

# AFCC NEWSLETTER



VOLUME 23, NUMBER 3

Association of Family and Conciliation Courts

SUMMER 2004

## Excitement Builds for Nashville Child Custody Symposium

Custody evaluators, judges, lawyers and others who work with children and families are gearing up for the *Sixth International Symposium on Child Custody Evaluations*, October 14-16, 2004 at the Sheraton Nashville Downtown. The Symposium is a great way to meet with colleagues and exhibitors, build and hone skills, fulfill continuing education requirements, and is sure to re-energize the professional life of participants.

The Symposium will kick off with pre-conference institutes on Thursday, October 14. Three full-day institutes and two half-day institutes are being offered. Pre-conference institutes are a great way to get in-depth information on important topics. The half-day institutes are *Advanced Institute on Psychological Testing* with James R. Flens, Psy.D., and *Drug and Alcohol Assessment in Child Custody Evaluations* with Claude Schleuderer, Ph.D. Full-day institutes will be presented on *Custody Evaluations and Risk Management* with David A. Martindale, Ph.D.; *Abuse and Alienation* with Leslie Drozd, Ph.D., Kathryn Kuehne, Ph.D., and Nancy Olesen, Ph.D.; and *Skills Development Institute: Expert Testimony and Cross-Examination* with Andrew Shepard, J.D., Philip Stahl, Ph.D., Hon. Arline Rotman (ret.) and R. John Harper, LL.B.

A highlight of the Symposium is sure to be the plenary sessions. The so-called "Ultimate Question," whether custody evaluators should make specific recommendations about custody decisions or parenting plans to the court, will be put to the test during a mock trial. Attorneys Timothy Tippins and Randy Fuerst will make their arguments before the Honorable Hugh Starnes, AFCC's President Elect. Lorraine Martin, Coordinator of Social Work for the Ontario Office of the Children's Lawyer, and psychologists Jeffrey Wittmann, Ph.D., and Philip Stahl, Ph.D. will provide their expert testimony, and mediator Arnold Shienvold, Ph.D. will work with the parties to try to resolve the issue out of court.

The Symposium will offer twenty workshops. Divided into three skill groups, there are workshops for professionals at every level: *Core Skills* for the necessary basic information, *Advanced*

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## Parent Education Congress Provides Training and Networking

The Sheraton Nashville Downtown will host the *Sixth International Congress on Parent Education and Access Programs*, October 17-18, 2004. New this year is the AFCC Parent Education Resource and Networking Center. All Congress participants are invited to display program materials, share information about a program with others, learn about the latest developments in the field, and participate in roundtable discussions. The center will host conference breaks, lunches and plenary sessions, and will also be open before the start of programming each morning. Combined with AFCC's Hospitality Suite, open Saturday evening for early Congress arrivals and on Sunday evening, the networking opportunities at the Congress will be outstanding and sure to give your professional life a boost.

The Congress will begin with the Sunday morning opening session, *Parenting After Separation and Divorce: Emerging Issues for Educators*, featuring two national leaders in the field. Christine A. Coates, M.Ed., J.D., is co-author of *Learning from Divorce*, and Philip M. Stahl, Ph.D. is the author of *Parenting After Divorce*. Together, they will take a look at what is new in divorce literature and examine the latest innovations and processes.

Participants will be able to choose from two concurrent workshop tracks led by a core training group of presenters: Cori Erickson, Wyoming Children's Advocacy Network, Sheridan, Wyoming; Risa Garon, National Family Resiliency Center, Columbia, Maryland; P. Leslie Herold, Solutions for Families, San Bernardino, California; Jean McBride, Center for Divorce and Remarriage, Fort Collins, Colorado; Chet Muklewicz, Kids First, Dunmore, Pennsylvania; and Robert Smith, Fort Collins, Colorado.

Workshops are designed for a range of experience and skill levels. *Ready, Set, Go! Starting and Maintaining Your Program* is a good choice for those starting out in the field, and *Beyond the Basics* is appropriate for experienced practitioners. Denise Brandon, Associate Professor, University of Tennessee, Knoxville, Tennessee; and Mary Rose Zingale, Tennessee Supreme Court, Nashville, Tennessee, will report on a program evaluation that included judges, attorneys, mediators, court clerks, parent educators and program participants as stakeholders. *Evaluation of Tennessee's Parenting Plan Process* will examine the program created through legislation passed in 2000. Other workshop titles include *Tailoring Your Program for Local Consumption* and *Key Strategies to Adult Learning*, among others.

The closing session for all participants will be AFCC's version of Parent Education Bloopers with a sharing of stories and the good, the bad and the ugly experiences. You won't want to miss this learning opportunity! Call (608) 664-3750 or go to [www.afccnet.org](http://www.afccnet.org) for more information.

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The AFCC Newsletter is a publication of the Association of Family and Conciliation Courts. The newsletter is published four times a year. Deadlines for news items and advertising are March 1, June 1, September 1, and December 1. Advertising copy must be camera ready and payment made in U.S. funds.

| Advertising Rates:                | AFCC members | Non-member |
|-----------------------------------|--------------|------------|
| Full page<br>(7 1/2" x 10")       | \$425        | \$600      |
| Half page<br>(7 1/2" x 4 7/8")    | \$300        | \$450      |
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# PRESIDENT'S MESSAGE



Leslye Hunter  
Metairie, Louisiana

On July 1, 2004 I officially became President of the Association of Family and Conciliation Courts. It did not feel very much different than June 30 because my predecessor, George Czutrin, had taught me well. George included me in his activities last year and that prepared me well to understand and address the challenges of being AFCC President. I am well on my way up the learning curve and as a result, AFCC will benefit from my ability to pick up where George left off and to continue his good work. And good work it has been!

George appointed two Task Forces (Parenting Coordination and Court Services) that will be continuing their work this year; oversaw the signing of a contract with a new publisher for our journal, *Family Court Review*; and ushered in three new AFCC Chapters—to name just a few of his accomplishments.

I learned a great deal from George that I hope will make me a better President: The importance of the international perspective, the importance of educating attorneys and judges about the mental health perspective and helping mental health professionals better understand the role of the legal system; the importance of having grace and a sense of humor under fire; and the benefit of having absolute integrity and an impeccable sense of fairness. Thank you, George!

I am excited to share with you some of the things that will occur under my stewardship in the coming year. I have appointed a Child Custody Evaluation Standards Task Force that will be formulating standards for the training of evaluators as well as for the data collection, writing, and dissemination of custody evaluation reports. It is an enormous and important task and they have already had their first meeting.

The Family Law Education Reform Project, co-sponsored by AFCC and Hofstra Law School, will begin work in assessing the state of family law teaching and developing new teaching modules and curricula that integrate alternative dispute resolution and interdisciplinary perspectives for future generations of family lawyers and family court judges.

I am committed to continuing and expanding our global mission and hope to have greater international participation in conference attendance by increasing our international scholarships, and in journal submissions by having appointed an International Committee that will be working to solicit articles from colleagues all over the world.

This will be an exciting year and a year of change for AFCC. We will have a new look, a result of our identity branding process. We will have a new journal publisher. After 14 years with Sage Publications we are moving the publishing operations to Blackwell Publishing. The first of many noticeable benefits will be on-line access for members to *Family Court Review*. Finally, our administrative office will be implementing several projects in our ongoing effort to provide better and more efficient services to AFCC members. These include an overhaul of our technology, upgrading the AFCC website and an organizational effectiveness project funded by the William and Flora Hewlett Foundation. (see story on page 5).

We are in a state of constant change. The families we serve are changing as are the issues they face. The processes we develop and services we provide are changing to keep pace. And the systems in which we do our work are constantly changing as well. Some of these changes are budget cuts, staff reductions and other challenges. Other changes include the implementation of new initiatives, the development of new knowledge and the creation of better ways to serve parents, children and the communities in which we live and work.

It is our job at AFCC to help you keep pace with this rapidly changing environment and to help you bring excellence to your work. We are at a very exciting point in the evolution of our field. I am absolutely delighted and honored to be able to serve as your President. Please join me in demonstrating what being an AFCC member is all about: a commitment to professional excellence and a respectful and compassionate approach to everyone with whom we work. And as the year progresses please let me know, in the words Ed Koch, former mayor of New York, "How'm I doing?"

## MEMBER PROFILE

### AFCC President, Leslye Hunter Metairie, Louisiana

When Leslye Hunter innocently offered to help out at an AFCC conference, she had no idea what would be in store for her future. "I was at a regional conference in Newport Beach in 1999," she recalls. "The annual conference the following spring was going to be in New Orleans and since I live there, I said that I'd be happy to lend a hand. The next thing you know I'm local conference chair. Fast forward five years and I'm the President."

The New Orleans Annual Conference in 2000 was widely regarded as one of the strongest in AFCC's history and Leslye's ideas, enthusiasm, and organizational skills played a major role in its success.

While Leslye's meteoric rise through the AFCC ranks is uncommon, it is not surprising. Turning serendipitous events into success is something to which she has become accustomed.

Leslye grew up in New York City and when she was six years old she was sent on an audition for a television show simply by tagging along to her brother's voice lesson. "I ended up on the The Dave King show, a summer replacement variety program," she recalls. Bitten by the acting bug, Leslye went on to a star-studded childhood, doing television in Los Angeles and working on Broadway in New York.

Leslye's television career included guest performances on Route 66 and Ben Casey and her Broadway career enabled her to perform with Robert Preston (Music Man), Henry Fonda and Olivia DeHavilland (A Gift of Time) and Maureen O'Hara (Christine). She attended New York's Professional Children's School. Those who can now tell their children that they once attended school with Leslye include Amy Irving, Carole Kane, Yo Yo Ma, Adam Arkin and Gelsey Kirkland.

Leslye gave up the bright lights of Broadway for a Midwest collegiate experience at tiny Beloit College, a liberal arts school located in southern Wisconsin. Four years away from the east coast proved to be enough, and by the time graduation day rolled around Leslye and her Phi Beta Kappa key were back home in New York.

Leslye married her high school sweetheart and went on to earn a master's degree in clinical psychology from Long Island University. She accepted a position with Harlem Valley Psychiatric Center coordinating a neighborhood mental health clinic and serving as liaison to the family court. She collaborated with the lawyers and court personnel to set up the first program in New York's Westchester County to conduct custody evaluations for the courts.

When daughter Katie was born, Leslye became a stay-at-home-mom. But that wasn't quite enough to keep her busy. "I was going nuts at home, so I started catering for a few friends," Leslye said. Soon it grew to full time and her business, *Romancing the Stove*, thrived for three years before Katie started kindergarten and Leslye returned to her mental health career.

A family move to New Orleans found Leslye combining her interests, working as Director of Clinical Services for Planned Parenthood and offering gourmet cooking classes in her home. She then went to work with Family Service of Greater New Orleans in order to try a new career path she had discovered during her divorce. "We went through mediation. It didn't work for us, but I thought the process was terrific, so I became trained as a mediator and the Family Service job gave me an opportunity to mediate."

The job also included conducting custody evaluations. "The problem was I hadn't done an evaluation in 15 years and knew virtually nothing about it," Leslye said. But serendipity intervened once again: "One day my boss came into my office with a brochure for the AFCC Child Custody Evaluation Symposium and it looked good. I attended and have been hooked on AFCC ever since."

Leslye now considers custody evaluation her primary area of practice. She has a thriving private practice. She has been active in AFCC's Child Custody Evaluation Symposia and co-authored changes in standards and qualifications for custody evaluators in Louisiana. Her first official act as AFCC President was to appoint and convene a Task Force to create revised standards of practice for child custody evaluators.

Although informed by her daughter that she is a workaholic, Leslye insists that she takes time for fun as well. This past year she spend a good deal of time planning Katie's wedding (and didn't even consider the possibility of catering it herself!). She is also an avid attendee of magic and ventriloquist conventions and is looking past her career as a custody evaluator into a more sedate existence as a tea room proprietor.

Whatever Leslye does in the future, AFCC will always remain close to her heart. "I am proud to be a part of this organization," she said. "Being an AFCC member says that you are a professional who cares about and is committed to professional excellence. I like the fact that I have the privilege of representing such dedicated professionals."



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# CALL FOR PRESENTERS

AFCC 42nd Annual Conference

## ***Solving the Family Court Puzzle:***

### **Integrating**



Sheraton Seattle • Seattle, Washington • May 18-21, 2005

### **Submit your workshop proposal on Research, Policy or Practice!**

- Program Evaluation
- Family and Divorce Mediation
- Crafting Policy with Research
- Research Priorities
- Parenting Coordination
- Dispute Resolution and the Courts
- New Reproductive Technologies
- Custody Evaluation
- The Marriage Movement
- Collaborative Family Law
- Collaborations Between Researchers and Practitioners
- Judicial Settlement Conferencing
- Integrating Research Results into Practice
- Innovative Practices
- Children's Participation in the Courts
- Evidence-based Court Services
- Research in the Courts
- Children and Research

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 the following information: (1) an abstract of 200 words or less describing your proposed workshop; (2) a one-page outline of your proposed workshop; (3) three learning objectives that will be addressed by your proposed workshop; (4) resumes and complete contact information for all proposed presenters; (5) the name of the person who will be coordinating your workshop; and (6) contact information for two professional references. ***Maximum of four presenters per workshop, including moderators.***

***Please note that the deadline for proposals is November 5, 2004. AFCC is unable to guarantee consideration of incomplete proposals or those submitted after the deadline.*** AFCC offers a reduced registration fee for conference presenters. AFCC is unable to reimburse travel and related expenses. *Electronic submissions via email are preferred*; however you may also send your proposal to AFCC, Conference Proposal, 6515 Grand Teton Plaza, Ste. 210, Madison, WI 53719-1048. Phone: (608) 664-3750; Fax: (608) 664-3751; Email: [afcc3@afccnet.org](mailto:afcc3@afccnet.org) (Word or Wordperfect attachment only please).



## Mark Your Calendar for Seattle!

# AFCC 42nd Annual Conference, May 18-21, 2005

Seattle in May 2005! Excited? The theme for AFCC's 42nd Annual Conference, May 18-21, 2005 is *Solving the Family Court Puzzle: Integrating Research, Policy and Practice*.

Make plans now to attend this informative and affordable conference. Seattle is surrounded by the snow-capped Olympic Mountains to the west, Cascades to the east and majestic Mount Rainier to the south. The Sheraton Seattle Hotel & Towers, located in the heart of the city, is 15 miles from the Seattle/Tacoma International Airport and within walking distance of the Pike Place Market and the Seattle

Waterfront, with easy access to Puget Sound and numerous other unique venues.

AFCC has secured a great group rate at the Sheraton Seattle of \$159 for single occupancy (\$179 for double)—a bargain in the downtown area! Check the AFCC website at the end of the year for the program and be on the lookout for your brochure in January!

AFCC returns to New Orleans in 2006 and Washington, DC in 2007—the two most popular locations of its most successful Annual Conferences! You'll want to write the dates in your calendar for all three Annual Conferences:

**AFCC 42nd Annual Conference**  
May 18-21, 2005  
Sheraton Seattle  
Seattle, Washington

**AFCC 43rd Annual Conference**  
May 31-June 3, 2006  
Sheraton New Orleans  
New Orleans, Louisiana

**AFCC 44th Annual Conference**  
May 30-June 2, 2007  
Capital Hilton  
Washington, D.C.

## AFCC Awarded Grant from Hewlett Foundation

The William and Flora Hewlett Foundation has awarded a \$34,000 Organizational Effectiveness Grant to the Association of Family and Conciliation Courts. The grant will help AFCC focus on organizational growth and stability in three core areas: (1) financial and business operations; (2) membership; and (3) special projects that fill gaps in knowledge and improve the quality of information and practice for AFCC members.

As the result of an organizational assessment conducted in 1998-99, AFCC has revised nearly every aspect of management, operations and governance over the past five years. The Organizational Effectiveness Project will build on these changes by assessing their effectiveness and maximizing efficiencies. It will also provide an opportunity to review membership operations and benefits and to develop a strategy for determining priority projects for AFCC that are consistent with the mission and values of the association.

AFCC has engaged the services of consultants in the areas of membership, financial and non-profit management and organizational development to work with the association over the next year on this project.

## Custody Evaluation Standards Task Force Appointed

AFCC President Leslye Hunter has appointed a Task Force to review and update and revise AFCC's 1994 Model Standards of Practice for Child Custody Evaluations. The Task Force held an initial organizational conference call in July and will be meeting at the *Sixth International Symposium on Child Custody Evaluations* in Nashville, October 14-16, 2004.

The Task Force is seeking input, ideas and is interested in areas of concerns that AFCC members and other might have. There will be an opportunity for those interested in the work of the Task Force to attend a special meeting on Friday, October 15, 2004 at 5:00pm at the Child Custody Symposium.

Task Force members include: William Austin, Ph.D., Steamboat Springs, CO, Co-Chair; Lorriane Martin, M.S.W., Office of the Children's Lawyer, Toronto, ON, Co-chair; David A. Martindale, Ph.D., Morristown, NJ, Reporter; Leslie Drozd, Ph.D., Newport Beach, CA; Leslye Hunter, M.A., AFCC President; Kathryn Kuehne, Ph.D., Tampa, FL; H.D. Kirkpatrick, Ph.D. Charlotte, NC; Debra Kulak, M.S., Wethersfield, CT; Dianna Gould-Saltman, J.D., Los Angeles, CA; Mag. Denise McColley, Napoleon, OH; Arnold Shienvold, Ph.D., Harrisburg, PA; Jeffrey Siegel, Ph.D., Dallas, TX; and Philip Stahl, Ph.D., Danville, CA.

## JAMS Foundation Provides Grant for Family Law Education Reform Project

AFCC is pleased to announce that the JAMS Foundation has provided funding in the amount of \$8,000 to help support the Family Law Education Reform Project, an initiative co-sponsored by AFCC and Hofstra University School of Law. The Family Law Education Reform Project will bring together family law faculty, practitioners and researchers to bridge the gap between the practice of family law and the way it is taught by creating curricula based on an interdisciplinary approach to family law that integrates dispute resolution skills and theories into law school classrooms.

The project will be guided by a Steering Committee and advisory committees composed of law faculty, organizational representatives, practitioners and researchers. Steering Committee members include: Andrew Schepard, Hofstra University School of Law, Chair; J. Herbie DiFonzo, Hofstra University School of Law, Co-reporter; Mary E. O'Connell, Northeastern University School of Law, Co-reporter; William Howe, III, AFCC Board of Directors; Leslye Hunter, AFCC President; John Lande, University of Missouri School of Law; Jennifer Rosato, Brooklyn Law School; Peter Salem, AFCC Executive Director; and Hon. Hugh Starnes, AFCC President Elect.

The first meeting will take place at Hofstra Law School in November. Watch the *AFCC Newsletter*, *Family Court Review* and AFCC conference programs for more information on the project.

### More About the JAMS Foundation

JAMS, one of the most highly regarded providers of private dispute resolution services in the United States, created the JAMS Foundation to broaden its contribution to the field of ADR and further its commitment to public service. In addition to providing grants, the JAMS Foundation marshals the experience and expertise of the people who comprise JAMS to help non-profit organizations and educational institutions make a difference in the way the world prevents, manages and resolves disputes.

The JAMS Foundation, a non-profit corporation, provides financial assistance for conflict resolution initiatives with national impact, as well as to share its dispute resolution experience and judicial expertise for the benefit of the public interest. The Foundation encourages the use of alternative dispute resolution, supports education at all levels about collaborative processes for resolving differences, promotes innovation in conflict resolution, and advances the settlement of conflict worldwide. For additional information about JAMS, go to [www.jamsadr.com](http://www.jamsadr.com).

# Ten Tips for Successful Parenting Coordination

by Betsy Barbour Duvall, M.S.W.,  
Denver, CO, and Christine A. Coates,  
M.Ed., J.D., Boulder, CO

A parenting coordinator (PC) is a professional appointed by the court to help parents implement a workable parenting plan. A PC is typically used in a case that the court or other professionals have determined is “high conflict,” that is, typified by chronic litigation and inter-parental conflict that is negatively affecting the children. The PC often has arbitration authority to decide issues when the parties reach an impasse. A PC must have expertise in diverse areas, including conflict management skills, child development, family systems theory, adult psychodynamics, family law, special issues affecting families (such as domestic violence, child abuse and child alienation), and extensive experience working with families who are involved with the courts and the legal system. Being a PC is challenging, and one should give careful thought before extending one’s practice into this area.

If you decide to accept PC appointments, here are some tips, based upon our experience (including our mistakes) with these families:

- 1 First and foremost, be clear about your role.** If you are a mental health professional, be clear that you are not providing therapy to the parents or the child. If you are a lawyer, clarify with your clients that you do not represent either or both of them or their children as a legal advocate. Avoid dual roles! The role of PC should not be mixed with any other role. This is the most important thing you can do, both to be successful in your work and to avoid grievances.
- 2 Seek clarity about your role from the initial intake.** Talk with both parties and the attorneys (on *both* sides) about their expectations, any court orders, your policies, etc., before you commit to taking the case. Consider offering a free consultation with both parties present so you can be sure you said exactly the same thing to each one—even if they may hear it differently. Encourage parties to check out other parenting coordinators before selecting one, especially if they have reservations about you or some of your credentials or procedures. Decide if *you* want to and can work with them. If you don’t want to work with them or are concerned that you can’t for any reason, don’t take the case.
- 3 Take the time necessary to get a good agreement with the parties at the beginning of the process.** Clarify

exactly what (if any) issues are open to arbitration, fees, retainers, confidentiality, involvement (or not) of children, collaboration with other professionals, written decisions, process, when you will or will not have communication solely with one party, etc. If you are going to do any parent education or coaching, be clear with the parties about individual versus joint contact. The more clearly and exactly you have defined your role, the smoother the work will go. Make sure that you have a court order appointing you as parenting coordinator before proceeding.

Be clear about your boundaries and parameters regarding your role and policies. The more you know about your own tolerances, frustration points, etc., the better you are able to structure your work effectively. For example, be clear with yourself first then with your clients about how you will handle phone calls, “urgent” requests, phone conferences versus in-person meetings, etc.

- 4 Absolutely do not let anyone (the parties or the attorneys) force you into deciding an “urgent” issue before you have a court order, a signed agreement, and a retainer for your fees.** These folks managed somehow before they got to you and can do so for a few more weeks (or months), if necessary.
- 5 When the parents reach an impasse and you must make a decision for them, establish clear guidelines for the submission of any further material for you to consider.** The goal is to enter decisions efficiently and quickly, but make sure you have enough information about the issue to make a decision. Don’t agonize over decisions—what is needed is a *good* decision, not the perfect decision. Use common sense along with your professional knowledge and experience.
- 6 Always put your decisions in writing.** Only issue decisions in person or over the phone when time is of the essence, but always follow up with a written decision in the format your court/jurisdiction requires. Do not allow the parties to engage you in debating the correctness of your decision. Be brief with the findings and the award—it is not an evaluation report. Include in your parenting coordination agreement that you will also put their agreements in writing. It is important to have a paper trail and documentation for future reference of all decisions made by them and by you.

**7 Don’t expect yourself to change these people much, if at all.** You will be successful if you can get issues decided. They may *never* learn how to communicate well or make joint decisions. That’s why they hired you. In our experience, most clients do not want you to help them change, although they very much want you to change the other parent. The goal of parenting coordination is to implement the parenting plan and to reduce the conflict between the parents for the sake of the children. Transformation may certainly occur—we remain eternally optimistic—but the goal is to protect the children from the harmful effects of unresolved conflict between the parents.

**8 When you make a mistake, it is better to admit it than to ignore it or try to cover it up.** You will make mistakes; we all do. It is effective modeling to the parents to admit mistakes, correct them and move on.

**9 When your work gets derailed, be willing to consider reworking your agreement by changing or adding guidelines to fit the particular problems with the case.** Recognize when you have hit an impasse that precludes your continuing to be effective—know when to withdraw and refer the case to someone else. There is no shame in passing cases on.

**10 Our last tip, but certainly not the least important one, is to take care of yourself.** PC work is demanding and stressful. Develop a network of colleagues with whom you can debrief and consult. Have a mentor or be a mentor to a new colleague. Balance your PC work with other professional, family and personal activities that provide satisfaction and joy. Have a massage, take a run, eat a chocolate ice cream cone, or read a joke book—whatever refreshes and relaxes you. Leave your PC work at the office. And remember to give yourself an occasional pat on the back for the good that you are doing for families and children.

*Betsy Duvall and Christie Coates are two of the authors of Working with High Conflict Families of Divorce: A Guide for Professionals (Jason Aronson, Inc., 2001). Christie currently chairs AFCC’s Task Force on Parenting Coordination. For more PC information, see the AFCC Parenting Coordinator Task Force Report on the member area of AFCC’s website at [www.afccnet.org](http://www.afccnet.org) and the article, Parenting Coordination for High-Conflict Families, in Family Court Review, April 2004.*

# New Zealand's Court-Based Custody Evaluation System

by Fred W. Seymour, Ph.D., Associate Professor in Psychology University of Auckland, New Zealand

The New Zealand Family Court came into being in 1980. Like Family Court jurisdictions elsewhere, emphasis is placed on conciliation and the welfare of children. Thus, parents who apply to the Court are referred at first to "counseling," where the task is to assist parents to decide for themselves appropriate care arrangements for children. Should this fail to produce conciliation, the next step is "mediation" conducted by Judges. Finally, a hearing may occur in which parents are typically represented by counsel, and a Judge decides care arrangements.

Within this process there is discretion for Judges to appoint a lawyer as "Counsel for Child." They may also call for a "specialist report," or custody evaluation, which is typically completed by a psychologist. The appointment of Counsel for Child may occur early in situations where there are welfare or safety issues. These cases are also more likely to lead to a request for a specialist report. A hearing can occur at short notice, and other legislation may be invoked concerning child protection and domestic violence.

While there are likely to be some changes to this system with the introduction of new legislation later this year, the system will continue to operate within the above parameters. There is some controversy affecting our Family Court, similar to that found elsewhere, such as objection to procedures being closed to public scrutiny, and allegations of bias against men. New developments provide for limited reporting of hearing outcomes, and in the new legislation the terms "custody" and "access" are likely to go in favor of "care of children arrangements." Evidence that the systems for conciliation appear to be working well is reflected in the statistic that only about five percent of applicants to the Court ultimately have their issues resolved in a hearing.

In only a minority of cases before the Family Court is a specialist report requested. Psychologists normally accept referrals only from the Family Court, and thus maintain impartiality and balance. While a party to proceedings may wish to engage their own expert, their report is then introduced as affidavit evidence, thus it lacks the influence of Court requested reports because of the implicit suggestion of bias in partisan reports.

Guidelines for reports were developed and disseminated by the New Zealand Psychological Society and the Courts. These

guidelines have been further refined as a result of appeals on particular matters to the High Court.

The Courts hold a list of approved specialists, who have been selected by merit of appropriate qualifications, specialist training and relevant experience. The Court pays for specialist reports, though there is provision for demanding costs from parties. A request for a report is always issued by a Judge (usually with input from Counsel for Child and the parties' counsel) and includes a specific brief that sets out the particular issues to be addressed. A recent High Court Judgment asserted the relevance of the brief as both providing the focus of the



specialists' report, and imposing limitations on what can be reported. Thus, the specialist is not able to address issues outside the brief without going back to the Court for further directions. This may occur, for example, if in the course of completing an evaluation a psychologist becomes concerned about the existence of child abuse. Furthermore, there are prohibitions to a psychologist giving opinions on the ultimate issues, such as, who should be the primary caregiver, or whether child abuse did occur.

The focus is on the needs of the children. Invariably the psychologist observes children with each parent (typically in their homes) and conducts interviews with parents and children (typically in their office). Information on parents is obtained as it relates to parenting skills and attitudes and

behaviors affecting children. Where there is concern about a particular adult's psychological condition (including drug or alcohol abuse) this will typically be addressed by a specialist other than the custody evaluator.

The completed report is given to the presiding Judge, who will decide on the conditions of release of the report to parties. Typically the report is released to counsel and able to be read by parents in their presence (but parents are not able to have their own copy). This process is designed to limit any impact of the report on the parents concerned, and especially any consequent effects on children and other family members.

If the case proceeds to a hearing, then the specialist must be available for cross-examination—a process that many psychologists continue to find stressful, although given the specialist is the Court's witness, they are spared the extremes of an adversarial process. Typically, the report writer is called on to justify their written conclusions, and elaborate on points.

In circumstances where a party is not satisfied with a report, either in relation to its conclusions or the methods used in compiling the report, they may seek a second opinion. This is a report conducted by another psychologist, recruited and paid by a particular party. There is protection from potential excesses of a partisan approach from the expectation psychologists follow guidelines produced by the New Zealand Psychological Society. Permission to obtain a second opinion must be obtained from a Judge, there must be a clear brief for the second opinion writer, children will not be re-interviewed and, instead, the second report writer is permitted access to the Court appointed specialist's raw data (notes, psychometrics, etc.), and the two psychologists are encouraged to consult before the hearing in order to give the Court clear information on matters of agreement and disagreement.

Specialist report writers in New Zealand are respected within the Court system. They maintain positive relationships with other practitioners through the demands for cooperation on particular cases, through their interactions from membership of multidisciplinary Family Courts Associations, and their shared concern for the well-being of children and families.

*Fred Seymour, Ph.D., will present on Guidelines for Child Custody Evaluations at AFCC's Sixth Symposium on Child Custody Evaluations, October 14-16, 2004 in Nashville, Tennessee. For more information on the Symposium, go to [www.afccnet.org](http://www.afccnet.org) and click on the blue balloon.*

# Family Court Review to Move to Blackwell Publishing

AFCC is pleased to announce that it has signed a five-year contract for Blackwell Publishing to begin publishing *Family Court Review* (FCR) beginning in January of 2005. First published in 1963 as California Conciliation Courts Quarterly, FCR will move from Sage Publications, which has published the journal since 1991. FCR editorial offices will remain at Hofstra University School of Law under the leadership of FCR Editor Professor Andrew Schepard.

AFCC members will notice a few differences with the move to Blackwell. Beginning with the January 2005 issue, FCR will be available in print, pdf, and searchable electronic formats. All AFCC members will receive access to the electronic formats as a benefit of AFCC membership.

AFCC will be adding a new associate editor to enhance the editorial capabilities of FCR. The application process is ongoing and AFCC will announce the new associate editor soon. FCR will also undergo a cover redesign consistent with AFCC's ongoing identity branding process.

In the coming year, AFCC and Blackwell will be working hard to provide additional member benefits. Previous copies of the journal will be digitized and posted on-line in pdf format. These historical documents will be available to AFCC members as a benefit of membership. In addition, Blackwell is developing a program under which articles accepted for publication will be posted electronically as soon as they are ready so that members will have access to information prior to print publications.

## Family Court Review Timeline

| 1963  | 1965  | 1986   | 1989   | 1991   | 1998  | 2001   | 2004  |
|---|---|--|--|--|---|--|---|
| Publication of the first edition of <i>California Conciliation Courts Quarterly</i> , Editor, Meyer Elkin | The journal changes its name to <i>Conciliation Courts Review</i> | Meyer Elkin retires as editor of the journal and is replaced by Hugh McIsaac and Stanley Cohen | The journal changes its name to <i>Family and Conciliation Courts Review</i> | Sage Publications becomes publisher of the <i>Review</i> . Stanley Cohen retires as co-editor. Hugh McIsaac stays on as editor | Hugh McIsaac retires. Andrew Schepard, Professor of Law at Hofstra University, becomes editor. Editorial offices move to Hofstra Law School | The name of the journal is changed to <i>Family Court Review: An Interdisciplinary Journal</i> | AFCC signs contract with Blackwell Publishing |

## Family Court Review Editors Selected for 2004-2005

The *Family Court Review* editorial staff for the 2004-2005 academic year has been selected. All editors are students at Hofstra University Law School and work under the direction of *Family Court Review* Editor Andrew Schepard.

### Managing Editor

Michael A. Lindstadt

### Managing Editors of Articles

Vicky Ku

Melissa J. Schoffer

### Articles Editors

Elena Hyman

Tiesh I. Reaves

### Notes & Comments Editors

Joanna M. Canter

Deena Patel

### Research Editors

Paul Haberman

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### Electronic Resource Editor

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### Mental Health Editors

Rachel L. Boyd

Erin J. Gartland

### Book Review Editor

Keisha A. Godfrey

### Managing Editors of Matrimonial Newsletter

Jill DeMayo

Khadija Misuraca

### AFCC Cooperation Manager

Marion C. Perry

## Woody Mosten Honored



Woody Mosten

The American Bar Association Section of Dispute Resolution presented long-time AFCC member Forrest 'Woody' Mosten with the 2004 Lawyer as Problem Solver Award during the ABA Annual Meeting in Atlanta.

Woody, who has been practicing law in California since 1972 and participating in mediation there since 1979, was recognized for his dedication to dispute resolution. In addition to resolving hundreds of disputes as a private and court-appointed mediator, Woody pioneered the concept of unbundling legal services and developed client libraries.

In addition to being a nationally recognized leader in the mediation field, Woody is on the faculty of UCLA School of Law and Chair of the International Client Counseling Competition, a law school activity.



# NEW PUBLICATION!

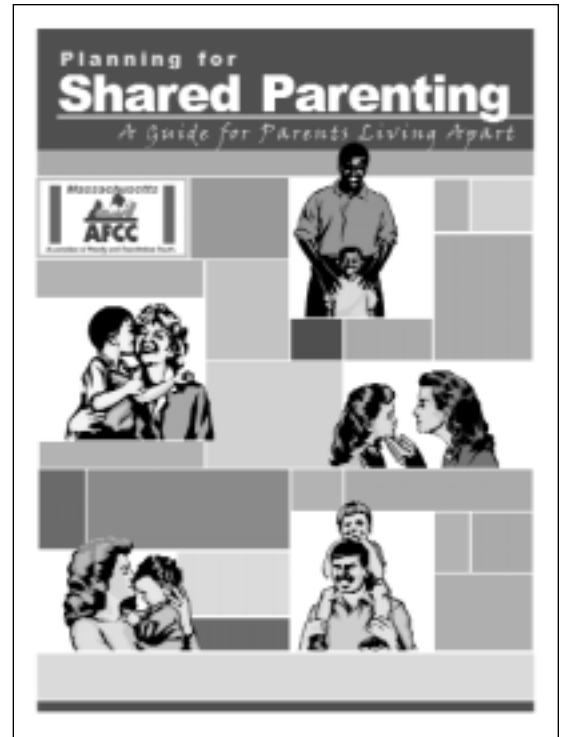
## *Planning for Shared Parenting: A Guide for Parents Living Apart*



This new publication, developed by the Massachusetts Chapter of AFCC, combines recent research about the developmental needs of children and the impact of divorce on their lives with the practical needs of parents and children living apart. Concisely written and filled with practical information, this colorful 23-page booklet is designed for parents, judges, lawyers, mediators, and parent educators in designing a child-focused parenting plan. The booklet is perfect for professionals to share with clients, and an ideal way to provide parents concrete information to review at home.

*Planning for Shared Parenting* describes the basic needs of children of divorce, discusses how to design a parenting plan, including specific ideas about what to consider while doing so, and examines the different needs children have as they move from one developmental stage to the next. The booklet is a guide for setting up an initial parenting plan, and is also a reference for parents as children mature or family situations change.

A helpful tool for professionals working with parents undergoing separation and divorce, *Planning for Shared Parenting* is affordably priced at only \$3.00 each. AFCC is celebrating the debut of this new publication with an introductory offer: *order 25 or more, and receive the booklets for just \$2.50 each.* Order online at [www.afccnet.org](http://www.afccnet.org), or use the order form below. Introductory offer expires October 29, 2004. For more information, contact AFCC at (608) 664-3750.



**Quantity**

\_\_\_\_\_ *Planning for Shared Parenting: A Guide for Parents Living Apart* (\$3.00 each or only \$2.50 each when you order 25 or more before October 29, 2004)  
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# AFCC Chapter Update

## Florida

Co-chairs Deborah Day, Psy.D. and Mercedes McGowan, Ph.D. are busily planning the Florida Chapter's 4th Annual Conference, *Helping Families in Transition: Doing More With Less*, which will take place at the Tampa Airport Marriott Hotel on November 12-13, 2004. This conference promises something for each of the professional fields that are concerned with families in conflict and have specific tracks geared to the interests of those working in dependency, family and domestic violence arenas. Along with the selection of four pre-conference institutes, there are also workshops on parenting coordination, parent education, collaborative law, financial aspects and divorce planning, mediation, and dependency case challenges. The chapter is proud to announce that AFCC President Leslye Hunter will be participating and the keynote speaker is AFCC *Family Court Review* Editor Andrew Schepard. More information can be found on the Florida Chapter Website at [www.FLAFCC.org](http://www.FLAFCC.org) or you can contact Mercedes McGowan at [Mercedes719@comcast.net](mailto:Mercedes719@comcast.net).

The Florida Chapter is also continuing to tackle several statewide issues. Since the parenting coordination bill was vetoed by the Governor, the FLAFCC PC Taskforce is continuing to work with all those interested in the pursuit of quality legislation and the development of a rule, and standards for training. The Family Court Coordinators have continued their quarterly statewide meetings, facilitated by FLAFCC President Hugh Starnes. In addition, a committee has been formed to address ongoing challenges in the area of dependency case management. The Florida Chapter continues to be responsive to the interest of members and the needs of the state by encouraging the collaborative efforts of professionals, organizations, and statewide agencies.

## Missouri

The Missouri Chapter is holding a half-day seminar, *Therapists' Work with Families who are in Custody Disputes: Defining Roles and Debunking Myths about Family Court Processes*. The event will take place on September 10, 2004 from 8:30am-1:00pm, in St. Louis. Presenters are Sharon Lightfoot, Ph.D., Dan Card, J.D., Jennifer Evans, Psy.D., and Deborah Henry, J.D. Contact Ellen Cowell, [ecowell@stlouisco.com](mailto:ecowell@stlouisco.com) or Andrea Clark, [aclark@stlouisco.com](mailto:aclark@stlouisco.com) to receive a registration form. This seminar will address some common concerns faced by private practice therapists, family law attorneys, and judges when families and/or children are in therapy during custody litigation.

## The Tenth Annual Peter E. Herman Prize Lecture

In 1994 Peter E. Herman, seeking a way to support the study of literature, endowed Hofstra's University College for Continuing Education with funds to conduct a ten-year competition open to all University faculty, staff and administration. The winner of the tenth and final Peter E. Herman Prize for Literary Excellence is AFCC Member J. Herbie DiFonzo, Professor of Law at Hofstra University, Hempstead, New York. The lecture, *Unbundling Marriage: Interpreting the Legal and Cultural Changes in Family Structure*, will take place on October 13, 2004.

Professor DiFonzo's interests include family law, juvenile justice, torts, comparative law, and legal history. From 1995-2003, he served as director of the law school's Criminal Justice Clinic. He has published broadly on the intersection of family law and juvenile justice. His widely-acclaimed book, *Beneath the Fault Line: The Popular and Legal Culture of Divorce in Twentieth-Century America*, was published by the University Press of Virginia in 1997. His most recent articles include *Unbundling Marriage*; *Legislating in the Shadow of Nature*; *Toward a Unified Field Theory of the Family*; and *Parental Responsibility for Juvenile Crime*.

## Texas

Lynelle C. Yingling, Chapter president, reports that 2004 has been an eventful year so far, with even more excitement anticipated.

At the AFCC Annual Conference in San Antonio, the Texas Chapter received recognition as a Chartered Chapter. Overcoming several challenges to achieve this status required members working together to problem solve. Chapter members learned a lot from the process.

Members continue to define the organizational structure of the Texas Chapter to provide clarity and cohesion of purpose. They are experimenting with which committees are needed and setting goals for each.

Data was analyzed for the research project on the child's voice. The research report is available on the Chapter website at [www.TexasAFCC.org](http://www.TexasAFCC.org). Plans are underway for writing up the project for publication.

A new project was approved by the Board. The Service Models project is defined on the Chapter website under "Board Information." This project was motivated by awareness that many services are now available for families in the legal process. However, sometimes the definition of those services is unclear and confusing for families and professionals. The Chapter wanted to identify services that are being offered and to clearly distinguish those services, as well as to identify gaps in services that might be needed. The action plan for this project includes the following:

- Compile a directory of services with meaningful descriptions & share with the Office of the Attorney General for state-wide referral;
- Compile standards of practice which clearly define various services;
- Compare common practices with standards to help define boundaries of various distinct services; and
- Propose a model for a parenting coordinator service that fits the needs in Texas, as well as educate legislation writers of the desired model.

The Texas Chapter annual conference is planned to highlight information on definitions of various service models, including a thorough assessment of proposed legislation for parenting plans and parenting coordinators. The conference theme is *Interdisciplinary Collaboration to Empower Families: Defining the Boundaries*, and will be held in Austin, Texas November 11-12, 2004. The chapter committee is excited about the wonderful line-up of speakers and the practical relevance of topics in anticipation of the 2005 legislative session. Go to the Chapter website [www.TexasAFCC.org](http://www.TexasAFCC.org) for the complete brochure with registration information.

## AFCC Board of Directors News

Michele MacFarlane, AFCC member from Sylvania, Ohio, has resigned from the AFCC Board of Directors effective August 2004. Richard Altman, mediator and lawyer from Napoleon, Ohio, has been appointed to serve the remainder of the year. Michele, a long-time member of the AFCC Board of Directors, retired in December 2002 from her position as Director of Court Services with the Lucas County (Toledo) Ohio Domestic Relations Court. She continued to serve on the Board and, as Co-chair of the AFCC Conference Committee, was instrumental in the development of AFCC conference programs. She will continue as a member of the AFCC Nominations Committee and Conference Committee and will devote more time to her career as a glass artist and grandmother. Dick Altman is a member of the AFCC Development Committee and has provided on-site coordination of the AFCC Silent Auction since 2002.

# AFCC announces dates for 2004-2005 trainings:

## Advanced Topics in Child Custody Evaluations

Presenter: *Jonathan Gould, Ph.D.*

September 8-9, 2004  
University of Wisconsin  
Madison, Wisconsin

## Parenting Coordination: Working with High Conflict Parents

Presenter: *Robin Deutsch, Ph.D.*

September 28-29, 2004  
University of Wisconsin  
Madison, Wisconsin

## Child Custody Disputes: Beyond the Basics

Presenter: *Robin Deutsch, Ph.D.*

December 6-7, 2004  
University of Baltimore  
Baltimore, Maryland

## Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Presenter: *Joan B. Kelly, Ph.D.*

January 11-12, 2005  
University of Baltimore  
Baltimore, Maryland

## Parenting Coordination: Working with High Conflict Families

Presenter: *Christine A. Coates, M.Ed., J.D.*

February 22-23, 2005  
Loyola University New Orleans  
New Orleans, Louisiana

## Special Issues in Child Custody

Presenter: *Leslie Drozd, Ph.D.*

February 24-25, 2005  
Loyola University New Orleans  
New Orleans, Louisiana

Mark your calendar with these dates and check the AFCC website for two additional trainings in Chicago, tentatively scheduled for mid-June 2005.

# AFCC THANKS

the University of Baltimore School  
of Law's Center for Families, Children  
and the Courts and the Loyola  
University Chicago School of Law's  
Child and Family Law Center for  
co-sponsoring AFCC's 2003-2004  
training programs.

Special thanks to trainers **Joan Kelly, Ph.D.**  
and **Philip M. Stahl, Ph.D.**  
for their generous support!

# AFCC Members Write On

**Susan Zaidel**, AFCC member from Haifa, Israel, recently published a revised edition of her previous book (*Handbook of Divorce Mediation in Israel*, 2001) under a new title: *How to Get an Amicable Divorce. Revised and Expanded Handbook of Divorce Mediation* (2004). The new edition reflects Susan's longtime efforts at educating the Israeli public about divorce mediation and encouraging the use of mediation services. Interested persons who read Hebrew will find further information on the website: [www.haskamot.com](http://www.haskamot.com)

**Daniel Pollack**, AFCC member from New York and member of the editorial board of *Family Court Review*, has authored and updated *Social Work and the Courts: a Casebook*, published by Taylor & Francis, Inc. The book is a collection of important and cutting-edge court decisions in the field of human services presented in everyday language, with clear explanations of the facts and issues, and in-depth examination of the reasoning and implications of each verdict. This second edition includes the most significant, timely and relevant legal cases, paying particular attention to recent rulings in foster care and child welfare.

*Have you written a book? We want to let others know about new books in the field by AFCC members. Send information on your book to Candace Walker, Editor, AFCC Newsletter at [cwalker@afccnet.org](mailto:cwalker@afccnet.org).*

## Nashville Symposium

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*Applications* for experienced professionals, and *Professional Practice Issues* workshops for insight into ethical and other professional dilemmas facing evaluators. Workshops will include *Interviewing Children, Court-Based Custody Evaluations Meeting the Needs of Families and Court Systems; Interviewing Adults; and Post-Evaluation Procedures and Ethical Considerations*, among others.

Participants will be able to enjoy an exhibitor forum and bookstore, and networking opportunities with other professionals in AFCC's hospitality suite on Thursday and Friday evenings and during the Friday evening "Taste of Nashville" dine-arounds.

## Nashville Hotel Reservations

The Sheraton Nashville Downtown is offering AFCC a low rate of \$118 per night, single or double rooms, and many airlines are offering airfares into Nashville at rates below \$200 round trip. Be sure to make your reservations early! AFCC's room block expires on September 20, 2004, and hotels are sure to fill up quickly due to the Tennessee Titans NFL football game on Saturday, October 17. Contact the Sheraton Nashville Downtown at (615) 259-2000 or toll-free at (800) 447-9825 to make your reservations today.

## Nashville Continuing Education

Continuing Education Credits are available at both the Symposium and Congress. To receive a certificate of attendance to use when applying for hours with your accrediting institution, be sure to select this item on the registration form. AFCC is approved by the American Psychological Association to offer continuing education for psychologists. As there are many disciplines and different requirements for each, please contact AFCC at [afcc@afccnet.org](mailto:afcc@afccnet.org) or (608) 664-3750, or refer to page 12 of the conference brochure for specific continuing education information. To see the full conference program, go to [www.afccnet.org](http://www.afccnet.org).



# Nashville: Top Ten Things to do in Music City

When in Nashville for the Child Custody Symposium and Parent Education Congress, you'll also want to check out the city. The Sheraton Nashville Downtown is located right in the heart of the city, neighboring the Tennessee State Capitol. Nine of the items on the top ten list are within a mile of the hotel, making memorable experiences literally just around the corner. For additional information, go to the Nashville Convention & Visitors Bureau website at [www.musiccityusa.com](http://www.musiccityusa.com).

## 1 Country Music Hall of Fame and Museum

Fans and non-fans alike are sure to enjoy the Country Music Hall of Fame and Museum. Tracing country music from its roots to the present day, this interactive museum is on every Nashville tourist's must-see list. It's located less than a mile from the Sheraton.

## 2 Ryman Auditorium

Home to the Grand Ole Opry radio show for 31 years, this building is famous for its acoustics and has been called, "the Mother Church of Country Music." Today, the Ryman is a museum by day and a concert hall by night.

## 3 Hatch Show Print

Nestled among the honky tonks on Broadway, Hatch Show Print is half working print shop, half exhibit of performance history. Hatch has been in business since 1879 and still continues to use the same techniques employed in the 15th century, and is best known for its posters of Grand Ole Opry stars.

## 4 Tootsie's Orchid Lounge

After the show at the Ryman was over, stars went over to Tootsie's to perform in a smaller venue. Today's atmosphere hasn't changed a bit: the stage is still small, the sound is still huge and country music lovers still enjoy every second of it.

## 5 Wildhorse Saloon

The best in urban country music and dancing is sure to be found at the Wildhorse Saloon. Featuring live music nightly, this is one Nashville hot-spot that shouldn't be missed.

## 6 Tennessee State Museum

Trace the rich and diverse history of Tennessee from Native American pre-historic villages through the 1900s at this museum, right around the corner from the Sheraton.

## 7 Frist Center for the Visual Arts

Located in the historic former Post Office in downtown Nashville, the Frist Center presents ever-changing visual art from around the world, an exciting interactive gallery and special educational programs. It's a place to explore, learn and create.

## 8 Broadway & Honky Tonk Row

On Broadway between 2nd and 5th Avenues, there is a mixture of old and new that is sure to delight the tourist. Acme Farm Supply, Ernest Tubbs Record Shop, Gruhn Guitars, Wolfy's, Cotton-Eyed Joe, and Robert's Western Room are just a few of the shops and clubs to be found here.

## 9 Second Avenue

Many browsing opportunities, restaurants, music and people-watching make Second Avenue a fun destination. After shopping, check out Mulligan's Pub, if you've had too much country.

## 10 The Grand Ole Opry

The only item on this list that is farther than a mile from the Sheraton Downtown, the Grand Ole Opry is now located ten miles from its original home at the Ryman Auditorium. Catch a show, or tour the Opryland Hotel's magnificent gardens, located nearby.