

# AFCC NEWSLETTER



VOLUME 22, NUMBER 2

Association of Family and Conciliation Courts

SPRING 2003

## High Conflicts, Low Budgets AFCC Tackles Tough Problems at St. Louis Regional Conference

**M**ake your plans to meet us in St. Louis for AFCC's Midwest Regional Conference, November 13-15, 2003. The program begins with pre-conference institutes the morning of Thursday, November 13 and concludes mid-day Saturday, November 15. The local planning committee, led by AFCC members Andrea Clark, Ellen Cowell and the entire Missouri Chapter, is working hard to make sure the conference is a huge success.

The conference will examine the challenges courts and practitioners face providing effective services to a growing number of families with increasingly difficult issues. Mediators, evaluators, judges, lawyers, court administrators, researchers and educators will not want to miss this extraordinary opportunity to learn about successful collaborative processes and services designed for today's economic climate.

Preliminary conference topics include

custody evaluation models, dependency mediation, triage in court services, unbundling legal services, group processes for high-conflict families, hybrid settlement processes, efficient and effective court services, programs for unrepresented litigants, evidence-based prevention programs and services for low-income families.

In addition to a great program, St. Louis offers wonderful attractions, including the Gateway Arch, St. Louis Blues Hockey and St. Louis University Billiken Basketball at the nearby Savvis Center, Union Station, St. Louis Zoo and Art Museum at Forest Park, Missouri Botanical Gardens, Riverboat Casinos and the St. Louis Symphony Orchestra.

AFCC has negotiated a bargain room rate of only \$115, single or double occupancy. To make your reservations early, call the Sheraton St. Louis City Center Hotel & Suites at (314) 231-5007 or toll-free at (888) 627-8096.

### Missouri Chapter Update



**A** St. Louis area Lunch and Learn, "Long-Distance Parenting Plans for Never-Married Parents with Very Young Children: Can These Plans Ever Work?" is planned for Wednesday, July 9, 2003 from noon to 1:30 pm. Presenters are Andrea Clark, LCSW, Domestic Relations Services Mediator, Family Court of St. Louis County; Alisse Camazine, J.D.; and Honorable Thea Sherry, Associate Circuit Judge, Circuit Court of St. Louis County. For information, contact [aclark@stlouisco.com](mailto:aclark@stlouisco.com).

## AFCC 40th Anniversary Conference a Resounding Success

**S**upreme Court Justices, Royal Canadian Mounted Police, Justice Department officials and other dignitaries helped AFCC celebrate its 40th Anniversary in style at the Annual Conference at the Westin Ottawa in Canada's capital city. While the conference hotel offered views of Parliament Hill, the Rideau Canal and Canada's National Art Center, it was the activity inside the hotel that had more than 500 conference delegates buzzing.

The conference began with pre-conference institutes, including a jam-packed session on "Working with High Conflict Families: Child Alienation and Parenting Coordination" presented by Robin Deutsch, Ph.D., and Joan Kelly, Ph.D. AFCC also collaborated with the National Judicial Institute (NJI) to present a special pre-conference institute for judges on "Cultural Competence in the Courtroom." Special thanks to lead presenters Annie Bunting and Hayne Wai, to Co-chairs Hon. R. James Williams and Hon. William Fee, and to NJI Executive Director George Thomson and AFCC President Elect Hon. George Czutrin for making this collaboration possible.

Opening night began with uniformed members of the Royal Canadian Mounted Police (RCMP) leading the procession of dignitaries

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AFCC's Jan Shaw, Hon. Ross Goodwin and Hon. George Czutrin with Madam Justice Marie Deschamps (front) and the RCMP.



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### AFCC NEWSLETTER

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### Advertising Rates:

Full page (7 1/2" x 10") . . . . . \$400

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## PRESIDENT'S MESSAGE



Jan Shaw  
Orange, California

It is bittersweet to say that this is the last time I will be writing to you as your President. I have been honored to hold the title and in my actions and words I hope I have represented AFCC in a manner that befits the mission, goals and professionalism of our association. I have fully enjoyed the journey with only one regret, the journey ended before I was able to complete all the plans I had when I entered office on July 1, 2002.

An organizational assessment conducted three years ago recommended we make significant changes in our governance structure, in our organizational structure and in the delegation of work to committees. Past Presidents Hon. Arline Rotman and Denise McColley set a course that began with the membership voting to change the bylaws to reduce Board of Directors from 50 members to 19. And the decision-making practice of the Executive Committee was shifted to the Board. In recent years the Executive Committee has convened on emergency matters only. The budgeting timetable was advanced and the expectation set that the budget be balanced.

On our way in re-engineering our association came an unexpected turn of events, the retirement of AFCC's longtime Executive Director, Ann Milne. It has been a year since Ann's retirement and much remains to be done in transitioning from a contract to an employer-employee model. The first order of business was to conduct a nationwide search for an Executive Director. Our recruitment produced many candidates with excellent credentials but none more qualified than Peter Salem, formerly our Associate Director. Next was the hiring of the office staff, finalizing personnel policies, salaries and benefits as well as administrative policies.

With Peter in his new role, we were able to move forward more quickly in increasing our membership, growing our Chapters and convening two successful conferences. The *AFCC Newsletter*, the *Family Court Review* and a dozen new and revised pamphlets filled more than one plate.

I am proud to report we are sound financially, our membership of more than 2100 is the highest in AFCC history, our Kids Court Club raised the highest amount ever this year (and, in turn, offered the most scholarships and awards ever) and we added a new provisional Chapter in Missouri. On behalf of AFCC I was privileged to attend the Texas, Massachusetts and Arizona Chapter conferences and the National Center for State Courts Assembly of Court Associations in Washington, D.C. with more than 50 other associations. The nation's capital was also the site of the William Rehnquist Award dinner for outstanding jurists where I was able to join the California Judicial Council in honoring the 2002 recipient, California's Chief Justice, Ronald George.

So much of the association's work is generated by volunteers. Thanking everyone deserving of recognition for their support, guidance, friendship and countless hours of hard work would fill more space than is available. So although I can't single out everyone, I do want to acknowledge the Board of Directors for their commitment, enthusiasm and leadership and a special thanks to Phil Bushard and Doneldon Dennis for our new and revised pamphlets, Hon. Arline Rotman and her Human Resources Committee for creating from "square one" personnel policies and benefits and for conducting our recruitment and selection for our Executive Director, to our Chapter Co-chairs Hon. Hugh Starnes and Fred Mitchell for their steady hands and effective leadership, to Leslye Hunter for her great efforts and ideas for increasing membership, and to Michele Mac Farlane, Chair of the Conference Committee, for her ability to balance new conference ideas with AFCC traditions. Last, but certainly not least, thanks to our Canadian Justices George Czutrin, Ross Goodwin and Emile Kruzick for a wonderful and enriching conference in Ottawa in spite of a war and a serious outbreak of a little known disease. Finally, to Peter Salem and AFCC staff members Candi Walker, Nola Risse-Connolly and Dawn Holmes, I simply couldn't have served my term without you—you are the best!

AFCC is losing to retirement Past President Bob Tompkins. Bob was tireless in his work in behalf of AFCC, families and children. He will be missed!

Our incoming President Justice George Czutrin cares deeply about the best interests of children and the Courts. I know he can count on the support of all of us in the days and months ahead.

Until next time, thank you for giving me the opportunity to be your President this year. It's been a memorable and rewarding experience and an exciting time to be a part of AFCC's 40-year history.

# Connecticut's Triage Study: An Exploration of Significant Elements during the Intake Process

by Michelle Boulais, Central Connecticut State University

An effective triage process in family court systems is critical to the efficient and effective delivery of services. While many courts have intake and screening protocols, few mechanisms exist to systematically identify areas of concerns, identify appropriate levels of intervention, guide treatment and referral recommendations, better utilize existing court resources and ease the docket flow. As part of a project to develop such a tool, the Court Support Services Division of the Connecticut Superior Court conducted a preliminary study to identify key issues among families seen within civil courts across the state.

## Background and Methods

Connecticut's Family Services Division consulted with AFCC to identify and implement best practices and provide more efficient service delivery to clients despite fiscal restraints. As a result, the AFCC completed an in-depth review of the models of practice and developed a list of recommendations, one of which was to develop a standardized method of intake, screening and triage. In response to this finding, CSSD decided to conduct an exploratory study in an effort to view the pressing issues of family court.

Focus groups were conducted to identify the key areas covered during short calendar negotiations, a unique process in which Family Relations Counselors conduct an intake and often facilitate settlement conferences with clients and, if they are represented, their lawyers. Counselors work with clients on issues including custody and access, child support and other financial issues. The focus groups were comprised of judges, lawyers, Family Relations Supervisors and Family Relations Counselors.

Next, a paper and pencil questionnaire was developed for Family Relations Counselors to record interactions during their short calendar negotiations immediately following the negotiation session. The questionnaire addressed issues including case type, type of motion, issue type and presenting issues. For this study, case type was broken down into four categories: (1) Pendente Lite, (2) Post Judgment, (3) Never Married and (4) Other. Type of motion was categorized as Basic Pendente Lite, Contempt, Modification and Other. Finally, issues were classified as Custody, Custody/Access or Access.

The second part of the questionnaire asked counselors to check off the source of information (lawyer, client, collateral source) regarding nineteen areas of inquiry during the negotiation process. Counselors were asked to record the length of time spent on

each negotiation. In total, this study examined 922 short calendar negotiations during January 2003.

## Results

This study includes cases from all thirteen Judicial Districts in Connecticut and represents rural, suburban and urban civil courts. The average time spent completing a short calendar negotiation was thirty-two minutes. Of the 922 records, Pendente Lite (PDL) accounted for 37.3 percent, Post Judgment (PJ) 29.4 percent and Never Married represented 21.3 percent. The collapsed category that included "Other" or a combination of any of the three case types mentioned above was equivalent to 12 percent of the records.

As for type of motion, Basic Pendente Lite accounted for 32 percent, 12.1 percent were considered Contempt motions, Modification equaled 29.6 percent and Other represented 14.8 percent. The insignificant response rates for combinations of the four categories were grouped into one category, which accounted for 5.6 percent and Not Answered accounted for 5.9 percent.

Issue type results were as follows: 7.7 percent were strictly Custody, 28.3 percent were Access issues and 48.7 percent were a combination of the two. The remaining 15.3 percent were financial issues.

The results of the study presented some interesting and unexpected findings for CSSD consideration. Prior to the survey, it was believed that staff resources were depleted by the large number of clients returning after divorce, however this study showed that only 29.4 percent of cases were post judgment matters. In addition, it was thought that Never Married couples did not make significant use of court services, however, the results indicate that more than 21 percent of clients were categorized as Never Married. This finding suggests that services such as Parent Education should broaden the focus to incorporate more for parents who did not marry. Finally it was believed that a significant amount of short calendar negotiations addressed financial issues. However, the data suggests that only 15.3 percent of cases addressed these issues.

## Conclusion

This study provides a statistical description of the reality of the short calendar negotiation processes in the Connecticut Superior Court. The results offer insight into key areas for future development of the CSSD intake and assessment protocol, training and development and provide guidance for resource allocation and services to be offered to various populations. This greater understanding of the process will allow for more effective service delivery.



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## AFCC COMMITTEE CHAIR PROFILE

### Fredric Mitchell, Jr., Chapter Committee Co-chair



Fredric Mitchell, Jr.

by Sherry Carver, Orange, CA

**F**red Mitchell is the co-chair of the AFCC Chapter Committee and beginning in July 2003 will co-chair AFCC's Conference Committee. When he started working at the Family Center of the Conciliation Court, one of his first duties was attending the 1994 AFCC regional conference in Tucson. That was his first meeting with the members of the Arizona Chapter of AFCC. He felt immediate support and they helped him learn the ropes of the organization. The opportunity to learn and network within the state family court system was invaluable to him. Fred's goal is to help other states develop the same support system as exists in Arizona.

The Chapter Committee is designed to assist existing and emerging AFCC Chapters with chapter development, solving problems at the chapter level and with the addition of a Chapter Representative to the International Board of AFCC, to have a stronger voice at that level. The Chapter Committee co-chair is Hon. Hugh Starnes from the Florida Chapter. The rest of the committee is comprised of representatives, usually the state chapter president, from each of the chartered and provisional chapters.

The Chapter Committee holds quarterly conference calls or in-person meetings at conferences to discuss and process chapter issues, review applications for provisional and chartered status and makes recommendations to the Board on chapter issues. Another goal is to refine the role of the Chapter Representative to the Board.

**Born and raised:** I was born in Phoenix, Arizona, which makes me a member of a rare breed, an Arizona native. We traveled around a lot when I was young, living in New York City, Louisiana, Mississippi and several places in Arizona. I spent most of my later childhood and adolescent years growing up on a cotton farm west of Phoenix.

**Education:** I went to Agua Fria Union High School in Avondale, Arizona. It was just

like the high school in the movie *American Graffiti*—a small town high school. During my college years, I went to several different schools including the University of Arizona, University of Oregon and the University of California at San Diego. I graduated from Arizona State University (ASU) with a degree in English Literature then got a Master's Degree in counseling from the same school. In 1981 I moved to Tucson where I finished a doctorate in Rehabilitation Psychology in 1986.

**Favorite teacher who greatly influenced me:** I had a lot of great teachers. My high school English teacher was inspirational. Later, my master's committee chair was a big influence on me.

**Family:** I come from a big family – seven children. I have three sisters and three brothers. We were very close growing up. My mother was an art historian and taught at ASU until her death in 1981. My father was something of a renaissance man. He quit farming when I was in high school and got a job at ASU teaching philosophy. He retired from there about 15 years ago.

**What led to my present career:** I have always been interested in families and did my doctoral work in the area of family systems. After finishing my Ph.D., I worked in the area of family treatment for emotionally handicapped children. When the job of director at the conciliation court came open, I decided to apply. I had always heard great things about this agency. The interface between family issues and the law is fascinating.

**Proudest personal achievement:** Helping to raise two wonderful sons, both of who recently graduated from college. Second would be finishing my doctorate and getting my psychologist license.

**Favorite book:** That is a hard one. I recently finished the Patrick O'Brian series on the British Navy during the Napoleonic era. That series was terrific. As a part-time sailor I was fascinated by the historically detailed accounts of that era.

**Career other than my own that I would have liked to try:** If I had any talent I would have wanted to be a musician.

**Career I would least like to have:** Well, prison guard, car salesman and mortician come to mind as careers I would like to avoid.

**Top 5 changes I would like to see in family law:** I would like to see more training in child and family

issues for family court judicial officers and staff. Some family courts, such as in Maricopa County, are adding case managers to their case flow process. I would like to see that effort expanded so that clients of the court, especially pro se litigants, get routed to the most appropriate service early in the process. I would like to see us move to a dedicated family bench and more integrated service delivery system—closer to the juvenile court model. We need to expand proven educational and treatment programs for families and children in the family court. Finally, I would like to see our court expand availability of tools and services to unrepresented clients, for instance, through forms and instructions on the court's website.

**Favorite AFCC memory:** I had a number of great memories working with the Arizona Chapter Board, especially during my year as Arizona Chapter President. I continue to be proud of our chapter and local board for putting on terrific state chapter conferences.

**AFCC accomplishment I would like to see:** I would like to see AFCC become the chief training and credentialing body for family court-service professionals, something like the APA for psychologists.

## Member News

**Donald T. Saposnek, Ph.D.**, a clinical-child psychologist, child custody mediator, and long-time member of AFCC, was the recipient of the 2003 California Psychological Association's Award for Distinguished Contribution to Psychology as a Profession.

The statewide psychological association honored Dr. Saposnek for his significant, broadening professional contributions to the field of psychology in the areas of child and family development and parent education, and to the development of model child custody court mediation and parent education programs.

AFCC Board Member **Dr. Larry Fong** and **Gretchen Haynes** bring forth the last thoughts of the late **John Haynes** regarding mediation, theory and practice. The anecdotal transcripts are provided from actual videotapes in the mediation of non-family matters with theoretical discussions of interventions and ideas that help mediators better understand their practice.

Entitled *LA MEDIAZIONE*, the first translation of this book is in Italian and will be followed in other languages.

**Ruthanne Allen** and **John Hunt**, two of AFCC's long-time active members from northern California, were married on Friday, November 29, 2002 in Oakland, California. Ruthanne and John work at Alameda County Superior Court and both have served as shepherds for AFCC conferences. Congratulations!

# Using a Financial Neutral for the Benefit of the System

by Hugh E. Starnes, Circuit Judge,  
Fort Myers, Florida

A neutral financial expert, such as a Certified Public Accountant, Certified Financial Planner, or Certified Divorce Planner can benefit the Family Court system, especially if the neutral financial is a sole Court-appointed expert. Financial experts' professional training tends to automatically eliminate emotion and advocacy. They are natural problem-solvers and when approaching the difficult and messy financial choices of a divorcing family, financial experts are more likely than the parties or their attorneys to create an objective, reality-based plan to help them through some very difficult times. The other participants are more likely to be caught up in emotion or advocacy and will often take positions that cannot be carried out when looking at the entire separated family system.

Financial experts typically have strong skills and training to perform the following tasks:

## ☞ Mediation

The financial expert can bring a calm, informed approach to mediation. This approach often works as well on parenting issues as it does for the financial issues. The financial expert may have a more practical approach than other professionals. A co-mediation with a lawyer or mental health professional may allow both types of professionals to learn from each other, and may yield an even better result.

## ☞ Problem-solving

The logical, fact-based nature of their training produces an expert who is focused on gaining a solution, not seeking emotional satisfaction alone. "Just the facts, Ma'am!"

## ☞ Acting as Investigative CPA's

Acting as a neutral expert appointed by the Court, the financial expert is freed of pursuing useless, but expensive, tracks. The financial expert can be given a budget for their services and told to provide as much information as they can within that budget. A neutral financial expert might ask for additional fees, but only if it is truly warranted by the potential worth of the final product. A neutral financial expert may use the parties personal pre-existing financial advisors and take advantage of their knowledge to save considerable time and expense.

## ☞ Tax-effecting awards of equitable distribution and alimony

Often the tax ramifications may cause an otherwise beneficial award to diminish greatly. A neutral financial expert can ferret out ways to fashion an equitable distribution, or an alimony or child support award, that is different than the parties would desire, but that meets their needs better because of the

tax ramifications. The options presented by a financial expert may be overlooked by the parties, who may have an emotional investment in a particular scheme of distribution.

## ☞ Consultants to attorneys or the court on practical solutions to difficult financial issues

When employed on an ad hoc basis, the financial expert can provide valuable neutral opinions on specific technical or sophisticated financial information in a very cost efficient manner that may make the difference in a successful negotiation. A judge could also appoint the expert to advise the Court (and all the parties) on a financial issue that may be a real "sticking point" in making a decision.

## ☞ Members of collaborative or cooperative law teams

For all the reasons given above, the neutral financial expert can be an invaluable member of the team.

## ☞ General or Special Masters

In cases involving complicated financial issues, a neutral financial expert can be appointed with the consent of the parties to act as a master. The neutral expert can take evidence and make a recommendation to the Court. This saves the judge considerable time, and provides the parties with a more knowledgeable fact-finder for the particular type of case. The neutral expert may also have more patience and be more attentive and focused than a judge would be on this type case. The judge, of course, still decides pure legal issues, and makes or approves the final decision. This could be accomplished for a certain part, or for the entire case, if it is purely financial.

## ☞ Planning and extending financial plans into the future and beyond retirement of both parties

Often financial plans and awards look very good and fair when made, and even for a long time afterwards. Unfortunately, severe changes in time and economic conditions may completely vitiate what was originally a good plan. Likewise, a plan may be doomed from the beginning because the parties don't fully understand the long-range effect of the awards. A neutral expert can assist in making a more sound long-range plan, and help avoid unintended consequences, which sometimes occur because of a failure to extend the effect far enough into the future.

Judges and attorneys should look for a financial expert who is flexible, has people skills, and is a decision-maker. Remember, not every financial expert will have the personal make-up to work well in the caldron of divorcing family issues. It takes a special type of person. Consider personality type; be careful not to recruit those who are so detail and fact oriented that they may not be

able to make prompt, practical, and global decisions. Consider using a financial expert for gender identification; for example, a female CPA may be able to strike a rapport with a wife who needs guidance as to structuring her financial life. On the other hand, a strong male CPA may be able to convince an authoritative husband that he needs to give in on certain financial issues.

The work of a neutral financial expert can lead to fewer post-judgment problems in the financial arena because the parties will have developed a solid, practical financial plan. Whether you are a judge, attorney, or party, use these valuable experts for what they do best. Don't merely follow the traditional mode of hiring them as a "hired gun." Be creative! Free the financial expert to do their best work by using them as a neutral in as many different ways as is possible; that will help the whole system!

## Florida Chapter Update

- FLAFCC is presenting a Parenting Coordination Training and Legislative Forum on August 15-16, 2003. You can download the brochure from the Florida Chapter website at [www.FLAFCC.org](http://www.FLAFCC.org). Please call the Rosen Plaza Hotel in Orlando (407-996-9700 or 800-627-8258) now for your reservations, as space is limited! The conference will feature a number of national presenters including Barbara Bartlett, Esq.; Mark Hill CFP, CDP; Phillip Stahl, Ph.D.; and Matthew Sullivan, Ph.D. Additionally, noted jurists and professionals from Florida will present.
- Congratulations to Linda Fieldstone who has been selected as a Board of Directors member of International AFCC. She was selected to represent the Chapter Council, which consists of a representative of each of the State Chapters of AFCC.
- The Florida Chapter of AFCC sponsors a quarterly meeting of the Family Court Coordinators for each Circuit Court in the State of Florida. The last meeting covered Juvenile Dependency and Courthouse Security. A previous meeting covered Self-Help programs. Each Coordinator shares problems, successes, and innovations as well as the current status of services in the particular area being discussed. Much networking, bonding, and sharing of valuable information occurs. These meetings were organized as a result of recommendations made at a workshop on special interest groups at the last annual conference.

## AFCC Board of Directors for 2003-2004

AFCC is pleased to welcome new members of the Board of Directors, with terms beginning July 1, 2003: Cori Erickson, Sheridan, Wyoming; Linda Fieldstone, Miami, Florida; William Fee, Angola, Indiana; and Robert Smith, Ft. Collins, Colorado.

AFCC thanks the following members who have completed their service on the Board of Directors: Carole Browne, Sydney, Australia; R. John Harper, Hamilton, Ontario; and Leah Palin-Hill, Arizona.

A special note of thanks to former AFCC President Denise McColley, who leaves the Board of Directors after 11 years of dedicated service. Ms. McColley served as Chair of the Conference and Nominations Committees and helped lead the restructuring of the AFCC Board of Directors and governance. She will continue as Chair of AFCC's Human Resource Committee in 2003-04.

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## Family Court Review Editors Selected for 2003-2004

The *Family Court Review* editorial staff for the 2003-2004 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.

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## Calendar of Upcoming Events

#### AFCC Fall Regional Conference

November 13-15, 2003  
Sheraton City Center  
St. Louis, Missouri

#### AFCC 41st Annual Conference

May 12-15, 2004  
Adam's Mark Hotel on the Riverwalk  
San Antonio, Texas

#### AFCC 42nd Annual Conference

May 18-21, 2005  
Sheraton Seattle  
Seattle, Washington

# AFCC Kids Count Club Update

## Kids Count Club Award Presented to Christie Lake Kids

AFCC congratulates Christie Lake Kids in Ottawa on receiving the Kids Count Club award of \$2,000. The award was presented at the Awards Luncheon of the AFCC 40th Anniversary Conference in Ottawa, May 29, 2003.

Christie Lake Kids runs both the Christie Lake Camp and a year-round S.T.A.R. program (Skills Through Activity and Recreation). Both programs were developed under the guidance and direction of child psychiatrist Dr. Dan Offord, director of the internationally recognized Canadian Center for Studies of Children at Risk located in Hamilton, Ontario. In the Ottawa area Christie Lake has provided a model for successfully eliminating a major deficit in the lives of economically disadvantaged children by enriching their present and future life quality with equal access, equal participation, and equitable outcomes. The funds from the AFCC Kids Count Club Award will be used to send four disadvantaged children to camp this summer.

## AFCC Thanks Supporters

AFCC thanks all Kids Count Club supporters for their generous contributions to the AFCC Resource Development Fund during this past year. Resource Development funds help support conference scholarships for AFCC members and the annual Kid's Count Club Award. A special thank you to this year's Key Club, Diamond and Platinum Donors, Ann Milne, John and Joan VanDuzer and the Harbinger Foundation, William Carpenter, Arline Rotman, the Suzie S. Thorne Family Foundation, Doneldon Dennis, Andrew Schepard, Jan Shaw, Leslie Ellen Shear and the California,

Florida and Massachusetts Chapters of AFCC.

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# AFCC Silent Auction Takes Ottawa By Storm

AFCC's Fifth Annual Silent Auction was held May 30, 2003 at the Westin Ottawa. An enthusiastic crowd came away with fabulous items, great values and in the end helped AFCC's Kids Count Club raise nearly \$12,000 for scholarships and financial awards to programs that service families.

This year's auction featured an extraordinary array of items. Film buffs were able to bid on authentic posters, books, DVD's and calendars donated by Atlantic-Alliance films. Sports enthusiasts had their choice of autographed baseballs from Alex Rodriguez, Yogi Berra and Carlton Fisk, a Deuce McAllistar autographed football helmet or a package of items from the Anaheim Angels or Ohio State Buckeyes. AFCC members also contributed an original watercolor, a hand-knit scarf, a hand-crocheted afghan and original glass artwork. A collection of fine wines, exotic sipping tequila, autographed books, designer clothing, original artwork and hotel and dinner packages gave bidders a wide range of

items from which to choose.

## Kids Make International Connection Through AFCC Silent Auction

Of special note was the chain of events started by the contribution of a hand-made patch quilt donated by AFCC Office Manager Dawn Holmes and made by her son Michael's kindergarten class from Belleville, Wisconsin. The high bidder was Ned Courtney, Executive Director of Family Mediation Canada. Ned turned the quilt over to his wife's pre-school class and the students there will become pen pals with their counterparts in Wisconsin.

## Special Thanks to Starwood

A live auction gift of 20,000 Starwood Preferred Points was donated by Starwood and Global Sales Director David Narwich. AFCC thanks all of the contributors to the Fifth Annual Silent Auction for their generosity and for making the event such a huge success.

## Contributors to AFCC's Fifth Annual Silent Auction

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# AFCC Honors Hon. Claire L'Heureux-Dubé



Hon. Claire L'Heureux-Dubé

by Hon. Emile R. Kruzick,  
Orangeville, ON

It was most appropriate for AFCC to honor the Hon. Claire L'Heureux-Dubé at the 40th Anniversary Conference in Ottawa last month. Ottawa became the home of Madam Justice L'Heureux-Dubé when she was appointed to the Supreme Court of Canada in April 1987. She remained there until 2002 when she retired as a judge of that court.

The tribute, warm reception, and standing ovation at the AFCC Annual Awards Luncheon held on May 29, 2003 were particularly fitting of the person who in her personal and professional lives has championed the philosophy of the AFCC. She has demonstrated a tireless enthusiasm and commitment to all that AFCC stands for.

In many respects Justice L'Heureux-Dubé is a pioneer. She made the decision to study law when, as a legal secretary, she realized she could write a letter better than the one her boss was dictating to her. She has not looked back since then. In law school she excelled and graduated cum laude from Laval University in 1951. When Claire L'Heureux-Dubé entered law school in 1949, women in Québec had been allowed to practice law for only eight years. She persevered beyond this limitation and was successful at a time when there were few women practicing litigation.

Her commitments were to families and to justice. Her endeavors to better these institutions began with her work as a young lawyer. While balancing the demands of her family and law practice, she was an active participant in the greater legal community. She also served on countless committees, including (to name but a few) as Vice-President of the Vanier Institute of the Family, and

as President of the Family Law and Family Court Committee of the Québec Civil Code Revision Office.

Her judicial career was a meteoric rise. In 1973 the Hon. Claire L'Heureux-Dubé was the first woman appointed to the Québec Superior Court. In 1979 she was elevated to the Court of Appeal of Québec. Her appointment to the Supreme Court of Canada made her the second woman in the country to hold that esteemed position.

The Supreme Court is Canada's highest court. It is the final court of appeal, and the last resort for all litigants in Canada, whether individual or governments. In her capacity as a Supreme Court judge, Justice L'Heureux-Dubé authored numerous landmark decisions that have endorsed the cause of equal justice, and forever changed our legal landscape. Her decisions reformed family law in Canada. They were often powerfully written dissents, which resulted in legislative amendments.

Claire L'Heureux-Dubé has devoted endless hours to writing, lecturing and teaching. She has been a frequent presenter at the AFCC, including at the 2003 Annual Meeting in Ottawa. As past President of the International Commission of Jurists, she has been a moving force in the evolution of global jurisprudence and the effort to bring the concept of human rights to part of the world where it is unknown.

After a stellar judicial career, she has now returned to her alma mater in Québec City where she will continue sharing her knowledge with faculty and students, and pursuing her ongoing commitments to several organizations.

In recognition of her contribution and remarkable career, she has been honored with numerous awards and doctorates in Canada and around the world. We are indeed fortunate to call her our own.

The members of AFCC are proud of Claire L'Heureux-Dubé's sustained membership over many years and are pleased that she will be joining the AFCC Advisory Council this summer. Her dedication to a more humane and inter-disciplinary approach to the law is her hallmark. The AFCC's tribute expresses the Association's profound pride in her achievements and gratitude for her contributions.

## AFCC 40th Anniversary Conference

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at the opening session. After a welcome by Supreme Court Justice Madam Marie Deschamps, the conference then began with a stimulating discussion on the evolution of the family over the last 40 years. The panel featured sociologists Paul Amato, Ph.D., Pennsylvania State University; Robert Glossop, Ph.D., Vanier Institute of the Family; and David Popenoe, Ph.D., Director of the National Marriage Project.

Thursday morning's plenary featured leading experts discussing the evolution of family law and included Hon. Leonard Edwards, President, National Council of Juvenile and Family Court Judges; Phil Epstein, Epstein Cole, Toronto, ON; Forrest S. Mosten, author, *Unbundling Legal Services*; Julie MacFarlane, University of Windsor and moderator George Thomson, Executive Director of the National Judicial Institute of Canada.

Friday's plenary session on domestic violence took an unexpected twist with the absence of Peter Jaffe, due to family matters, however Hon. Leonard Edwards generously stepped into the session and along with Joan Kelly, Justice Jennifer McKinnon and moderator Mary O'Connell offered a session that received rave reviews.

The conference featured special tributes to longtime member and former Executive Director Ann Milne, AFCC's first Canadian President John VanDuzer and Hon. Claire L'Heureux-Dubé, retired Justice of the Supreme Court of Canada. In addition, the AFCC Awards luncheon honored the accomplishments of members and others in the field (see page 10).

### Thank You, Thank You, Thank You

AFCC wishes to thank members of the AFCC conference committee for their hard work and for making the 40th Anniversary Conference possible:

Michele MacFarlane, Chair; Robert Barrasso, Tucson, AZ; Wendy Bryans, Ottawa, ON; Christie Coates, Boulder, CO; Patti Cross, Toronto, ON; Hon. William Fee, Angola, IN; Hon. Ross Goodwin, Quebec City, QC; Stephen Grant, Rocky Hill, CT; Beth Kerns, South Bend, IN; Hon. Emile Kruzick, Orangeville, ON; Debra Kulak, Rocky Hill, CT; Denise McColley, Napoleon, OH.

### Thanks to Sponsors, Exhibitors and Collaborating Organizations

AFCC also wishes to thank conference sponsors and collaborating organizations for their support.

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### Thanks to Conference Shepherds

Last, but certainly not least, AFCC thanks the conference volunteer shepherds for all of their hard work and making sure everything at the conference was the way it was supposed to be.

John Hunt; Ruthanne Allen; Danielle Bruyère; Shari Burrows; Andrea Clark; Daniel Czutrin; Ellen Dowell; Andrew Fobert; Peggy Malpass; Shelley McIntyre; Myrna Murdoch.



# AFCC Scholarship Winners Give High Marks to Ottawa Conference

**A** FCC's Awards and Scholarships Committee, in collaboration with the Resource Development Committee, provided scholarships to three AFCC members for the 40th Anniversary Conference in Ottawa. Scholarships covered registration fees for the conference and one full-day pre-conference institute. For a glimpse of the conference from different viewpoints, scholarship recipients Jeffrey Carr, Nancy Jarvis and Patrick Wolff have shared their experiences.

## Jeffrey A. Carr, Akron, Ohio

"This was the first AFCC conference I have attended, and I have to say it was fantastic. I attended the pre-conference institute on Advanced Family Mediation, and Dr. Larry Fong was a tremendous presenter. I found that Dr. Fong's expertise, as well as that of the group, yielded numerous ideas that I will be able to use in my practice to strengthen my abilities as a mediator.

I attended the panel discussions during the general sessions of the conference and found the panelists to be very experienced and knowledgeable in their respective fields. Their insight into current research and practices eclipsed that which I had previously known.

The workshops regarding mediation focused on children, and mediation with difficult parents brought insight from the industry's leading mediators regarding the issues that they had dealt with during some difficult mediations, helping us to prepare in advance for these type of difficulties and have strategies ready to address them as they arose.

Overall this conference was extremely insightful and useful to practitioners and academics. I found it to be well organized and packed with the best our industry has to offer. Thanks AFCC!"

## Nancy A. Jarvis, Toronto, ON, Canada

"As a recent scholarship recipient to the Ottawa Conference, I wish to extend my thanks to everyone. I am sure that I am not alone in my appreciation of the support that the AFCC provides all its members. Prior to attending my first symposium in Tucson last fall, I anticipated a high caliber educational experience, which it certainly was and continues to be. What I did not expect from that symposium was a community of professionals dedicated to their careers as well as to each other. The Ottawa conference confirmed that this perspective was not an anomaly and is shared by many.

AFCC's leadership is more than pursuing academic excellence; it is about people guiding people. The Ottawa awards banquet emphasized that, as we look back on our careers, its direction and fulfillment can often be attributed to another's influence. Words of encouragement, a listening ear and a helping hand are more

powerful than we realize. Often the donor is not aware of their influence until a public acknowledgement is given. I can only imagine what an awards dinner would be like if it were sponsored by all those families that have been touched not only by each professional's expertise but, more importantly, by their level of care and concern."

## Atty. Patrick Wolff, Hagatna, Guam

"The AFCC Conference in Ottawa proved very helpful to me in my capacity as founder/executive director of Inafa' Maolek, a community-based non-profit mediation center in the US Territory of Guam. My trip report, summarizing all I had learned, was quite lengthy. Workshop #36 on "Child Probation and Dependency Mediation" gave me the confidence to promote that concept locally. Workshop #26 "Mediating with Difficult People" gave me insights on several problematic situations encountered by peacemakers. I was intrigued by the notions of collaborative lawyering and unbundling—concepts not yet being discussed here. As I sat through Workshop #3 "Child-Focused Mediation" I kept wondering whether a guardian ad litem could perform the tasks contemplated for the child-centered mediator. During Workshop #23, "Managing High Conflict Families Through Structured Parenting Plans" I chuckled at the notion of a parenting coordinator who both mediates and arbitrates in the same case.

I attended Dr. Larry Fong's pre-conference Institute "Advanced Family Mediation Skills" and was challenged to think more critically about the types of questions asked in mediations.

The prevailing wisdom of excluding domestic violence cases from mediation was challenged in several presentations (Workshop #26 "Mediating With Difficult Parents" and Workshop #9 "Yes, No, and Maybe: Informal Decision-Making About Divorce Mediation in the Presence of Domestic Violence" as well as plenary comments by Judge Len Edwards), which were breaths of fresh air for me.

I was tickled to meet Hon. Claire L'Heureux-Dubé, who unbeknownst to me had visited Guam this past March to do presentations for judges and female lawyers.

The Conference enabled me to purchase some resource materials and make some new friends—two (Hon. James Hauser and Professor Janet Weinstein) had a connection to my alma mater, University of Pennsylvania. Their workshop "Making Divorce Work: The Coming Revolution in Divorce Law" represents for me the creative thinking that typifies the best of AFCC.

Thank you for the AFCC scholarship, which helped me to gain so many positive benefits."

## Join AFCC for the 40th Anniversary Conference!

**I**f you could not get to Ottawa for AFCC's 40th Anniversary Conference in May, it's not too late! You can still purchase audio tapes, conference proceedings books and limited edition AFCC 40th Anniversary Conference t-shirts.

Audio tapes are available for most conference sessions, including plenary sessions, workshops and pre-conference institutes. For audiotape ordering and price information, please see the notice on page 11 of this newsletter.

A limited number of conference proceedings books are available for \$20 plus shipping and handling. This 540-page book is full of handouts from conference workshops and general sessions and includes a conference attendees' list.

AFCC is liquidating the limited edition 40th Anniversary t-shirts. These crisp, white, 100% cotton t-shirts have a bright red maple leaf and blue lettering on the back. The post-conference price is only \$6 plus shipping and handling.

Conference proceedings books and t-shirts can be ordered directly from AFCC by using the form at right.

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# AFCC Recognizes Outstanding Achievement at 40th Anniversary Awards Luncheon

The Association of Family and Conciliation Courts 40th Anniversary Awards Luncheon took place at the Westin Ottawa, May 29, 2003. AFCC recognized the achievements of the members who have made a contribution to the constructive resolution of family conflict.

## AFCC DISTINGUISHED SERVICE AWARD



Hon. Leonard Edwards

**Hon. Leonard Edwards,  
San Jose, CA**

Judge Leonard Edwards, a long-time member and friend to AFCC, was honored for his outstanding contributions to the field of family law. Judge Edwards is currently the Supervising Judge of the Juvenile Dependency Court in Santa Clara County, CA and served on the family court there. He is President of the National Council of Juvenile and Family Court Judges and he has dedicated his career to protecting children and families

from the devastating effects of family violence and is highly regarded for his judicial leadership at the local, national and international levels.

In accepting the Distinguished Service Award, Judge Edwards praised AFCC, calling it, "The organization most responsible for improving the way that family courts conduct their business every day." AFCC congratulates Hon. Leonard Edwards on a well-deserved honor.

## STANLEY COHEN DISTINGUISHED RESEARCH AWARD



Paul Amato

**Dr. Paul Amato, Pennsylvania  
State University**

Dr. Paul Amato was recognized with the Stanley Cohen Distinguished Research Award, presented in honor of former AFCC Executive Director and *Review* Editor, the late Stanley Cohen. The award is sponsored by the Oregon Family Institute and was presented by OFI and AFCC Board Member Bill Howe.

Dr. Amato has made important contributions to the understanding of children's adjustment to their parents' divorce. His initial meta-analysis of 92 studies reported from the

1950s through the 1980s comparing children of divorced parents with children of continuously married children, gave practitioners as well as researchers an overall sense of children's well being after divorce in several different important spheres of behavior. More recently, Dr. Amato has updated his research with a meta-analysis of 67 studies done in the decade of the 90's. His findings indicate that although there remains a gap between children of divorce and children who remain with their intact family, the size of the gap has decreased. Dr. Amato hypothesizes that some of the decreases in measurable effects on children may result from attitudinal changes, more sophisticated research methodology, increased availability of therapeutic interventions and school based programs. Changes within the legal system such as mandatory mediation, parent education programs and other out-of-courtroom interventions may also be contributing factors. Dr. Amato's research and hypotheses provide evidence that AFCC's approach to helping promote the adjustment of children after divorce is well grounded.

## IRWIN CANTOR AWARD FOR INNOVATIVE PROGRAMMING

**Family Violence Prevention Center,  
Maricopa County, Arizona**

The Irwin Cantor Award for Innovative Programming was presented to the Family Violence Prevention Center of Maricopa County in Phoenix, AZ. The Center was created to provide services to citizens seeking protection against violence in the home, workplace or public. It provides a safe, dedicated place for individuals to prepare and file an Order of Protection or Injunction Against Harassment, talk to advocates from a domestic violence shelter for crisis counseling safety planning, and receive referrals to social service agencies and community providers.

## PRESIDENT'S AWARD

**R. John Harper and Michele MacFarlane**

AFCC President Jan A. Shaw presented the President's Award to **Michele MacFarlane** and **R. John Harper**. Ms. MacFarlane has been Chair of the AFCC Conference Committee and a long time member of the Board of Directors. The high quality of her work with AFCC volunteers and staff on the planning and implementation of AFCC conferences is evidenced by the extraordinary feedback about the AFCC conferences. Mr. Harper steps down this year as Chair of AFCC's Resource Development Committee. Under his leadership, AFCC's Resource Development fund has grown to more than \$125,000 and has provided numerous conference scholarships and financial gifts to non-profit agencies serving children and families in Vancouver, New Orleans, Chicago, Hawaii and Ottawa.

## AFCC Silent Auction

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Cori Erickson  
Family Mediation Canada  
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Association of Family and Conciliation Courts

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**Here are just a few of the sessions you may have missed!**

- Working with High Conflict Families: Alienation and Parenting Coordination
- Advanced Family Mediation Skills
- Change and Challenge: 40 Years of Evolution in Families
- From Adversaries to Collaborators: The Evolution of Family Law
- Custody and Access Reform in Canada
- Fostering Family Resiliency
- Research Update
- Reconnecting Children with Absent Parents
- Managing High Conflict Families through Structured Parenting Plans
- Mediation with Difficult Parents
- Assessing the Parent-Child Relationship in Custody and Access Disputes
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**SAVE THE DATES!**



# **AFCC MIDWEST REGIONAL CONFERENCE**

**November 13-15, 2003**

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See [www.afccnet.org](http://www.afccnet.org) for more information