



AFCC eNEWS

MONTHLY E-NEWSLETTER
VOL. 5 NO. 2
FEBRUARY 2010

TRAVERSING THE TRAIL OF ALIENATION: Rocky Relationships, Mountains of Emotion, Mile High Conflict

AFCC 47th Annual Conference in Denver

Join AFCC in Denver, June 2-5, 2010! For an in-depth look at a topic, there are six all-day pre-conference institutes to choose from:

- *Advanced Parenting Coordination: Strategies Based in Conflict Theory and Social Science Research*, Joan B. Kelly, Ph.D. and Christine A. Coates, M.Ed., J.D.
- *Anatomy of a Parenting Plan*, Bruce Harshman, Ph.D., Hon. Thomas Trent Lewis and Leslie Ellen Shear, J.D., CFLS
- *Hot Minds or Hot Heads? How the Brain Reacts to Conflict and How to Use Strategic, Skill-Based Tools to Help Mediation Clients*, Nina Meierding, J.D. and Jennifer Kresge, M.A.
- *The ABCs and XYZs of Alienation and Estrangement: A Primer (and more) for the Courtroom*, Leslie Drozd, Ph.D., Nancy Olesen, Ph.D. and Hon. R. James Williams;
- *Risky Business: Privacy Interests in Child Custody Cases*, Lyn Greenberg, Ph.D. and Hon. Gail Perlman
- *New Ways for Families* with Bill Eddy, LCSW, J.D.

[Click here to see the entire conference brochure...](#)

[Click here to register...](#)

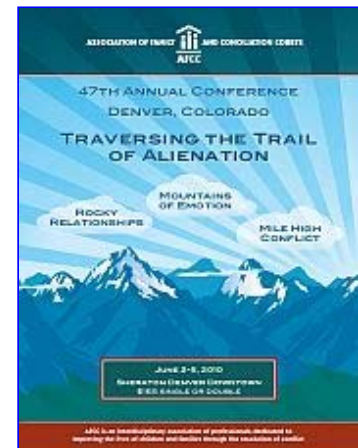
Supreme Court of Florida Approves New PC Rule

The Florida Chapter of AFCC has been instrumental in advancing the field of parenting coordination in Florida through educational programs; convening interested parties, organizations and stakeholders as members of an FLAFCC PC Taskforce; providing support to Florida circuits that desired to develop or enhance existing programs; and developing its website as a source of information. In its second round through the legislative process, Florida Statute 61.125 was created and went into effect on October 1, 2009, establishing parenting coordination as a "child-focused alternative dispute resolution process" in the state. Recently, the Florida Supreme Court adopted the new rule 12.742 and forms, which were fast tracked to accompany the statute and further regulate the parenting coordination process.

[Read more...](#)

[Read the 2009 Florida Statutes here...](#)

UPCOMING CONFERENCES



AFCC 47th Annual Conference

Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict
June 2-5, 2010
Sheraton Denver Downtown
Denver, Colorado

AFCC Ninth Symposium on Child Custody Evaluations

October 28-30, 2010
Hyatt Regency Cambridge
Cambridge/Boston, MA

[Call for Presenters...](#)

[Submit a workshop proposal...](#)

AFCC 48th Annual Conference

June 1-4, 2011
Hilton Orlando Bonnet Creek Resort
Orlando, Florida

Senate Confirms AFCC Member for OVW Post

By a unanimous vote of the United States Senate, AFCC Member Hon. Susan B. Carbon, Concord, New Hampshire, was confirmed as the director of the Office of Violence Against Women in the United States Department of Justice. Judge Carbon was nominated by President Barack Obama.

[Read more...](#)

Report on ABA Mid-Year Meeting and UCLA

The Uniform Collaborative Law Act (UCLA) was scheduled to have been considered for endorsement by the ABA House of Delegates recently. Sherri Goren Slovin, President of International Academy of Collaborative Professionals (IACP), Harry Tindall, Chair of the UCLA Committee and Talia Katz, Executive Director of IACP describe what happened in Orlando.

[Read more...](#)

Featured Research

Two Australian Family Law Research Reports Released

Dr. Jenn McIntosh reports that the Australian Institute of Family Studies (AIFS) recently issued a multi-million dollar summary report, *Evaluation of the 2006 Family Law Reforms*, and that Professor Richard Chisholm has released a smaller in-depth report, *Family Courts Violence Review*. Both reports address family violence and raise concerns about the impact on children of misunderstandings about Australia's new shared parental responsibility act.

[Read the AIFS report...](#)

[Read the Chisholm Report...](#)

Featured Website

American Psychiatric Association DSM-5 Development

The American Psychiatric Association has produced a website explaining some of the proposed DSM-5 changes.

[Read it here...](#)

Call For Presenters for AFCC's Ninth Symposium on Child Custody Evaluations

The Call for Presenters is available for the Ninth Symposium on Child Custody Evaluations, which will be held October 28-30, 2010, at the Hyatt Regency Cambridge, Cambridge/Boston, Massachusetts. All proposals must be submitted using the online form and are due no later than May 14, 2010.

[Click here for the Call for Presenters...](#)

[Click here to submit a proposal...](#)

ASK THE EXPERTS

Top Ten Useful and Possibly Distracting Websites

By Annette Burns, Phoenix, Arizona

Annette Burns, family law attorney and AFCC member from Phoenix, is on top of technology. She has presented at previous AFCC conferences on using social networking in your family law practice and maintains a [blog](#). Here she introduces ten websites

AFCC Regional Training Conference

October 27-29, 2011
Hyatt Regency Indianapolis
Indianapolis, Indiana

AFCC 49th Annual Conference

June 6-9, 2012
Hyatt Regency Chicago
Chicago, Illinois

AFCC 50th Annual Conference

May 29-June 1, 2013
J.W. Marriott Los Angeles at L.A. Live
Los Angeles, California

Missouri Chapter Annual Conference

March 11-12, 2010
Mediating High Conflict Cases
Featuring Larry Fong, Ph.D.
Sheraton City Center
St. Louis, Missouri
[More information...](#)

Florida Chapter Annual Conference

March 12-13, 2010
Riding the Wave to a Better Future: Moving Toward Success in Family Law
Renaissance Tampa Hotel
Tampa, Florida
[More information...](#)

Massachusetts Chapter Annual Conference

April 30, 2010
The Compromised Parent: When Good Enough Isn't
Regis College
Weston, Massachusetts
[More information...](#)

JOIN AFCC

Are you a member?

[Join or Renew...](#)

AFCC offers member benefits that promote excellence in practice.

[View member benefits...](#)

that professionals may not be using yet.

[Read more...](#)

INTERNATIONAL NEWS

Drops from Down Under

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

Updates on interesting tidbits of family law news from Australia as reported by Graham Mullane: Marriage held valid after 39 years, high court relocation decision, child protection crisis in Australia, marrying and divorcing later in life, gays and parenting, and travel bans for parents owing child support.

[Read more...](#)

AFCC Award Nominations

AFCC is seeking nominations for the following awards to be presented at AFCC's 47th Annual Conference in Denver: The **John E. VanDuzer Distinguished Service Award**, which recognizes outstanding contributions and/or achievements by members of AFCC; the **Stanley Cohen Distinguished Research Award**, which recognizes outstanding research and/or achievements in the field of family and divorce and the **Irwin Cantor Innovative Program Award**, which recognizes innovation in court-connected or court-related programs. The nomination deadline is March 15, 2010.

[Click for more information...](#)

CONFERENCES OF INTEREST

National Council of Juvenile and Family Court Judges

NCJFCJ expands the scope of its national conference on juvenile justice to include diverse educational programs on the challenges faced by many children and families.

[Click here for conference brochure...](#)

ABA Section of Family Law

ABA Section of Family Law offers two spring conferences for family lawyers.

[Click here for more information or to register for the Spring CLE conference...](#)

[Click here for the Trial Advocacy Institute...](#)

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

[AFCC eNEWS archive...](#)

Website Version:

If you are having trouble viewing this email correctly, please view the website version by [clicking here](#).

Editor:

Leslye Hunter
editor@afccnet.org

AFCC welcomes your comments, questions or feedback. Please email the editor by [clicking here](#).

EMAIL UPDATE

[Subscribe](#), [Unsubscribe](#) or [Update Your Email Address](#)
AFCC will never share, distribute or publicize your email address.



6525 Grand Teton Plaza
Madison, WI 53719
Phone: 608.664.3750
Fax: 608.664.3751
www.afccnet.org



MEMBER CENTER

- [» Family Court Review](#)
- [» AFCC Conference Audio](#)
- [» AFCC News](#)
- [» Member Directory](#)
- [» Member Resources](#)
- [» Chapter Resources](#)
- [» AFCC HOME](#)



Senate Confirms AFCC Member for OVW Post

By a unanimous vote of the United States Senate, AFCC Member Hon. Susan B. Carbon, Concord, New Hampshire, was confirmed as the director of the Office of Violence Against Women in the United States Department of Justice. Judge Carbon was nominated by President Barack Obama. She was first appointed to the bench in 1991 and has been a Supervisory Judge of the New Hampshire Judicial Branch Family Division since 1996. She has served on the Governor's Commission on Domestic and Sexual Violence and was chair of the New Hampshire Domestic Violence Fatality Review Committee. As President of the National Council of Juvenile and Family Court Judges, Judge Carbon played a key role in the AFCC and NCJFCJ Wingspread initiative on domestic violence and family courts.

Judge Carbon stated, "I am deeply honored to be selected to be the new Director of the Office on Violence Against Women. With this Administration, there could not be a more fortuitous time to work on the issues of sexual and domestic violence in this country and beyond. It is an enormous privilege and I look forward to working with everyone within and outside the Department of Justice."



MEMBER CENTER

Supreme Court of Florida Approves New PC Rule

- [» Family Court Review](#)
- [» AFCC Conference Audio](#)
- [» AFCC News](#)
- [» Member Directory](#)
- [» Member Resources](#)
- [» Chapter Resources](#)
- [» AFCC HOME](#)



The Florida Chapter of AFCC has been instrumental in advancing the field of parenting coordination in Florida through educational programs; convening interested parties, organizations and stakeholders as members of an FLAFCC PC Taskforce; providing support to Florida circuits that desired to develop or enhance existing programs; and developing its website as a source of information. In its second round through the legislative process, Florida Statute 61.125 was created and went into effect on October 1, 2009, establishing parenting coordination as a "child-focused alternative dispute resolution process" in the state. Recently, the Florida Supreme Court adopted the new rule 12.742 and forms, which were fast tracked to accompany the statute and further regulate the parenting coordination process.

The new rule addresses the procedure to appoint a parenting coordinator, including issues regarding affordability and history of domestic violence and abuse; limits the term to a two-year period, unless re-designated by the court; and sets forth limits to authority and communications with the court. The rule requires parenting coordinators to file a response when appointed, which confirms that they meet statutory qualifications or the parties agree to their appointment, that they understand their role and authority under the order of referral and in accordance with the statute, and that there is no known conflict of interest or any other reason that would interfere with their ability to serve. The new rule also provides an Order of Referral to Parenting Coordinator, which Florida circuits are expected to utilize with substantial compliance.



MEMBER CENTER

- » [Family Court Review](#)
- » [AFCC Conference Audio](#)
- » [AFCC News](#)
- » [Member Directory](#)
- » [Member Resources](#)
- » [Chapter Resources](#)
- » [AFCC HOME](#)



Drops from Down Under

By Hon. Graham Mullane (ret.), LL.M., MJS, Newcastle, NSW, Australia

Marriage Held Valid After 39 Years

In a recent decision the family court held a couple was validly married in 1970 and the priest, who had a drinking problem, omitted to register the marriage. The court ordered the Registrar of Births, Deaths and Marriages to register the marriage.

High Court Relocation Decision

A little girl was five when her parents moved from Sydney, where they had lived for seven years, to Mt. Isa, a mining town in a remote area of Queensland, so the father could take up an engineering job. The mother always provided most of the child's care.

When the parents separated six months after the move, there was no employment for the mother in the area and she wanted to return to Sydney to have the support of her family and some paid work. She said that if the court refused to allow her to take the child to Sydney, she would remain in Mt. Isa and care for the child. The father's position was that he would not move. He would continue in his job and living in Mt. Isa. He sought orders for the child to live with the mother but on the condition that they stayed in Mt. Isa.

The federal magistrate who heard the proceedings decided that the child's interests were best served by making the orders the father sought. The mother's appeal to the family court was dismissed. The mother appealed to the high court and succeeded. The reasons are yet to be published, but the chief justice said when the decision was announced that it was not open to the Magistrate to find that it was "reasonably practicable" for the child to spend "equal" or "substantial or significant time" with each parent.

But Kids Needing to be Rescued

In June, the Centre for Independent Studies released a report by Jeremy Sammut titled *Fatally Flawed: the Child Protection Crisis in Australia*. It argued that not enough children are being removed from their dysfunctional parents by welfare authorities for placement or adoption. The report argued that the present emphasis on the importance of family preservation is forcing thousands of children to live their childhoods in the underclass of welfare-dependent families. It further argued that the debates about child protection need to continue, particularly on the long term effects of leaving children with dysfunctional parents or other dysfunctional caregivers, rather than placing them early by adoption or with foster parents or other care.

The report found that in 2007-08, in NSW alone, there were more than 300,000 reports of suspected child neglect and abuse. About 50% of these cases concerned a hard core of about 7,500 dysfunctional families with a long history of notifications to the child welfare authority. But there were only 70 local adoptions in NSW in the same period. The report concluded that too many children are being left in the care of parents with entrenched problems such as violence, drug abuse, or mental illness who are incapable

of providing for the physical, emotional and developmental needs of the children.

Marrying and Divorcing Later

Figures released by The Australian Bureau of Statistics show that Australians who marry or divorce are older. For a first marriage, the median age for women has increased by eight years between 1974 and 2006 and the median age for men increased six years. The median age for divorce increased between 1988 and 2008 from 35 to 42 for women and from 38 to 45 for men. In 2006, 45% of divorcees had been married 20 or more years and 16% had been married at least 25 years.

Gays and Parenting

Despite the reforms of federal laws, by over 100 amendments removing discrimination against people on the basis of their sexuality, many areas of state law continue to be discriminatory. Some items of state news are:

- In one case an estranged lesbian couple sought orders regarding a 3-year-old girl born to one of them by sperm from an anonymous donor through an IVF clinic. The women had begun their relationship in 2001 and in 2004 started attending the clinic. Both signed a consent to the mother's artificial insemination. The other woman stayed in the hospital with the mother and baby after the birth and continued to live with them till the mother moved out with the child nine months after the birth. She sought a declaration that she is a parent of the child under the NSW law. The application was refused by a Federal Magistrate because the applicant did not satisfy the requirement that she was the de facto partner of the mother at the time of conception. The women had commenced living together only in the month before the birth. On appeal a Full Court of the Family Court upheld the decision.
- In Western Australia, surrogacy laws introduced in 2008 are framed to assist families where a woman is unable to conceive or unable to carry a child. The law does not apply to gay couples seeking to use surrogacy arrangements.
- In NSW a lengthy parliamentary enquiry recommended that adoption of children by same sex couples be legalised. But the state Government has in January announced that it will not implement the recommendation "at this stage."
- In Queensland the government has draft surrogacy legislation open for public comment. The opposition in the Parliament has introduced a bill to amend the draft government legislation to exclude same sex couples and single mothers from accessing surrogacy.

Travel Bans for Parents Owing Child Support

In the lead up to Christmas and Australia's main holiday season, the Child Support Agency, with the help of the Department of Immigration, identified serious child support defaulters who typically travel overseas in the summer holidays. Where such a parent had persistently failed to pay and refused to work with the agency to organise a payment arrangement, the agency exercised its power to issue a Departure Prohibition, preventing the parent from leaving the country.

There are 863 Departure Prohibition orders in place. In 2008, nearly \$5 million (AUD) was paid by parents to have such orders withdrawn. One 2009 order was for a man who owed \$40,000. He paid the full amount the same day the order was made. About \$825 million in child support is outstanding. The Child Support Agency has extensive other enforcement powers, including confiscation of tax refunds, funds in financial institutions, and welfare payments.



MEMBER CENTER

ASK THE EXPERTS

» [Family Court Review](#)

» [AFCC Conference Audio](#)

» [AFCC News](#)

» [Member Directory](#)

» [Member Resources](#)

» [Chapter Resources](#)

» [AFCC HOME](#)



Top Ten Useful and Possibly Distracting Websites

by Annette Burns, Phoenix, Arizona

1. Meetways.com. As a parenting coordinator, I find this helpful to create solutions about halfway meeting places. It even designates nearby coffee shops, restaurants and malls that are the most convenient to the halfway point between two addresses.

2. Kindle. I love my Kindle (I have the Kindle 2, the paperback book-sized one). The newer Kindle DX is larger (about the size of a legal pad), giving it more utility with document review and books that have tables and graphs. PDF documents can be easily emailed to your Kindle so you can review your own documents as well as read books. If you are a serious reader, go to amazon.com and check out the Kindle (it's on Amazon's home page) and give it some thought. I have saved about half the price of my Kindle just through book savings in the last six months (and the Kindle now costs \$100 less than when I got mine).

3. HighConflictInstitute.com. I can't tell you how many times a month I refer someone – either a private client or a parenting coordination client – to read the books *High Conflict People* or *It's All Your Fault*. Some people I speak with are desperate to know that they are not alone in dealing with someone that they believe is ruining their life. These books (and related articles) are invaluable in letting someone know (a) they are not alone, and (b) there are strategies they can use to ease both their own stress and the stress of the other person. Note: When I refer these readings to a parenting coordination client, I always refer the readings to BOTH parties. And my "referrals" are usually done in mass mailings to all PC clients, so it doesn't appear that I am singling out certain people or couples.

4. Academicearth.org. Albert Einstein said, "Learning is not a product of schooling but the lifelong attempt to acquire it." With that in mind, you can watch a "Financial Markets" course online, taught by Robert Schiller at Yale University; or Communication and Conflict in Couples and Families, a UCLA course; or even a Princeton Political Science course on "The Bin Ladens." An added bonus: Aristotle said, "Education is the best provision for old age."

5. Passport Information. This website offers the basics that attorneys, custody evaluators and parenting coordinators need to know about passport issuance for children.

6. Virtual Visitation Ideas. This website has some good general concepts about virtual visitation, including information about online chats, IM'ing (Instant Messaging), and "6 Ways to Make Virtual Visitation Work."

7. MrCustodyCoach.com. I include this mainly because the website compiles some interesting news and articles; secondarily because family law professionals should know what's out there on the internet, and what our clients/patients are reading. A recent (October 2009) good article is "Be Smart for the Children: Post-Divorce Best Practices."

8. Stayhitched.com. Articles, seminars and advice for couples getting married, including specific financial advice. I particularly like their suggested reading list.

9. Zillow.com. This is a down-and-dirty estimate of home values. It's probably not admissible in court, but it can be helpful in speaking with a client informally, especially if the client believes there is significant equity in the marital residence that could potentially solve everyone's problems. Zillow may tell you the house is actually under water, leading to different settlement strategies.

10. Google Reader. I recently learned that I can't live without Google Reader. I had several blogs saved in my "Favorites," or on my personalized iGoogle home page, but don't remember to click on them often enough. Google Reader puts them all together so when I finally remember to access it, I can scroll through and see recent blog updates in a row. I can scroll quickly (and the updates are automatically marked "read" as I scroll) or I can go more slowly and read each update in detail. It's a great, organized way to read blogs you're interested in and want to keep up with.

6525 Grand Teton Plaza, Madison, WI 53719
Phone 608.664.3750 Fax 608.664.3751 afcc@afccnet.org www.afccnet.org

[Search](#) - [Site Map](#)



MEMBER CENTER

REPORT ON ABA MID-YEAR MEETING AND UCLA

- » [Family Court Review](#)
- » [AFCC Conference Audio](#)
- » [AFCC News](#)
- » [Member Directory](#)
- » [Member Resources](#)
- » [Chapter Resources](#)
- » [AFCC HOME](#)



Many of us have just returned home from the ABA Mid Year Meeting in Orlando. The Uniform Collaborative Law Act (UCLA), as promulgated by the Uniform Law Commission (ULC), was scheduled to have been considered for endorsement by the ABA House of Delegates today.

During the first few days of the meeting, numerous Collaborative practitioners and representatives of IACP, ABA DR Section and GCLC met with ABA sections and delegates. There was support for the act from the Dispute Resolution, Family Law, and Individual Rights and Responsibilities Sections and the Standing Committee on Delivery of Legal Services, and the committed votes of other Section delegates whose sections did not vote to oppose the Resolution. There was opposition from the Litigation and the Tort, Trial and Insurance Practice Section, the Judicial Division and the Young Lawyers Division. The discussions and debates made it clear to us that ABA delegates lacked sufficient accurate information about Collaborative Practice and the UCLA to make an informed decision regarding endorsement.

It is the sole prerogative of the ULC to put one of its Acts up for ABA endorsement or not. ULC leadership made the decision that it was prudent to withdraw the matter from vote at this meeting, which is not an unusual strategic decision. IACP fully supported the decision of the ULC leadership to remove the act from the ABA's consideration at this time. We learned a great deal over the course of the weekend about the questions and concerns of those who do not practice Collaborative Law. The meeting provided us with a wonderful opportunity for discourse and will enable the Collaborative community to move forward with enhanced clarity about how better to educate and inform the bench, the private bar and the public about the work we do.

Overall, for this phase of the education of the bar leaders, we believe we accomplished our mission. The term "collaborative law" was on everyone's tongue. Many were hearing about it for the first time (particularly section members who were not delegates and therefore not on the House of Delegates listserv). The questions we heard as we spoke to groups were very basic: How does it differ from mediation? What purpose does a disqualification clause serve? Can it be used in areas other than family law? How can the potential of someone using it for the nefarious purpose of exhausting an opponent's resources and then forcing the other to lose his/her attorney be addressed? Is all the information gathered lost forever when a case is transitioned to litigation? The questions were those that occur to someone considering the process after a very short introduction with no prior knowledge or context for the discussion.

In response to some of the feedback we received, the ULC intends to further review the act, and may consider revisiting some of its specific provisions. We will continue to work closely with the UCLA Drafting Committee and will keep you informed of new developments. IACP is deeply grateful to the ULC for the investment it has made in Collaborative Practice.

In the meantime, the IACP will assimilate what we've learned during both the drafting process and the ABA Mid-Year Meeting and will share this

knowledge with the Collaborative community. You will soon be hearing more about a Model Participation Agreement, guidance about informed consent, and DV screening tools. We will continue to review how to ensure that our message to professionals who do not chose to use the Collaborative Practice process option understand its value to clients.

And finally, to all who contacted delegates in advance of the Mid-Year Meeting, traveled to Orlando, and wrote and spoke on behalf of the UCLA, our deepest thanks. Collaborative practice has spread throughout the world because of the incredible generosity of many in the Collaborative community who give their time, effort and hearts to further the goal of "transforming the way conflict is resolved worldwide."

Best regards,

Sherrí Goren Slovin, IACP President
Harry Tindall, Chair UCLA Committee
Talia Katz, IACP Executive Director

6525 Grand Teton Plaza, Madison, WI 53719
Phone 608.664.3750 Fax 608.664.3751 afcc@afccnet.org www.afccnet.org

[Search](#) - [Site Map](#)