



# AFCC eNEWS

BI-MONTHLY E-NEWSLETTER

VOL. 1 NO. 3

JUNE 2006

## Atlanta, Georgia on AFCC's Mind for Fall Symposium and Congress

Complete conference brochure available on AFCC homepage July 3, 2006

AFCC's *Symposium on Child Custody Evaluations*, October 19-21, 2006 and the *Congress on Parent Education and Access Programs*, October 22-23, 2006 are quickly approaching. Join an international and interdisciplinary network of professionals in the heart of Atlanta's vibrant Colony Square neighborhood at the Sheraton Midtown Atlanta.

[Click here for Conference Brochure...](#) (PDF)

## 44th Annual Conference - Call for Presenters

*Children of Separation and Divorce: The Politics of Policy, Practice and Parenting* is the theme of AFCC's 44th Annual Conference, May 30-June 2, 2007 at the Capital Hilton in Washington, D.C. Along with the usual outstanding program, the conference will feature an opening night performance by the Capitol Steps, renowned musical political satirists. The deadline for workshop submissions is October 1, 2006. [Click here](#) to listen to an Mp3 sample of the Capitol Steps.

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

## Model Standards for Child Custody Evaluation Approved

The AFCC Board of Directors unanimously approved the *Model Standards of Practice for Child Custody Evaluation*, prepared by the AFCC Task Force for Model Standards of Practice for Child Custody Evaluation. The twelve-member Task Force worked for two years and reviewed hundreds of comments from two public postings and three open meetings before submitting the final draft to the AFCC Board of Directors at its meeting on May 31, 2006. The *Model Standards* are posted on the AFCC Web site.

[View the Model Standards...](#)

## Tampa Bay Plenary Sessions Available in Mp3 Format

Plenary Sessions from AFCC's 43rd Annual Conference in Tampa Bay are now available for free download for AFCC members. Log on to the [AFCC Member Center](#) and click "AFCC Conference Audio." If you were unable to attend the conference, all sessions

## 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

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can be purchased individually or as a complete set online through Conference Recordings International, Inc. by following the link below.

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## Online Parenting Coordination Network Announced

The AFCC Parenting Coordination Network is a group email networking list for AFCC members who serve as parenting coordinators or are interested in this role. AFCC has taken the lead in the development of this growing professional field through its two Parenting Coordination Task Forces, the creation of Guidelines for Parenting Coordination, through training opportunities around the U.S. and workshops and institutes on parenting coordination at its conferences. AFCC members can join online by logging on to the [AFCC Member Center](#) and clicking the "PC Network" link.

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## CASE LAW UPDATES

### Attorneys Have No Property Interest In Their Family Court Appointment Practice

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

Family courts seeking to reorganize their attorney staffing of pro bono cases may do so without fear of violating constitutional rights of attorneys currently practicing before the family court. In a suit by attorneys who regularly practiced before the Family Court Division of the DC Superior Court, the United States Court of Appeals for the District of Columbia held these attorneys had no property interest to be "taken" by District of Columbia Superior Court Administrative Order, which established panels of lawyers who were eligible for appointment to represent indigent parties in family court matters.

Roth v. King, June 9, 2006. [Click for opinion \(PDF\)](#). For more daily case law and other legal developments, visit the [Family Law Prof Blog](#).

### Supreme Court of Canada says Misconduct "off the table" as Spousal Support Factor

*by Prof. Nicholas Bala, Ontario, Canada*

The Supreme Court of Canada ruled that marital misconduct is not itself a basis for spousal support, as compensation for harm is not a factor under Canada's divorce law. However, the Court ruled that emotional suffering arising from one spouse's wrongdoing - or any other type of emotional trauma - can be a factor when judges determine how much support will be paid.

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## RESEARCH UPDATE

### Parental Involvement Makes a Difference in Custody Decisions

## OUR COLLABORATING ORGANIZATIONS

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[ABA Section of Dispute Resolution](#)

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[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

*Nancy Olesen, Ph.D.*

March 29-30, 2007

*Courtesy of J.M. Craig Press, Inc.*

Much controversy has arisen regarding the proposal by the American Law Institute (ALI) for what is termed the "approximation rule." In this scheme, custodial responsibility would be determined by the past care taking roles of the parents and the time they spent in them. This is the first article we have found that examines how such roles may change at the time of divorce.

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## FEATURED ARTICLE

### Gay Divorce?

*by Mathew McCuster, courtesy of Mediate.com*

The topic of same-sex marriage has recently become a major "hot-button" issue for policymakers and judicial circuits at the local, state, and national levels. While the determination of procedure has remained in the domain of legislatures and courthouses, same-sex couples have continued to create long-term relationships that have resulted in intertwined lives. Consequently, there has also been an increasing need for assistance and direction for couples during same-sex partnership dissolutions.

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## INTERNATIONAL NEWS

### Amendments to Canadian Child Support Guidelines

*Courtesy of the Family, Children and Youth Section, Department of Justice, Ontario, Canada*

On May 1, 2006, several amendments to the Canadian Federal Child Support Guidelines came into force. Highlights of the amendments include: an updated Federal Child Support Table for each province and territory; a definition of the term "extraordinary" for determining if certain expenses are eligible special expenses under the Guidelines;

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### Canada's Spousal Support Advisory Guidelines

*by Prof. Nicholas Bala, Ontario, Canada*

One of the most significant developments in the past year for the practice of family law in Canada has been the introduction of the *Spousal Support Advisory Guidelines* (SSAG), which resulted in greater consistency in the amounts awarded and facilitated settlement of cases.

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### Drops from Down Under featuring the Children's Cases Program

*by Hon. Graham Mullane, New South Wales, Australia*

Australian family court leaders traveled to Europe in 2004 to visit family courts and took the best features of the European approaches and adapted them to the Australian family law system. A new program entitled the *Children's Cases Program* (CCP), which is designed to be less adversarial and hopes to give

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Capital Hilton

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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.

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children more say in their future, is now being piloted in the family courts of Sydney and Parramatta.

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**Editor:**  
David Vigliotta



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### Parental Involvement Makes a Difference in Custody Decisions

*Courtesy of J.M. Craig Press, Inc.*

Much controversy has arisen regarding the proposal by the American Law Institute (ALI) for what is termed the "approximation rule." In this scheme, custodial responsibility would be determined by the past care taking roles of the parents and the time they spent in them [See Digest 6, 4]. This is the first article we have found that examines how such roles may change at the time of divorce.

This study, conducted in Canada, was a six year survey of 758 families. The authors focused on those families who separated during the time of the study. Living arrangements were determined without court intervention in two thirds of the cases. The authors found that:

- When both parents worked outside the home, they were twice as likely to share custody.
- When neither parent was employed full time, shared custody was no more likely than it was for families in which fathers worked full time and mothers worked at home.
- When both parents worked, but fathers worked at times when children were generally at home, custody was less likely to be shared.
- Families with higher incomes were more likely to share custody.

The authors concluded that ". . . findings generally support the assumption that greater role equality, at least in terms of employment, effects custody preferences of mothers and fathers, leaving both more open to sharing custody when they separate . . . . Paid employment makes mothers more open to sharing custody. . . . Shared custody was more common among couples in which the mother had identified caring for the family as a principle activity of the father confirming that mothers' perception of father involvement is important for custody outcomes" [p. 168-169].

#### Critical Analysis

This is the first article we can recall that examines the effect of work responsibilities on custodial arrangements at the time of divorce. It is a well done longitudinal study. One limitation is that the vast majority of participants were mothers; we do not know if the fathers' perceptions would have been different. A second problem is that the distance between the homes of the parents was not included. Therefore, we do not know what effect distance may have had on care taking decisions.

#### Recommendations

This is the first study we have seen that addresses the question of how working conditions prior to divorce may affect custodial

decisions. More specifically, we learn that it is not the amount of caretaking that preceded the divorce that matters so much as the working status of the parents and the mother's view of the father's involvement with the children. Hence, this work suggests, in contradiction to the ALI recommendations, that the degree of involvement of parents matters far more than the time spent.

While such relationships are difficult to measure, we agree that it is the quality of the relationships that counts rather than the hours spent when custody disputes arise.

Juby, H., Le Vourdais, C. and Marcil-Gratton, N. [2005]. Sharing Roles, Sharing Custody?: Couples' Characteristics and Children's Living Arrangements at Separation. *Journal of Marriage and Family*, 67, 157-172.

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*by Prof. Nicholas Bala, Ontario, Canada*

The Supreme Court of Canada ruled that marital misconduct is not itself a basis for spousal support, as compensation for harm is not a factor under Canada’s divorce law. However, the Court ruled that emotional suffering arising from one spouse’s wrongdoing — or any other type of emotional trauma — can be a factor when judges determine how much support will be paid.

“Misconduct, as such, is off the table as a relevant consideration,” Justice Ian Binnie wrote in the ruling. “Consequences [however] are not rendered irrelevant because of their genesis in the other spouse’s misconduct.”

In *Leskun v Leskun*, 2006 SCC 25, a woman in her late 50’s was awarded \$2,250 per month in spousal support after a 20 year marriage, in which one child was born and during which the wife had provided support to the husband while he gained further educational qualifications. The wife worked throughout much of the marriage, but shortly before separation was informed by her employer that her employment was to be ended due to restructuring. The husband had been working out of town and, upon hearing this news returned, ostensibly to help the wife negotiate with her employer for a better severance package or alternate employment, but arrived to tell the wife that he had been having an affair and the marriage was over. The woman never regained employment. Her age, a pre-existing back injury, a number of deaths and problems in her family, narrow previous experience and her emotional distress at the end of her marriage resulted in her not regaining employment.

Four years after the separation, the former husband sought to terminate the support, arguing that the woman had not taken sufficient steps to become self-sufficient. The trial judge rejected his application, accepting that she had made some efforts, and was, under the circumstances, effectively unemployable. That decision was upheld by the British Columbia Court of Appeal, though in that Court Justin Mary Southin wrote that Sherry Leskun was “bitter to the point of obsession with his misconduct and in consequence has been unable to make a new life. Her life is this litigation.” The judge nevertheless suggested that support was appropriate because the woman’s inability to support for herself was “a failure resulting at least in part from the emotional devastation of misconduct by the other spouse.” This suggested that fault might still be a factor in determining spousal support issues. The Supreme Court of Canada clearly rejected the idea that fault itself should be a factor in awarding support, but accepted that in all of the circumstances, including the woman’s emotional devastation at the end of the marriage, support should be continued.

Since 1985 Canada’s Divorce Act has provided the courts should not consider “any misconduct of a spouse in relation to the marriage” when determining support payments; the Supreme Court relied on this provision. Almost all divorces are now based on the no-fault ground of one year separation, although it is possible to obtain divorce based on adultery or cruelty.

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### Canada's Spousal Support Advisory Guidelines

*by Prof. Nicholas Bala, Ontario, Canada*

One of the most significant developments in the past year for the practice of family law in Canada has been the introduction of the *Spousal Support Advisory Guidelines (SSAG)*, which have resulted in greater consistency in the amounts awarded and facilitated settlement of cases.

Divorce and support issues for divorcing couples are under the jurisdiction of the federal Parliament in Canada. In 1997, Parliament introduced the *Child Support Guidelines* by amending the *Divorce Act*. The SSAG were not introduced by Parliament, however, as politicians were unwilling to directly deal with the contentious issues surrounding spousal support. Rather, it was practitioners who introduced this very significant reform, albeit with some funding and moral support from bureaucrats of the Department of Justice.

Until the introduction of the SSAG, there was very wide disparity in how the courts applied the very general provisions of the 1986 *Divorce Act* s. 15, which deal with spousal support with substantial variation in quantum, duration and entitlement. At least in part as a result of the uncertainty over the law of spousal support, it was frequently not claimed by the lower income spouse (almost always the wife), or it was one of the first things to be given up in the negotiations that usually resolve matrimonial cases. Uncertainty about the law of spousal support was heightened by the 1999 Supreme Court of Canada decision in *Bracklow v Bracklow*.<sup>1</sup> That case dealt with the question of whether a former spouse who suffered from a debilitating illness at the end of a seven year marriage was eligible for support. The much criticized decision of the Court discussed several possible theories of support and remanded the case for a new trial without indicating whether the woman was eligible for support or not. One of the drafters of the SSAG referred to it as a "deeply disappointing decision...full of buzzwords and factors and abstract language, but no concrete guidance."<sup>2</sup>

In 2001, the federal Department of Justice recognized the desirability of providing more direction to judges and lawyers about spousal support, while also realizing that it would be impossible to obtain the political will and consensus to enact legislation to deal with this problem. The Department retained two law professors, Profs. Carol Rogerson and Rollie Thompson, to work with a small, volunteer advisory committee made up of judges, lawyers and mediators to develop "Advisory Guidelines." Unlike the *Child Support Guidelines*, the SSAG are truly advisory and do not have the force of law. Nevertheless, given the imprimatur of the Department of Justice, the respect within the profession for the Committee, the inherent merits of the SSAG, and the hunger of lawyers, judges and mediators for direction, the SSAG have been influential.

Although this project was conceived by policy makers in the federal Department of Justice, with the tacit support of the then Minister of Justice, whenever the project attracted public attention and controversy, the Ministry officials and government politicians were able to distance themselves from it by referring to it as a "tool for professionals" developed by professionals and academics, and not government policy.<sup>3</sup> The change

in government in January 2006 (from Liberal to Conservative), has also pushed the present government further away from this project.

The first official draft of the SSAG were released in January 2005; they are long, detailed and complex.<sup>4</sup> Unlike the *Child Support Guidelines*, which produce a single number, the SSAG provide suggested ranges for the duration and quantum of support rather than specific figures, allowing flexibility to take some account of circumstances and roles within a relationship.

The SSAG are intended to deal only with amounts and duration of support, and specifically state that they do not deal with "entitlement" issues, which are to be dealt with under the present, vague legislative provisions and caselaw. This may, for example, allow a potential payor to argue that there should be no entitlement because the potential recipient has a new partner, or the relationship was so short that there should be no support. However, by focusing on the "hard" facts of duration of the relationship and the income differential at the end of the relationship, the SSAG are likely to result in spousal support being awarded in cases where in the past it would be denied by a judge (or more typically abandoned in the course of negotiations). The previous case law tended to focus on such amorphous concepts as "contribution to the relationship," "disadvantage resulting from the relationship," and "relief of hardship." Their vagueness resulted in wide disparities in awards and settlements, and discouraged potential recipients from pursuing their claims.

The SSAG have two basic formula for awarding spousal support: one for cases where there are no dependent children of the marriage, and the other for cases where there are dependent children.

For cases where there are no dependent children (either for childless couples or when the children have become adults), the formula for spousal support is based on the concept of a "merger over time: as a marriage lengthens, spouses more deeply merge their economic and non-economic lives, with each spouse making countless decisions to mould his or her skills, behaviors and finances around those of the other spouse." In these "without children" cases the formula establishes an amount that ranges from 1.5 to 2% of the difference between the spouses' gross incomes for each year of cohabitation, up to a maximum of 50%; for marriages 25 years or longer the range remains fixed at 37.5 to 50% of the income difference. The duration ranges from .5 to 1 year for each year of marriage. However, support will be indefinite if the marriage is 20 years or longer in duration or, if the marriage has lasted 5 years or longer, when the years of marriage and age of the support together total more than 65 years.

For situations where there is child support payable under the *Child Support Guidelines*, there is a complex formula for spousal support that takes account into child support, government benefits and credits, and taxes, but essentially provides that the lower income spouse will receive 40% to 46% of the after child support, benefits and taxes income differential, for as long as there is child support payable. Thereafter, depending on the circumstances, there may be the possibility of having spousal support on the "without children" basis.

The "with children" formula can in practice only be applied using a computer, but there are several commercial programs available that provide this. This formula takes no account of the length of the marriage. Rather the model is driven by the fact that there are dependent children. It is premised on parental partnership and the continuing economic disadvantage that flows from present and future child care responsibilities.

Although a detailed discussion of the SSAG is beyond the scope of this article, the SSAG have considerable complexity and flexibility, and for example, leave plenty of scope for arguing about when income should be imputed because a spouse is not making reasonable efforts to earn an income. It should be noted that the *Divorce Act* and SSAG recognize that child support is a priority, and the SSAG is not applicable at low income levels (payer's gross income below \$30,000 per year) or at very high income levels (payer's gross income above \$350,000 per year.)

The authors of the SSAG emphasize that they are working "within the existing legal framework," of legislation and Supreme Court jurisprudence, but the reality is that the law was so vague that the SSAG in fact change the law, or at least provide more specificity to judges, lawyers and unrepresented spouses. While the authors of the SSAG make clear that these *Guidelines* do not have the force of law, they are having a significant impact on courts and practitioners. The British Columbia Court of Appeal

was the first appellate court in Canada to consider the SSAG, accepted that they are "intended to reflect the current law," and declared that they are a "useful tool to assist judges."<sup>5</sup>

While it is clear that judges and lawyers are not always resolving cases within the range of the SSAG, many professionals are referring to them, and most litigated cases seem to be within the SSAG.<sup>6</sup> The *Guidelines* provide a "ball park" range for settlements and orders, and are reducing the inconsistencies in the amounts spousal support. Further, they are reducing the difficulties and costs associated with establishing a fair amount of spousal support; the SSAG have encouraged support claims by middle income women who might in the past have been dissuaded from seeking spousal support because of the uncertainty and costs associated with the process.

The SSAG have been criticized by some practitioners and scholars as simply promoting "unprincipled consistency" and resulting in "average justice" rather than "individualized justice."<sup>7</sup> While the SSAG are useful, they suffer from not having articulated principles for awarding support, and in that way are very different from the American Law Institute model.<sup>8</sup> The SSAG provide reasonable guidance for resolving the most commonly disputed cases, where there is a compensatory claim by a woman who has undertaken significantly more responsibility for the care of children. They may not be as appropriate for cases where both spouses have worked throughout the entire marriage, and there is not compensatory claim, and they may be totally inappropriate for cases where the lower income spouse has established a new relationship.

A significant problem with the SSAG is that duration of spousal support is a central element of the model, but it is mainly being used to set the quantum of support. Canadian judges have been reluctant to make time-limited orders, especially if the time is more than a year or two away. It is not clear how the courts will, at some future time, deal with the inevitable applications for termination.

The Committee that prepared the January 2005 draft of the SSAG is expected to present a final version in the fall of 2006, but the changes that will be made from the draft will be small. The SSAG are already having a real impact on the resolution of family law disputes in Canada, but politicians apparently have no plans to raise the controversial issue of spousal support as a subject for law reform. However, the absence of legislation may not matter; as observed by one of the authors of the SSAG: "Ironically the more broadly they are used, the less you need to legislate them."<sup>9</sup>

1. Bracklow v Bracklow (1999), 44 R.F.L. (4th) 1 (S.C.C.).
2. D.A.R. Thompson, "Rules and Rulenessness in Family Law: Recent Developments, Judicial and Legislative" (2000 -01), 18 Can. Fam. L. Q. 25.
3. See e.g. "MPs left out of spousal support overhaul: Justice Department sees little point in 'broad public debate,'" National Post, Jan. 24, 2005.
4. Carol Rogerson & D.A.R. Thompson, Spousal Support Advisory Guidelines: A Draft Proposal (2005), available at: <http://www.justice.gc.ca/en/dept/pub/spousal/project/index.html>. For a discussion of the process of developing the SSAG and a discussion of the various models of spousal support guidelines and the basic elements of the SSAG, see Lonny Balbi, "Creating Order Out of Chaos: Introducing Spousal Support Guidelines: Introducing Spousal Support Guidelines" (2005), 23 Can. Fam. L. Q. 199.
5. Yemchuk v. Yemchuk, [2005] B.C.J. No. 1748, 2005 BCCA 406 (B.C.C.A.) (Prowse J.A.).
6. See e.g. "Accumulated case law brings comfort level :Spousal support guidelines," November 7, 2005, Law Times, p. 12; and Thompson & Rogerson, "Authors look at recent case law on the spousal support guidelines," Lawyers Weekly, Nov. 11, 2005.
7. See J.G. McLeod, "Annotation to Yemchuk" (2005), 16 R.F.L. (6th) 430.
8. American Law Institute, Principles of the Law of Family Dissolution (Washington D.C.,2002), chapter 5.
9. Prof. Thompson, quoted in "Accumulated case law brings comfort level :Spousal support guidelines," November 7, 2005, p12. Law Times; p. 12.

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### Amendments to Canadian Child Support Guidelines

On May 1, 2006, several amendments to the Canadian *Federal Child Support Guidelines* came into force.

Highlights of the amendments include:

- an updated Federal Child Support Table for each province and territory;
- a definition of the term "extraordinary" for determining if certain expenses are eligible special expenses under the Guidelines;
- an amendment allowing parents completing the *Household Comparison of Standards of Living Test* to deduct Canada or Quebec Pension Plan contributions and Employment Insurance premiums from their income for that purpose; and
- an amendment allowing the court to reduce a parent's income for the purposes of determining Guidelines income if he or she is a non-resident *and* has to pay a higher effective rate of tax in the other country, therefore having a reduced ability to pay, compared with Canadian residents with similar income.

The amended child support tables replace the original tables from 1997 and have been updated to reflect 2004 tax regimes. The mathematical formula that generates the table values takes into account federal, provincial, and territorial income taxes. Changes to taxation regimes in most jurisdictions since 1996/97 have resulted in a lesser percentage of tax being paid and consequently a greater amount of income available for the purposes of child support.

A new publication, entitled *The Federal Child Support Guidelines: Step-by-Step*, has been distributed, along with the updated tables, to the provincial and territorial governments. The new booklet replaces three previous publications on the Guidelines.

For more information, or to get copies of the booklet or the tables, you can call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222, or visit the Internet at <http://www.justice.gc.ca/childsupport>.

*This article and others of interest to AFCC members can be found in the Canadian Department of Justice's Family, Children and Youth Section newsletter Family Justice, spring 2006 at <http://www.justice.gc.ca/en/ps.sup/news.html>.*

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### **Drops from Down Under featuring the Children's Cases Program**

*by Hon. Graham Mullane, New South Wales, Australia*

Australian family court leaders traveled to Europe in 2004 to visit family courts and took the best features of the European approaches and adapted them to the Australian family law system. A new program entitled the *Children's Cases Program* (CCP), which is designed to be less adversarial and hopes to give children more say in their future, is now being piloted in the family courts of Sydney and Parramatta.

The purpose of the CCP is to examine a new way of conducting family law litigation and is intended to alleviate some of the problems associated with the current adversarial system of determining a dispute.

The features of the case are\*:

**It is totally focused on the children and their future.** Parents must put their children's needs first.

**There is greater flexibility.** CCP can respond more easily to the specific needs of a case than can the Court's more traditional approaches.

**There should be cost and time savings.** CCP should allow parents to spend less time at court than they would in a normal court case because there will be fewer documents and witnesses. Delays will be minimized. The judge decides which witnesses will be called and the issues witnesses will speak to, which helps people to stick to the point.

**Proceedings are less adversarial, simpler and less formal than is generally the case in a court.** All Court meetings are focused solely on the future welfare of the children. Rules are kept to a minimum. The parties work with the judge to decide what's best for the children.

**Mostly, parents see the same judge and the same family consultant every time they come to court.** The judge is involved sooner in cases and takes control of how cases are run. The family consultant works with each 'family' every step of the way.

The government has been impressed by the program and has legislated that all children's cases can be handled in a similar way starting July 1, 2006. To date the cases in the trial participated because the parties consented to becoming part of the pilot.

Recently, the CCP has been extended to the Melbourne and Newcastle Registries and the remainder of the Judges to be trained for the program were anticipated to complete their training in May.

\*Highlighted from the [Family Court of Australia](#) Web site.

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