



FOUNDED IN 1963

AFCC NEWS

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Volume 29, Number 2

Spring 2010



AFCC's 47th Annual Conference Goes Green

AFCC is making some "green" changes this year for the annual conference. Eco-friendly conference tote bags, made from recycled materials, are flat-bottomed, which makes them perfect to reuse for grocery shopping. Conference attendees will receive handouts in an electronic format and handouts will be available online before and after the conference. A charging station for laptops will be available at the conference. Materials for the conference that must be printed, such as the silent auction catalog and room assignment sheets, will use paper with at least 30% recycled content. As you leave the conference, turn in your name badge holder at the AFCC desk for reuse.

The Sheraton Denver Downtown also has some nice "green" features. The hotel features "Make a Green Choice" where guests can opt out of daily linen and towel replacement and are rewarded for the green effort with a \$5.00 voucher or 500 Starwood points for each opt-out day. Recycling containers are provided in guest rooms and throughout the hotel. Paperless check-out is available, guestroom

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Farewell to AFCC NEWS

This is the last edition of AFCC's quarterly paper newsletter, *AFCC NEWS*. You will continue to receive the *AFCC eNEWS*, accessible electronically anywhere at any time, each month. To ensure that you will receive the *AFCC eNEWS* in your email inbox, please make sure that AFCC has your email address.

www.afccnet.org



**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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President's Message



Hon. Emile Kruzick
AFCC President
Brampton, ON, Canada

The first century philosopher Seneca is quoted to have said, "Every new beginning comes from some other beginning's end." The beginning of my term soon comes to an end marking a new beginning. Looking back and then into the future, the accomplishments of the past year and the future prospects for AFCC simply amaze me. With great confidence, I say our association is in a very good place and in good hands.

At last year's Annual Meeting in New Orleans, the AFCC

Board worked very hard on a new five year strategic plan. This blueprint has been a road map for us this past year and bodes well for our future.

There is much to report and many people to thank for what has been an incredible year for me and AFCC. Limited space gives me the opportunity to mention but a few highlights:

- In February, AFCC received an Award of Excellence from ASAE & The Center for Association Leadership for its Associations Advance America Awards competition. The award recognized AFCC's work on the Domestic Violence and Family Courts Project. Congratulations, everyone!
- The *Family Court Review* has never been better. We are delighted to announce that Dr. Robert Emery will replace Dr. Janet Johnston, who has chosen to step down as Associate Editor. Robert Emery, Ph.D., is Professor of Psychology and Director of the Center for Children, Families, and the Law at the University of Virginia. Congratulations, Professor Emery and thank you, Dr. Johnston, for your outstanding commitment. We rest assured that the publication will continue its high standard of excellence.
- The AFCC Task Force on Child Custody Consultation is undertaking a very difficult assignment as it looks at best practices for this area of practice. Task Force members will host an Open Forum at the Annual Conference in Denver to solicit feedback and share findings to date.
- The Court Involved Therapist Task Force has been hard at work and, having posted its draft Guidelines for comment, hopes to complete proposed Guidelines for the AFCC Board by the Fall.

- The latest book in AFCC's *Innovations* series, *Innovations in Court Services*, has just been released. Look for it in Denver or on the publications page of the AFCC website at www.afccnet.org.
- This year we established a Mentorship Program to enable experienced AFCC members to share their wealth of knowledge and experience. At the Annual Conference in Denver we will feature mentorship activities, open to all conference attendees.
- Chapters continue to grow and develop. It is my hope that Minnesota and my home province of Ontario will be approved as Chartered Chapters at our Board Meeting in Denver and that Washington State will receive Provisional Chapter status, joining Louisiana, which became a Provisional Chapter last Fall. AFCC Chapters continue to astound me. They put on impressive conferences, in true AFCC style, and bring a great deal to the parent organization. My congratulations to our Chapter members. Working locally and thinking globally has been nothing short of a win-win for everyone.
- Our Fall Regional Training Conference in Reno, Nevada was extremely well-received and attended. The Nevada hosts knocked themselves out with their gracious hospitality. While in Reno, AFCC Executive Director Peter Salem and I took advantage of the invitation from the Reno-based National Council of

Looking back and then into the future, the accomplishments of the past year and the future prospects for AFCC simply amaze me. With great confidence, I say our association is in a very good place and in good hands.

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Message from the Executive Director



Peter Salem
AFCC Executive Director
Madison, Wisconsin

The great pitcher Satchel Paige once said, "Don't look back, something might be gaining on you." This came from a man who, due to racial barriers, did not debut as a major league rookie until the age of 42 and was an All-Star caliber pitcher at age 47. So his advice is worthy of serious consideration.

Like Satchel Paige, AFCC and its members are constantly looking forward. Those who have been around the organization over the years will tell you that it has always been that

way. Whether it is the development of court-connected custody mediation forty years ago, or innovative hybrid processes like parenting coordination or early neutral evaluation, or simply our core concept of an interdisciplinary approach to family law disputes, AFCC members have been out in front and ahead of the curve.

There is no doubt that looking forward has resulted in many positive developments, but every once in a while, I like to take a look at where we came from. As AFCC grows larger and expands its scope and influence, it is important to remember the rich history of this organization.

Gathering dust on the not-so-tidy bookcases in my office are little pieces of that history. Every once in a while I peruse some of these items. I am quickly reminded that my twenty years with AFCC makes me a relative newbie. Indeed, a peek into the 1978 Member Directory confirms the membership of AFCC President Emile Kruzick in the days before he became one of Ontario's distinguished jurists.

Amongst the memorabilia is a smattering of conference programs dating back to the 1970s, the entire collection of the AFCC journal (under a variety of names and formats) and a box of old photographs. Some are labeled and many are not, so I am not sure who everyone is, or when and where the pictures were taken. In general there is more hair, less weight, wider ties and lapels and larger glasses. And, for the most part, everyone looks to be having a good time.

This week my attention turned to several binders that contain more than a quarter-century of AFCC newsletters dating back to 1984 and another handful of newsletters from the early 1970s. These newsletters caught my eye because this issue of the *AFCC NEWS* is the final hard copy. From now on, we'll be electronic with the monthly *AFCC eNEWS*. The end of the *AFCC NEWS* is the end of an era, of sorts, as the move toward digitization continues.

The first edition I could unearth from my shelves is from March 15, 1971. The editor was Franklin C. Bailey of the Los Angeles Conciliation Court. Subsequent newsletter

editors (and co-editor teams) included Laurance Hyde (1981-82); Stanley Cohen and Laurance Hyde (1983); Stanley Cohen and Liz Hoffman (1984); Stanley Cohen and Ann Milne (1985-1988); Ann Milne (1989); Ann Milne and Rebecca Greenlee (1990-92); Ann Milne and Peter Salem (1992-93); Peter Salem (1994-2003); Candace Walker (2003-05); David Vigliotta (2006-2008) and Leslye Hunter (2008-10).

These names represent a combination of AFCC members, executive directors and staff. Having logged ten years as editor and another two as co-editor, I can attest to challenges of putting out a quarterly newsletter and the hard work involved. Layout, production, editing the content, but perhaps most difficult of all, the begging, pleading and arm-twisting that comes with getting good newsletter content. Of course, we no longer use a mimeograph machine. I am sure Frank Bailey would have been thrilled to lay out his newsletter on a computer using Quark XPress.

These old newsletters are probably of little interest to many AFCC members, but they provide a fascinating glimpse into the history of our field. They contain articles about the first set of Model Standards of Practice for Family and Divorce Mediation in the early 1980s, the development of Parent Education programs in the early 1990s, point-counter points about mediator recommendations and mandatory parent education. There is even a picture of AFCC leadership at the White House with then First Lady Hillary Clinton, Honorary Chair of the Second World Congress on Family Law and the Rights of Children and Youth.

My personal favorites are a series of "Conversation Corner" interviews I conducted in the mid-90s with leaders in the field such as Nancy Rogers, Janet Johnston, Isolina Ricci, Hugh McIsaac, Jessica Pearson, Desmond Ellis, Mary O'Connell, Sandy Braver and Sharon Press, most of whom remain AFCC members to this day. These interviews remind me of how generous our members are with their time, and how lucky I was to spend an hour on the phone with each of them receiving something akin to a personal tutorial. I've always said that the best part of my job is what I learn from telephone conversations.

As AFCC approaches its 50th year in 2013, it is important that as the topics, processes and publications come and go, we honor the association's legacy and create access to its history. And I am pleased to note that two former Presidents have agreed to take charge. Susan Snow (1992-93) and Linda Hahn (1995-96) will be coordinating efforts with the AFCC office, contacting former members, collecting AFCC memorabilia, and bringing everyone together for a 50th Anniversary blowout at the JW Marriott at LA Live in Los Angeles in June 2013.

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MEMBER PROFILE

David Medoff, Ph.D.

David Medoff, Ph.D., Forensic Psychologist. Associate Professor of Education and Human Services and Director of the Mental Health and Counseling Program at Suffolk University, and President of the Massachusetts Chapter of AFCC, Boston, Massachusetts.

What does your current position entail?

In my private practice, I conduct a wide variety of forensic psychological evaluations and consultations. I am trained in both pediatric and adult forensic assessment and I perform evaluations that involve high conflict divorce, child custody, parent-child contact and visitation, child development and attachment, child abuse and neglect, and juvenile delinquency. My specialized areas of interest include forensic psychological testing, the evaluation of sexual offenders, psychodiagnostic assessments and fitness for duty evaluations. It is in my capacity as a Designated Forensic Psychologist (DFP) in Massachusetts that I also performed various evaluations related to criminal law including Competency to Stand Trial, Criminal Responsibility and Aid in Sentencing evaluations. In my capacity as a tenured Associate Professor, I direct a graduate program in Mental Health Counseling and teach a variety of graduate courses including forensic psychological assessment, psychological testing, ethical and legal issues, psychological diagnosis and others. I also conduct research, publish and present in professional workshops and seminars on a wide variety of clinical and forensic topics.

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

I first became interested in this area of forensic practice when I was subpoenaed to court as a fact witness in my role as a therapist for a young boy who had been sexually abused. I was only an intern at The Children's Hospital in Boston at the time and I distinctly recall walking into the courtroom and seeing a forensic psychologist testifying on the witness stand in a child custody case. He had a nearly unbelievable command of the diverse knowledge needed to do this work well, and he had such an astounding presence in the courtroom that every person within the sound of his voice had stopped in their tracks, riveted, to hear his every word. I recall thinking, "Who is that guy?" and "I want to do what he does!" Well, as it turns out, "that guy" was Dr. Kenneth Herman—a true pioneer in the field of high-conflict divorce and child custody—and he was the Director of the Children and the Law Post-Doctoral Fellowship Program at the Massachusetts General Hospital. I immediately applied to that program where I received remarkable training in the field of separation and divorce, the field I've been working in ever since.

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

My best piece of advice to anyone entering the field is to acquire thorough and formal training in this area of practice. For both mental health professionals and attorneys, this type of work can be so diverse and rich in complexity that it demands a breadth and depth of knowledge that is impossible to acquire without solid training. For mental health practitioners, it is the merging of clinical knowledge and experience with the foreign culture of the law. For attorneys, it is the blending of specialized legal knowledge with the complexity of psychopathology and the field of mental health. Both fields are fully established independent areas of practice, and it is where these fields intersect that it gets really exciting and challenging. To meet these challenges well, one needs thorough formal training.

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

In my opinion, the greatest challenges and the biggest changes in the field right now are the development and promulgation of practice standards. This is not the Old West anymore, where one can shoot from the hip and hit the bullseye, and this is a good thing. From the advances established by the Supreme Judicial Court in the legal considerations for admissibility of evidence, e.g., the Daubert, Kumho and Joiner decisions, to the organizational publication of guidelines and standards, our field is ratcheting-up the qualifications and competencies required to do this work. And it should. I cannot think of any stakes higher and more important than those involving the health and welfare of children. We need the best and the brightest working in this field, and we get this with the requirement of training and with the establishment of standards of practice.

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

Ten years from now it would be nice to see an incremental increase in both the training opportunities for those involved in this work and in the wide spread reliance on such training, thus raising the level of practice in which we all engage. We are clearly headed in this direction as a field, and AFCC plays a large role in this endeavor.



David Medoff, Ph.D.
Boston, Massachusetts

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We Miss Flights for a Reason

By Jennifer McIntosh

Alphington, VIC, Australia

My mother said we miss flights for a reason.

To cut a long story short, I've travelled from Australia on a research mission, to conduct 14 interviews in five cities with leading attachment theorists, to discuss the interface of attachment and complex family law issues. From Mary Main, Erik Hesse, Alicia Lieberman, Stephen Seligman and Carol George in the Bay Area, I went on to Minneapolis to spend time with Alan Sroufe to discuss the Minnesota Longitudinal Study of Child Development. This study has mapped the psychological and ecological matrix in which children's minds and lives grow, bringing to life in intricate developmental detail the pathways of high risk children, those who thrive and those who don't, and those who move in between.

From there, I was bound for New York, to meet with the Attachment team at SUNY, Long Island, then over to Connecticut to talk with Judith Solomon, before a trip to LA to see neurologists Dan Siegel and Allan Schore. But somewhere around Minneapolis, I missed my flight. I ended up arriving late in New York, which is not a great time of day to make your way through Queens to Jamaica Station. Queens can be a pretty scary part of town in daylight, and I was feeling a lot less than comfortable. Gangs were brawling on street corners and some heavy looking dudes approached me with an offer to protect me in return for dollars. They weren't the kind of guys you say "no thanks, I'll be fine" to, so parting with the money is insurance of more than one kind.

Finally, arriving in a crowded waiting area at the train station, a distraught young woman, about 17 or 18, approached me and asked to use my phone. At this point I think, well, a) she really needs to call someone or b) she's going to run off with my phone, in which case c) she needs the phone a lot more than I do. She sat next to me, and dialed an interstate number. "Ma, it's me. Why you don't pick up the phone no more when I call? I swear I call you 15 times today, over my son's life I swear it, and you hang up on me. Ma, I'm here in New York—I need help. I come to pick up my son, but he won't give him to me. He says I'm never gonna see my boy again. He pushed me, said not to come near him. It's the third time this week I tried to collect my baby Ma, your grandson Ma, and he won't give him back. What am I gonna do Ma? Ma? Don't hang up on me Ma."

Ma hung up. The young woman began to sob, huge tears dropping onto the beeping phone. I cautiously put an arm around her, not wanting to intrude, but this young woman was breaking down before my eyes. She said "

thank you Ma'am." Between sobs, her story tumbled out. "I got a baby, he's 13 months old. I moved up here from the south so his dad could see him more. The court said I got to. Since he was two months old, the court said one week with the mother, one week with the father, so it's fair. So I move away from my friends, and come up here by myself. Then the father dumps my baby on the doorstep and says he can't cope with him all week. I don't got family here and I haven't made friends yet. I'm trying to finish my schooling and I got a job so I can pay the rent, and I raise my baby boy. He's walking now. It's the second time he don't give him back. I took my boy there on Halloween for his week. We gotta catch three trains to get to the Bronx, you know it's not easy. And I went to pick him up seven days later, and every day since I try to collect him, I get the trains, and I stand on his doorstep, scared for my life, but my baby is in there. The father says he's gonna keep my boy. My baby needs me—what's he gonna be thinking—he's gotta be upset—where's his mamma?"

I talk with her for a half hour till she's calmer. Yes, maybe she'll call a legal aide attorney on Monday, but then again she doesn't want the courts involved. Her baby's father is a "smooth talker," and he's got drug friends who can hurt her, and the court didn't help the first time. I get her to tell me someone she can talk to tonight when she gets home, and she identifies a friend in Florida. She promises to call her. I buy her a coffee and make sure she gets on her train. Completely inadequate gestures, but she says again, like a school child might, "Thank you Ma'am," like it's the first time someone has shown her a kindness in a very, very long time.

I walk to my Long Island bound train, with my mind back in Minneapolis. Alan Sroufe wrote the book on risk variables, and here they were, every one of them it seemed walking around in the mind of one young mother, and in the life of her baby. Could that baby possibly have the odds stacked any higher against him? Shuttle care since two months of age between parents who themselves were just grown children, with every socio-economic, family of origin, substance abuse and high-conflict risk factor under the sun operating against them? How would this little fellow develop amongst it all? What if this baby had managed to form some kind of security of attachment in that year of fragmented and overwhelmed care? What chance would that have of buffering any of these other realities?

And so I started dreaming...about a family court system that was thinking "developmentally" and acting "longitudinally," that acted like a secure base itself, fostering a wide system of support, with rulings that prioritised adequate care-giving experiences for babies. Now the dream becomes more grandiose: a Family Court that operational-

izes a new UN Convention on the Developmental Rights of the Child in Custody Disputes. Towns flash by as the train winds its way across Long Island, but I'm seeing economists waving their complex and highly persuasive models, and *New York Times* headlines that scream: "Massive savings to economy through the protection of divorced children's psychological well-being in infancy," and "New family court system weighs in at the front end," and "Benevolent court keeps watchful eye through critical first three years"....

Sure, it's a flawed dream. But I was oddly grateful to have missed that flight.

Jennifer McIntosh, November 7, 2009, New York.

Message from the Executive Director

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Between now and then we will be setting up a web presence to highlight AFCC's legacy, scanning in the old newsletters, photos, programs, posting comments and remembrances. None of this will take away from the work AFCC is doing today to improve the family law process for children and families. We will still have our eyes firmly focused on the future. But with all due deference to Satchel Paige, every once in a while, we'll stop and look over our shoulder. There is a lot to learn back there.

Member Profile: David Medoff, Ph.D.

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What aspect of your work do you enjoy the most?

I love what I do. I think the collaboration and interaction with others that is inherent in my work is what I enjoy the most. Whether it is teaching my graduate students or conducting an evaluation for a child custody matter, I am involved with others for a common goal. When teaching, I am assisting in the provision of newly attained knowledge, and that is extremely gratifying. When engaged in child custody work, I am providing valuable information to the court, in some instances the single entity that can exert a direct impact on the best interest of a child. That is more than gratifying. Even when being cross-examined on the witness stand, I am engaged with that lawyer for the purpose of informing the court to the best of my ability. While it can be frustrating at times, it can also be quite gratifying, and I like to think that it serves a noble goal.

How and when did you first learn about AFCC?

I first learned about AFCC in the mid 1990s when I was training as a forensic psychologist at the Children and the Law Program at the Massachusetts General Hospital. My supervisor at the time was involved with AFCC and arranged the opportunity for me to assist the AFCC staff with registration at a Boston conference in exchange for the registration fee. I jumped at the chance and I'm glad I did.

What do you like most about AFCC?

In my experience, the truly remarkable interdisciplinary nature of AFCC is quite rare, and this, coupled with the opportunities I have experienced in collaborating with some of the brightest, most well-informed and thoughtful practitioners in the field, has been simply extraordinary. Many organizations claim to be interdisciplinary, and they

may well be, but the AFCC culture of "leaving your ego at the door" provides a context in which all members are treated as equals. From judges, to mental health professionals, to attorneys, to mediators, to court clerks to probation and family service officers—it's incredible. This in turn allows for what would ordinarily be unique opportunities to become commonplace, for the rich and complex exchange of ideas to flourish and for the cutting-edge advancement of our field to take place. This is what AFCC is all about. I've also managed to have a lot of fun in the process.

What is your proudest personal achievement?

Although this may sound corny or trite, my proudest personal achievement is raising two kind, beautiful and self-confident children, Jake and Robin, with the wise and generous collaboration of my wife Donna. I am a lucky man.

What do you enjoy doing in your free time?

In my free time I have been known to sit back, relax and light up a nice cigar. The good news is that I don't have that much free time. I also enjoy spending time with my family and friends.

Tell us something about yourself that your AFCC colleagues don't know.

I have very fond memories of going freshwater spin fishing as a child with my father and my brother. Although I do not seem to find enough time to do so, I still find myself returning to that rare childhood-like peaceful state of mind when I get the opportunity to cast a line.

AFCC Chapter News

Arizona

The Arizona Chapter of AFCC had its annual conference in February in Sedona. Peter Salem and AFCC President Emile Kruzick were special guests, and Matthew Sullivan, Ph.D., was the honored speaker at the preconference institute *Intensive Interventions for High Conflict Co-Parents*. At the conference, the Chapter elected new officers and board members, welcoming John (Jack) Moran, Ph.D. as the new chapter president for the coming year. Also recently completed was a special program featuring Michael Lamb, Ph.D., titled *Considering Attachment Issues in Developing Parenting Plans*.

The AzAFCC Summit Conference has all-day meetings scheduled in April and May. The summit topic is *Protecting children from the consequences of dysfunctional communication between their parents*. The Summit, convened at the request of judges who are seeing the results of high-conflict and noncommunicating parents, recognizes that there is no one method to “fix” dysfunctional communication. The Summit mission is to create a product in the form of a resource guide with specific plans and resources for courts and professionals to use to ensure children’s needs are met despite parents’ inability to effectively communicate.

California

The California Chapter has completed a year-long strategic planning process that confirms that the annual conference is the priority of the membership. The plan also indicated a strong desire for more opportunities for networking at the regional level. The Chapter’s annual conference in Santa Monica was successful, and next year’s conference (February 11-13, 2011) will be in San Francisco at the Mark Hopkins Hotel. The theme is *Times They Are A-Changing: Maximizing Resources, Options and Talents in a Changing System*.

Colorado

The Colorado Chapter is looking forward to the 47th Annual Conference in June and to honoring Robert Smith, JD, of Windsor, who will become the new President of AFCC. COAFCC is reaching out to judicial and forensic professionals throughout the state to attend the conference and to join AFCC and the Colorado Chapter. Recently COAFCC collaborated with two regional interdisciplinary custody organizations, Metro Denver IDC and Boulder IDC, to present an all-day conference. Loretta M. Frederick, J.D. and Janet R. Johnston, Ph.D. presented *Domestic Violence Assessment and Parental Responsibility: Using the Latest Research in Parenting Plans and Complex Cases*. Les Katz, Psy.D., of Denver, began the day with introductions, and the Honorable Victor Reyes of Pueblo, 10th Judicial District, presented *Ethical Fact and Fiction – Judicial Discretion in Domestic Violence Cases*.

Florida

The Florida Chapter of AFCC held its annual conference, *Managing New Challenges: Riding the Wave to a Better Future*, in Tampa, Florida. The overall theme was diversity. FLAFCC had an amazing array of speakers and presenters and was honored to have AFCC President Emile Kruzick and his wife, Josie Kruzick, attend the conference. The new Board of Directors was elected and took office in January, 2010. The Task Force on Social Investigations and Parenting Plan Evaluations was able to gather information from every circuit in the state on what programs (if any) were in use. The group was able to create definitions that can be utilized to understand the various processes. Circuits that have viable programs will have those programs available on the Chapter website as well as a “how to” for circuits interested in starting their own programs. The Long Range/Strategic Planning committee is completing its work and will send it to the advisory group of past presidents for review. FLAFCC is looking into the possibility of presenting regional workshops on various topics. FLAFCC is very excited to have the AFCC 48th Annual Conference in Orlando, Florida.

Louisiana

The Louisiana provisional chapter is making plans for its first annual conference, which will focus on mediation. Its bylaws have been drafted, and a Yahoo! Group for communication has been established. Much networking is occurring around the state. Five members will be speaking at the state Judges’ Summer School this June and will promote AFCC and chapter membership. Although a Parenting Coordination statute was passed in Louisiana in 2007, the model is not often used, so AFCC-LA is creating a PC brochure for dissemination, which will educate professionals and also promote the AFCC mission.

Massachusetts

The Massachusetts Chapter of AFCC held its annual conference at Regis College in Weston. The topic was *The Compromised Parent: When Good Enough Isn’t*. The Conference featured Keynote Speaker, Dr. Terry Ostler, has written extensively on assessing parenting competency in both mental health and substance abuse arenas and has practical experience with working in the Juvenile Court in Illinois. The Conference also featured a distinguished panel of speakers, including two members of the Massachusetts Trial Court, who spoke about impaired parenting and the nexus between mental health and substance abuse issues and the impact each has on parenting.

AFCC Member News

Hon. Susan B. Carbon, AFCC member from Concord, New Hampshire, was nominated by President Obama and unanimously confirmed by the U.S. Senate as Director of the U.S. Department of Justice's Office on Violence Against Women. Judge Carbon has been a Supervisory Judge of the NH Judicial Branch Family Division since 1996 and served as NCJFCJ President in 2007-2008.

Anne Cremonini, AFCC member from Canton, Massachusetts, is being honored by the Massachusetts Chapter of the American Academy of Matrimonial Lawyers (AAML) with the the Edward Ginsberg Service Award. The award is given for service to the principals of AAML that go far beyond the professional requirements of their employment.

David Hoffman, AFCC member from Boston, Massachusetts, and founder of Boston Law Collaborative (BLC) announced that the International Institute for Conflict Prevention and Resolution (CPR) presented its Law Firm Award for Excellence in ADR to BLC. The committee acknowledged BLC for: demonstrating firm-wide commitment to conflict resolution; educating legal professionals and clients about ADR and the collaborative law process; and employing a unique multi-disciplinary approach to its legal representation and its dispute resolution work.

Denise McColley, AFCC member from Napoleon, Ohio, and Henry County Domestic Relations/Juvenile Court Judge, has been elected Vice President of the Ohio Association of Domestic Relations Judges. The association promotes the common business interests of Ohio domestic relations court judges and provides leadership for a just and effective domestic relations court system throughout the state.

Mediate.com has received the 2010 Institutional Lawyer as Problem Solver Award from the American Bar Association Section of Dispute Resolution. The award was established to recognize individuals and organizations that use their legal skills in creative, innovative and often non-traditional ways to solve problems for their clients and within their communities. Mediate.com has been at the forefront of making the power of the internet accessible to lawyers, mediators and dispute resolution practitioners.

Andrew Schepard, AFCC member from Hempstead, New York, has received the 2010 Problem Solver Award from the American Bar Association Section of Dispute Resolution. He has consistently served as a problem solver at the highest level, identifying important challenges in our field and spearheading community and policy initiatives that impact families throughout the country.

Lee A. Schreiber, AFCC member from Fort Myers, Florida, was appointed by Florida Governor Charlie Crist to the 20th Judicial Circuit Court. Judge Schreiber served as the General Magistrate in Florida's 20th Judicial Circuit since 2005 and, prior to that, was a family law practitioner law for 20 years. She is the Immediate Past President of the Florida Chapter of AFCC.

President's Message

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Juvenile and Family Court Judges (NCJFCJ) to meet with them and visit their offices. Our partnership and collaboration is one that we continue to build upon.

- I would be remiss if I did not mention the high honour and distinction our Executive Director, Peter Salem, brought to AFCC when he was awarded a William T. Grant Foundation Distinguished Fellowship in 2009. It is a prestigious fellowship that is awarded to those who have demonstrated success and are seeking to build bridges between research, policy and practice. Balancing the duties of the home office and his work at Arizona State University Prevention Research Center, Peter continues to astonish me with his high level of energy and his tireless commitment to AFCC. You do us all proud, Peter.

This year the board approved the move of our Madison offices to new "digs," which I recently viewed. Our present office is inadequately sized and the new space will enable AFCC to continue to grow and do more of the good work the AFCC staff does for us all. Being with them reinforced how fortunate we are so have a staff so committed to serving the needs of our membership.

I want to extend my gratitude to our tireless Executive Director, our superb AFCC staff, the talented and hard working members of the Board and my mentor, our Past-President, Robin Deutsch. It has been a privilege to work with such talent. Most importantly, I thank you, the members of AFCC. It is impossible to recognize every one of you individually. Please know that your support of me and your continued commitment to AFCC's goals and mission make us the strong association we are today. I could not have taken on this role without the generous support of my court, my wife Josie, and our daughter Nicole, to whom I am eternally grateful.

Our Annual Conference in Denver takes on a challenging theme and some controversial topics. The diverse program has something for everyone, including time to have some fun. In Denver, Robert (Bob) M. Smith takes over as President in his home state of Colorado. It is therefore an end and a new beginning for all of us. I have very much enjoyed and benefited from working with Bob over the past few years. With great confidence, I say, he will make a fine President. All the best Bob! All the best AFCC!

Sincerely,

Emile Kruzick

Children's Resilience after Divorce: Wishful Thinking or Attainable Goal?

By JoAnne Pedro-Carroll, Ph.D.

Rochester, New York

"It is easier to build strong children than to repair broken men." These days, of course, we'd naturally add "...or women"! Nevertheless, Frederick Douglass's wisdom presaged what research has since repeatedly proven about the importance of fostering resilience in children. This research update will take a brief retrospective look at research on children and divorce, and how we can apply it in our work with children and families.

Fortunately, we've come a long way from the days of polarizing debates about whether divorce causes minor short-term issues for children or whether it invariably leads to a host of enduring problems. We now know that most children experience considerable distress in the early stages of a break-up but there is considerable variability in children's long-term adjustment.

Some of the most informative research helps us understand the factors that contribute to children's risk of long-term problems and those that promote their resilience and healthy adjustment. This knowledge can add great value in shaping public policy, informing parenting practices, and developing evidence-based programs that foster resilience in children and families.

What parents' don't know about their children's feelings. Children themselves are one of the most important sources of information about the impact of their parents' divorce. Yet, research reveals that parents are often unaware of their children's feelings, particularly during and after a divorce. Young children simply have not yet developed the skills needed to identify and express their feelings. Older children may be able to identify their emotions but are often reticent to reveal their own powerful feelings and worries, because they are concerned about further burdening their already distressed parents. For some, the disconnect between children and their parents increases their own sense of isolation and abandonment, adding to the risks divorce poses for them.

The American Psychological Association's 2009 Stress in America Survey reveals that parents (including but not limited to divorced parents) frequently do not know what their children feel. Thirty-one percent of children worry about their family's financial problems, but only 20 percent of parents think this is a concern for their children. More than 20 percent of children and youth reported worrying a great deal, but only three percent of parents believed that their children experienced significant stress or worry. The survey shows that children's physical symptoms, too, are largely unnoticed by busy parents. One out of three children reported having significant headaches in the past month, but only 13 percent of parents thought their children

had stress-related headaches. Forty-four percent of children reported sleep difficulties, but only 13 percent of parents thought these represented a problem for their child. The implications are profound: numerous studies have shown the deleterious effects of stress on the body's systems and its relationship to the frequency and severity of illnesses.

These gaps in understanding may have implications for children's long-term emotional and physical health with regard to divorce.

Coping with unwanted, uncontrollable and often unexpected life-altering experiences can be enormously challenging—if not overwhelming—for children. Thus an understanding of how children experience the stress of family disruption is important information to incorporate into programs and policies that promote quality parenting and children's well-being. Research confirms that high quality parenting that includes warmth, responsive listening and effective discipline is a powerful protective factor that relates to children's resilience and healthy adjustment. Quality parenting skills can be learned. The message that their parenting practices can reap long term benefits for children is a message of hope and empowerment for many parents who may feel powerless in the aftermath of divorce.

Developing children's resilience. "Resilience" has become a popular topic in the media. Unfortunately, one prevailing myth surfaces all too often: that children are innately resilient, and that their youth alone enables them to bounce back easily from tough situations. Because of this false belief, parents and others who are well positioned to help children through difficulties may leave them to work them out on their own—an unfortunate choice for children at a time when they are most vulnerable. Promoting resilience is the responsibility of adults involved in all the systems that affect children over the course of their lives—families, schools, health care providers, courts, communities. Indeed, there are skills that adults can

Children themselves are one of the most important sources of information about the impact of their parents' divorce.

model and teach children that promote resilience. One of those skills is to help children understand and manage their strong emotions.

One fundamental step in managing emotions is the ability to identify and articulate them. Recent neuroscience research has shown that the very process of "labeling" emotions—giving words to feelings—helps to calm the limbic system and move neural activity from the amygdala, the center of fear, anger and anxiety, to the prefrontal cortex, where rational thinking, problem solving, and judgment occur. When parents, therapists, and others can help children identify and express their emotions, they not only provide support at that moment, but they also strengthen the neural pathways that regulate emotion. This is a fundamental skill for emotional intelligence and resilience.

Fostering children's resilience and increasing their capacity to deal with family changes and challenges are primary goals of the prevention programs that colleagues and I developed and researched for the past 25 years. The Children of Divorce Intervention Program (CODIP) provides safe group settings where children can share their feelings, strengthen effective coping skills, clarify misconceptions, learn and practice effective problem solving skills, and disengage from problems that are beyond their control—all critical to developing resilience. Several controlled studies conducted with parents, teachers, and the children themselves all showed the benefits of this preventive intervention in children's social and emotional adjustment, school success, and even their physical health. As this model continues to be adopted worldwide, ongoing research corroborates our understanding of the factors that positively influence children's resilience: emotional support from caring adults, critical social and emotional competencies that fuel feelings of self efficacy, and hope. Our studies show that qualities of resilience were more prevalent in children who had positive perspectives on their lives and hope for their future.

Children cannot achieve the important goal of resilience on their own. Much valuable research highlights important family factors that relate to better outcomes for children. These include protecting children from ongoing conflict, quality parenting that provides abundant love along with consistent limits, supportive and healthy parent-child relationships, parents' own physical and mental well-being, and household and economic stability.

It is essential to pass this vital information on to parents, especially early in the process of a separation, before problems become entrenched. Hope, healing, and forgiveness have a greater chance of taking root in the fertile ground of evidence-based interventions for children and parents, and other preventive measures such as mediation and collaborative law.

JoAnne Pedro-Carroll, Ph.D., is a clinical psychologist and child specialist based in Rochester, New York. She is the award-winning author of Putting Children First: Proven Parenting Strategies for Helping Children Thrive after Divorce (Avery/Penguin, 2010), which won a NAPPA Gold Award from National Parenting Publications Awards.

AFCC 47th Annual Conference

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amenities such as shampoo are in plastic bottles with recycled content, and water glasses are available in guest rooms instead of disposable cups. Discarded guest linens are used for cleaning cloths and the hotel uses Ecolab non-phosphate chemicals in laundry, housekeeping and engineering. The hotel also composts food wastes and donates extra food to local charities.

Want to do more? Visit <http://www.wikihow.com/Buy-a-Carbon-Offset> to learn about purchasing carbon credits to help offset your conference travel carbon emissions. Your credit purchase goes to fund projects for carbon reduction—like solar or wind energy.

Welcome New Chapter Presidents

AFCC welcomes and congratulates John "Jack" Moran, President of the Arizona Chapter, Myrna R. Neims, President of the Florida Chapter, David Medoff, President of the Massachusetts Chapter and M. Mercedes Fort, President of the Missouri Chapter.

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Peacemaking for Divorcing Families in the Era of Shrinking Court Budgets and an Uncertain Financial Future—Part II

By Forrest S. Mosten

Los Angeles, California

Part I, published in the Winter 2010 AFCC NEWS, discussed how peacemaking can contribute to the current financial problems facing families and courts, the evolution from an adversarial to peacemaking paradigm, and the Comprehensive Law Movement's contribution to resolving and preventing family law conflict.

Peacemaking in Helping Divorcing Families

Departing from the traditional adversarial paradigm and building on the foundation of the Comprehensive Law Movement, the following are aspects of peacemaking currently active in our field. Peacemaking goals and strategies can be present within the full-service professional-client relationship, within innovative limited scope service models to expand legal access, and can frame interactions with clients, among parents and children, and between professionals. I will discuss some common aspects of peacemaking: negotiation and problem solving, reduction/elimination and of threats and blame, commitment to an interdisciplinary approach, focusing on the future for comprehensive resolution, and explicit adoption of peace and harmony as bedrocks of family law practice.

A. Negotiation and Problem Solving

The best professionals have already evolved beyond the confines of the traditional paradigm to incorporate interest based negotiation and creative problem solving approaches to even the most toxic, conflictual, and complex matters. Referral sources understand that these experienced professionals will often use the Daicoff lens to work out confidential negotiated settlements that can avoid the public glare of an adversarial court filing.

Courts have also taken leadership in recommending the use of negotiation and problem solving techniques to family law parties. The following excerpt is from a letter that is currently being sent by the Supervising Judge of the Family Department of Los Angeles to every family law party:

However, going to court is not the only way to resolve disputes. Some other ways include having attorneys negotiate directly; having a neutral third party help both sides negotiate a solution (mediation) or using a problem solving method such as collaborative law. These other ways help people find solutions that are mutually acceptable. You can speak with your attorney, if you have one, about these options so the two of you can decide whether any of these are right for you.

B. Eliminate or Reduce Threats and Blame

Blame is seen as a “no-win” game—in fact, the seminal best-seller, *Getting to Yes*, is responsible for the now well known concept “win-win.” The skills of active listening and acknowledging the emotions of other party as well as developing and exploring options (brainstorming) are concepts that the best family professionals use. Peacemakers strive to refrain from the use of threats and blame. Most collaborative participation agreements consensually bar either the use of court or the threats of using court.

C. Interdisciplinary Approach

AFCC has long recognized the importance of learning from and incorporating interdisciplinary approaches to better serve our clients. We learn from the mental health field about child development, communication strategies, and how to treat, evaluate, testify and otherwise contribute to the resolution of family law matters. We learn from accountants, financial planners, actuaries, real estate appraisers and other financial professionals how to integrate the parenting and monetary concerns of families. We learn from lawyers about the importance of law, procedures and strategies of negotiation.

D. Valuing Peace and Empowerment for Lawyers and Clients

Just as the absence of war is not peace, helping people get divorced without litigation does not make one a peacemaker. Noted family practitioner David Hoffman and his co-author, Daniel Bowling (*Bringing Peace into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*, 2003) contend that “When we are feeling at peace with ourselves and the world around us, we are better able to bring peace into the room.” (p. 14.)

E. Are you already a Peacemaker?

Think of the people you have helped in the past year “settle their cases” and reflect how you have taken the following peacemaking aspects into account. (The following discussion and questions about healing are adapted from Lois Gold, in *Bringing Peace into the Room*, p. 194):

1. The quality of your relationship with your clients. Have you proactively encouraged rapport and emotional support outside of the technical professional discussion of the issues involved?
2. The importance of your clients return to wholeness. Do you encourage your clients to bring back into balance what has fallen out of balance in their lives, whether it is time for themselves, with their children, or being of service to their community?

3. Helping clients find and listen to their higher intelligence and inner wisdom. Are you committed to helping your clients bring their best selves forward, that have often been compromised by the adrenaline and stress of conflict? Do you go beyond asking your clients to be reasonable and logical to help them touch their wisdom?
4. Stimulating a healing attitude and hope. Do you believe that change is possible and that you (as well as your client) are working toward a better future? Do you have a sense that this hope gives you and your clients energy?

Conclusion: Your Next Steps as a Peacemaker

Whether you practice in a big city or a small town or whether you represent clients with major financial estates or people just trying to survive below the poverty line, you can add peacemaking to your practice. Now is the time to look beyond the legal issues in your cases to the lives you can affect for generations. You can discover that by resolving and preventing family conflict through a peace-making lens, you can help your clients make a true difference for themselves and the healing of their family. At the same time, you can contribute to your clients' lives in a profound way through healing, encouraging forgiveness, and promotion of interdisciplinary problem solving with an emphasis on empowerment and family harmony. In so doing, you can be re-energized in your own practice and be reminded daily why you chose family law practice as your life's work.

In order to stimulate peacemaking in family law courts and within the practices of family professionals, I propose the following agenda:

1. Add peacemaking to the required continuing education for all family lawyers and a separate certification for specialization in dispute resolution and peacemaking should be considered for adoption.
2. Encourage a Peacemaker Impact Assessment as to the design and furnishing of family law court facilities, appointment of judicial officers, training of staff, and promulgation of family court procedures.
3. Seek governmental and foundation subsidies for peacemaking pro bono community services and peacemaker practice building opportunities in both the public and private sectors that would provide greater personal meaning and career satisfaction for family lawyers.
4. Develop incentives for family lawyers to transform their offices into classrooms of client education to teach peaceful client and empowerment and provide resources for clients to practice peacemaking in their legal cases and in other aspects of their lives.

It is my hope that this article will motivate you to undertake further reading and training for your own journey in exploring how you can bring peace into your own life and those of the families that we serve. As a first step, you might consider taking the following Family Professional Peacemaker Pledge.

Family Professional Peacemaker Pledge

- I will think about creating peace for individuals and families;
- I will use my peacemaker efforts to help maximize healing and harmony:

In my own life

In my own family

In my office and with my staff

In my work with clients, their families, colleagues, and other participants in the family law system

In the family professions and in the court system

In my local community, my country, and throughout the world

Date: _____

By: _____

DIRECTIONS: Place the signed Peacemaker Pledge into a Sealed Envelope. Put the envelope into a safe place. On the one-year anniversary of your Pledge, open the envelope, take out your signed pledge, think about your last year's peacemaking efforts and then re-pledge for another year.

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National Domestic Violence and Child Custody Demonstration Project Is Underway

By Loretta Frederick

Senior Legal and Policy Advisor, Battered Women's Justice Project

While researchers agree that exposure to domestic violence harms children, the manner in which children are affected depends on many factors, including the nature of the violence and its impact on the parenting of the abusive party and on that of the victim. However, legal systems in the U.S. often define "domestic violence" for child custody purposes in ways that are under- or over-inclusive or simply do not connect the qualities of the violence to the capacities of the parents to raise their children. In this context, courts must—often without much guidance or evidence—balance (1) children's and victims' safety with (2) the need to avoid disrupting children's healthy familial relationships; all while promoting fairness and providing due process.

Recent research and the experience of many practitioners show that a large segment of custody cases involving domestic violence are not even identified as such by current family court procedures. Even when abuse is alleged and found, its context and implications do not appear to be consistently accounted for in parenting determinations, whether they are reached by parties or by decision-makers. Practitioners often do not have tools for assessing the violence and its relevance. Many parents have inadequate resources, both financial and informational, to effectively access the legal system and related procedures. It also appears that decision makers frequently lack the confidence that their parenting orders actually serve the children's interests. These and other problems can lead to dangerous, unhealthy or unfair outcomes for children and their battered and battering parents.

Over the past several years, researchers and practitioners in the fields of domestic violence, family social science, and family law have worked together to address this issue and to provide family courts with guidance on handling these cases. AFCC is one of the national leaders in this effort, having supported critical research and scholarship and promulgated professional standards and guidelines for courts and practitioners, among other things.

The Battered Women's Justice Project (BWJP) and its project partner, Praxis International (Praxis), are expanding such efforts by working to develop a practical framework for identifying, understanding and accounting for the contexts for the violence and the implications of domestic violence in custody cases. They have been awarded a grant by the U.S. Department of Justice Office of Violence Against Women and have assembled a National Work-

group with representatives from AFCC and the National Council of Juvenile and Family Court Judges ("NCJFCJ") to assist in this effort. In consultation with leading researchers and practitioners, the National Workgroup has begun to examine the institutional processes by which family courts commonly reach and/or facilitate crucial parenting decisions. Project staff are using several forms of data collection, including interviews with experts and practitioners; analyses of court files, rules of practice, administrative regulations, custody reports, and pertinent legislation; as well as focus groups with parents. Practitioners being interviewed include mediators, and auxiliary advisors such as custody evaluators, guardians ad litem and court appointed special advocates who guide custody and visitation determinations. The intent of the project is to identify the ways in which current institutional practices produce both problematic and helpful results for children and their parents. The goal is to develop concrete recommendations for producing safer, healthier outcomes for children and their battered and battering parents. Those recommendations will be implemented and evaluated in two pilot jurisdictions (one in Ohio and one to be identified at a later date) and thereafter introduced to jurisdictions nationwide.

The first meeting of the National Workgroup was held in November to lay the groundwork for this two-year project. The National Workgroup will meet again in May, this time to explore the role of auxiliary advisors, the mechanics of the work that they perform, the reports they produce, the ways in which the institution of the family court receives, interprets and acts on those reports, and the safety implications that flow from those complex institutional processes. Canadian sociologist, Dr. Dorothy Smith, a world renowned expert in institutional ethnography, will facilitate the May meeting.

Additional details will be posted on the BWJP website at www.bwjp.org as the project progresses.

Correction

The article published in the Winter 2010 issue on Kid's Turn stated that it was the only organization where the entire family participates in a comprehensive program. There are other programs that serve the entire family, notably National Family Resiliency Center, Inc. in Columbia, Maryland.

Get Out and Enjoy Denver!

The beginning of June is a wonderful time to be in Denver! Temperatures should be moderate: lows in the 50s and highs in the 70s to low 80s. Denver receives 300 days of sunshine a year. This makes for the perfect time to get outside! During the first weekend in June, the 39th Annual People's Fair takes place, an outdoor celebration put on by the Capital Hill United Neighborhoods (CHUN) to celebrate the diverse Denver urban community and its residents. The event is a conscious blend of family fun, carefully selected handmade arts and crafts, delicious food and excellent entertainment, all with a purpose—raising funds for and to promote the missions of local nonprofit organizations. The event is held June 5th, 10am to 8pm, and June 6th, 10am to 7pm, in Civic Center Park, located approximately four blocks from the Sheraton Denver Downtown. Visit the CHUN website at www.chundenver.org for more information and a schedule of events.

Just south of Denver, at the edge of the foothills, is a natural and musical treasure not to be missed, Red Rocks Park and Amphitheater. Red Rocks is a geologically formed, open-air amphitheatre not duplicated anywhere in the world. The amphitheatre consists of two, three hundred-foot monoliths (Ship Rock and Creation Rock) that provide acoustic perfection for any performance. The lineup over the conference dates includes:

- Tuesday, June 1st and Thursday, June 3rd: Tom Petty & The Heartbreakers / Tom Petty with Joe Cocker
- Wednesday, June 2nd: Crosby, Stills & Nash
- Friday, June 4th: John Butler Trio with Medeski Martin & Wood and State Radio
- Saturday, June 5th: Big Head Todd and the Monsters with BoDeans

Red Rocks Amphitheatre is also a favorite spot to enjoy amazing Colorado scenery. The park itself has hiking and biking trails, picnic spots and a visitor center—which includes a restaurant, Ship Rock Grille, open for lunch, weekend brunch and pre-show dinner. For more information, view www.redrocksonline.com.

Also available on the AFCC website on the Conference page is a list of other Things To Do in Denver.

NINTH SYMPOSIUM ON CHILD CUSTODY EVALUATIONS

Cambridge/Boston, Massachusetts
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Hyatt Regency Cambridge



AFCC's Ninth Symposium on Child Custody Evaluations offers 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. For more information, view www.afccnet.org, call (608) 664-3750, or email afcc@afccnet.org.



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AFCC 47th Annual Conference

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Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Joan B. Kelly, Ph.D.
June 14-15, 2010
Chicago, Illinois

Advanced Issues in Parenting Coordination: Attachment, Personality Disorders, Alienation and Difficult Clients

Arnold T. Shienvold, Ph.D.
June 16-17, 2010
Chicago, Illinois

Ninth Symposium on Child Custody Evaluations

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Hilton Orlando Bonnet Creek Resort
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AFCC Chapter Conferences

Texas Chapter Annual Conference

Children Caught in the Conflict: A Multidisciplinary Perspective
October 15-16, 2010
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Arizona Chapter Annual Conference

January 28-30, 2011
Sedona, Arizona

California Chapter Annual Conference

Times They are a-Changing: Maximizing Resources, Options and Talents in a Changing System
February 11-13, 2011
The Mark Hopkins Hotel at Nob Hill
San Francisco, California