



AFCC eNEWS

MONTHLY E-NEWSLETTER
VOL. 6 NO. 12
DECEMBER 2011

Season's Greetings from AFCC

By Peter Salem, AFCC Executive Director

Over the past year, AFCC has continued to thrive with conferences, publications and service initiatives that further our mission while the number of members continues to increase, this year to more than 4,200. The health and well-being of AFCC is due to a strong membership, dedicated leadership, a terrific staff (to whom I am eternally grateful) and a culture of inter-organizational collaboration with like-minded colleagues who address the same issues that AFCC does, but from a different perspective. Some of these organizations have been collaborating with AFCC for many years, including the Association for Conflict Resolution, National Council of Juvenile and Family Court Judges, National Association of Counsel for Children and American Bar Association Sections of Family Law and Dispute Resolution. In recent years, AFCC has added to our collaborations with the American Academy of Matrimonial Lawyers, Resolution Systems Institute, Battered Women's Justice Project, and the International Academy of Collaborative Professionals. Our colleagues at Arizona State University, University of Baltimore School of Law, Loyola University Chicago School of Law, Marquette University Law School and especially Hofstra University School of Law—Center for Children, Families and the Law, home to *Family Court Review*, further enhance our work.

The opportunity to collaborate with such extraordinary colleagues is one for which AFCC is particularly grateful. We especially appreciate the wisdom shared and the collegial spirit that can serve as a model for families, courts and communities throughout the world. To all of our members and collaborating friends, have a healthy and happy 2012.

AFCC 49th Annual Conference Program Brochure Online

The AFCC 49th Annual Conference Program Brochure is now available online! The conference titled *Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law* will be held June 6–9, 2012, at the Hyatt Regency Chicago. This conference theme ties in with a special issue of *Family Court Review* on attachment, published July 2011. Access to this issue will remain open to all until the end of the year.

UPCOMING CONFERENCES



AFCC 49th Annual Conference

Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law
June 6–9, 2012

Hyatt Regency Chicago
Chicago, Illinois

[More information](#)

AFCC 10th Symposium on Child Custody Evaluations

November 1–3, 2012
Arizona Grand Resort
Phoenix, Arizona

AFCC 50th Annual Conference

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

Now is the time to begin planning your conference experience; with 90 sessions to choose from, there may be difficult decisions! Online conference registration will be available in January; online hotel reservations are available now.

[View conference brochure](#)

[Read FCR Special Issue on Attachment](#)

[Find out more about the hotel and attractions in Chicago](#)

Ask the Experts

Top 10 Tips for Dealing with Relocation Cases

By Philip M. Stahl, PhD, ABPP, Queen Creek, Arizona

Relocation cases are often perceived as the most difficult to deal with, regardless of your role. These tips are specific to the various professional roles in a relocation case.

[Read more](#)

FCR Virtual Issue on Family Law Education Reform

Family Court Review is pleased to announce its first virtual issue which is available to readers of the *AFCC eNEWS*. The virtual issue compiles the articles on the Family Law Education Reform Project (FLER) that *FCR* has published in recent years into one source.

AFCC, The Center for Children, Families and the Law at Hofstra University School of Law and William Mitchell College of Law launched FLER to systematically address the gap between the teaching and practice of modern family law. FLER surveyed the opinions of stakeholders in the family law system—law professors, law students, judges, lawyers, mediators, social workers and psychologists about the competencies needed for effective family law practice. This represented the first critical interdisciplinary outside look at the family law curriculum ever undertaken. FLER also comprehensively surveyed family law curriculum materials to see how they matched the competencies identified by the FLER constituencies. The result was a 2006 report (included in the virtual issue) endorsed by National Council of Juvenile and Family Court Judges, ABA Section of Dispute Resolution, National Association of Counsel for Children and Association for Conflict Resolution. Follow up FLER activities have included a conference, the creation of a website and a second special issue of *FCR* in October 2011 on the subject, guest edited by Professor Barbara Glesner Fines of University of Missouri Kansas City School of Law.

The articles in the virtual issue of *FCR* on FLER define the challenges facing family law education and provide concrete examples of innovation. Thanks to the generosity of *FCR* publisher, Wiley-Blackwell, the virtual issue will be freely available to all until December 1, 2012.

[Access virtual issue](#)

Child Protection Mediation Guidelines Now Available for Comment

The Child Protection Mediation Guidelines were developed by the Child Welfare Collaborative Decision Making Network (CWCDMN). The Network operates with the support and

AFCC 51st Annual Conference

May 28–31, 2014
The Westin Harbour Castle
Toronto, Ontario, Canada

AFCC TRAININGS

Managing Personality-Disordered Parents

William A. Eddy, MSA, JD
March 5–6, 2012
Chicago, Illinois
[More information](#)

Advanced Parenting Coordination Practice: Working More Effectively with Parents and Children

Joan B. Kelly, PhD
March 7–8, 2012
Chicago, Illinois
[More information](#)

AFCC CHAPTER CONFERENCES

Louisiana Chapter Conference

Technology, Trauma and Transformation: Current Issues in Family Court
January 27, 2012
LSU Law Center
Baton Rouge, Louisiana
[More information](#)

Arizona Chapter Conference

100 Years and Counting: For Families the Future is Now!
February 3–5, 2012
Hilton Sedona Resort and Spa
Sedona, Arizona
[More information](#)

California Chapter Conference

The New Frontier: Exploring

guidance of a number of organizations including AFCC, American Humane Association (AHA) and the Werner Institute of Creighton University. Over the last two years, a workgroup of CPM practitioners, program administrators, researchers and academics, along with other contributing organizations including The National Center for State Courts, National Council of Juvenile and Family Court Judges and National Association of Counsel for Children have worked diligently to create these guidelines incorporating CPM practices from throughout North America.

The workgroup is soliciting comments and feedback from a broad range of individuals and organizations throughout North America. A comments period has been established. The Draft CPM Guidelines are available for comment through **January 24, 2012** on the [AFCC website](#).

[Read more](#)

AFCC Member News

Robert Emery, Charlottesville, Virginia, has written a second edition of his book, *Renegotiating Family Relationships*, published by Guilford. Long recognized as the authoritative guide for clinicians working with divorcing families, this book presents crucial concepts, strategies, and intervention techniques.

Greg Firestone, Tampa, Florida, received the Florida Academy of Professional Mediators 2011 Award of Merit. Dr. Firestone has been a mediator for over 20 years and mediates family, healthcare, dependency, circuit civil, ADA, business and other disputes.

David Hoffman, Boston, Massachusetts, received the John Adams Fiske Award for Excellence in Mediation from the Massachusetts Council on Family Mediation. Mr. Hoffman is the founding member of Boston Law Collaborative, LLC, and teaches the mediation course at Harvard Law School, where he is the John H. Watson, Jr. Lecturer on Law.

Robert Zibbell, Framingham, Massachusetts, and **Geri Fuhrmann**, Worcester, Massachusetts, have written a new book, *Evaluation for Child Custody*. It is part of a series of books in forensic mental health assessment published by Oxford. The purpose of the series is to promote what could be considered "best practices" in specific areas of forensic mental health assessment.

The Ideal Family Court

By Dena Moyal

In early 2010, the Ontario Chapter of AFCC called a meeting of its membership to develop a policy statement outlining the central principles and best practices for the Ideal Family Court in Ontario. Two meetings were held with 15-20 members from multiple disciplines sharing and exchanging ideas. The committee was chaired by AFCC Ontario Chapter Board members: Justice Craig Perkins, Justice Deb Paulseth, Dr. Barbara Fidler and Dr. Rachel Birnbaum; and produced a policy statement on the Ideal Family Court.

[Read more](#)

Give a Gift

the Challenges and Possibilities of the Changed Landscape for Children and the Courts

February 10–12, 2012
Sheraton Delfina Hotel
Santa Monica, California

[More information](#)

Florida Chapter Conference

Spirit of Cooperation

March 30–31, 2012

Renaissance Tampa

International Plaza

Tampa, Florida

[More information](#)

Washington Chapter Conference

Systemic Solutions for Families in Crisis

April 13–14, 2012

Washington Athletic Center

Seattle, WA

[More information](#)

ASK THE EXPERTS

Do you have a question that you would like answered by an AFCC expert?

Let us know and your question could be answered in the next *AFCC eNEWS*.

[Email your questions...](#)

EARN AFCC DOLLARS

Each time a colleague joins AFCC as a first-time member and names you as the referral source on the membership application, you earn ten AFCC dollars to spend on conference registrations, membership renewals and publications. For more information, please contact AFCC at afcc@afccnet.org or (608) 664-3750.

JOIN AFCC

Maybe it's the year coming to an end that brings times of reflection; or seeing family and friends that makes us thankful for what we have and inspires generosity and kindness that just does not seem as noticeable at other times of the year. AFCC has a few suggestions of how you can give to support a worthy program and share the organization you enjoy.

Donate to the AFCC Scholarship Fund, which provides scholarships to professionals and students who would otherwise not be able to attend AFCC conferences. It is entirely supported through member donations. Make a difference in a colleague's future by giving in any amount. Donations are tax deductible for US taxpayers; time is running out to make your donation for this tax year.

[Give to the AFCC Scholarship Fund](#)

Do your colleagues know about AFCC? Word of mouth is great advertising, but what's even better is the endorsement of a respected friend or colleague! Share your AFCC experiences, discuss articles from the *Family Court Review*, tell them about the exciting sessions you attended and suggest that they join! Each time a colleague joins AFCC as a first-time member and lists you as the referral source, you earn ten AFCC dollars. AFCC dollars can be put toward registrations, membership or publications. AFCC dollars cannot be donated to the scholarship fund. If you would like AFCC materials to share with friends or have any questions please contact AFCC at afcc@afccnet.org or (608) 664-3750.

Family Law in the News

The Certainty of Memory Has Its Day in Court

By Laura Biel, Courtesy of the New York Times

Witness testimony has been the gold standard of the criminal justice system, revered in courtrooms and crime dramas as the evidence that clinches a case. Yet scientists have long cautioned that the brain is not a filing cabinet, storing memories in a way that they can be pulled out, consulted and returned intact.

Memory is not so much a record of the past as a rough sketch that can be modified even by the simple act of telling the story.

[Read more](#)

Critics Say Budget Cuts for Courts Risk Rights

By John Schwartz, Courtesy of the New York Times

"The justice system's funding has been decreasing in constant dollars for at least two decades," said David Boies, co-chairman of a commission formed by the American Bar Association to study court budget issues. "We are now at the point where funding failures are not merely causing inconvenience, annoyances and burdens; the current funding failures are resulting in the failure to deliver basic justice."

[Read more](#)

Conference of Interest

International Society of Family Law North American Regional Conference

Sustaining Families: Global and Local Perspectives

June 14-16, 2012

University of Iowa College of Law

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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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Exhibits and Advertising

AFCC 49th Annual Conference

Attachment, Brain Science and Children of Divorce: The ABCD's of Child Development for Family Law
June 6-9, 2012
Hyatt Regency
Chicago, Illinois

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AFCC is an interdisciplinary, international association of professionals dedicated to improving the lives of children through the resolution of family conflict. AFCC has more than 4,000 members from over 20 countries. For nearly 50 years AFCC has served as a leader in family court innovation and reform in areas including parenting coordination, mediation, child custody evaluation, family law education and domestic violence. For more information on AFCC visit the "About AFCC" or "Membership" tab above.

The AFCC 49th Annual Conference will bring together approximately 1,000 family law professionals, including lawyers, judges, mediators, mental health professionals, researchers, custody evaluators, parenting coordinators, social workers and many more who work with children and families in conflict.

Advertising

In January 2012 the conference program brochure will be printed and mailed to 28,000 professionals, including all AFCC members. The digital version of the brochure will be posted on the AFCC website and a link to the brochure will be widely circulated. Your ad could be included! See the above PDF for more information on advertising options and pricing.

Sponsorship

Sponsoring an AFCC annual conference is a marvelous way to have your organization's name associated with AFCC and this landmark event. Choose the best option for your organization—AFCC offers a sponsorship for every budget and desired level of exposure. Several levels of sponsorship include exhibit tables and packet inserts as well as sponsor only extras! Sponsors confirmed by December 1, 2011 will have their name prominently displayed in the conference program brochure. See the above PDF for more information on sponsorship options and pricing.

On-Site Exhibits

The AFCC 49th Annual Conference is an excellent opportunity to introduce your products and services to the interdisciplinary community of professionals that attends AFCC conferences. Approximately 1,000 attendees—lawyers, judges, mediators, mental health professionals, researchers, custody evaluators, parenting coordinators, students and other professionals who work to resolve family conflict and better the lives of children and families—will convene at the Hyatt Regency Chicago, June 6-9, 2012. AFCC exhibitors are welcome to attend sessions and join attendees for food, beverage and networking functions. See the above PDF for more information on exhibiting and pricing.

Packet Inserts

A registration packet insert is an economical way to get your message out to every conference attendee. Your marketing piece will be placed in each registration packet, a tote bag given to each attendee when they check in at the AFCC registration desk. It's a chance to get noticed—your marketing piece can be anything (so long as it is a single item): a flyer, pen, magnet, small notebook or something as simple as a business card. See the above PDF for more information on packet inserts and pricing.

**Questions? Please contact
AFCC Program Coordinator,
Erin Sommerfeld, at
esommerfeld@afccnet.org or
(608) 664-3750 to discuss these
opportunities.**



MEMBER CENTER

THE IDEAL FAMILY COURT

By Dena Moyal

In early 2010, the Ontario Chapter of AFCC called a meeting of its membership to develop a policy statement outlining the central principles and best practices for the Ideal Family Court in Ontario. Two meetings were held with 15-20 members from multiple disciplines sharing and exchanging ideas. The committee was chaired by AFCC Ontario Chapter Board members: Justice Craig Perkins, Justice Deb Paulseth, Dr. Barbara Fidler and Dr. Rachel Birnbaum; and produced a policy statement on the Ideal Family Court.

Principles

1. There should be one family court, commonly known as a unified family court, with jurisdiction to deal with all family law issues, available in all locations in Ontario at a reasonable distance. Family law issues include at a minimum all matters affecting family members arising from divorce or separation (including custody, access, support and family property), child protection, adoption and control over children's property, other than matters covered by criminal law.
2. The following services should be readily available as a minimum for all family court litigants:
 - family law and court process information services and education programs on-site
 - mediation, both on-site and at off-site supervised access centres, for both visits and exchanges, and therapeutic supervised access services
 - legal advice on-site
 - a system of adequate legal representation
 - child legal representation
 - on-site referrals to counselling, assessment and parenting coordination.
3. These services should be culturally sensitive, available in multiple languages and available at a cost geared to means.
4. A maximum time standard should be established for court and service processes and for decision on issues by the court. The time standards should be available to all litigants, along with information about the local ability to meet those standards.

Best Practices

1. "One judge for one family" should be the norm in the family court, from the beginning of the case until trial and for motions to change an order or agreement. The judge who makes the final order should hear the enforcement and contempt issues flowing from it.
2. All services and processes should include a regular research and evaluation component with regular feedback to the local court and community partners.

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3. Family law information sessions should be mandatory in all family court centres and a second session should be mandatory for all litigants and their children, if the children are involved in the case. Children should be provided with appropriate information about their legal rights, living in two homes, blended families, domestic violence and the court process.
4. Protocols and partnerships should be developed between the family court and local service providers consistent with the principles outlined above.
5. Formalized and regular communication between the Family Court and service providers, including public health and educators, should be established. To that end, every court location should have community liaison and resource committees.
6. There should be protocols on information and service sharing for children and parents whose families have court matters that cross over criminal, child protection and separation or divorce issues.
7. Every court location should regularly develop priorities and assess needs consistent with these principles and best practices.
8. The Family Court should keep abreast of and try to integrate modern technologies that could assist in the efficient and accessible operation of the court.
9. The Family Court should continually assess tasks that require routine, uncomplicated, procedural or consensual decision making and develop fast track processes to deal with them.

The above statement was sent to all stakeholders in the family justice system: federal and provincial Attorney Generals; the Chief Justices of Ontario Court of Justice, Superior Court Justice, Ontario Court of Appeal and the Supreme Court of Canada. The Ontario associations of lawyers, ADR practitioners, and mediators also received a copy of this statement.

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Child Protection Mediation Guidelines Now Available for Comment

The Child Protection Mediation Guidelines were developed by the Child Welfare Collaborative Decision Making Network (CWCDMN). The Network operates with the support and guidance of a number of organizations including AFCC, American Humane Association (AHA), and Werner Institute of Creighton University. Over the last two years, a workgroup of CPM practitioners, program administrators, researchers and academics, along with other contributing organizations including The National Center for State Courts, National Council of Juvenile and Family Court Judges and National Association of Counsel for Children have worked diligently to create these guidelines incorporating CPM practices throughout North America.

The workgroup is soliciting comments and feedback from a broad range of individuals and organizations. A comments period has been established. The Draft CPM Guidelines are available for comment through **January 24, 2012** on the [AFCC website](#).

Those who wish to comment should follow these instructions:

- General comments are appreciated; however, the more specific you can be the better.
- Identify the page, section and paragraph about which you have a comment.
- State your comments clearly; if you use any outside references, please include the citation.
- Send comments to the following address: cpmguidelines@gmail.com.
- Because of the number of comments anticipated, individual replies will be limited to those that require further discussion or clarification.

After the comment period has ended, the workgroup will reconvene to review all comments submitted and will prepare a final draft of the guidelines for submission to the AFCC Board of Directors for consideration of adoption at their meeting in June 2012.



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ASK THE EXPERTS

Top 10 Tips for Dealing with Relocation Cases

By Philip M. Stahl, PhD, ABPP

Relocation cases are often perceived as the most difficult to deal with, regardless of your role. These tips are specific to the various professional roles in a relocation case.

If you are a mediator:

- Recognize that these cases are very tough to settle. Try and encourage each parent to formulate a proposed parenting plan that maximizes each parent's time with the children. Encourage the away parent to communicate with the children via Skype and encourage the parent who has the children to communicate regularly with the distant parent about the children and how they are doing. Strongly encourage the present parent to keep the distant parent positive in the children's memories.
- When considering the parenting plans, recognize that recent research coming out of New Zealand and Australia suggests that the biggest burdens of travel fall on the children. Encourage the distant parent to consider traveling to see the child at least for several of their times together. Not only does this reduce the burden of travel for the children but also allows the distant parent to meet the children's teachers and friends, and participate with the children in extra-curricular activities. Help the distant parent recognize that this will help the children feel more connected to the parent.

If you are a child custody evaluator:

- Familiarize yourself with all the research and psychological literature on relocation and become familiar with relocation statutory and case law in your state/province. This is critical when considering how to approach a relocation case as a child custody evaluator. Recognize that the psychological literature identifies a number of relevant risks and protective factors to be considered in a relocation case. If the request is for an international relocation, research whether the country that the moving parent is relocating to is a signatory to The Hague Convention and whether or not the US State Department has identified problems with the courts in that country supporting a valid US custody and visitation order.
- Many relocation cases are "close calls," i.e., some significant factors might favor the children moving and other significant factors might suggest against the children moving. When it is a close call, the evaluator needs to identify the risks and benefits of primary custody with the mother in one location and the risks and benefits of primary custody with the father in the other location, and avoid making an actual recommendation. Weighting of those factors is to be left up to the court. The evaluator is encouraged to give alternate recommendations depending on the weighting of the court.

If you are an attorney for the parent who wants to move:

- Be sure that your client's reasoning for wanting to move makes sense. Ensure that your client will be a responsible gatekeeper and continue to encourage and support the children's relationships with the other parent. Develop with your client a plan in which they will continue to communicate with the other parent about the children and keep the distant parent's memory alive with the children.

If you are an attorney for the parent who wants to prevent the children from moving:

- Ensure that your client is prepared to be the primary custodial parent in the event that the other parent moves and the court does not allow the children to move.

If you are an attorney, regardless of which parent you are representing:

- Consider using a psychological consultant who can help you learn the psychological research and literature, and identify which risk and protective factors are likely to apply in your case. Such a consultant can assist you in determining the helpful and non-helpful facts of your case and can hopefully assist you and your opposing counsel in settling the relocation without litigation. If the case must be litigated, your consultant can assist you in arguments to the court. If need be, you may want an expert witness to testify about relevant factors to the court.
- Recognize that recent research suggests that children adjust to moves most easily when both parents are supportive of the outcome and remain child-focused. Encourage your client to stay child-focused and work with the other parent even after the case has been litigated.

If you are the judge:

- It is critical to approach each case without bias; either the bias that a parent should not move because children benefit when both parents are actively involved in the children's lives or the bias that a parent with primary custody should be able to move for any good reason. Recognize that each case is unique and must be considered on all of the relevant factors in that particular case.
- Like the custody evaluator, learn the psychological research and literature on relocation and understand the multiple factors that result in increased risk of children's adjustment or may serve as a protective factor and help the children's adjustment in the event of a move. Integrate that understanding with the expected legal considerations as identified in your state's statutory and case law.

Philip M. Stahl, PhD, ABPP (Forensic) is a past AFCC Board Member and is a psychologist in Arizona specializing in consultation and child custody evaluations in relocation cases. He is the author of Conducting Child Custody Evaluations: From Basic to Special Issues and Parenting After Divorce. Dr. Stahl is also the director of forensic programs for the Steve Frankel Group.