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

Register by September 30 and Save!

Registration rates increase after September 30. To ensure the best price on your conference registration be sure your registration information and payment are received online, postmarked or faxed on or before September 30.

If you are not already a member of AFCC, join when you register and register at the member rate—a substantial savings—you will also receive a $10 discount on your first year's membership. AFCC members always receive the best rates on registration for conferences and trainings.

Online registration
View the conference brochure

The Hyatt Regency Indianapolis is located in the heart of downtown Indianapolis. The hotel is connected by skywalk to the Circle Center Mall and is also within walking distance of the exciting and eclectic "Mass Ave" district. 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 special rate; therefore, early reservations are encouraged. Any non-reserved rooms will be released to the public for general sale on October 5 and the special group rate may not be available after that date.

Reserve your room now by calling (888) 421-1442 and requesting the special AFCC rate or use the online hotel reservations link below.

Make your hotel reservation
Plan your trip: Things to do in Indianapolis

AFCC in Chicago
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

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

AFCC 49th Annual Conference
June 6–9, 2012
Hyatt Regency Chicago
Chicago, Illinois

AFCC 10th Symposium on Child Custody Evaluations
November 1–3, 2012
Arizona Grand Resort
The June 2012 annual conference will take an in-depth look at attachment and neuroscience perspectives in child development as they relate to family law. Several sessions at this conference will continue the discussions begun in the July 2011 Family Court Review, guest edited by Dr. Jennifer McIntosh. Session topics will include many relevant subjects for professionals working with children and families.

Submit a Workshop Proposal by October 5
Take advantage of this opportunity to present your work to the interdisciplinary AFCC community; submit a proposal for a 90-minute workshop session. See the Call for Proposals for submission guidelines and topic suggestions. Proposals must be received via the online form by Wednesday, October 5, 2011, in order to be considered. The conference program brochure will be available online in late December 2011 and print copies will be mailed in January 2012.

Conference Scholarships
Scholarships to the AFCC 49th Annual Conference include conference registration, one full-day pre-conference institute, a certificate of attendance and admittance to all conference food, beverage and networking functions. This year, in response to concerns regarding the cost of travel and lodging, a record eleven scholarships will include a travel stipend. The online scholarship application will be available in January 2012.

Attachment Theme and FCR Special Issue
Stimulating Discussion

Peter Salem, Executive Director of AFCC, writes about the dramatic changes in our society and how they have affected the practice of family law in Security by Association: More Difficult Conversations.
Read

Jennifer McIntosh, guest editor of the July 2011 Special Issue of Family Court Review, explains how the project came about, discusses how the questions she asked the experts came from a survey of AFCC members, and more.
Listen

Read

Robert Emery, Associate Editor of Family Court Review, invites comments and discussion about these issues on his Psychology Today blog, Divorced with Children.
Read

Ask the Experts
Ten Things Evaluators Should Keep in Mind about Drug and Alcohol Abuse
By Claude Schleuderer, PhD, Kingston, New York

The following is intended as a framework for all evaluators to...
keep in mind as they proceed in any child custody evaluation in order to determine if drug and alcohol abuse issues exist and/or if further evaluation or intervention is necessary.

Read more

AFCC Member News

Barbara Babb, Karen Jensen, Jane Murphy and Pam Ortiz have been recognized among the top 100 Champions of Human Rights and Justice by Maryland Legal Aid.

Conferences of Interest

Supervised Visitation Network

**Working with High Conflict and Violent Families, Implications for Supervised Visitation**

October 26, 2011
Hyatt Regency Indianapolis

This one day institute will focus on the issues presented in supervised visitation when domestic violence is present. This institute will provide information to help professionals who work with SV providers and those who provide direct services, to understand how domestic violence may require changes to their services in response to the complex dynamic created. More info is available at SVNIndy.info.

ABA Section of Family Law Fall CLE Conference

October 26–29, 2011
Encore at Wynn Las Vegas
Las Vegas, NV

The ABA Section of Family Law Fall CLE Conference offers programs on a variety of topics, including alternative families, assisted reproductive technologies, marital property, and the military, to name just a few. Plenaries and hour-long courses will help you earn the CLE credit you need while offering the opportunity to learn from experts in the field.

For more information or to register for the conference, visit www.ambar.org/famlawfall.

AFCC and AAML Join Forces in Philly

A sellout crowd of more than 250 participants convened in Philadelphia for the first joint conference of the Association of Family and Conciliation Courts (AFCC) and the American Academy of Matrimonial Lawyers (AAML).

**Advanced Concepts in Child Custody: Litigation, Evaluation, Settlement** attracted a mix of lawyers, custody evaluators, judges and others from throughout the U.S. The program featured a mock trial, featuring lawyers Kenneth Lester, Columbia, South Carolina; Guy Ferro, New Canaan, Connecticut; psychologist Robin Deutsch, Boston, Massachusetts; and presided over by Hon. Dianna Gould-Saltman, Los Angeles, California.

Three days of conference breakout sessions included coordinated presentations by AFCC and AAML representatives on parenting coordination, parental alienation, domestic violence, ethics, child development, interviewing children, psychological testing, bias,
mental health consultation and relocation.

AFCC and AAML thank all of the conference presenters and planning committee leaders Ken Altshuler, AAML President Elect; Maria Cognetti, AAML Vice President; Arnie Shienvold, AFCC President Elect and Bob Smith, AFCC Past President.

For those unable to attend the conference, a limited number of electronic copies of the materials on USB drive are available through AFCC by contacting Erin Sommerfeld. Conference audio for conference sessions on *Biases and Opinion Formulation in Child Custody Disputes* and *Child Development and Attachment* are available at no charge to AFCC members in the Member Center of the AFCC website. Complete conference audio is available for purchase through Digital Conference Providers.

**Family Law in the News**

**Weight Gain Hits Women After Marriage, Men After Divorce**
*By HealthDay, courtesy of USA Today*

Tying or untying the knot seems to affect men's and women's waistlines differently: A new study shows that women are more apt to pile on excess pounds after marriage, while men add the weight after a divorce.

Read more

**Sensible, Smart, Love**
*By Mark Banschick, MD, courtesy of Huffington Post, Divorce*

For a little under two hours, "Crazy, Stupid, Love," directed by Glenn Ficarra and John Requa, goes about exploring the complex terrain of divorce, inviting the audience to engage in the relatable, mysterious, complicated topic of love. The film, jam packed with appealing stars, is a combination of comic scenes and unanticipated deeply emotional moments that provide an unusually sensible approach to the complications of divorce.

Read more
Security by Association: More Difficult Conversations

In the early 1960s, when AFCC was in its infancy, there was near certainty that children of divorce would live with their mothers while "visiting" with their fathers every other weekend. There was no such thing as no-fault divorce; domestic violence was a family secret; joint custody and contested relocation matters were not matters of concern for family court professionals; and the word "alienation" more likely referred to being abducted by a creature from another planet than one parent trying to influence their child’s relationship with another parent.

Flash forward almost 50 years and there have been dramatic changes in our society. Working mothers and stay-at-home fathers are not at all unusual. Shared parenting in both intact and separated families is commonplace. The greater awareness and understanding of issues such as domestic violence and child abuse has changed the way professionals in the family court arena do their work. Research continues to provide more (if not definitive) information to help guide practice. As a result, separation and divorce-related disputes have become more common and many are more contentious. The questions are more difficult and the challenges are greater for the AFCC community.

Over the last decade, AFCC has made a conscious effort to shine a light on the most difficult of those questions and examine them from the multiple perspectives that make up the field of professionals, family court users, and the research community. Discussions about topics such as domestic violence, alienation, shared parenting and relocation all seem to become highly politicized and fall along gender lines in spite of our best effort to focus elsewhere. As you might imagine, the views are extremely diverse and at times quite polarized. And so it continued this summer with the publication of the July issue of Family Court Review on Attachment Theory, Separation and Divorce: Forging Coherent Understandings for Family Law. That the same collection of articles could evoke comments from the same membership organization ranging from effusive to dismissive might surprise some people, but after hanging around AFCC for 22 years it was easy to see this one coming.

We will continue this conversation in much more depth, especially at the AFCC 49th Annual Conference, June 6-9, 2012 in Chicago, with a theme of Attachment, Brain Science and Children of Divorce: The ABCD’s of Child Development for Family Law. (The deadline to submit a proposal is October 5).

In this issue of the AFCC eNEWS you can listen to an audio interview with Dr. Jennifer McIntosh, guest editor of the July 2011 Special Issue of Family Court Review and read an article by AFCC member Dr. Benjamin Garber that poses some important and significant questions. Dr. Garber’s article is titled: “Security by Association? Mapping Attachment Theory onto Family Law Practice.” Along with his article, Dr. Garber provided one other piece of food for thought about the kinds of difficult conversations we have at AFCC. He wrote, "Please feel free to steal my title ‘Security by Association’ to write an editorial about family law professionals’ security by associating with AFCC even when we disagree with one another, it’s a ‘safe haven’.”

Although there is an enormous body of evidence that AFCC members have
different opinions on almost everything, I remain ever hopeful Dr. Garber has expressed a majority opinion about AFCC providing a safe haven and an environment that nurtures these difficult conversations, and that you will find a way to participate, whether by attending the Chicago conference, writing a response or convening a group of family law professionals in your community to discuss these challenging issues. Many thanks are in order to Dr. McIntosh and the contributors to this edition of the journal for their efforts to begin this conversation; to Dr. Garber for being the first to step up and continue the discussion with the AFCC community; and to all of you who will be part of this conversation in the coming months.
Security by association? Mapping attachment theory onto family law practice
Benjamin D. Garber, PhD, Merrimack, New Hampshire

The friend of my friend is my friend.
The enemy of my friend is my enemy.

-Ancient aphorism

This journal’s recent success bringing together a number of the world’s preeminent attachment theorists, researchers and clinicians to address many of today’s critical dilemmas in family law (Family Court Review, 49 [3], July 2011) prompts a paraphrase of astronaut Neil Armstrong’s proud declaration: ‘One small step for guest editor Jennifer McIntosh, one giant leap on behalf of the children involved in family law matters.’

Indeed, articles coauthored by McIntosh, Sroufe, Waters, Schore, Marvin, Seigel and others are remarkable not only for their insight, empirical integrity, and clarity of presentation, but arguably more so for the consistency of their messages. Chief among these messages is the proposal that infants benefit from a single, primary secure base at least until they have the cognitive wherewithal to understand the migratory patterns our courts are inclined to impose upon them (Main et al., 2011). Not only does primary placement in Parent A’s care through years one, two and three allow the dyad to develop a secure relationship, it opens the door for the child to thereafter develop secure bonds with others, including and especially Parent B. To divide the infant’s time otherwise, these authors argue, is to make the child work too hard and to potentially undermine her capacity to feel secure in any relationship.

Certainly no parent wants to be marginalized in the Parent B role, visiting his or her baby for brief daylight hours several times each week. However, the hypothetical parent who accepts the theory and manages to put aside his or her needs in the best interest of the child for as long as three years (or, more likely, the court-ordered parent who has no other choice, pending appeal), reasonably asks how the child’s socio-emotional gains in Parent A’s care will someday magically generalize to include him or her. Unfortunately, the attachment experts and the science that they so eloquently summarize fail to answer this question directly. Instead, one is left to infer a dynamic that might be conceptualized as security by association.

Primary versus secondary attachment?

The authors argue a la Bowlby (1988) that, in the harsh light of evolutionary biology, the infant’s opportunity to establish a primary attachment is imperative. They reason that the infant with a single, unambiguous safe haven has a survival advantage over her peer with two (or more) attachment figures who, figuratively consumed with the geometry of which of her havens is safest, risks being literally consumed by a predator in the process (Sroufe and McIntosh, 2011).

(This reasoning also allows one to imagine evolution’s first custody battle emerging as the latter child’s primary attachment figures argue over who can provide the best protection. The child thus triangulated is at an additional evolutionary disadvantage in that she becomes even more
vulnerable to predation while her caregivers are preoccupied filing motions and appearing in court.)

To those of us who fear that infancy constitutes a critical (or at least a sensitive) period for the development of attachments thereby locking out the poor, marginalized Parent B forevermore, the July *FCR* authors reply like a Greek chorus, ‘bah, humbug!’ Healthy human beings form attachment relationships throughout the lifespan, from grandparents to daycare providers and, as adults, to intimate partners. The question is, how?

**(In-)security by association**

Outside the extremes of deprivation, the quality of a child’s primary attachment relationship has no necessary bearing on the quality of her subsequent attachment relationships. We know, for example, that the quality of a child’s attachment to each of her two parents can be quite distinct and is strongly related to the child’s experience of each parent’s sensitive and responsive care (Main et al., 2011). Thus, when Parent B begins to assume greater and greater caregiving responsibility sometime in the child’s third year, he is neither gifted nor cursed by the child’s prior experience of Parent A’s caregiving successes and failures.

But is Parent B on his own to establish a secure relationship with the child whom he has only known in passing throughout the course of her first three years? These authors suggest that the answer is no. The quality of a child’s attachment with Parent B is strongly mediated via the child’s experience of Parent A’s relationship with and reaction to Parent B. This dynamic is implicit in George et al.’s (2011, p. 523) reference to the critical value of the primary parent’s endorsement of the potential new attachment figure, as when the child experiences his parents’, “…shared joy in the baby and eagerness to be together.”

Lieberman et al., (2011, p. 536) explicitly state that, "... to facilitate the development of an attachment to the father, the mother would be present with the father and the young child. Her presence would take separation reactions off the table for the child, and then at least they would be comfortable in exploring and developing a relationship with the father."

Richard Bowlby (2011, p. 555) recommends that, "Optimally, when you are building an attachment relationship, the primary figure is there, supporting it on a frequent basis, and physically present to start with. You have then got to start stressing the child a little, to realize that at some level their attachment seeking can be terminated by the new friend."

But what of the child who never receives Parent A’s endorsement of Parent B?

What happens when the toddler, held tight in Parent A’s arms, feels that caregiver’s pulse quicken, her muscles contract, her breathing become rapid and shallow, her voice become loud and harsh in response to Parent B’s approach? Far from inducing comfort, inviting exploration, and communicating security, these responses alert the child that a threat is approaching. They trigger proximity seeking. Being removed from the safe haven that Parent A provides is the last thing that this child needs—an outcome evolution has programmed her to avoid at all cost—and yet this is precisely the outcome that we have engineered.

Of course, Parent A is likely unaware of the extent to which she is communicating her anxiety about her former partner (no matter the objective validity of that reaction) to her child. From her point of view, the child’s clingy, distressed behavior in Parent B’s presence is certain confirmation of her worst fears. She believes that even the baby recognizes that her other parent is a (insert expletive) harsh, demanding, insensitive, even abusive and neglectful parent. In this way, the primary attachment figure and the child feed off of one another in a destructive and self-reinforcing spiral of anxiety-fear-greater anxiety such that the child’s opportunity to establish a secure relationship with Parent B is over before it’s begun. Thus alienation is born in its most primitive, preverbal form (Garber, 2004).

**Forensic applications**

Dr. McIntosh and colleagues have provided the family law community with an invaluable and long overdue perspective on the processes underlying the typical child’s experience of security and the role of this experience in shaping her continuing development. I fear, however, that we may do the children whom we serve a disservice by mapping population-based,
empirically-derived norms onto the very non-normative, unique subgroup who fill our offices and our courtrooms (Garber, 2009).

These parents represent a very small but very loud and demanding fraction among all divorcing parents. They are intractably conflicted; recidivist litigants who commonly behave as if their children are possessions to be divided like bank accounts, even if they know enough to say otherwise. Among these parents, custody is a matter of winning and non-custody is experienced as an intolerable narcissistic injury that must be righted, no matter the cost. I suspect that these adults are disproportionately unresolved/disorganized in their own attachment security (Main et al., 2011) and thereby especially vulnerable to role corruption in relationship with their children (Garber, 2011). The likelihood that any such parent would genuinely endorse her former partner to and around their child in the interest of fostering the child’s healthy (albeit secondary) attachment with that parent is remote.

Thus, I write to pose a critical dilemma: If we can reasonably anticipate that Parent A will never endorse Parent B as a potential secure attachment figure, does it still serve the child’s best interests to spend her formative years in a near exclusive relationship with that parent? How do the intangible scales of emotion, development, and relatedness weigh the greater stress that the young child who transitions between two primary caregivers must endure against the possibility that the child enjoys an exclusive primary attachment through infancy but might never thereafter enjoy the benefits of a secure secondary relationship?

With deep gratitude to Dr. McIntosh and colleagues and to FCR, I eagerly embrace their advice as it applies to those relatively healthy, mature and child-centered co-parents whom I see professionally. I am newly reassured that when mom and dad can act respectfully, their kids may benefit from that occasional shared Sunday brunch or post-game celebration. I have a new perspective on the child’s opportunity to experience her parent’s cordial, face to face meeting at transition, and valuable insights into the infant’s experience of overnights. Nevertheless, in my work as guardian ad litem, parenting coordinator, custody evaluator and co-parenting facilitator with high conflict parents, I will continue to draw the boundaries firmly and to carefully consider each individual child’s needs in an effort to serve his or her opportunity to make and maintain the healthiest relationship possible with each of his or her primary caregivers.

Citations


Main, Mary; Hesse, Erik and Hesse, Siegfried (2011). Attachment theory and research: Overview with suggested applications to child custody. Family Court Review, 49(3), 426-463.

Benjamin Garber, Ph.D., is a New Hampshire licensed psychologist, guardian ad litem, parenting coordinator, child and family therapist. Dr. Garber writes and speaks internationally on subjects in child and family
development, family conflict and the law. His books Keeping Kids Out Of The Middle (HCI, 2008) and Developmental Psychology For Family Law Professionals (Springer, 2009) speak to those parents and professionals, respectively, invested in better understanding and serving the needs of children. Learn more at www.HealthyParent.com.
Ten Things Evaluators Should Keep in Mind about Drug and Alcohol Abuse

Claude Schleuderer, PhD, Kingston, New York

Allegations of drug and alcohol abuse are common in child custody evaluations (CCEs). This puts the evaluator in the position of either having to contract out the drug and alcohol evaluation (D&A) piece of the comprehensive CCE or becoming skilled at doing that part of the evaluation themselves. Parcelling out the D&A will result in an increase in the burdens, financial and otherwise, for the family, because many elements of the D&A are the same as elements of the CCE (i.e., employment history, social and family history, collateral contacts and some parts of the psychological testing). Family members will have to repeat them two or more times if there are other allegations that are being independently evaluated. I have argued in other venues that, while a child custody evaluator should never engage in evaluating issues beyond their competence, it would be appropriate for evaluators to gain the expertise needed to do the D&A piece of the CCE.

The following is intended as a framework for all evaluators to keep in mind as they proceed in any CCE in order to determine if D&A issues exist and/or if further evaluation or intervention is necessary.

1. **Drug and alcohol abuse is rampant!** Ten percent of people over the age of 11 meet the diagnostic criteria for substance abuse or dependence (SAMSHA, 2002). If you have evaluated 100 people and not found a substance issue with some of your evaluees, you should wonder if you missed something.

2. **Drug and alcohol use is THE most important factor.** Drug and alcohol abuse has been rated by both evaluators and judges as the most important single factor in a best interest determination (Ackerman, 2004).

3. **Drug and alcohol abuse are “diseases of denial.”** The denial, however, is rarely that the individual doesn’t use at all, but rather that their use is normal or not indicative of a problem.

4. **The interview is the thing.** Because denial takes the form of minimization and rationalization, the best information that an evaluator will get is from a well structured interview. Similar to the field of domestic violence, "If you don’t ask, they won’t tell."

5. **The interviewer is important.** In order to get good information, it is necessary for the evaluator to set up and maintain an appropriate relationship in the interview. It is important to get the subject talking and keep the subject talking. It is important that the evaluator not react, either positively or negatively, to any of the information. Such a reaction would jeopardize the integrity of the interview and, as a result, the value of the information gathered. This author, along with Vicky Campagna (2004), has previously suggested some specific questions to ask. Begin with alcohol because it is the most socially acceptable substance; get a full history about alcohol before moving on to marijuana. Continue asking about one substance at a time and continue to do so for a long list of substances. Remember, get specifics and keep the subject talking!
6. **Collateral information sources are necessary.** While the interview is the best source of information, collateral corroboration is necessary. Certainly in a CCE each party may minimize their own faults and amplify the faults of the other, but if the subject knows ahead of time that corroboration will be sought, it increases the likelihood that the parties will be more forthright during the interview.

7. **Consider toxicology testing.** It is now a simple matter for toxicology samples to be harvested by the evaluator and sent to a lab. Besides urine toxicology, there is hair sample and an emerging nail scraping technology available as collateral sources of information. This is a very powerful technique. It is not uncommon for a subject who denies cocaine use in court papers to be more forthright during the interview when they know ahead of time that a hair sample will be taken.

8. **Remember the kids!** They can certainly be sources of collateral information regarding their parents’ use but, as evaluators, we tend to forget that kids use substances too. Estimates are that about 30% of kids between 12 and 20 use alcohol each month and that 20% of those binge drink (SAMHSA, 2002).

9. **Neuropsychology of substance abuse.** There is now a good deal of pure scientific understanding about the neuropsychological effects of substances and the resulting effect of substances on judgment (Schleuderer, 2005). That knowledge indicates that impaired judgment lasts longer than the period of intoxication, meaning that Court Orders that require a parent to abstain from alcohol starting 24 hours before an access period begins miss the mark because impaired judgment lasts longer than the intoxication period.

10. **Treatment and access considerations.** It is important that, in those situations in which treatment is called for, the treatment should occur with someone who has expertise in the area of substance abuse and MONITORS COMPLIANCE with toxicology testing. To do otherwise is to invite manipulation on the part of the user. It is also important in those situations to pair the degree and intensity of access to the length of sobriety.

**References**


*Claude Schleuderer, Ph.D., received his doctorate from the University of Georgia. He has performed family court evaluations for 30 years. In the past 15 years he has personally performed more than 1,200 evaluations involving more than 3,000 people and has supervised another 1,000 evaluations performed by other psychologists. He maintains a private practice and can be contacted at docc@hvc.rr.com.*