



# AFCC eNEWS

MONTHLY E-NEWSLETTER  
VOL. 4 NO. 2  
FEBRUARY 2009

## AFCC 46th Annual Conference in New Orleans Excellent Program and Great Networking Opportunities in a Fabulous City

The early bird registration deadline for *Children, Courts and Custody: Back to the Future or Full Steam Ahead?* is quickly approaching! To ensure your discounted conference registration rates be sure your registration and payment are received or postmarked by **Friday, March 6, 2009**. And be sure to make your hotel reservation early; the AFCC specially-priced rooms at \$165 per night for single or double accommodations are 80% sold already!

The conference will feature an international faculty of nearly 200 presenters with 80 sessions examining the voice of the child, domestic violence, high conflict, alienation, collaborative law and much more.

[Online hotel reservations...](#)

[Online conference registration...](#)

[See the entire conference program...](#)

## Scholarships Available for New Orleans Conference

AFCC is offering a record number of scholarships for the 46th Annual Conference: *Children, Courts and Custody: Back to the Future or Full Steam Ahead?* in New Orleans, May 27-30, 2009 including three international scholarships and three domestic scholarships with \$1000 travel stipends. The deadline for application is **March 1, 2009**.

AFCC conference scholarships enable deserving professionals, who otherwise could not afford to participate in AFCC conferences, the opportunity to develop their practice skills, network with like-minded colleagues and bring the latest innovations back to their communities.

[Click here for scholarship application...](#)

[Click here to contribute to scholarship fund...](#)

## RESEARCH UPDATE

### Relationship Between Partner Violence and Attachment Studied

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

In recent years, a number of scholars have been trying to



## New Orleans Welcomes AFCC

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## UPCOMING CONFERENCES

### 46th Annual Conference

*Children, Courts and Custody:  
Back to the Future or Full  
Steam Ahead?*

May 27-30, 2009

Sheraton New Orleans  
New Orleans, Louisiana

[Conference program...](#)

### AFCC Regional Training Conference

*Interventions for Family  
Conflict: Stacking the Odds  
in Favor of Children*

November 5-7, 2009

Peppermill Resort  
Reno, Nevada

[Submit workshop proposal...](#)

### AFCC Trainings

[Training schedule & brochure](#)

understand what prompts men to be domestically violent. This article continues that work by examining the relationship between abusive behavior and a man's family of origin, interpersonal difficulties, and attachment relationships.

[Read more...](#)

## FEATURED ARTICLE

### **The Joy of Impasse: The Neuroscience of 'Insight' and Creative Problem Solving**

*By Robert Benjamin, courtesy of Mediate.com*

Most novice and experienced conflict mediators alike feel themselves viscerally tighten in the face of an impending impasse. The prospect of the parties in a dispute becoming locked up and unable to reach an agreement raises the ugly specter of failure for the practitioner who purports to offer a better way to manage conflict. A fair amount of time and energy is devoted to studying the barriers and resistance to settlement and analyzing and avoiding impasse. Many would seek to distance themselves from the unpleasantness of a lost mediation with self inoculations such as; "the parties are responsible for decisions, not the mediator." While the words carry a measure of truth, they can still ring hollow, and feel perilously close to an excuse for failure.

[Read more...](#)

### **FREE ACCESS to Special Issue of *Family Court Review***

Thanks to the generosity of Wiley Blackwell, AFCC is pleased to offer free access to the latest issue of *Family Court Review*. It is a Special Issue: Mediation and Conferencing in Child Protection Disputes, with special guest editors, Bernie Mayer and Kelly Browe Olson. The special issue is available online for a limited time. All issues of *Family Court Review*, dating back to its first issue in 1963, are available online as an AFCC members-only benefit.

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## ASK THE EXPERTS

### **Top Ten Things a Family Court Judge Should Remember**

*By Hon. William C. Fee, Angola, IN and Hon. Denise McColley, Napoleon, OH*

Judges who hear domestic matters need all the skills of other judges plus some special interpersonal skills. Some of the top things that family court judges should remember are:

[Read more...](#)

## INTERNATIONAL NEWS

### **Drops from Down Under**

Hon. Graham Mullane (ret.) provides an update on many areas of family law as it is being practiced in Australia.

[Read all about it...](#)

### **Dispute Resolution Job Listing**

### **Advanced Issues in Child Custody**

*Nancy Williams Olesen, Ph.D.*

June 22-23, 2009

Chicago, Illinois

### **Parenting Coordination: Advanced Practice and Skills**

*Joan B. Kelly, Ph.D.*

June 24-25, 2009

Chicago, Illinois

## AFCC Chapters

### **Missouri Chapter Annual Conference**

March 12-13, 2009

Sheraton-St. Louis downtown

St. Louis, Missouri

[www.afccnet.org](http://www.afccnet.org)

### **Massachusetts Chapter Annual Conference**

April 3, 2009

Regis College

Weston, Massachusetts

[www.maafccnet.org](http://www.maafccnet.org)

### **Ontario Chapter Annual Conference**

April 3, 2009

130 West Event Center

Toronto, Ontario, Canada

[www.afccnet.org](http://www.afccnet.org)

### **Minnesota Chapter Annual Conference**

April 24, 2009

St. Paul Campus

University of Minnesota

St. Paul, Minnesota

[www.afccnet.org](http://www.afccnet.org)

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## EMAIL UPDATE

Please share with colleagues, students and others interested in jobs in dispute resolution. These opportunities will be permanently posted on the New York State Dispute Resolution Association Web site at [www.nysdra.org](http://www.nysdra.org) and are free to access.

If you would like to join this informal list, please email [Emily.menn@gmail.com](mailto:Emily.menn@gmail.com) with the subject "Add to Dispute Resolution Jobs List." Also consider joining the "Dispute Resolution Career Opportunities & Resources" group on the professional networking site LinkedIn <http://www.linkedin.com/e/gis/821287>.

## Social Networking Changing Our Society

*Courtesy of ReadWriteWeb.com*

UK police have reported that a man who murdered his wife this Spring did so because he was upset after seeing her change her marital status to "single" on Facebook, according to coverage today from the BBC. This looks like a horrible story with a sensationalist internet component, but it's actually more culturally significant than that.

[Read more...](#)

## AFCC Regional Training Conference

### Call for Presenters

AFCC is accepting workshop proposals for the Regional Training Conference, *Interventions for Family Conflict: Stacking the Odds in Favor of Children*, November 5-7, 2009, in Reno, Nevada. Proposals are now being accepted for three-hour training workshops on interventions for family conflict. The conference will have individual tracks for judges, mediators, legal professionals, custody evaluators, and parenting coordinators. Workshops should combine a focus on skill-development and theory that can be incorporated into practice.

[More information...](#)

[Submit a proposal...](#)

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### ABOUT AFCC eNEWS

*AFCC eNEWS* is a 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 practice tips, research innovations and international news.

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### Relationship Between Partner Violence and Attachment Studied

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

*J.M. Craig Press, Inc. provides a review of a new article: Lawson, D. M. [2008]. Attachment, Interpersonal Problems, and Family of Origin Functioning: Differences Between Partner Violent and Nonpartner Violent Men. Psychology & Men and Masculinity, 9, 90-105.*

In recent years, a number of scholars have been trying to understand what prompts men to be domestically violent. This article continues that work by examining the relationship between abusive behavior and a man's family of origin, interpersonal difficulties, and attachment relationships.

Attachment refers to the nature of relational bonds that are established early in childhood. There is now a great deal of data to support the notion that the relational patterns established at that time have a strong likelihood of continuing into adulthood. The authors focus on how men's attachment relationships may be a factor in their interpersonal problems and partner violence.

The author studied 135 men who were on probation. One hundred had been convicted of partner violence; the other 35 were convicted of a variety of other violent and non-violent offenses but had no history of partner violence. Their average age was 32, and all racial groups were represented. The participants were given a number inventories and psychological tests.

Lawson found that:

- When men came from more cohesive and less violent families, they were less likely to be violent themselves. Those men who were comfortable with close interpersonal relationships were less aggressive and violent and got along better with their partners.
- Those men who were the most violent experienced less closeness in their families of origin and witnessed the most violence between their parents. They also engaged in the greatest amount of psychological aggression and preferred to be less dependent on others.
- A mid-range group of violent men reported somewhat less physical violence as children but the most anxiety about rejection and abandonment.
- The author concluded that the most severely violent men could be described as having "discomfort and anxiety in relationships (insecure attachment themes) with a history of a dysfunctional family of origin, including witnessing and experiencing parental violence as well as using psychological aggression and severe violence" [p. 100].

### Critical Analysis

A major strength of this research is that the author studied men known to be violent and compared them to a group of men convicted of other crimes. Doing so is a significant improvement over many studies we have reviewed that use college students or are analog studies. As a result, these findings carry greater weight. A second strength is that the author gave the participants a large number of tests and inventories that sampled a wide variety of factors that might contribute to their violence. In terms of limitations, the number of participants was relatively small and the author provided no breakdown of the results by racial group.

### **Recommendations**

Those who perform both CCEs and evaluations for termination of parental rights must often assess men who have been violent. A major question often put to the evaluator is whether the man will be violent in the future. It is beyond our scope to discuss the research regarding risk assessment; however this study demonstrates that when evaluating such men, there are at least two important factors to consider. First, it is necessary to learn about the man's family of origin and the nature of the relationships he had with his parents in order to determine if he was able to establish a secure relationship with one or both of them. Second, close examination is needed regarding how these men manage conflict with significant others. If conflict prompts them to become anxious due to feared rejection and/or abandonment, the probability of violence increases. We also know that men who are violent toward other adults are more likely to harm children. Therefore, when men meet these two criteria, concern regarding the mistreatment of children should be a serious consideration.

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

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### **Drops from Down Under**

*By Hon. Graham Mullane (ret.), Newcastle, NSW, Australia*

#### **Property Rights of Parties to De Facto Marriages**

These amendments to the (federal) Family Law Act commence on 1 March. The power to make such laws was referred by all states other than South Australia and Western Australia, but they will each have their own state laws, which are expected to be similar to the federal provisions, but will be applied by the state courts in those states.

The same provisions of the Family Law Act that apply to deciding the property rights of married couples will now apply to unmarried couples, including same sex couples. It remains to be seen in the application of those provisions and arriving in each case at a "just and equitable" result, what significance the courts give to the existence or absence of a marriage.

In cases involving a resident of either of those two states, care will have to be taken about which is the correct forum, and in the short term at least, the federal law is different from the state law.

#### **Sexual Discrimination**

In November both houses of the Federal Parliament have passed legislation that amends 85 pieces of legislation to remove discrimination against people or their children based upon sexual preference. These included legislation in relation to pensions, superannuation, health, income tax, social security, veteran's entitlements, worker's compensation, education assistance, family law and child support.

Parties to a same sex relationship will, for example, now each have the same rights as parties to a heterosexual relationship to seek child support for a child of the relationship born of artificial insemination with donor sperm.

#### **Foster Care Jurisdiction**

In Australia the power to make laws generally regarding child crime and child welfare is a state power so it is dealt with by state legislation, which is applied in state children's courts. The Federal Attorney-General announced in late December that his Department is investigating the possibility of law reform to give the Family Court of Australia power to address child welfare issues in proceedings under the Family Law Act, including orders for child protection or placement in foster care. He proposes to prepare proposals for discussion with the attorneys-general for the states to see if some agreement can be reached.

#### **Parents Overdue and Over There**

The Australian Child Support Agency announced in December that it is now preventing parents who owe child support from leaving Australia.

Nearly \$100 million of child support is owed by about 14,000 parents who have left the country. Nearly 8,000 of them are in New Zealand, 3,300 are



in UK and 2,280 in USA. The average amount owed is \$6,400. The worst 20 (all fathers) owe an average of \$200,000.

The Agency also said that there are about 9,000 fathers living in Australia who between them owe about \$120 million for support of children living abroad.

### **International Child Abduction**

Although Australia is a party to the Hague Convention, the abduction of children out of Australia is still of concern. In December the Attorney-General's department gave statistics for the first 10 months of 2008. 121 were abducted out of Australia, 49 were recovered pursuant to court proceedings, 13 were returned voluntarily, and 59 were not recovered or proceedings were withdrawn. In 74% of the cases of abduction out of Australia the abductor was the mother.

### **Domestic Violence**

In Victoria the "Family Violence Protection Act commenced in December with a public awareness campaign designed to give a clear message that family violence is not acceptable in the community, regardless of socio-economic status, health, education, culture, religious beliefs or gender.

The legislation:

- broadens the definition of "family;"
- recognises that emotional, psychological and economic abuse often accompany physical and sexual abuse;
- introduces a two year trial of "Family Violence Safety Notices" designed to be issued by police after hours to provide protection for victims and their children and prompt police assistance;
- makes it easier for victims to remain in the family home with their children and provides for orders requiring the perpetrator to leave; and
- restricts the cross examination of the complainant by the alleged perpetrator personally in court, to prevent the cross examination itself being abusive.

The Victorian Attorney-General announced that the Government has committed more than \$75 million "towards breaking the cycle of abuse and supporting victims." He said the legislation involved significant change, but a change in community attitudes was needed to increase awareness of domestic violence and the laws, establish public acceptance that domestic violence should not be tolerated and encourage victims to speak up.



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### ASK THE EXPERTS

#### Top Ten Things a Family Court Judge Should Remember

*By Hon. William C. Fee, Angola, IN and Hon. Denise McColley, Napoleon, OH*

Judges who hear domestic matters need all the skills of other judges plus some special interpersonal skills. Some of the top things that family court judges should remember are:

#### 1. Humility

Take your job seriously, not yourself. Don't ever become overly impressed with yourself. You are not God or the President, and you are definitely not infallible.

#### 2. Equanimity

Try not to become angry at litigants. Treat them as you would like to be treated. You are often seeing good people at their worst.

#### 3. Appreciation

What other job allows you to get up each morning and remind yourself that what you do each day helps children lead a better life?

#### 4. Creativity

Keep an open mind. Look for new ways to settle problems. Each family's problems are unique.

#### 5. Listening Skills

Really listen to others – litigants, lawyers, children, witnesses – it's amazing what you will learn if you really listen to what is being said.

#### 6. Firmness

Be firm about requiring lawyers to prepare adequately for trial, for mediation and for other legal processes. It will save time and anxiety for everyone in the long run.

#### 7. The Self-represented Litigant is Not a Lawyer

Have an easy plan of court access for self-represented litigants, who are increasing in number.

#### 8. Know the Affiliated Professionals

Know your local mental health professionals and mediators. They can help you do a better job and make life easier for you.

#### 9. Know the Developmental Stages of Children

You are not expected to be a child psychologist, but it is important that you know what can be expected of different age children, and what developmental needs have to be met at each stage.

#### 10. Set the Tone

Make your courtroom one where cooperation, not litigation, is supported for parents in custody/parenting time disputes.

Oh, yes, and:

#### 11. Have an Unlisted Phone Number



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