The New Jersey Chapter held an Executive Board meeting on November 29, 2005, regarding continuing legal education. Every two years the chapter hosts a child custody symposium. This year's topics are issues with parenting coordination and parent alienation. The New Jersey Chapter is encouraging the use of brief assessments and is providing a toolkit to assist judges in the difference between targeted assessments and full custody evaluations. Additionally, the AFCC New York Chapter assisted in the development of the first collaborative divorce group in New Jersey.

New York Chapter Update

The AFCC New York Chapter hosted its Fourth Annual Conference on December 2, 2005, at the Association of the Bar of the City of New York. The theme of the conference was *Easing the Pain, Containing the Conflict in Divorce: New Research and Approaches*, and included diverse workshops and a panel discussion.

The chapter will have its retreat in Albany in March 2006 and will hold an evening educational program in New York City on April 5, 2006. The Fifth Annual Conference is set for December 1, 2006.

Congratulations to New Chapter Presidents

- Arizona: Megan Hunter, Phoenix, AZ
- California: Hon. Jerilyn L. Borack, Sacramento, CA
- Florida: Debra K. Carter, Ph.D., Bradenton, FL
- Massachusetts: Linda Fidnick, J.D., Amherst, MA
- New York: Hon. W. Dennis Duggan, Albany, NY
- Texas: Laurie Nowlin, J.D., Round Rock, TX

Update from the Resource Development Committee

AFCC Announces Second Innovation Mini-Grant Program

The AFCC Resource Development Committee is excited to announce its second **Innovation Mini-Grant Program**. The purpose of the Mini-Grant is to help turn an innovative idea into an effective program, which can then be replicated in other communities. A new theme will be selected each year and the amount and number of grants will be determined based on the success of AFCC's Annual Appeal. This year, one \$5,000 grant will be awarded to help provide parenting coordination services to parents that would otherwise not be able to afford this intervention.

For more information about the Innovation Mini-Grant criteria and application guidelines, please view the Resource Development Committee page at www.afccnet.org/about/resource_committee.asp or contact AFCC at (608) 644-3750.

Annual Appeal Update

AFCC's Resource Development Committee thanks AFCC's generous members for contributing to this year's Resource Development Fund. All contributions will support Conference Scholarships and the Innovation Mini-Grant Program.

Thanks to your donations, we are offering more scholarships than ever to this year's Annual Conference. Our goal is to increase the number of scholarships and size of the Mini-Grant Program every year. We are on our way, but more donations are needed to pass last year's total. If you have not contributed, we ask for your help with a donation of any size. To make a donation to the Resource Development Fund, please complete and mail the form below or contact David Vigliotta at dvigliotta@afccnet.org or (608) 664-3750.

A list of contributors to this year's Annual Appeal can be found on the AFCC Web site at www.afccnet.org/about/resource_committee.asp. Thanks again to everyone who donated to this year's campaign.

AFCC Contributes to New Orleans Conference Scholarships and Travel Stipends Available for Tampa Bay

The AFCC Board of Directors has approved a \$5,000 donation to the New Orleans Area Habitat for Humanity to assist in rebuilding efforts. Due to Hurricane Katrina, AFCC was forced to relocate the 43rd Annual Conference from New Orleans. AFCC has made a commitment to return to New Orleans for the 2009 Annual Conference.

The AFCC Resource Development Committee is offering ten scholarships and three Greater New Orleans Travel Stipends for AFCC's 43rd Annual Conference, May 31-June 3, 2006, in Tampa Bay, Florida.

- **Seven Conference Scholarships** will include registration fees for the conference and one full-day pre-conference institute.
- **Three Greater New Orleans Travel Stipends** of \$500 will be awarded to AFCC members from the Greater New Orleans area who were planning to attend the original location of AFCC's 43rd Annual Conference in New Orleans.
- **Two International Conference Scholarships** will be granted. These scholarships will include conference registration fees, one full-day pre-conference institute and a travel stipend of US \$1,000. International Scholarship applicants must live outside of North America.
- **One Local Conference Scholarship** will be designated for a person living in the Tampa Bay metropolitan area. This scholarship includes registration fees for the conference and one full-day pre-conference institute.

Anyone who meets the criteria for any scholarship may apply. Preference for all scholarships is given to AFCC members. The online application is posted on the conferences page of the AFCC Web site at www.afccnet.org.

The application deadline is March 15, 2006.



Enclosed is my contribution:

Contributer \$ _____
 Bronze (\$50-\$99) \$ _____
 Silver (\$100-\$249) \$ _____
 Gold (\$250-\$499) \$ _____
 Platinum (\$500-\$999) \$ _____
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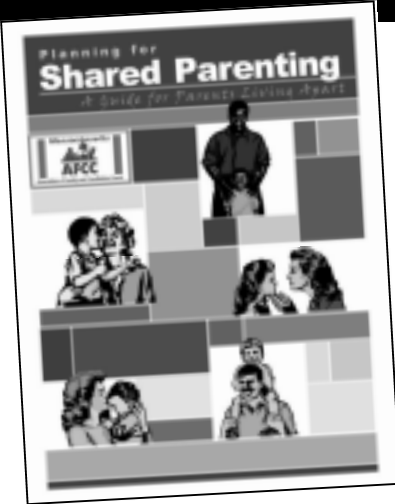
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 Madison, WI 53719

Bulk Rates Now Available!

**AFCC
Publication**



Quantity discounts for AFCC's *Planning for Shared Parenting: A Guide for Parents Living Apart* are now available on orders of 1,000 or more. Great for divorced education classes, this concise 23-page guide helps separating and divorcing parents use developmental research to design age-appropriate parenting plans for children from birth through adolescence.

<u>Quantity</u>	<u>Member / Non-Member Price</u>
1-999	\$2.55 / \$3.00
1,000-2,499	\$2.40 / \$2.80
2,500-4,999	\$2.25 / \$2.65
5,000+	\$2.10 / \$2.45

AFCC Members Receive 15% Off All Publications

To order online go to www.afccnet.org and then click Shopping Center. Or contact AFCC at (608) 664-3750 or email afcc3@afccnet.org.



The National Conference on Court ADR

The National Conference on Court ADR will take place April 6, 2006 in conjunction with the American Bar Association Section of Dispute Resolution's Eight Annual Spring Conference in Atlanta, Georgia. A number of important issues in court dispute resolution programs will be examined. The plenary session, *Litigating Critical Issues in Court ADR*, will feature AFCC Florida Chapter Board member Sharon Press, Professor Jim Coben, Donna Stienstra and Judge Robert Levy.

The National Conference will provide an informative, thought-provoking, and interactive event for judges, court administrators, lawyers, mediators, researchers and anyone interested in court dispute resolution programs. The conference includes a breakfast plenary and a networking lunch and will feature a workshop on parenting coordination presented by AFCC President Hon. Hugh Starnes, AFCC Board member Linda Fieldstone, and Debra Carter, President of the AFCC Florida Chapter.

For more information, including a program agenda and registration information, please visit the American Bar Association Section of Dispute Resolution Web site at <http://www.abanet.org/dispute/conference/home.html>.



Mediating Divorce Agreement

with James C. Melamed, Esq.

Join Jim Melamed, CEO of Mediate.com and Former Executive Director of the Academy of Family Mediators, for **15 hours of divorce mediation instruction.**

This DVD course is distilled from a 40-hour "live" course and emphasizes a facilitative and maximizing approach to divorce mediation (as opposed to an evaluative approach).

The goal is to assist each participant to be at their individual best; to assist participants jointly to most capably problem-solve the many issues of divorce; and to assist participants to achieve as much substantive satisfaction as possible.



DVD Video Set	\$299.95
CD Audio Set	\$249.95

www.mediate.com/DivorceAgreement

CALL FOR PRESENTERS

Association of Family and Conciliation Courts

Seventh International Symposium on Child Custody Evaluations

Atlanta, Georgia

October 19-21, 2006

Sheraton Midtown Atlanta

AFCC's Seventh International Symposium on Child Custody Evaluations will include a wide range of pre-conference institutes, workshops and plenary sessions addressing practice skills, professional issues and advanced applications. The Symposium is designed for custody evaluators, judges, lawyers, mediators and anyone who works with separated and divorcing families.

Proposed topics may include:

Assessing allegations of child abuse and neglect

Interpreting the data

Hybrid evaluation and creative intervention models

Ethical considerations in evaluations

Psychological testing

Choosing between the lesser of two evils

Working with high conflict families

Effective use of collateral sources

Addressing domestic abuse

Innovative evaluation models

Alienated children

Multi-disciplinary perspectives on custody evaluations

Expert testimony and cross-examination



Deadline for workshop proposals is May 15, 2006.

AFCC is accepting proposals for ninety-minute workshop sessions including, but not limited to, the topics listed above. If you are interested in presenting a workshop, please send via email (1) a brief one paragraph abstract (100 words maximum); (2) a one-page outline or description; (3) three learning objectives of your workshop; (4) resumes for all proposed presenters; and (5) complete contact information for all proposed presenters to afcc3@afccnet.org in Word or WordPerfect. *Electronic submissions are preferred*; however, you may also send your proposal to AFCC, 6525 Grand Teton Plaza, Madison, WI 53719. A maximum of four presenters *including a moderator* are permitted. AFCC offers a reduced registration fee for conference presenters. AFCC is unable to reimburse travel and related expenses. AFCC is unable to guarantee consideration of late or incomplete proposals.



AFCC 43rd Annual Conference, May 31–June 3, 2006

Westin Innisbrook Resort, Tampa Bay, Florida

Tampa Bay's Top Things to Do – Sun, Sand and Salvador!

- **Florida's Beaches:** Caladesi Island State Park, Fort De Soto (rated the #1 beach in the U.S. in 2005) and Clearwater's Pier 60 are nearby. Free shuttles to the beach are available from the resort!
 - **Salvador Dali Museum:** St. Petersburg is home to the amazing and comprehensive collection of the Spanish surrealist's work.
 - **The Lowry Park Zoo:** Rated the #1 zoo in America for families.
 - **Tampa Bay Devil Rays:** Host the Toronto Blue Jays at Tropicana Field on June 2nd and 3rd.
 - **Theme Parks:** Busch Gardens, Walt Disney World, Epcot Center and Universal Studios are only 30-90 minutes away!
- The Westin Innisbrook Resort's 900 acres are filled with fun things to do from 72 holes of championship golf to six swimming pools, waterslides and a poolside grill.



www.afccnet.org

