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eNEWS

#### Chicago Conference Update

The AFCC 49th Annual Conference, *Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law*, June 6–9, 2012, in Chicago is creating excitement! We anticipate that this conference will sell out; there are only 200 registration spots left. Please register and make your hotel reservations so that you will not be left out.

Hotel rooms at the conference hotel, the Hyatt Regency, have sold out. AFCC has secured additional rooms at nearby hotels. Overflow room blocks are also selling out quickly, so please book your room so that you will not be disappointed. [Online reservation links and phone numbers are available on the AFCC website.](#)

Rooms at the Hyatt Regency may become available as cancellations are possible between now and the conference dates; however, we encourage you to hold a room at an alternate hotel. AFCC will keep a waitlist for rooms at the Hyatt. If you would like to be added to the list, please [email Jessica Murdy](#) at the AFCC office or call (608) 664-3750. Please provide the following: your preferred dates at the Hyatt, other hotel arrangements, and dates of partial reservations at the Hyatt.

#### Things to Do in Chicago

The AFCC conference and overflow hotels are perfectly located to enjoy Chicago in June! On the shore of Lake Michigan and the Chicago River, near the Gold Coast, Magnificent Mile and Grant Park, there is something for everyone.

Those extending their stay or spending a day on the town might consider the [Chicago City Pass](#), which provides VIP admission to five popular Chicago attractions for one price. The attractions included are: Shedd Aquarium, Skydeck Chicago, the Field Museum, either John Hancock Observatory or Museum of Science and Industry, and either Adler Planetarium or Art Institute of Chicago.

To plan ways to spend your free time, download guides and maps, and see more extensive information on transportation and accessibility, visit [Explore Chicago](#), Chicago's official tourism site.

Here are a few popular places to get you started!

[Read more](#)

Stay Ahead of the Curve: Early View Coming to Family Court Review  
Starting with the publication of the April 2012 issue, *Family Court Review* will begin publishing articles online well ahead of the issues in which they are scheduled to appear. These articles, published in the Wiley-Blackwell "Early View" format, will be identical to the versions that eventually appear in the print and online issue. The articles will be electronically available to AFCC members and subscribers much sooner than the full issue. During a transition period, not all articles for a particular issue will be available in Early View, but over time, increasing numbers will be. With this added feature, *FCR* joins a number of journals in the social science and the legal communities, including *Law & Social Inquiry* and *Journal of Family Therapy*.

AFCC members will have full access to articles published in Early View. To use this feature, [go to the AFCC website](#) and click on *Family Court Review*. Then, login and when directed to the Wiley page, click on the Early View link under Find Articles on the left side of the Wiley Online Library. Similar to the electronic table of contents alert, AFCC members can adjust alert settings to receive email notifications when new articles publish. To receive any type of *FCR* e-alert you must create a separate profile on Wiley Online Library. To do this, visit [www.wileyonlinelibrary.com/journal/fcr](http://www.wileyonlinelibrary.com/journal/fcr) and click the "NOT

MONTHLY E-NEWSLETTER  
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#### 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, Illinois  
[Conference brochure](#)  
[Register online](#)  
[Hotel information](#)

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REGISTERED?" link on the top right side of the page if you do not already have a profile. AFCC members will continue to receive print issues of *FCR* as part of their membership.

Research on Muslim Marriage and Divorce

By Julie MacFarlane, LL.M., Ph.D.

Dr. Julie MacFarlane, an Institute for Social Policy and Understanding (ISPU) Fellow and AFCC member from Kingsville, Ontario, Canada, became interested in Muslim marriage and divorce in 2003 and began a study as an independent researcher. She has recently written several policy papers for ISPU and a new book *Islamic Divorce in North America: A Shari'a Path in a Secular Society* (Oxford University Press), which will be published in April 2012.

[Read more](#)

Ask the Experts

#### Top Ten Tips for Psychological Testing in Child Custody Evaluations

By David Medoff, Ph.D., Suffolk University, Boston, Massachusetts

Forensic psychological testing is a specialized area of practice that is profoundly different in many ways from psychological testing conducted for clinical purposes.

[Read more](#)

Call for Proposals

AFCC is accepting proposals for 90 minute workshop sessions to be presented at the 10th Symposium on Child Custody Evaluations, held November 1-3, 2012 at the Arizona Grand Resort in Phoenix. The deadline to submit a proposal is May 13, 2012; proposals must be submitted using the online form.

[Topic suggestions and submission guidelines](#)

[Submit a Workshop Proposal](#)

Conferences of Interest

#### ABA Section of Family Law

Spring CLE Conference

April 18–21, 2012

Eden Roc Renaissance Beach Resort

Miami Beach, Florida

[More information](#)

#### Supervised Visitation Network Annual Conference

May 9–12, 2012

Renaissance Orlando at Sea World

Orlando, Florida

[More Information](#)

#### International Society of Family Law

*Sustaining Families: Global and Local Perspectives*

June 14–16, 2012

The University of Iowa College of Law

Iowa City, Iowa

[More Information](#)

Family Law in the News

#### Secondhand Smoke a Factor in Child Custody

By Keith Ecker, Courtesy of Lawyers.com

When family law courts seek to make a determination regarding child custody, they often consider a wide variety of factors, all of which in the end speak to what situation may or may not be in the child's best interest. These factors can range from the parents' income to their mental health. But there's one factor in particular that appears to be gaining momentum among family law courts, and it could impact a significant number of child custody hearings.

[Read more](#)

#### Divorce Law's New Cut: Changes Meant to Protect the Poor Are Mandating Bigger Alimony Payouts

Courtesy of *The Wall Street Journal*

A New York divorce law passed in 2010 set a strict formula for judges awarding temporary alimony. Sondra Miller, a retired judge, and WSJ reporter Sophia Hollander discuss how a formula designed to protect low-income spouses has had unintended consequences for some affluent New Yorkers.

[Read more](#)

#### AFCC 10th Symposium on Child Custody Evaluations

November 1–3, 2012

Arizona Grand Resort

Phoenix, Arizona

[Call for Proposals](#)

[Submit proposal](#)

#### AFCC 50th Anniversary Conference

May 29–June 1, 2013

JW Marriott Los Angeles L.A. Live

Los Angeles, California

#### AFCC 51st Annual Conference

May 28–May 31, 2014

The Westin Harbour Castle

Toronto, Ontario, Canada

#### AFCC Chapter Conferences

##### 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, Washington

[More information](#)

##### Missouri Chapter Conference

*The Child's Voice in Child Custody Litigation:*

*The Who, What, When, Where and Why*

April 19–20, 2012

Sheraton St. Louis City Center

St. Louis, Missouri

[More information](#)

##### Massachusetts Chapter Conference

*The Search for Truth: Memory, Distortion and*

*Deception in Family Law Cases*

May 4, 2012

Regis College

Weston, Massachusetts

[More information](#)

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#### About AFCC eNEWS

Readers are welcome to forward this e-newsletter to interested colleagues. All opinions expressed are those of the author and do not necessarily reflect those of AFCC.

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## Top Ten Tips for Psychological Testing in Child Custody Evaluations

By David Medoff, PhD, Suffolk University, Private Practice, Boston, Massachusetts

### 1. Ensure Competence

Forensic psychological testing is a specialized area of practice that is profoundly different in many ways from psychological testing conducted for clinical purposes. Forensic practice occurs within a unique legal culture comprised of specific evidentiary rules and case law regarding the admissibility of information into the legal process (e.g., various rules of domestic relations; factors related to *Daubert*). Forensic work is also guided by specific expectations regarding professional standards and ethical codes of conduct. All of this must be considered before, during and after psychological testing, therefore, this type of work requires specialized education, training and experience.

### 2. Have a Well-Reasoned *a priori* Model of Assessment in Mind

There are two primary models for integrating psychological testing within a more comprehensive child custody evaluation. The first model involves testing by child custody evaluators themselves as one of several activities undertaken in that role. This model would be limited to psychologists who have the necessary training to conduct psychological testing. The second model involves psychological testing as a separate and independent service by a psychologist with requisite competence. Under this model, the tester would typically consider a more circumscribed information base stemming almost exclusively from the administration, scoring and interpretation of psychological test data. The child custody evaluator receiving the test report would then integrate test results into their broader based evaluation.

### 3. Know Your Role and Stick To It

The more circumscribed role of psychological tester may face challenges and potential intrusions which will most likely stem from attorneys attempting to advocate for their clients. This role will thus require protection against such potential intrusions, and maintenance of a strict focus on information needed to perform psychological testing is required. It will therefore serve the tester well to decline any offers of information or other input from attorneys, other than as directly related to the referral question, that do not specifically address the mandate of performing psychological testing.

### 4. Obtain a Court Order

If specific authority from the court for psychological testing has not been included in a prior court appointment or court order, get it. Although this may at times be portrayed as somewhat cumbersome or time consuming, acquisition of a court order can typically be easily obtained by an assented-to motion or stipulation signed by a judge. Acting under the authority of a court order accomplishes two major goals. First, it eliminates any potential legal argument to exclude a psychological test report levied by a displeased party claiming either a lack of authority for the testing or that the testing goes beyond the scope of the original evaluation order. Second, a court order may serve to add a layer of legal protection for the psychological tester should a complaint of some sort be filed against them.

## **5. Identify Your Client**

Differences between forensic and clinical practice can at times obscure a clear understanding of the identity of the client. In most instances, if operating under a court order or appointment, the court itself is your client. This however, is not always the case. While it may be understandable that litigants view themselves as the client, particularly because they are often paying for the services rendered and they are the subjects of the testing itself, litigants are actually the least likely of all parties concerned to be the identified client in this context. Because ownership and control of information is commonly related to the identity of the client, a clear understanding of client identity is necessary. This in turn facilitates the provision of informed consent, core elements of which include the clear delineation of the tester's role, a full disclosure of the limits of confidentiality that likely exist, and a description of how test results will be distributed.

## **6. Obtain a Clear Referral Question**

Psychological testing can be most effective when conducted in response to specific questions posed by the referral source. In some instances, naïve or uninformed parties making a referral for testing may be seeking information that cannot be acquired from this method of assessment. Thus, regardless of the referral source, clarification of the reason for referral is an essential aspect of psychological testing. This may require formal communication with the court or a more casual brief conversation with the referring child custody evaluator. Nevertheless, clear referral questions can facilitate important decisions regarding test selection and can direct an important focus on specific areas of function as may be indicated.

## **7. Select Appropriate Test Instruments**

There are virtually thousands of symptom rating scales, "structured interview scales" and "clinical methods" purporting to be accurate and consistent psychological tests. Don't believe it. As mentioned above, forensic psychological testing requires thoughtful consideration of specific legal rules and regulations, many of which form an essential foundation upon which test selection takes place. To that end, the psychological tester places a premium on standardized and empirically supported test instruments. Findings based on anything less allow for the introduction of error that can negatively impact test results and/or risk of the exclusion of test results from legal proceedings.

## **8. Engage Sound Testing Practices**

Even the most highly standardized psychological testing procedures are only as systematized as the practices employed by the individual tester. It is imperative that the well-defined rules developed for forensically acceptable tests are as strictly enforced as possible. Every reasonable effort should be made to avoid potential deviations from these standards of operation, and violations of these procedures should be kept to an absolute minimum. Should these standards be altered for some reason, an explanation for this deviation should be provided and any potential impact upon or limitations of obtained data should be described. To the extent possible, a multi-method process of psychological testing should be employed, thus making use of a behavioral observation and both self-report and performance-based measures.

## **9. Police Your Language**

Report writing is a learned skill that can greatly impact the use and/or potential misuse of psychological test data. Due to the adversarial nature of the legal system, it is critically important that one write in as clear and concise a manner as possible, thus minimizing potential ambiguity. A high level of scrutiny is typically applied to forensic report writing, for good reason, and avoiding the use of words that could have multiple meanings is advisable. Summary labels such as technical terms and professional jargon should be avoided. Phrases such as "abuse" or "neglect" should be either excluded entirely or further described in clear functional descriptive terms regarding the frequency, duration and intensity of the phenomenon being detailed. Together, this can serve to reduce the intentional or unintentional misinterpretation of intended meaning while protecting the integrity of one's written statements.

#### **10. Stay Within the Limits of Your Data**

Psychological test data, by definition, allows for more circumscribed impressions and conclusions than might be formulated from a more expansive information base. Despite various pressures that might be brought to bear, it is incumbent upon the psychological tester to resist any temptation to provide opinions or statements that go beyond the limitations of their data. Conclusions regarding custody, parenting time, visitation and/or vacation planning, for example, require information that falls well outside the scope of psychological test data alone, and should therefore be avoided. Psychological testing can provide detailed functional descriptions of an individual's emotional, behavioral and psychological capacities that are directly related to parenting abilities, but are not direct measures of parenting. This is a critical distinction that can at times be subtle.



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## Things to Do in Chicago

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To plan ways to spend your free time, download guides and maps, and see more extensive information on transportation and accessibility visit [Explore Chicago](#), Chicago's official tourism site.

Here are a few popular places to get you started!

[Navy Pier](#) is a 1.5 mile-long boardwalk overlooking Lake Michigan with something for everyone. One of Chicago's most popular attractions, it features brilliant views of Chicago's skyline, an iconic 150-foot Ferris wheel, live entertainment, restaurants and shops. Navy pier is also home to [The Shakespeare Theater](#). *Timon of Athens*, one of Shakespeare's most obscure and difficult works will be performed over the conference dates. The [IMAX Theater](#) offers a different kind of theater experience featuring current films in both 2D and 3D. The [Chicago Children's Museum](#) contains three floors of fun, interactive and educational activities. A hidden-gem, the Smith Museum of Stained Glass Windows, is also located inside the Pier. Boat cruises and sightseeing tours begin and end there as well.

[Millennium Park](#) offers its visitors far more than the average park. You will discover a remarkable collection of architecture, art and landscaping. Many free cultural events take place in the park—concerts, exhibitions and family events. Famous spots in the park include Cloud Gate (the shiny bean), the Jay Pritzker Pavilion (a state-of-the-art outdoor concert venue), Lurie Garden, Wrigley Square and Millennium Monument, Boeing Galleries, the Harris Theater, and too many more to mention here! Be sure to check the schedule of events as the conference dates approach.

Explore a different view of Chicago from The Ledge at the [Skydeck at Willis Tower](#) (formerly the Sears Tower). This is not for the acrophobic among us. You can step outside the third tallest building in the world onto The Ledge, glass boxes that extend out four feet from the Skydeck.

Museum Campus is a 57-acre Lake Michigan lakefront park, which is also home to the [Shedd Aquarium](#), [Field Museum of Natural History](#), and [Adler Planetarium and Astronomy Museum](#).

The [Art Institute of Chicago Museum](#) houses more than 5,000 years of human expression from cultures around the world; truly one of the finest art collections in the world. Exhibitions over the conference dates are too numerous to list; see the Art Institute website for details.

Play ball! Or watch the professionals. What says summer in Chicago like a baseball game? The Cubs are on the road, but President Obama's beloved [White Sox](#) are at home over the conference dates for a series against the Houston Astros. Ticket information and the complete schedule are available on the White Sox website.

Shopping? You've come to the right place! Within a ten-minute walk from the Hyatt you can visit the second largest department store in the world—Macy's is on State Street. Marshall Field's is also just around the corner and there are plenty of boutiques and shops in between. Just a short cab ride or a 15-20 minute walk north along Michigan Avenue will bring shoppers to the [900 North Michigan Shops](#), Bloomingdales, Lalique, Coach, Gucci and more in a high rise mall located at 900 North Michigan Avenue. And while you're in the area, [Water Tower Place](#) is home to Macy's, Lord & Taylor, and seven floors of shops. This might be a good place to refresh, with upscale dining options on site.

And dining. Eating out is a fun part of any trip and there won't be enough nights to try even a fraction of the fabulous restaurants Chicago has to offer. Chicago is home to seven AAA Five-Diamond restaurants, the most of any city in the US. You'll want to try signature Chicago dishes, like deep-dish pizza and Chicago-style hot dogs.

[The Museum of Science and Industry](#) has something for the child in all of us, like a fairy castle complete with tiny chandeliers containing real diamonds. You can watch baby chicks emerge from their shells at the "Genetics-Decoding Life" exhibit. The Omnimax Theater shows science and space related films and you can relax and get an ice cream between exhibits in the old-fashioned ice cream parlor tucked away on an old-time Illinois main street. Catch the exclusive *Mythbusters: The Explosive Exhibition* over the conference dates.





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## Research on Muslim Marriage and Divorce

By Julie MacFarlane, LLM, PhD

Dr. Julie MacFarlane, a fellow at the Institute for Social Policy and Understanding (ISPU) and an AFCC member from Kingsville, Ontario, Canada, became interested in Muslim marriage and divorce in 2003 and began a study as an independent researcher. She has recently written several policy papers for ISPU and a new book *Islamic Divorce in North America: A Shari'a Path in a Secular Society* (Oxford University Press) available April 2012.

### Dr. MacFarlane, please tell us a bit about this research:

*JM: I have completed a four year empirical study using personal interviews with divorced men and women from the Muslim community, imams and other community leaders and specialists (including social workers, therapists, etc.) in Canada and the US. My focus was on the process of religious divorce, but I also learned a great deal about Islamic marriage and its meaning, sources of marital conflicts within the Muslim community, and the cultural and familial importance attached to rituals of Muslim marriage and divorce even for more secular Muslim men and women, including those born and raised in North America.*

### Were there any results that were particularly surprising to you?

*JM: All of it. I didn't understand how completely ordinary and mundane things are. In the Muslim world of divorce, there are no tribunals—just a person, an imam. It is classic informal dispute resolution, warts and all. The process depends very much on the personality of the imam: the whole range of values and views are represented. For instance, some are very sensitive to domestic violence, others are not. The process of pursuing a Muslim divorce is very commonplace, even by the non-religious. It is more cultural in some ways. Muslim law is seen as a supplement to, not a substitute for, secular legal processes.*

For more information, please read a summary of Dr. MacFarlane's research results on marriage and divorce, [\*Understanding Trends in American Muslim Divorce and Marriage: A Discussion Guide for Families and Communities\*](#), and a summary of her findings on the meaning of shari'a to North American Muslims, [\*Shari'a Law: Coming to a Courthouse Near You?: What Shari'a Really Means to American Muslims\*](#).