



AFCC eNEWS

BI-MONTHLY E-NEWSLETTER
VOL. 1 NO. 4
AUGUST 2006

AFCC International Symposium and Congress Great Debates, Networking and Continuing Education Opportunities in Atlanta

Online conference and hotel registration are available for AFCC's *Seventh International Symposium on Child Custody Evaluations*, October 19-21, 2006 and the *Seventh International Congress on Parent Education and Access Programs*, October 22-23, 2006. The AFCC block of rooms will be released to the public for general sale on September 16, 2006. Make your reservations now to reserve the special room rate of \$131 per night. The Sheraton Midtown Atlanta is located in downtown Atlanta and is a stone's throw from the city's best attractions and entertainment. Please view AFCC's Web site for online registration, hotel reservations, exhibitor information and more. [AFCC International Symposium and Congress...](#)
[Atlanta's Top Things To Do...](#)

Call for Presenters - Deadlines Approaching

AFCC 44th Annual Conference

The Call for Presenters for AFCC's 44th Annual Conference, *Children of Separation and Divorce: The Politics of Policy, Practice and Parenting*, May 30-June 2, 2007 in Washington, D.C. is posted on AFCC's Web site. If you are interested in participating as a presenter, please submit a proposal before October 1, 2006.

[Call for Presenters... \(PDF\)](#)

California AFCC Annual Chapter Conference

The California AFCC Annual Chapter Conference, *Cutting-Edge Issues: Multi-Disciplinary Dilemmas and Solutions* will take place February 9-11, 2007 at the historic Mark Hopkins Hotel in San Francisco, CA. A special room rate of \$189 per night will be offered. The deadline for presenter proposals is September 13, 2006.

[Call for Presenters... \(PDF\)](#)

ICCFR 54th Annual International Conference

Join AFCC in Edinburgh, Scotland, June 5-8, 2007 at the International Commission on Couple and Family Relations (ICCFR) 54th Annual International Conference. The conference theme is *Barriers to Access: Finding Paths to Inclusiveness* and the deadline for presenter proposals is September 14, 2006.

[Call for Presenters... \(PDF\)](#)

UPCOMING EVENTS



AFCC Seventh International Symposium on Child Custody Evaluations

October 19-21, 2006

Sheraton Midtown Atlanta
Atlanta, Georgia

AFCC Seventh International Congress on Parent Education and Access Programs

October 22-23, 2006

Sheraton Midtown Atlanta
Atlanta, Georgia

DID YOU KNOW?

In September 2006, AFCC members will be featured in the PBS documentary "Kids and Divorce: For Better or Worse." Check your local PBS station for broadcast dates and times.

[Find your local PBS station...](#)

AFCC Workgroup Seeks Research Fellow

AFCC's workgroup that is developing An Educator's Guide to Working with Separating and Divorcing Families is seeking a research fellow to investigate policy and legal issues that are covered in the publication. This publication will provide information for educators and school administrators about working with the children of separating and divorcing families in the classroom and for bilateral contact with parents in a school setting. Law students are invited to participate in the research for this project. Please contact Barbara Steinberg, Workgroup Chair, at bfsteinbergphd@cfl.rr.com for more information.

AFCC Partners with the Asia Foundation

AFCC is delighted to announce its partnership with the Asia Foundation's Books for Asia Program to establish family law libraries in developing nations. The Books for Asia program has distributed books, software and other educational materials throughout Asia for nearly half a century. AFCC members will be invited to join AFCC in donating family law and dispute resolution books to the project. Further details on this project will be announced in an upcoming edition of *AFCC eNEWS* and on AFCC's Web site. If you have questions or would like to contribute books, please contact [David Vigliotta](#), AFCC Marketing and Development Manager, at (608) 664-3750.

[Books for Asia Program Web site...](#)

Family Court Review Update

Family Law Education Reform Project Final Report to be Featured in Family Court Review

AFCC and the Center for Children, Families and the Law at Hofstra University Law School are pleased to announce that the Final Report of the Family Law Education Reform (FLER) Project will be published this fall in the *Family Court Review*, along with several comments from prominent scholars and practitioners.

[Read more...](#)

Resource Development Fund Update

Through the generous support of AFCC's 2005-2006 Annual Appeal contributors, AFCC's Resource Development Committee granted a record twelve scholarships to the 43rd Annual Conference in Tampa Bay, Florida. AFCC also continued the Innovation Mini-Grant Program with a \$5,000 grant to the Child and Family Services Center for Resolution and Justice and the New York State Unified Court System to provide training to parenting coordinators at no cost. After their training, the attendees agreed to provide pro bono services to families who could not afford this intervention. Without the philanthropic support of AFCC's members this would not be possible. Thank you for your generosity!

[2005-2006 Annual Appeal Contributors... \(PDF\)](#)

NCCUSL Passes Act on Representing Children Legal Representation of Children in Court Proceedings Addressed in New Uniform Act

OUR COLLABORATING ORGANIZATIONS

[ABA Center on Children and the Law](#)

[ABA Section of Dispute Resolution](#)

[ACR Family Section](#)

[International Academy of Collaborative Professionals](#)

[International Commission on Couple and Family Relations](#)

[National Association of Counsel for Children](#)

[National Council of Juvenile and Family Court Judges](#)

MARK YOUR CALENDAR

Father Involvement: From Infant Overnights to Parental Alienation

Marsha Kline Pruett, Ph.D.

December 4-5, 2006
University of Baltimore
Baltimore, Maryland

Parenting Coordination: Working with High Conflict Families

Robin M. Deutsch, Ph.D.

December 6-7, 2006
University of Baltimore
Baltimore, Maryland

Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Joan B. Kelly, Ph.D.

March 27-28, 2007
Loyola University New Orleans

New Orleans, Louisiana

Advanced Issues in Child Custody: Complex Family Violence, Alienation, Child Sexual Abuse and Attachment

In July 2006, the National Conference of Commissioners on Uniform State Laws (NCCUSL) approved the Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act. The Act will now come before the ABA for approval, after which it will be submitted for adoption in every state. The Project will continue to support the Act as it is presented in individual states.

[View press release...](#)

[View draft of the Act...](#)

CASE LAW UPDATE

Default Divorce Forecloses Biological Father's Paternity Action

by Barbara Glesner Fines, Ruby M. Hulen Professor of Law, University of Missouri-Kansas City

The Michigan Supreme Court denied standing to bring a paternity action to the man listed as the father on a child's birth certificate and in an affidavit of parentage and who helped raise the child for more than four years until he and the child's mother separated. The mother was married to another man when she became pregnant and concealed the pregnancy during the divorce, obtaining a default judgment in which the judge stated that apparently "no children were born of this marriage and none are expected." The Michigan Supreme Court, in a 4-3 decision, held that the plaintiff did not have standing under the Paternity Act "because the default judgment is not clear and convincing evidence that the child was not an issue of the marriage." Strong dissents argued against the majority's application of the marital presumption.

[View opinion \(PDF\)...](#)

Barnes v. Jeudevine, 2006 Mich. LEXIS 1460 (July 26, 2006). For more daily case law and other legal developments, visit the [Family Law Prof Blog](#).

RESEARCH UPDATE

Should a Parent's Competence to Mediate be Assessed?

Courtesy of J.M. Craig Press, Inc.

The question of legal competence often arises in criminal law; it is seldom an issue in family matters, but there are exceptions. The authors break new ground by raising questions regarding competence in the context of family law mediation.

[Read More...](#)

FEATURED ARTICLE

Metaphors for Divorce Mediations and Negotiations

by Sharon Lowenstein, courtesy of Mediate.com

Language conveys attitudes, mind-sets and perspectives. The choice of words influences behavior and is influenced by behavior. Whereas litigation subjects parties to a roll of the dice, collaborative law and mediation put clients in the driver's seat. The skillful use of metaphors can subtly and efficiently redefine conflict as a challenge and facilitate fruitful problem solving. This

Nancy Olesen, Ph.D.
March 29-30, 2007
Loyola University New Orleans
New Orleans, Louisiana

AFCC 44th Annual Conference

Children of Separation and Divorce: The Politics of Policy, Practice and Parenting

May 30-June 2, 2007

Capital Hilton

Washington, D.C.

Featuring the Capitol Steps!

[Call for Presenters \(PDF\)](#)

[Capitol Steps \(Mp3\)](#)

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ABOUT AFCC eNEWS

AFCC eNEWS is a bi-monthly e-newsletter published by the Association of Family and Conciliation Courts (AFCC).

AFCC eNEWS provides professionals with time sensitive and up-to-date topics including case law updates, research innovations and international news.

Readers are welcome to forward this e-newsletter to interested colleagues.

[AFCC eNEWS archive...](#)

Web Site Version:

If you are having trouble viewing this email correctly,

article suggests how to mix and match metaphors which are particularly useful for cutting to the chase and putting clients on the same page.

[Read More...](#)

please view the Web site version by [clicking here](#).

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Professionals dedicated to improving the lives of children and families through the resolution of family conflict



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Atlanta's Top Things to Do!



COUNTDOWN TO D.C.

AFCC's 44th Annual Conference is here!

The *Symposium* and *Congress* are located in Atlanta's eclectic Midtown area, with plenty to do very close to the [Sheraton Midtown Atlanta](#). The conferences take place during Atlanta's golden fall season where the temperatures are consistently around 75 degrees.

The **High Museum of Art** is just one block from the hotel. In addition to its regular collection, the museum opens a new exhibit in October featuring works from the Musée du Louvre in Paris.

<http://www.high.org/>

One block from the hotel, you'll find Atlanta's "Central Park," the 189-acre **Piedmont Park**. Play tennis, take a stroll, or jog on six miles of trails.

<http://www.piedmontpark.org/>

The **Atlanta Botanical Garden**, in Piedmont Park, has a special exhibit through October. Niki in the Garden is the world's largest exhibition ever presented of outdoor sculptures by the internationally renowned artist Niki de Saint Phalle.

<http://www.atlantabotanicalgarden.org/home.do>

http://www.atlantabotanicalgarden.org/site/events/niki_overview

The **Margaret Mitchell House and Museum**, one-third of a mile from the hotel, is located in the original home of the *Gone with the Wind* author.

<http://www.gwtw.org>

Don't forget about shopping! Adjacent to the hotel is the **Colony Square Mall**, and the **Atlantic Station** complex is just one mile away.

<http://www.atlanticstation.com/>

In the mood for some nightlife? Head to **Crescent Avenue**, one block to the west of the hotel, where you'll find lots of hip nightclubs and restaurants located in renovated homes on side streets.

Outside Atlanta's Midtown

There are other attractions in Atlanta that you won't want to miss, though they are just a bit further from the hotel. There is a MARTA station (Atlanta's transit system) just two blocks from the Sheraton Midtown and you can use it to reach all of the sights listed below.

The **Martin Luther King Jr. National Historic Site** chronicles the American Civil Rights Movement. Visit Martin Luther King's birthplace, the church where he was pastor and his final resting place.
<http://www.nps.gov/malu/>

Check out the world of news by taking a **CNN Studio Tour**.
<http://www.cnn.com/tour/atlanta/>

The new **Georgia Aquarium** is billed as the "world's largest aquarium" with more than eight million gallons of marine and fresh water and more than 100,000 animals of 500 different species. Exhibits of special note include the aquarium's four whale sharks, the only such sharks in an aquarium outside of Asia, and five beluga whales.
<http://www.georgiaaquarium.org/>

Atlanta is home to some great sports teams. The **Atlanta Thrashers** will be playing hockey on Thursday, October 19th and Saturday, October 21st at Philips Arena, and Michael Vick and the **Atlanta Falcons** host the Pittsburgh Steelers in the Georgia Dome on October 22nd (go only if you're not attending the Parent Ed Congress, of course!)
<http://www.philipsarena.com/>
<http://www.atlantathrashers.com/>
<http://www.atlantafalcons.com/>
<http://www.gadome.com/>

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Should a Parent's Competence to Mediate be Assessed?

Courtesy of J.M. Craig Press, Inc.

Beck, C.J.A. and Frost, L.E. [2006]. Defining A Threshold for Client Competence to Participate in Divorce Mediation. *Psychology, Public Policy and the Law*, 12, 1-35.

The question of legal competence often arises in criminal law; it is seldom an issue in family matters, but there are exceptions. The authors break new ground by raising questions regarding competence in the context of family law mediation.

The authors define competence as "determining whether a person's capacities or functional abilities are adequate for the context in which a decision needs to be made." Next, they refer to several professional guidelines recommending that mediators should be alert to a party's capacity to mediate and should not conduct the mediation if they believe that s/he is unable to participate. They note that while the mediator has the ultimate responsibility for determining whether the process proceeds, there are no clear decision making standards.

Since mediation is a type of contract, the authors draw upon relevant law in that area as a basis for their recommendations. However, they go further to note, "The need to consider the well-being of the children requires more sophistication and emotional maturity than the self interested negotiation of property issues. . . . many divorce mediations involving children require a higher threshold of competence than do most property-only mediations."

Based on these presumptions, they propose the following legal standard:

A person is incompetent to participate in mediation if he or she cannot meet the demands of a specific mediation situation because of functional impairments that severely limit: (1) a rational and factual understanding of the situation; (2) an ability to consider options, appreciate the impact of decisions, and make decisions consistent with his or her own priorities; or (3) an ability to conform his or her behavior to the ground rules of mediation.

The authors concluded, "Because of the high stakes in divorce mediation, it would be unfair to pressure incompetent clients toward a mediated agreement without the protections of the formal judicial process."

Critical Analysis

This is a theoretical paper. Hence, there is no procedural method for us to critically evaluate. We find it important because it identifies and addresses a vital issue and suggests a reasonable standard. However, the authors establish a very high bar for mediators who are not mental health professionals.

Recommendations

The authors raise the issue of domestic violence, but they focus on a person's ability to engage in the process. This is technically correct, but special precautions should be taken in situations where there was a history of domestic violence. In these circumstances, performing an adequate competency evaluation requires a high degree of sophistication to insure that litigants are not only able to engage in the process but can do so without excessive distress.

An implication of this article is that those mediators who are not MHPs will require some additional training if they are expected to make these determinations. We believe that if mediators are to adhere to this standard, they should utilize the services of qualified MHPs for such assessments until they are sufficiently trained to do so themselves.

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

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AFCC and the Center for Children, Families and the Law at Hofstra University Law School are pleased to announce that the Final Report of the Family Law Education Reform (FLER) Project will be published this fall in the *Family Court Review*, along with several comments from prominent scholars and practitioners.

The FLER Report is a call for action by law schools to improve their family law curricula, based on a series of dialogues between family law academics and practitioners from many disciplines. Written by Co-Reporters J. Herbie DiFonzo (Hofstra University) and Mary E. O'Connell (Northeastern University), the Report insists that, in order to keep pace with the phenomenal changes in family law practice, law school family law programs must change dramatically, in three principal directions:

1. They would teach law students that the family court of the early twenty-first century is often an interdisciplinary enterprise, where psychologists, social workers, non-lawyer mediators and others have tremendous influence.
2. They would emphasize the multiplicity of dispute resolution processes and treat litigation as but one alternative, useful only in a small minority of cases.
3. They would emphasize competence and skills, and teach budding lawyers to be reflective and self-aware in the practice of law.

[View the report...](#)