



AFCC eNEWS

MONTHLY E-NEWSLETTER
VOL. 5 NO. 5
MAY 2010

AFCC Going Green in Denver

Accessing Handouts for the 47th Annual Conference in Denver

AFCC's 47th Annual Conference, June 2–5, 2010, in Denver, Colorado, is going green! Conference session handouts will be provided to registrants on a CD or flash drive. In addition, the entire proceedings is available online. Conference registrants will receive a letter via email—or if no email was provided, via standard mail—containing the online access instructions. Access is already available and will remain so for two months after the conference.

[Read more...](#)

Things to Do in Denver

The beginning of June is a wonderful time to be in Denver! Temperatures should be moderate: lows in the 50s and highs in the 70s to low 80s. Denver receives 300 days of sunshine a year. This makes for the perfect time to get outside!

During the first weekend in June, the 39th Annual People's Fair takes place, an outdoor celebration put on by the Capital Hill United Neighborhoods (CHUN) to celebrate the diverse Denver urban community and its residents.

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ASK THE EXPERTS

Top Ten Mediation Screening Questions

By Grace Hawkins, LCSW

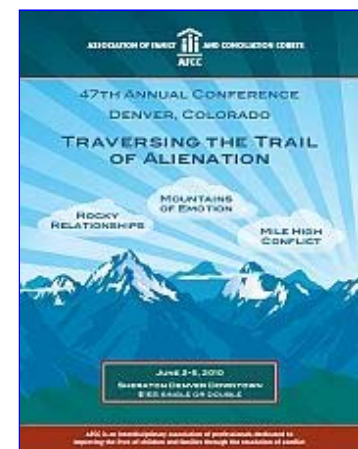
Prior to conducting mediation it is important to screen the case to determine whether or not mediation is appropriate and, if it is, what the best way to proceed might be, whether that is to bring the parties together, or to conduct shuttle mediation. The following questions are based upon an individual face-to-face screening conducted with each of the parties who have been court-ordered to attend mediation. The screening is conducted immediately prior to the start of mediation.

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AFCC Parenting Coordination Trainings in Chicago

AFCC, in collaboration with Loyola University Chicago School of Law's Child and Family Law Center, is presenting two training

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

Parenting Coordination: Helping High Conflict Parents Resolve Disputes

June 14–15, 2010
Joan B. Kelly, Ph.D.
Loyola University Chicago
Philip H. Corboy Law Center
Chicago, Illinois

[More information...](#)

Advanced Issues in Parenting Coordination: Attachment, Personality Disorders, Alienation and Difficult Clients

programs, June 14-17, 2010. *Parenting Coordination: Helping High Conflict Parents Resolve Disputes*, with presenter Joan B. Kelly, Ph.D., will be held June 14-15, 2010. *Advanced Issues in Parenting Coordination: Attachment, Personality Disorders, Alienation and Difficult Clients* will be presented by Arnold T. Shienbold, Ph.D., on June 16-17, 2010. Both trainings will take place at the Philip H. Corboy Law Center in Chicago, Illinois. [View training brochure...](#)

A Young Professional's Reflections

AFCC is beginning a new Mentorship Program to help foster new and young professionals in the field of family law. Although the program is new, the process is not. Many professionals have found informal mentors within AFCC and this is the first in a series of reflections about AFCC and that process written by Rebecca Stahl. Rebecca graduated from the University of Arizona College of Law in May 2008 and is licensed in Arizona and California.

[Read more...](#)

AFCC Ontario Chapter Looking for Elements of Ideal Family Court

AFCC Ontario is exploring a policy paper that designs and describes the elements of an ideal Family Court for children and families involved in separation, divorce or child protection issues that is research-informed. The Chapter would like to hear from others about available services for children and families in their jurisdiction. The Chapter wants to learn from others' experiences and expertise, generate knowledge and share what is learned with partners in the community to inform policy. If you would like to participate in this effort, please contact afcc.ontario@gmail.com to get the link to the online survey. All responses will remain anonymous.

FAMILY LAW IN THE NEWS

Ontario's AG Launches New Online Tool to Streamline Family Law

By Mary Vallis, Courtesy of National Post

Ontario's Attorney General announced a new online tool to streamline family and civil law forms designed to make family courts more affordable and less complicated.

[Read more...](#)

Gates Says He'll Reconsider Opposition to Military Child Custody Law

by Leo Shane, Courtesy of Stars and Stripes

For the last three years House lawmakers have included a provision in their draft of the annual defense authorization bill to guarantee overseas deployments won't be used against troops in child custody cases. And for the last three years Pentagon officials have blocked the idea, calling it an infringement on states rights.

[Read more...](#)

FEATURED VIDEO

« ‹ › »

June 16-17, 2010
Arnold Shienbold, Ph.D.
Loyola University Chicago
Philip H. Corboy Law Center
Chicago, Illinois
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AFCC Ninth Symposium on Child Custody Evaluations

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

AFCC 48th Annual Conference

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

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

Ontario Chapter Annual Conference

October 14-15, 2010
The Future of Family Law
University of Toronto
Residences
Toronto, Canada
[More information...](#)

Texas Chapter Annual Conference

October 15-16, 2010
Children Caught in the Conflict: A Multidisciplinary Perspective
Houston, Texas
[More information...](#)

Arizona Chapter Annual Conference

By Andrew Schepard, Courtesy of Mediate.com

Andrew Schepard discusses challenges within family mediation: domestic violence, cultural differences and parties' expectations of the mediator, and a need to pre-screen violent parents.

[See video...](#)

FEATURED BLOG

Just Court ADR

Resolution Systems Institute's new blog, *Just Court ADR*, written by Jennifer Shack and Susan Yates, debuted in February 2010. It is focused on court ADR and fair court ADR systems that provide justice.

[Read the blog...](#)

INTERNATIONAL NEWS

Drops from Down Under

By Hon. Graham Mullane (ret.)

News about child abductions, new adoption laws, mothers paying child support, bigamy, and murder in custody disputes from Australia.

[Read more...](#)

Call for Presenters for AFCC Chapter Conferences

The Texas and California Chapters of AFCC are both seeking presenters for their annual conferences. The 2010 Tenth Annual Texas AFCC Statewide Conference, *Children Caught in the Conflict: A Multidisciplinary Perspective*, will be held October 15–16, 2010, in Houston. The deadline for proposal submission is May 28, 2010. The California Chapter's Annual Conference, *Times They are a-Changing: Maximizing Resources, Options and Talents in a Changing System*, is scheduled for February 11–13, 2011, in San Francisco. The deadline for proposals is June 1, 2010. For details and submission instructions, click the links below.

[Texas Chapter Call for Presenters...](#)

[California Chapter Call for Presenters...](#)

Graduation Gift Giving

The graduation gift that gives all year! Do you have a relative, research assistant or intern who is graduating this year? What better way to help them begin their professional career than by giving them a gift membership to AFCC. Start their pursuit of professional excellence and their support of the mission and values of AFCC. Gift memberships are only \$130—that's a \$20 savings! The recipient will receive all of the great member benefits including reduced rates on AFCC conferences and trainings, access to the AFCC Member Center, which includes the searchable *Family Court Review* archives, membership directory for networking and much more!

[Give gift membership...](#)

January 28–30, 2011

Sedona, Arizona

[More information...](#)

California Chapter Annual Conference

February 11–13, 2011

The Future of Family Law

The Mark Hopkins Hotel at Nob Hill

San Francisco, California

[More information...](#)

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

[AFCC eNEWS archive...](#)

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



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A Young Professional's Reflections

By Rebecca Stahl

If I had to sum up AFCC in one word it would be “support.” Beyond that, it is about networking, learning, inspiration, collaboration and turning simple ideas into action. But it is even more than that; it is a family. You could say that I grew up in the AFCC family. Out-of-town visitors would stop by our house, and all I knew is that they were friends of my parents in an organization called AFCC. As a child, that did not mean much to me, just some really nice people who my parents knew. As a young professional, I know differently. These same people made me feel comfortable at my first AFCC conference and showed me the sights in a new city. Beyond making me feel at home, however, the AFCC family did what any good family should do—provided the support and encouragement to pursue new avenues and make a difference in the lives of other families. As a student and now young professional, AFCC has been all these things for me and more.

I attended an Arizona Chapter conference my first year in law school. Many people there knew my dad, and they embraced me, ready to talk, mentor, and even take me to the AFCC dinner. My first national conference was in Vancouver, where I had the honor of being a conference shepherd and got to meet and interact with many of the speakers. One of those speakers, Judge Bryant from Australia, sparked an idea in me—go to Australia and New Zealand to study their court systems. In New Orleans at the 2009 Annual Conference, that idea became a conversation with Judge Boshier from New Zealand, who told me that he would put me in touch with people at the law schools. Another AFCC member told me that I had to pursue this, no matter what, and her encouragement sent me searching for a way to make it happen. Less than one year later, I was awarded a Fulbright scholarship to study family law in New Zealand for ten months.

AFCC is also the first place where I was able to be a presenter at a conference, which has helped me formulate my future goals while sharing what I learned studying in school and working in the courts. It has allowed me to share my passion for children's issues, which in turn, keeps that passion alive. Because of the inspiration and energy I have gained through AFCC, I know that working to help families and children is possible, even when some days it appears so unlikely. In Arizona, I became an *ad hoc* member of the Arizona Chapter Board of Directors, and my sole purpose is to encourage students and young professionals to attend. I want to share this life-changing organization with everyone, but especially with young professionals who could otherwise get lost in the sea of the profession or jaded because no one inspires them. AFCC is where we all come together, to reignite the fire that brought us into this practice and to give us the information, inspiration, and community to make it happen. There can be no better opportunity for a student or young professional. Oh, and did I mention that I also get to teach yoga, my new passion? That's what family does. Thank you to everyone in this amazing organization who has given me the hope and courage to be a true professional.

Rebecca Stahl, Esq., graduated from the University of Arizona College of Law in May, 2008 and is licensed in Arizona and California. As a law student, Rebecca worked with the Volunteer Lawyers Program helping

families of divorce. She published Don't Forget About Me: Implementing Article 12 of the United Nations Convention on the Rights of the Child in the Arizona Journal of International and Comparative Law, which focused on children's voices in divorce. In addition, she worked in the Child Advocacy Clinic, representing children in dependency proceedings. Rebecca has clerked for the Presiding Family Court Judge and the Presiding Juvenile Court Judge in the Pima County Superior Court, and she is currently clerking at the Arizona Court of Appeals. She is also a certified yoga teacher working to bring yoga practice to family law professionals.

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Registrants are encouraged to look over handouts online prior to the conference. For registrants who wish to print handouts at the conference, the hotel has a business center available. The fees for printing at the business center range from 75 cents to \$1.50 per page, depending on the quantity of pages printed. There is also a FedEx Office three blocks from the Sheraton Denver, where handouts may be printed for ten cents per page.



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Just south of Denver, at the edge of the foothills, is a natural and musical treasure not to be missed: Red Rocks Park and Amphitheater. Red Rocks is a geologically-formed, open-air amphitheatre not duplicated anywhere in the world. The amphitheatre consists of two, three hundred-foot monoliths (Ship Rock and Creation Rock) that provide acoustic perfection for any performance. The lineup over the conference dates includes:

- Tuesday, June 1st and Thursday, June 3rd: Tom Petty & The Heartbreakers / Tom Petty with Joe Cocker
- Wednesday, June 2nd: Crosby, Stills & Nash
- Friday, June 4th: John Butler Trio with Medeski Martin & Wood and State Radio
- Saturday, June 5th: Big Head Todd and the Monsters with BoDeans

Red Rocks Amphitheatre is also a favorite spot to enjoy amazing Colorado scenery. The park itself has hiking and biking trails, picnic spots and a visitor center that includes a restaurant, Ship Rock Grille, which is open for lunch, weekend brunch and pre-show dinner. For more information, view the [Red Rocks website](#).

Also available on the AFCC website on the Conference page is a list of other [Things To Do in Denver](#) (PDF).



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Drops from Down Under

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

Child Abductions

Australia has the highest per capita rate of international parental child abductions in the world. About 150 children per annum are abducted to countries that are parties to the Hague Convention on the Civil Aspects of International Child Abduction. Many more are abducted to countries that aren't. In recent years the percentage of abductions that are by fathers has climbed to 87%.

It is a criminal offence under federal law for a parent to take a child out of the country if that is a breach of a parenting order (punishable by up to three years imprisonment). But removing a child from the country without the consent of the other parent is not of itself a criminal offence. Pressure is increasing from community groups to criminalise child abductions.

The Family Law Act makes it an offence to identify in the media children, parties or witnesses in family law proceedings unless a court authorises such publication. Pursuant to court directions Australian newspapers and television channels in March published photographs, descriptions and other details of three parents suspected of abducting children and seven missing children for whom the Australian Federal Police held Recovery Orders. This was an unusually high number of abductions and all but one of the children was recovered.

New Adoption Laws

The Australian Capital Territory has introduced new adoption laws. They include provision that adopted children retain their family name and applicants for adoption to lodge a contact plan for the child to have contact with significant birth family members. The Minister says that these and other changes are based upon the UN Convention on the Rights of the Child and the Hague Convention on the Protection of Children.

Child Support Figures Say More Fathers Primary Parent

The Child Support Agency has recently released the figures for the percentage of cases where the payer is the mother and the payee is the father. The percentage has increased from 10.96% in June 2007 to 11.77% in March this year. The number of cases where the parties do not rely in the agency for collection, but have their own arrangements, has increased to 53.6%.

Bigamy and Publicity

A Tasmanian man recently forged divorce papers to marry the new lady of his dreams. He was arrested, charged, tried and convicted of bigamy, forging a divorce decree, using a forged document, giving defective notice of divorce and giving false information after photos of the happy couple at their wedding ceremony in the Royal Tasmanian Botanic Gardens were published in the Hobart Mercury and seen by his wife.

He was fined \$2,300, sentenced to six months imprisonment suspended on him entering a bond to be of good behaviour for five years and providing security of \$3,000. The Magistrate commented that one problem with bigamy was that you have two mothers-in-law. But the offender's main regret was possibly having been so delighted with his new relationship that he submitted the wedding photos to the Mercury.

The wife said she would have gone to "the end of the earth" to consent to the divorce if he'd asked.

Mother Kills Children for Revenge on Father

In February, a Queensland jury convicted a mother of the murders of two of her three children, aged six and ten, and attempted murder of her 16-year-old son. She was sentenced to life imprisonment. The mother was served with a Family Court Order for the children to spend Christmas Day with their father. She decided to kill herself and the children. She gave the children crushed sleeping pills, put them in the back of a car, ran a garden hose from the exhaust to inside the car, and ran the motor. The two younger children died of carbon monoxide poisoning. Her defence of severe depression was not accepted by the jury. She will be eligible for parole in about 20 years.

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ASK THE EXPERTS

Top Ten Mediation Screening Questions

By Grace Hawkins, LCSW

Prior to conducting mediation it is important to screen the case to determine whether or not mediation is appropriate and, if it is, what the best way to proceed might be, whether that is to bring the parties together, or to conduct shuttle mediation. The following questions are based upon an individual face-to-face screening conducted with each of the parties who have been court-ordered to attend mediation. The screening is conducted immediately prior to the start of mediation.

1. Are you carrying any weapons or recording devices?

It is important for people to feel physically and emotionally safe in mediation. This question allows the mediator to establish that no weapons are allowed and that the mediation process is confidential. It also gives the mediator a way to discuss the exceptions to confidentiality in regard to reportable child abuse, duty to warn and any observations of physical altercations between the parties.

2. Do you have any physical or mental health concerns either for yourself, the other parent or for any of the children who are involved?

By asking this question, the mediator is be able to determine if there are any special needs of either the parents or the children that might need to be addressed in their custody and/or parenting time plan or in the mediation session itself. It is also important for a mediator to determine if there are any physical or mental health conditions present that might make mediation inappropriate. We often follow this question by asking parties if they are on any medications in order to make sure people are not currently taking any medications that might interfere with their ability to think clearly and make decisions.

3. Do you have any concerns either for yourself or for the other parent in regard to any alcohol or drug abuse?

Since substance abuse concerns are often present, this question allows a parent a chance to express the concern and for the mediator to become aware if this is an issue for the case. If a parent has a concern, the mediator can ask the party what if anything might alleviate their concern and the answer to that question can be the initial proposal for the area of concern.

4. Has child protective services ever been involved with your children?

On occasion, child protective services may be involved in an active investigation and it would not be appropriate to proceed with the mediation until the investigation can be completed. Parents will often share information as to how or why CPS has been involved in the past and whether or not the allegations were substantiated.

5. From the first day that you met, up until today, has there ever been any hitting, pushing, shoving, kicking, hair pulling or slapping that has occurred between you and the other parent?

This question is important in order to ascertain whether there has been any

physical violence between the parties and whether it has occurred throughout the relationship. We believe it is better to ask specifically about such behaviors rather than a general question about whether or not there has been domestic violence because people will often say no to a question about domestic violence but when asked about specific behaviors respond in the affirmative that those specific things have happened. Often times people will respond that there has been no physical violence but tell of emotional abuses that have occurred.

6. Has there been any destruction of property, things thrown at each other, holes punched in the wall, cars damaged?

This question again gets to whether or not there has been domestic violence between the parties, but in a different way.

7. Have the police ever been called out for any altercations between you and the other parent?

The answer to this question will provide the mediator with information as to whether the police were involved, how often and for what. As a follow up to this question it is important to inquire whether anyone was arrested as people will not always share that unless asked directly. The police may have been called out for custodial interference issues, domestic violence issues or for issues between extended family members and the other parent. Knowing why and who was involved alerts the mediator as to the extent of police involvement and to what other issues may be present in the mediation case.

8. Are there currently any restraining orders or orders of protection in place?

It is important to know if these are in place and who filed what against whom. If there are restraining orders in place, if a child care plan is developed, it will need to take that into account. The mediator will also need to have people leave separately after the session.

9. Do you currently feel like there are any threats, intimidation, coercion or harassment happening between you and the other parent?

By asking this question, the mediator often gains information on past threats, harassment and intimidation as well as current threats, harassment or intimidation. Sometimes a parent will state that they used to be intimidated by the other parent but are no longer afraid of that parent.

10. Do you have any fears or concerns about being here?

Sometimes, people will respond to this question that they are fearful to leave or that they were fearful about being here, but as long as they are not left alone with the other party they will be okay. We follow up this question with two others: **Do you feel like you can sit in the same room with the other parent? Can you stand up for yourself; say no if you feel strongly about something?** All of these questions help the mediator determine whether or not the client feels empowered and is able to advocate for themselves, both of which are needed in order for mediation to be appropriate.

Grace Hawkins, LCSW, is the Director of the Family Center of the Conciliation Court in Tucson, Arizona.

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