



# AFCC eNEWS

MONTHLY E-NEWSLETTER  
VOL. 6 NO. 5  
MAY 2011

## AFCC 48th Annual Conference

*Research, Policy and Practice in Family Courts:  
What's Gender got to do with it?*

June 1–4, 2011

Hilton Orlando Bonnet Creek Resort  
Orlando, Florida

**There is still time to register!**

Make your conference check-in even smoother by pre-registering online, even after the conference has begun! AFCC will already have your information so you can spend less time in line and more time getting the most out of the conference and enjoying Orlando.

[Click here to register for the conference](#)

### Opening and Plenary Sessions

You will not want to miss these excellent sessions! These are sessions that all conference attendees are invited to attend. The Opening Session, *Gender and Domestic Violence: A Scientific Appraisal*, will take place Thursday, June 2 from 8:30-10am. Start your day off with a spirited debate on the relationship between gender and domestic violence. Panel members Amy Holzworth-Munroe, Ph.D., Jennifer Langhinrichsen-Rohling, Ph.D., K. Daniel O'Leary, Ph.D., and Walter DeKeseredy, Ph.D., with moderators: Nancy Ver Steegh, J.D., M.S.W., and Bernard Mayer, Ph.D. represent differing views on the subject. Be there to watch and listen as they combine decades of experience to examine critical issues in this nuanced discussion, exploring applications for policy and practice.

Friday, June 3, from 8:30-10am, join panel members Allan Barsky, J.D., Ph.D., David DeGarmo, Ph.D., Jana Singer, J.D., and moderator Hon. Linda S. Fidnick as they discuss the role of gender in contemporary parenting, separation and divorce. Questions addressed will include: How has the influence of gender on family law issues changed in recent years? Have changes benefited one gender more than the other? How do culture, socioeconomic status, sexual orientation, work roles and parenting styles play into the mix? Join this experienced panel of practitioners, researchers and scholars, as they explore the answers.

### Brief Report on Parental Alienation Survey

*By Amy Baker, Ph.D., Peter Jaffe, Ph.D., William Bernet, M.D.*

## UPCOMING CONFERENCES



### AFCC 48th Annual Conference

*Research, Policy and Practice in Family Courts: What's Gender Got to do with it?*

June 1–4, 2011

Hilton Orlando Bonnet Creek Resort  
Orlando, Florida

[Conference program](#)  
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### Platinum Sponsor:



### AFCC/AAML Conference

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

and Janet Johnston, Ph.D.

At the June 2010 AFCC Annual Conference in Denver, audience members at the Opening Plenary Session were asked to complete a one page survey about parental alienation and the *Diagnostic and Statistical Manual*, or *DSM*.

[Read more](#)

## ASK THE EXPERTS

### Ten Tips for Legal and Mental Health Professionals Involved in Alienation, or Alleged Alienation, Cases

By Barbara Jo Fidler, Ph.D., Nicholas Bala, J.D., LL.M. and Michael Saini, Ph.D.

Barbara Jo Fidler, Ph.D., Nicholas Bala, J.D., LL.M. and Michael Saini, Ph.D., M.S.W. will present a full day Pre-conference Institute, *Differential Responses to Alienation: Risk Factors, Indicators and Assessment*, June 1, 2011, in Orlando at the AFCC 48th Annual Conference. They have also written these ten tips to help family law professionals who work with these cases.

[Read more](#)

## AFCC Member News

**Chief Justice Paula M. Carey** will be awarded a Citation of Judicial Excellence on June 1, 2011, by the Boston Bar Association, recognizing her extraordinary service and outstanding leadership. Chief Justice Carey was appointed Associate Justice of the Probate and Family Court in 2001, and promoted to Chief Justice in 2007.

[Read more](#)

## Do Court-Appointed Experts have Immunity?

The answer to that question depends upon where s/he practices. While some states, like [Arizona](#), have recently enacted statutes that protect court-appointed evaluators and others, like [New Jersey](#), are trying to do so, the [United Kingdom Supreme Court](#) recently abolished immunity for expert witnesses. In some jurisdictions, immunity is decided by case law, rather than statute.

[Read more](#)

Share information about your jurisdiction. Please take a moment to answer a brief four-question survey. [Click here to take the survey](#). The information will be shared in an upcoming *eNEWS*.

## Bullying Among Middle School and High School Students Link to Family Violence

*Courtesy of Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, April 22, 2011*

Multiple studies have documented the association between substance use, poor academic achievement, mental health problems and bullying. A small but growing body of research suggests that family violence also is associated with bullying. To assess the association between family violence and other risk factors and being involved in or affected by bullying as a bully, victim, or bully-victim (those who reported being both bullies and victims of bullying), the Massachusetts Department of Public

Philadelphia, Pennsylvania

[More information](#)

## 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

[Call for Presenters](#)

[Submit a proposal](#)

## 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

## AFCC CHAPTER CONFERENCES

### 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

[Call for Presenters](#)

### 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

October 21, 2011

Sala Caboto at Villa Colombo  
Toronto, Ontario

[More information](#)

### California Chapter

Health and CDC analyzed data from the 2009 Massachusetts Youth Health Survey. This report summarizes the results of that analysis.

[Read more](#)

## Family Law: New Statute Adds Extra Hurdle to Admit Expert Testimony

By Gregg Herman, courtesy of *WisconsinLawJournal.com*

One of Gov. Scott Walker's first accomplishments in office was to sign 2011 Wis. Act 2, adopting the Daubert rule for admission of expert testimony. Wisconsin had long adhered to the "relevance" test for expert testimony: Whether the evidence would likely assist the finder of fact. As recently as a year ago, the Wisconsin Supreme Court refused to adopt Daubert in *State v. Fischer*, 2010 WI 6, 322 Wis. 2d 265, 778 N.W.2d 629. Never shy, the Wisconsin Legislature has decided it knows evidentiary law better than the Wisconsin Supreme Court.

[Read more](#)

## AFCC Members who Blog

[Jonathan Fogel](#), [Diana Mercer](#), and [Richard Warshak](#) blog on *Huffington Post/Divorce*, and [Rebecca Stahl](#) has a new blog, *Family Law—Shifting the Paradigm*.

If you are an AFCC member who blogs, please send a link to Leslye Hunter at [lhunter@afccnet.org](mailto:lhunter@afccnet.org) for possible future inclusion. All opinions in these blogs are those of the blogger. The views and opinions expressed in featured blogs do not necessarily represent those of AFCC.

## AFCC Trainings in Chicago June 20–23, 2011

AFCC, in collaboration with Loyola University Chicago School of Law's Civitas ChildLaw Center, is pleased to offer two new training programs. Each program is eligible for 12 hours of continuing education. [Click here](#) for more information or to register online.

*Keeping Parenting Coordinating Cases on Track: Advanced Concepts and Case Management Strategies*, presented by Matthew J. Sullivan, Ph.D., June 20–21, 2011, in Chicago, Illinois.

*Children and Divorce: The Voice of the Child and Interventions When Children Resist Parental Contact*, presented by Barbara Jo Fidler, Ph.D., AccFM., June 22-23, 2011, in Chicago, Illinois.

## AFCC Discussion Paper

### Guidelines for Court-Involved Therapy: A Best Practice Approach for Mental Health Professionals

By Hon. Linda Fidnick, Kelly A. Koch, Esq., Lyn R. Greenberg, Ph.D. and Matthew Sullivan, Ph.D.

The AFCC Court-Involved Therapists Task Force was given the charge of defining [guidelines](#) for the professional practice of therapists working with court-involved families. This is a pre-published version of *Guidelines for Court-Involved Therapy: A*

## 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

[Call for presenters](#)

## JOIN AFCC

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

## EMAIL UPDATE

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AFCC will never share,

*Best Practice Approach for Mental Health Professionals*, which will be published in the July 2011 issue of *Family Court Review*. This white paper is a discussion of the process, the guidelines and an overview of their benefits.

[Read more](#)

## 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!

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### **Brief Report on Parental Alienation Survey**

*by Amy Baker, Ph.D., Peter Jaffe, Ph.D., William Bernet, M.D. and Janet Johnston, Ph.D.*

At the June 2010 AFCC Annual Conference in Denver, audience members at the Opening Plenary Session were asked to complete a one page survey about parental alienation and the *Diagnostic and Statistical Manual*, or *DSM*. About 300 of the estimated 1,000 audience members completed the survey. Although the sample may not be representative of the broader population of legal and mental health professionals in the field, we thought that some of the results were worth sharing as "food for thought."

Nearly all of the respondents to the survey (98%) endorsed the question, "Do you think that some children are manipulated by one parent to irrationally and unjustifiably reject the other parent?" This question reflects the essence of parental alienation in that the cause of the child's rejection is outside the blame of the rejected parent. The survey results were overwhelming in support of the basic tenet of parental alienation: children can be manipulated by one parent to reject the other parent who does not deserve to be rejected. Despite this nearly universal consensus, there were some areas of debate among the survey respondents. For example, the group was divided as to whether the rejected parent was at least in part to blame when a child is alienated from a parent and the other parent is exhibiting alienating behaviors.

There was less agreement as to whether the disorder should be included in the *DSM*, with about one-third thinking that it should. The vast majority (85%) said that there would be unintended consequences if it were included, while about half said that there would be negative consequences if it were excluded. These data appear to mirror the general state of the field, with many professionals agreeing that parental alienation exists and can lead children to irrationally reject a parent, but not agreeing whether to consider it a psychiatric syndrome.

The lengthy comments offered by the participants revealed the passion felt by professionals on all sides of this issue and suggest that AFCC should continue to shine a light on diagnostic and treatment issues related to parental alienation of children. The authors are working on a more detailed article and analysis of the survey results and respondents' comments such as an examination of the differences in opinion related to a number of variables such as gender, profession and years of experience in the field.

During the June 2010 plenary panel discussion, two of us indicated strong opposition to a potential *DSM* diagnosis (Jaffe & Johnston) and two of us hoped that parent alienation makes it into *DSM-5* as a recognized childhood disorder (Baker & Bernet). Our forthcoming article will highlight the thinking on both sides of this ongoing debate.

*The January 2010 Family Court Review was a special issue dedicated to the topic of alienation and featured articles by practitioners and researchers from all sides of the debate. AFCC members can read this and other issues of Family Court Review from the archives by logging in to the Member Center on the AFCC website.*

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### ASK THE EXPERTS

#### **Ten Tips for Legal and Mental Health Professionals Involved in Alienation, or Alleged Alienation, Cases**

*By Barbara Jo Fidler, Ph.D., Nicholas Bala, J.D., LL.M. and Michael Saini, Ph.D.*

##### **1. Screen and identify parent-child contact problems early**

Just as there are different types and degrees of intimate partner violence and high-conflict, there are many reasons for a child to resist or refuse contact, including an age or gender appropriate affinity, initial alignments due to anger related to the separation, adaptation to the situational factors caused by the separation, or a justified rejection (realistic estrangement) due to violence, child abuse or neglect or inept parenting. Alienation is a child's expression of unreasonable and persistent negative feelings and beliefs (such as anger, hatred, rejection, or fear) toward a parent that is disproportionate to the child's actual experience with that parent. Many cases have elements of both alienation and justified rejection. Intentional and unintentional parental alienating behaviors by mothers and fathers are common in high-conflict separations; however, despite such parental conduct, many children do not become alienated from either parent.

##### **2. Triage, for an expedited and differentiated response**

Delays and ineffective legal and mental health interventions are likely to entrench family problems and make them more difficult to remedy. A differentiated response is required, depending on the reasons for and the severity of the strained parent-children relationship and the factors that are contributing to the contact problems, including the degree of parents' intentionality and responsiveness to the child's needs. If a child's resistance to visitation results from parental abuse or neglect, this needs to be identified as early as possible with appropriate protection plans put in place for the victimized parent and child. Mild and some moderate alienation cases may respond well to early intervention involving education and therapy, while these are likely to be ineffective in more severe cases and may even exacerbate the problem. In severe alienation cases, the alienating parental conduct is emotionally abusive, often resulting from personality disorders and destructive enmeshed parenting. In these severe cases, where less intrusive remedies have failed and the rejected parent can adequately care for the child, a custody change may be warranted. This is similar to child protection cases, where children may be apprehended from a parent due to severe mental health issues that significantly interfere with parenting capacity. To permit the child to reestablish their previously loving relationship with the rejected parent, the change in custody is likely to require temporary suspension of, or supervised contact with, the alienating parent, and may require therapeutic support.

##### **3. Listen to the voice of the child**

Often, children benefit from being heard and, while not determinative, their wishes and preferences are one important factor in the best interests test. Most children, though, do not want to choose between their parents. In alienation cases, children are unduly influenced by the favored parent, although the children will insist on the independence of their perspectives. Children's preferences often reflect the immediate future and do not always

reflect their long-term best interests. Even within the complexity of these cases, it is important for children's voices to be heard.

#### **4. Employ a two-pronged approach, involving both the court and the mental health practitioner**

When parent-child contact problems are identified, a case should be referred to effective case management by a single family law judge at the pre-resolution, resolution and enforcement stages of the court process. Mild and moderate alienation cases are likely to benefit from judicial exhortation and encouragement towards counseling and settlement on a basis that has both parents involved in the child's life. Often, the judge will need to include clear expectations and consequences for noncompliance, which can include specific sanctions or a custody reversal in the most severe cases. Accountability for behavior is less unlikely if the parents face different judges throughout the process. Some degree of reporting back to the court by therapists is necessary to ensure treatment compliance and resolution of the contact problem.

#### **5. Judges need to effectively enforce all orders**

Many alienating parents have personality disorders or related characteristics. Judges must follow through on violations of orders with appropriate responses to failures to comply. Not doing so only reinforces the parent's narcissism and disregard for authority and rules, characteristics that can be mirrored by alienated children.

#### **6. Involve all family members in treatment, not only individuals**

If abuse and violence have been ruled out, intervention for mild and moderate cases usually needs to include both parents and all children. While more than one therapist may be necessary, individual therapy for the child alone is unlikely to resolve the parent-child contact problem, and may well exacerbate the problem.

#### **7. Maintain open communication between all professionals to avoid professional alignments**

Many professionals (e.g., therapists, child protection workers, lawyers, teachers, physicians, etc.) are typically involved in cases involving high conflict or alienation. Mirroring the dynamics in the family, alignments amongst these various, well-intentioned professionals are common. To minimize this risk and to better assist the family, the order or treatment contract must indicate that there is no confidentiality and the treating professionals are permitted to exchange information with each other and the courts. Sometimes, a parenting coordinator or case manager is necessary to facilitate this process.

#### **8. Avoid dual roles**

Often, mental health professionals are asked by the court or lawyers to make recommendations about a parenting plan that will promote the best interest of the child. Those who have been involved in providing therapy to a parent or child may be called as witnesses, but because of their therapeutic allegiances, they should not perform a custody or visitation evaluation, or express global views about the child's best interest. Once it has been determined by a court or agreed by the parents that it is indeed in the child's best interest to have contact with the rejected parent, irrespective of the cause of the problem, the therapist's role is to implement a previously agreed to or ordered schedule. Putting the therapist in the role of offering therapeutic support and then offering opinions as to the child's best interest compromises their role and effectiveness. An order or consent order for therapy accompanied by a treatment contract is required. (See the [AFCC Guidelines for Court-Involved Therapy](#).)

#### **9. Interdisciplinary training and collaboration are best**

Specialized training and ongoing continuing education in high-conflict, alienation and intimate partner violence is imperative. Cross-disciplinary training will assist professional collaboration and recognition of the unique roles and responsibilities of each professional, thereby promoting an open-mind to different perspectives. Effective multi-disciplinary collaboration can prevent professional alignments and splitting.

#### **10. More research and further development of interventions are needed**

While there has been a significant increase in knowledge, there is clearly a need for more empirical studies to explore the etiology, prognosis and factors that contribute to strained parent-child relationships after separation. With the growing number of options for intervening in alienation cases, much more attention is needed to develop efficacy and effectiveness-based evaluation to determine what works, for whom, and in



which circumstances. A greater emphasis on evidence-based approaches would provide for better individualized decisions by integrating empirical evidence with practice wisdom and the unique contextualized factors of each case.

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