



AFCC eNEWS

MONTHLY E-NEWSLETTER
VOL. 6 NO. 7
JULY 2011

AFCC Regional Training Conference

*Working with High Conflict Families:
A Race with No Winners*
October 27–29, 2011
Hyatt Regency Indianapolis

AFCC is going to Indianapolis for the Regional Training Conference! This conference will offer an expanded training format, featuring three-hour workshops. The interdisciplinary nature offers something for everyone and a chance to get perspectives from colleagues in related professions. Attendees have the opportunity to earn up to 19 hours of continuing education.

The Hyatt Regency Indianapolis is located in the heart of downtown and is connected by skywalk to the Circle Centre Mall. The Hyatt boasts a 24-hour state-of-the-art gym and an indoor pool. Golf, tennis, and jogging trails are located nearby. Conference attendees will receive the special rate of \$135/night for single or double occupancy. Rooms are subject to availability and a limited number of rooms have been reserved at this rate—early reservations are encouraged.

[View the conference brochure](#)
[Online registration](#)
[Apply for a scholarship](#)
[Things to do in Indianapolis](#)

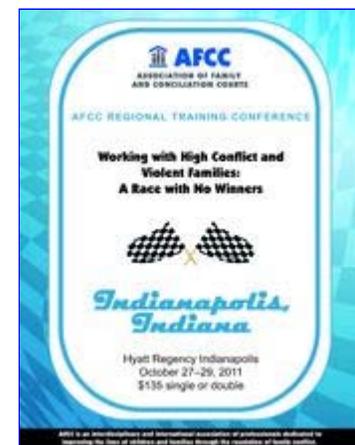
AFCC–AAML Registration Open to All

Registration is now open to all for the AFCC–AAML joint conference, *Advanced Issues in Child Custody: Evaluation, Litigation and Settlement*, September 15–17, 2011, at the Westin Philadelphia. Space is limited; make plans to attend today!

This advanced-level training opportunity will provide you with an excellent chance to enhance your practice skills, learn from influential leaders in the field, as well as offer you the benefit of unparalleled networking opportunities.

Located in the Rittenhouse Square District, the Westin Philadelphia offers a prime location in addition to modern elegance and style. The Westin is within walking distance of upscale shopping, incredible restaurants and must-see attractions such as the Liberty Bell, Independence Hall and the

UPCOMING CONFERENCES



AFCC Regional Training Conference

Working with High Conflict and Violent Families: A Race with No Winners
October 27–29, 2011
Hyatt Regency Indianapolis
Indianapolis, Indiana
[Conference program](#)
[Online registration](#)
[Things to do in Indianapolis](#)
[Apply for a scholarship](#)

Constitution Center.

[View the conference brochure](#)

[Online registration](#)

[Exhibit opportunities](#)

AFCC 49th Annual Conference

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

Next year's annual conference will take an in-depth look at attachment and neuroscience perspectives in child development as they relate to family law. This conference will continue the discussions begun in the July 2011 *Family Court Review*, guest edited by Dr. Jennifer McIntosh. The conference program brochure will be available online in late December 2011 and mailed in January 2012.

Call for Proposals

AFCC is accepting proposals for ninety-minute workshop sessions. All proposals must be submitted using the online form and must be received by October 5, 2011, to be considered.

[View the Call for Proposals](#)

[Submit a proposal online](#)

Scholarships

Conference scholarships will be awarded for the 49th Annual Conference. Scholarships include registration to the conference, one full-day pre-conference institute, a certificate of attendance and admittance to all food and beverage functions. An unprecedented 11 travel stipends of \$1,000 each will be awarded. The online scholarship application will be available in January 2012.

[Guidelines and criteria](#)

President's Message

Linda Fieldstone, MEd, Miami, Florida

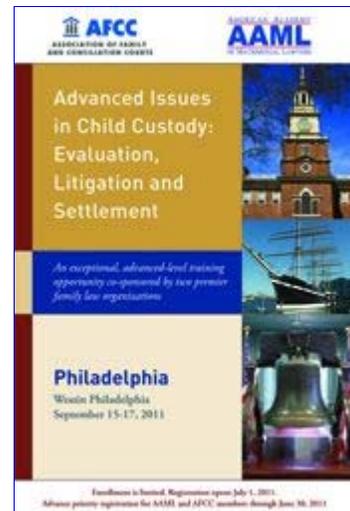
Several years ago, a state agency sent staff to the various court circuits around the state to administer a survey on court employee job descriptions. After the representative heard what a typical day is like in Family Court Services in the 11th Judicial Circuit in Miami-Dade County, Florida, and after he had a first-hand opportunity to observe a few meetings with our typical high conflict parents and families, with his tie dislodged from his collar, his shirt sleeves rolled high, sweat beading down his face, and after taking a pain reliever, he asked me what I did at the end of the day with all the built up tension from these toxic situations.

[Read more](#)

President's Profile

Meet the new President of AFCC, Linda Fieldstone

Linda Fieldstone, MEd, is Supervisor of Family Court Services of the 11th Judicial Circuit in Miami-Dade County, Florida, and has been working within the court system for over twenty years. Family Court Services provides court-ordered interventions for



AFCC/AAML Conference

Advanced Issues in Child Custody: Evaluation, Litigation and Settlement
September 15–17, 2011
Westin Philadelphia
Philadelphia, Pennsylvania

[Conference program](#)

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AFCC 49th Annual Conference

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

[View the Call for Proposals](#)

[Submit a proposal online](#)

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

AFCC 51st Annual Conference

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

AFCC CHAPTER CONFERENCES

high-conflict families. Linda describes her unit as a “one-stop shop,” which she likens to an emergency room, where direct services such as supervised visitation, drug testing, ADR, parenting coordination and referrals to community providers are available.

[Read more](#)

Child Custody Consultant Task Force Discussion Paper

In 2009, then AFCC President Emile Kruzick established the interdisciplinary Child Custody Consultant Task Force, to study and define the role of the mental health professional engaged as a consultant (mental health consultant) by an attorney for a litigant in a child custody dispute. The attorney engages the consultant when the attorney’s client is either going to be or has already been evaluated by a court appointed mental health professional (forensic mental health evaluator) in a case involving a litigant’s rights to custody of or access to a child in a pending action related to parental divorce or separation. This discussion paper is the Task Force’s first attempt to promote interdisciplinary dialogue on the emerging but largely unexamined role of a mental health consultant. This paper will be published in the October 2011 issue of the *Family Court Review*, and is subject to revision before publication.

[Read more](#)

FEATURED ARTICLES

The Encyclopedia of Early Childhood Development has a section on divorce and separation, edited by Robert Emery, containing five articles by prominent authors: *Consequences of Separation/Divorce for Children*, Brian M. D’Onofrio; *How Parents Can Help Children Cope with Separation/Divorce*, JoAnne Pedro-Carroll; *Parenting Plans Following Separation/Divorce: Developmental Considerations*, Marsha Kline Pruett; *Interventions to Help Parents and Children Through Separation and Divorce*, Clorinda E. Velez, Sharlene A. Wolchik and Irwin N. Sandler; and *Special Considerations for Infants and Toddlers in Separation/Divorce: Developmental Issues in the Family Law Context*, Jennifer E. McIntosh.

[Read more](#)

ASK THE EXPERTS

Ten Reasons The Hague Abduction Convention May Not Be Enough

By Leslie Ellen Shear, CFLS/CALS, IAML, Los Angeles, California

In cases where a child may travel, visit or move outside the United States, family law professionals usually ask whether the destination is a signatory to The Hague Convention on the Civil Aspects of International Child Abduction. That is not enough to know, if one is assessing the risk that the child will not be returned to the United States. Here are ten reasons why knowing that the destination is a “Hague country” may not be enough.

[Read more](#)

AFCC CHAPTER NEWS

Texas Chapter Conference

Maximizing Our Resources for Texas Families

October 12–14, 2011

In collaboration with Texas Association of Domestic Relations Offices
Fort Worth, Texas

Washington Chapter Conference

Divorce Minefields and Milestones: Interdisciplinary Resources and Roads to Resolution

October 21, 2011

Holiday Inn, SeaTac International Airport
Seattle, Washington

[More information](#)

Ontario Chapter Conference

Experience and Brain Development: How Childhood Events Shape the Children and Families We Serve

October 21, 2011

Sala Caboto at Villa Colombo
Toronto, Ontario

[More information](#)

California Chapter Conference

The New Frontier: Exploring the Challenges and Possibilities of the Changed Landscape for Children and the Courts

February 10–12, 2012

Sheraton Delfina Hotel
Santa Monica, CA

[More information](#)

Florida Chapter Conference

Spirit of Cooperation

March 30–31, 2012

Renaissance Tampa International Plaza
Tampa, Florida

[More information](#)

The [Florida Chapter of AFCC](#) is planning its 9th Annual Conference in Tampa titled, *Spirit of Cooperation: Rising tides lift all boats, serving all by promoting mutual advantage*. The conference will be held March 30–31, 2012. The [Call for Presenters](#) is available now.

The [Louisiana Chapter of AFCC](#) recognizes President Elect, Hon. Pam Baker (19th JDC) for her hard work toward passing legislation that will open three new family court positions in 2015. Two will be in the New Orleans area (Orleans Parish) and one in Livingston Parish.

The [Missouri Chapter of AFCC](#) launched its new chapter website. The website offers direct links to the MO-AFCC Facebook page and YouTube Channel. The MO-AFCC YouTube Channel allows for the sharing of recorded lunch & learn events and trainings. At the annual meeting, the Chapter named Judge Michael Burton the first recipient of the Ellen Cowell Leadership Award. Judge Burton was selected for this honor in recognition of his outstanding efforts to establish a Civil Domestic Violence Court in St. Louis County. The DV Court was established in 2009 and provides a wealth of legal and social services to victims of intimate partner violence, perpetrators, and their children, at specialized court dockets each week in St. Louis County.

AFCC MEMBER NEWS

Long-time AFCC member **Jeanne Ames** of San Francisco passed away in early July after a lingering illness. Jeanne was an AFCC member and a force behind AFCC's first chapter in California, head of San Francisco Family Court Services and a leader in the growth and development of family mediation in California. Hugh McIsaac, former AFCC President, and friend and colleague to Jeanne, remembers her contributions.

[Read more](#)

Arnold T. Shienvold, PhD, AFCC President Elect, has received the Pennsylvania Psychological Association Award for Distinguished Contributions to the Science and Profession of Psychology. "For more than thirty years, Dr. Arnold T. Shienvold has promoted the science and profession of psychology in the forensic domain. Recognized as an expert in child custody and family mediation, Dr. Shienvold's contributions go far beyond his professional practice. His career has been devoted to finding ways to bring the insights of psychology to dispute resolution in the legal arena, particularly in the area of family conflict."

[Read more](#)

Jessica Schwager, AFCC's administrative assistant, was married on July 9, 2011, to Josh Murdy, and is now Jessica Murdy. Her new email address is jmurdy@afccnet.org.

FAMILY LAW IN THE NEWS

Divorce is a Huge Deal Even for Adult Kids

By Chuck Barney, Contra Costa Times, courtesy of Mercury News

It was a bombshell of mind-boggling magnitude. In February, Kelly received a phone call from her mother, who tearfully delivered the grim news that Kelly's father was leaving her for another woman. A marriage that produced four kids and lasted 42 years was about to die.

[Read more](#)

JOIN AFCC

Are you a member?

[Join or Renew](#)

AFCC offers member benefits that promote excellence in practice.

[View member benefits](#)

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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editor@afccnet.org

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

EMAIL UPDATE

The Perils of Practicing Family Law

By Patrick G. Lee, courtesy of WallStreetJournal.com

Security guards and metal detectors are common now at courthouses, to protect against potentially unstable or angry case combatants. But those measures do nothing to protect lawyers outside the courtroom from the wrath of enraged litigants.

[Read more](#)

Equal Time Parenting Law may be Changing in Wisconsin

Courtesy of the State Bar of Wisconsin

There is proposed legislation in Wisconsin, Assembly Bill 54, that may bring sweeping changes in the way custody and placement of children is determined with an equal placement presumption. Here are two articles expressing very different opinions of this proposal.

[Con opinion](#)

[Pro opinion](#)

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Things to do in Indianapolis

Children's Museum Indianapolis

One of the largest children's museums in the world, with an array of interactive exhibits, toy and dollhouse displays, a working antique carousel, and a planetarium. The recent addition of *Dinosphere*, a multisensory exhibit combining the largest collections of juvenile fossils in the world with kid-friendly interactive exhibits (dressing up in dinosaur costumes), and *Fireworks of Glass*, a 43-foot-tall blown-glass sculpture by Dale Chihuly, make this museum a guaranteed favorite amongst kids. Located 3 miles from the hotel at 3000 North Meridian Street. (317) 334-3322
www.childrensmuseum.org

Indianapolis Museum of Art

The museum welcomes you to its gorgeous grounds, free admission and free underground parking. In addition to having one of the largest collections in the country, IMA also features a freshly renovated 600-seat theater with films and talks throughout the week. Take a walk through the museum's gardens toward Lilly House or across the canal for a hike in the Art & Nature Park. Located 5 miles from the hotel at 4000 North Michigan Road. (317) 923-1331
www.imamuseum.org

Indianapolis Motor Speedway and Hall of Fame

The Indy Speedway, dating back to 1909, is one of the most famous car raceways in the world. Although we won't be there to join the crowd of 400,000 that comes each May to watch the Indy 500, stop by for a minibus ride on the speedway. Then visit the museum that traces race car history, including a display of restored race cars, starting with the first Indy winner from 1911. Located 7 miles from the hotel at 4790 West 16th Street. (317) 484-6747
www.indianapolismotorspeedway.com

Indianapolis Zoo

The Indianapolis Zoo is located inside White River State Park, one of the largest urban state parks in the country. This zoo was the first attraction triple accredited by the Association of Zoos and Aquariums (AZA) and the American Association of Museums as a zoo, aquarium and a botanical garden. You will have the opportunity to pet a shark, hand feed giraffes and wash an elephant in a unique cage-less environment. Located one mile from the hotel at 1200 West Washington Street. (317) 630-2001
www.indianapoliszoo.com

Circle Centre Mall

World class shopping waits just across the skywalk! Circle Centre Mall is connected to the Hyatt by an enclosed skywalk. It offers a variety of upscale retailers such as Nordstrom, Carson Pirie Scott and Swarovski.
www.simon.com/mall

Massachusetts Avenue Arts District "Mass Ave"

One of four diagonal streets leading straight to the center of downtown, Mass Ave is a five block area filled with theaters, independently owned

restaurants, galleries and a number of eclectic boutiques. The street itself is on the National Registry of Historic Places. Located less than a mile from the hotel.

www.discovermassave.com

Broad Ripple Village

Just north of downtown, Broad Ripple Village offers diverse street life, unique shops, galleries, fabulous restaurants and fun nightlife. It is also a venue for live outdoor music events, public art and is home to a beautiful park. Located approximately 6 miles from the hotel.

www.discoverbroadripplevillage.com

St. Elmo Steak House

This National Historic Landmark has been an Indianapolis staple since 1902. The interior décor is straight out of a 1940's gangster movie, with mahogany paneling and a tin ceiling. The original tiger-oak back bar is still used today. If you're looking to treat yourself, pick something from the award-winning 20,000 bottle wine cellar. Located 3.5 blocks from the hotel at 127 South Illinois Street.

(317) 635-0336

www.stelmos.com

Bazbeaux Pizza

Voted Indianapolis's Best Pizza each year since 1986, they offer a large number of gourmet and specialty pizzas, sandwiches and appetizers, as well as a good selection of microbrews. Located one mile from the hotel at 333 Massachusetts Ave.

(317) 636-7662

www.bazbeaux.com

Yats

According to Urbanspoon.com this is Indianapolis's favorite restaurant! A Cajun Creole restaurant serving soul food with an ever changing list of specials, they strive to serve deeply satisfying food in large portions at reasonable prices at four locations.

www.yatscajuncreole.com

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President's Message

by Linda Fieldstone, MEd, Miami, Florida



Several years ago, a state agency sent staff to the various court circuits around the state to administer a survey on court employee job descriptions. After the representative heard what a typical day is like in Family Court Services in the 11th Judicial Circuit in Miami-Dade County, Florida, and after he had a first hand opportunity to observe a few meetings with our typical high conflict parents and families, with his tie dislodged from his collar, his shirt sleeves rolled high, sweat beading down his face, and after taking a pain reliever, he asked me what I did at the end of the day with all the built up tension from these toxic situations. Spontaneously I answered: I go home. I am so fortunate that after a typical

pressure cooker of a day in the office, although I love to be at work alongside those I so admire, I go home to my husband Ronnie and our four children (through four phone calls at this point). I would not be here, as President of AFCC, without their encouragement and support. They know that of all places, this one is of the last places I ever thought I would be. Which means watch out, you could find yourself serving as AFCC President, too.

How do you get to be President of AFCC? Well, you can start out with two visionaries in your state, like Greg Firestone and Judge Hugh Starnes, who consider the possibility of developing a Chapter of AFCC and decide to introduce their dream to other family law professionals around the state. Next, you have two judges in your circuit, for instance Sandy Karlan and Judy Kreeger, who pass along your name to add to the list of those invited to share their dream. You bring a pen and take notes during a breakout session and report back to the rest of the group who have decided that building a chapter is a pretty good idea.

You turn to those visionaries and those in your state for help and you turn to AFCC, to our amazing Executive Director Peter Salem and the devoted staff of AFCC for guidance. Before you know it, you turn around after holding your first chapter conference and realize this is only the beginning. You attend your first AFCC conference and you meet people you have been in awe of, learned from and been inspired by. You are thankful for the dedicated professionals you work with in your home locale, and the tolerance and support of your husband (or wife or partner), so you can go to AFCC conferences each year.

You bring home what you learned, excited and re-energized. With the help of AFCC, your court changes its language, broadens its understanding and becomes more sensitive to the children and families it serves. You watch your state chapter flourish and move on without you, better than ever. You miss them, but you have people like Justice George Czutrin and Leslye Hunter who offer encouragement to do more. You follow the lead of those before you, always appreciating the opportunities they gave you to say "yes, I will do that," and you work with extraordinary people and continue

to learn. You seek answers to questions and find refuge in the *Family Court Review*. Those you admire are so willing to take you in, offer suggestions, share information and discuss your views, without judgment. They inspire you and sooner than you think you are at a dine-around with nineteen others, from around the corner and as far as Hong Kong, interested in parenting coordination, or custody evaluation, mediation or family law. You are asked to join the Board of Directors and one day even to become an officer...you may say I don't know if I can do that...but you do. Because your belief in the organization is so much bigger than your belief in yourself...because you remember all those you have worked with are right there beside you and you are taking them all along with you.

You realize that even though your feet are not as big as those leaders before you, you can follow their lead because they are there to support you, as are your fellow Executive Committee members, the most knowledgeable and committed Board of Directors, and each and every member of AFCC. You realize that you are sharing that same dream you shared in the very beginning when your state chapter formed, the dream of better lives for children and for their parents; parents who may have once shared their own dream of being together but who are now apart, and children who dream of having two parents who love them more than they are angry at each other.

Our President Elect, Arnie Shienvold, told me: it's easy to work hard for an organization that works hard for you. Thank you for the honor of representing you this year. I pledge to work hard for you, along with all of you who work so hard for AFCC, to help those dreams become a reality. I look forward to seeing you in Philadelphia and Indiana in the fall and next year in Chicago!

– Linda Fieldstone
AFCC President

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Meet the new President of AFCC: Linda Fieldstone



Linda Fieldstone, MEd, is Supervisor of Family Court Services of the 11th Judicial Circuit in Miami-Dade County, Florida, and has been working within the court system for over twenty years. Family Court Services provides court-ordered interventions for high-conflict families. Linda describes her unit as a “one-stop shop,” which she likens to an emergency room, where direct services such as supervised visitation, drug testing, ADR, parenting coordination and referrals to community providers are available. The unit refocuses parents on their children’s well-being and encourages them to work toward solutions

in place of conflict. Besides being an administrator, Linda also provides direct service. Her background is in social work and counseling, so she has always seen families as a system; and working to help children has been her main motivation.

Although supervising such a diverse unit and providing direct service may sound like a lot, Linda has an incredible talent of keeping many balls in the air at the same time. She first learned of AFCC in 1991 at a Florida Supreme Court family mediation certification training. She instantly believed that this was the organization that family law professionals could call home and joined AFCC as a way to support the organization with her dues. A decade later Linda was one of the founding members of the Florida Chapter of AFCC and later served as that Chapter’s President. It was through her work in the Chapter that she became more directly involved with AFCC. Linda is the type of person that gets things done before you know you need them to be done. As AFCC Chapter Liaison, Linda helped to create guidelines for new chapters, and remains as involved with the 13 AFCC Chapters as she can. She was awarded the prestigious President’s Award in 2004 by then AFCC President Justice George Czutrin. Linda is extremely humble, and is sometimes uncomfortable accepting the praise that she easily lavishes on others. She is a great ambassador for AFCC, and says gratefully that everything she does professionally is informed by the organization.

Linda understands the ups and downs of being dependent on funding to keep services afloat for families involved in court proceedings. Her interest in parenting coordination has been motivated by the concern that high conflict families need alternatives to the adversarial court process, especially in communities that do not have a court services program available. In addition to developing the program in her circuit and promoting parenting coordination in Florida, she has been involved in research regarding parenting coordination and served on the AFCC Parenting Coordination Task Force, which developed Guidelines for Parenting Coordination.

The only subject Linda will talk about more enthusiastically than AFCC is her family. She is the embodiment of strong family values and a wonderful role model. She has been married to Ronnie, a commercial attorney, for 39 years. Until Linda started traveling to AFCC conferences, they had only spent five nights apart in all those years! They have four wonderful grown children, all community minded as well, and two grandchildren. Traffic on

her way home is no problem, since she talks to each of her children every night.

Besides being incredibly accomplished professionally and a wonderful family woman, Linda has a fun side. She writes poetry and is known to have an ode or rhyme prepared for a special occasion at work or with friends, or even at AFCC events. She enjoys cooking and makes bread from scratch for every Friday night. When asked about her goals for the coming year, Linda says she wants to feel worthy of her role in the organization and help support AFCC in making a difference. There is no doubt she will achieve those goals and more!

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In Memoriam

Jeanne Ames

I first met Jeanne Ames in the 1970's after becoming head of the Los Angeles Conciliation Court. Jeanne had just become head of the San Francisco Court.

Judge Markey was impressed with what the San Francisco Family Law Court was doing—mediating all custody and visitation disputes before a formal trial. He wanted to institute the same requirement in Los Angeles. Thus began my association with Jeanne through the California Chapter of AFCC.

We worked together around passing SB 961 (Sieroty), mandating mediation in all contested custody and visitation matters. With the passage of this bill we recognized the need for training and standards, especially when one county assigned this responsibility to the Sheriff.

Jeanne and Judge King began visiting other courts throughout the state. Jeanne and I worked together to develop the Vallambroso Conference in 1981, the first statewide conference dedicated to mediation and to facilitate the implementation of SB. 961, the transcripts of which are even more relevant today than they were 30 years ago. Jeanne and I published these articles together funded through her contact with the Drown Foundation.

After this conference Larry Briskin, Alan Sieroty's chief aid, called to tell me the County Clerks wanted to make the fee for all copies of marriage licenses the same as other documents and asked if we had any ideas about what might be done with the additional revenue. The first person I called was Jeanne Ames. Her response was the need for statewide coordination and training, which then led to the creation and funding for the Statewide Office of Family Court Services (AB 2445, Farr). It also required an annual statewide conference dedicated to these issues.

Jeanne was a remarkable woman full of life and humor. She was much more concerned about the greater good than any credit she so richly deserved. We owe her a great deal and she will be sorely missed.

However, her life will continue everyday through the work we do and the families and children who benefit from these efforts.

—Hugh McIsaac



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AFCC Member News

Pennsylvania Psychological Association

*Award for Distinguished Contributions to the
Science and Profession of Psychology*

June 17, 2011

Arnold T. Shienvold, Ph.D.

For more than thirty years, Dr. Arnold T. Shienvold has promoted the science and profession of psychology in the forensic domain. Recognized as an expert in child custody and family mediation, Dr. Shienvold's contributions go far beyond his professional practice. His career has been devoted to finding ways to bring the insights of psychology to dispute resolution in the legal arena, particularly in the area of family conflict.

Dr. Shienvold's effectiveness stems not just from his considerable knowledge of family conflict and dispute resolution, but also his ability to form relationships with key members of the Bar and Judiciary and gain their respect. His continuous and enthusiastic engagement with key members of the legal profession and his demonstration of the value of psychology in helping families in conflict has created an awareness of psychology as an essential partner and contributor to the work of the courts.

On the national level, he has helped shape the discussion between the legal and psychological professions as to models and guidelines for custody evaluation and parent coordination. He provides ongoing training to judges and attorneys in these models, often on a pro bono basis. He has served on interdisciplinary work groups that define the standards in the field.

His expertise has been recognized by colleagues who have elected him President of the Academy of Family Mediators and the Association of Conflict Resolution. His is President-elect of the Association of Family and Conciliation Courts.

Throughout his career, Dr. Shienvold has sought to promote a more human and psychologically healthy resolution of family disputes in our society. For his tireless work to bring the best our science and profession has to offer to conflict resolution in the forensic area, the Pennsylvania Psychological Association is proud to recognize Dr. Arnold T. Shienvold.

Jeffrey Piccus, Ph.D.
for the Pennsylvania Psychological Association



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ASK THE EXPERTS

Ten Reasons the Hague Abduction Convention May Not Be Enough
Leslie Ellen Shear, CFLS/CALS, IAML, Los Angeles, California

In cases where a child may travel, visit or move outside the United States, family law professionals usually ask whether the destination is a signatory to The Hague Convention on the Civil Aspects of International Child Abduction. That is not enough to know, if one is assessing the risk that the child will not be returned to the United States. Here are ten reasons why knowing that the destination is a "Hague country" may not be enough.

1. Not every country that is a signatory is a U.S. treaty partner

As new nations adopt the treaty, there is a process by which each country decides whether to accept a country's accession to the convention. Until the U.S. accepts a new signatory's accession, the treaty is not in effect between the U.S. and that country.

2. The treaty does not require recognition and enforcement of custody orders

The Convention has no provisions for recognition and enforcement of custody orders. It applies whether or not there is a custody order in place. The treaty creates the summary remedy of "return" (similar to extradition) to compel the return of a child who has been wrongfully removed or retained back to the country of the child's habitual residence so custody can be determined under the laws of that country.

3. The treaty does not protect children age 16 and older

Once a child reaches age 16, the Convention no longer applies. If the child reaches age 16 during return proceedings, the case must be dismissed.

4. When the child moves, the treaty offers little or no remedies for a left-behind joint custody or non-custodial parent

The Convention is based on the premise that the place of the child's "habitual residence" should decide custody. Even if there is a court order or agreement, identifying a particular country as the child's "habitual residence," it is not binding. Rather, at the tribunal hearing a Hague Convention petition must look to the facts and circumstances at the time of the child's removal to determine the habitual residence. Some countries have held that when parents have joint custody, habitual residence shifts each time the child moves back and forth. This means that if the child is with Parent A, the courts of that country can ignore the joint custody orders and make new custody orders. If Parent A has moved abroad with the consent of the other parent, or court approval, the country where the child lives will exercise child custody jurisdiction.

5. The exceptions to return under the treaty are increasingly being broadly construed

The Convention was drafted 30 years ago with a focus on abductions by non-custodial fathers. However, it turned out that the Convention is used more often by left-behind fathers after custodial mothers move abroad with the children. There have been several trends unanticipated by the drafters. Although the Convention offers the remedy of return only in cases where the child's removal violated the left-behind parent's "rights of custody," the definition of "rights of custody" has been greatly expanded. Similarly, although the exception to return where the child has been gone

for more than a year and is settled in the new environment, has a mature preference not to return, or where return would place the child at grave risk of physical or psychological harm are being more broadly construed to prevent return.

6. Many Hague signatory countries have poor Hague compliance

Experts estimate that only about half of the petitions for return brought under the treaty result in orders for the child's return. This estimate does not include voluntary compliance. The U.S. State Department publishes an annual report for Congress detailing compliance statistics and patterns for the U.S. and its Hague Abduction Convention partners. Those reports are sometimes criticized for minimizing problems.

7. Only about half of the Hague return orders are actually enforced

Many countries have no effective mechanisms for enforcing their own custody orders. Experts estimate that only about half of the orders for return under the treaty are ever enforced.

8. Litigation under the treaty can be costly and go on for years

Some countries offer legal services to left-behind parents and others do not. While return proceedings are intended to be summary in nature, some cases drag on for years. Moreover, if the parent takes the child to yet another country, the entire process must begin again (and there is no real remedy if the child is taken to a non-Hague country).

9. The "access" provisions of the treaty have no teeth

The Convention contains provisions permitting a left-behind non-custodial parent to petition for "access" (visitation). However, the treaty provides no criteria for access petitions, and essentially "access" petitions are merely requests for visitation under the laws of the habitual residence.

10. In cases where a child is wrongfully removed to the U.S., the UCCJEA often provides better remedies

The Uniform Child Custody Jurisdiction and Enforcement Act requires U.S. states to recognize and enforce many, if not most, foreign custody and visitations orders without modifications. Defenses to UCCJEA enforcement are narrow. Enforcing a foreign custody or visitation order in the U.S. is often the most effective remedy when a child has been brought to or kept in the U.S. in violation of that order.

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