



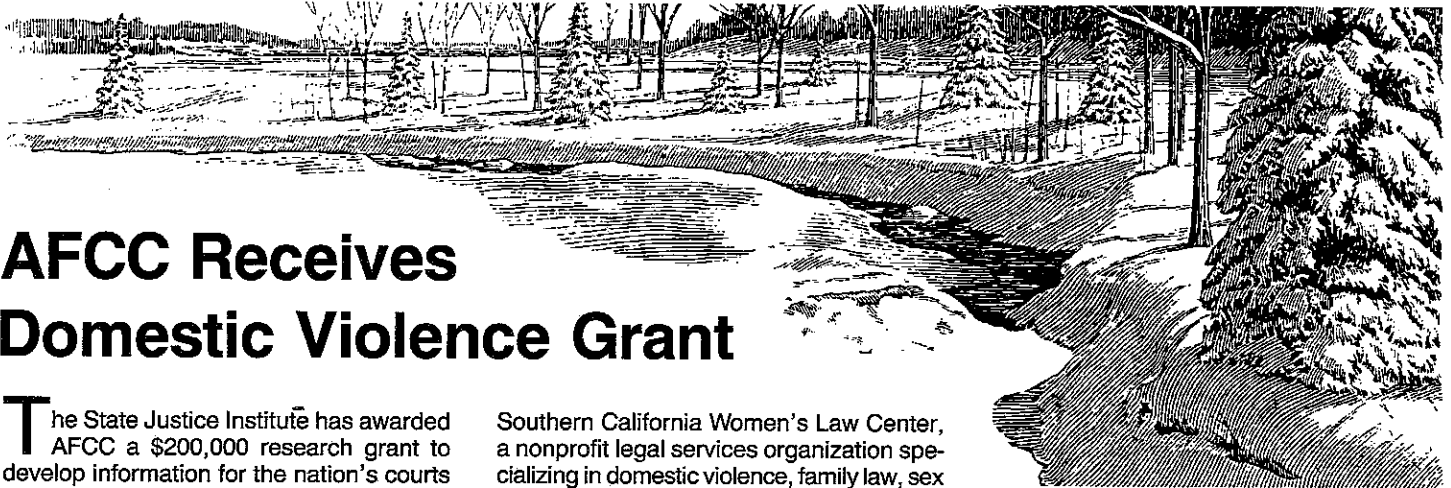
# NEWSLETTER

## Association of Family and Conciliation Courts

An international association of judges, counselors, court evaluators, mediators, and lawyers

Volume 11, Number 1  
Winter 1992

Editors: Ann L. Milne  
Rebecca Greenlee



## AFCC Receives Domestic Violence Grant

The State Justice Institute has awarded AFCC a \$200,000 research grant to develop information for the nation's courts on the effective resolution of custody and visitation disputes in divorce and post-divorce civil actions and actions between unmarried partners where there have been instances and/or allegations of domestic abuse. Courts in Minneapolis, Minnesota and Portland, Oregon will serve as the research sites.

Objective information about the effectiveness of mediation and adjudication is needed to guide state courts in developing policies in what has become a heated debate between proponents of mediation who see this process as empowering women to assert their interests in a neutral setting and advocates for abused women who argue that the deeply embedded power dynamics of the relationship lead to subtle coercion, ill-advised tradeoffs, agreements that are unfair to the victim, and potential further abuse.

Dr. Adele Harrell, senior research associate at the Urban Institute, Washington, DC will serve as the principal investigator and Peter Salem, Director of the Rock County, WI Family Court Services will serve as project director. Dr. Harrell currently directs two SJI-sponsored studies on domestic violence issues: an evaluation of court-ordered treatment for domestic violence offenders and an evaluation of strategies for improving the effectiveness of civil protection orders for domestic violence victims. Mr. Salem has worked closely with local domestic abuse coalition and shelter staff members.

A seven member advisory panel will view field work plans and materials to ensure that the design and field work protocols are appropriate. The panel has been selected to represent diverse points of view and experiences. Panel members include Shelia Kuehl, JD, managing director of the

Southern California Women's Law Center, a nonprofit legal services organization specializing in domestic violence, family law, sex discrimination and reproductive freedom cases; Daniel Saunders, Ph.D., Associate Professor at the University of Michigan where he is currently teaching graduate level courses on domestic violence and conducting research on treatments for men who batter and posttraumatic stress in battered women; Joan Kelly, Ph.D., Executive Director Northern California Mediation Center, co-author of *Surviving the Breakup* and principal investigator of the Divorce and Mediation Project; Janet Johnston, Ph.D., Director of Research for the Center for Families in Transition and co-author of *Impasses of Divorce*; Russell Schoeneman, Ph.D., Director Maricopa County Conciliation Services; Hon. Susan Snow, President of AFCC and Associate Judge Cook County Circuit Court; and David Levy, Esq., President National Council for Children's Rights.

Participation in the project will be voluntary. Project participants will be screened for eligibility at initial contact by specially trained research staff. Screening will be designed to identify cases in which domestic violence is a current or prior issue and to eliminate cases with a history or risk of severe violence. Cases involving terroristic acts and those in which victims report fear of imminent violence will not be considered eligible and will be dropped from the sample.

The 21 month project will result in a comprehensive report on the project's findings. The report will identify key questions and policy and procedural issues for the most effective disposition of these cases.

To receive further information about the project, contact: Peter Salem, AFCC Project Director, or Ann Milne, AFCC Executive Director, 329 W. Wilson St., Madison, WI 53703, (608) 251-4001.

### Dues Are Due

AFCC 1992 dues notices were sent the first of December. Please remit your dues as soon as possible and save us the cost of having to send a reminder notice. Tax deductible contributions may be enclosed with your dues and will help AFCC to expand our services and reach new members. This is also a good time to sign up a new member or to give a gift membership.

<b>Individual</b>	\$95/year
<b>Institutional</b> (provides 3 copies of Review, Newsletter, etc.)	\$180/year
<b>Student</b>	\$30/year
<b>Life</b> (may be paid in two installments)	\$600

### CA CHAPTER DUES

<b>Individual</b>	\$25/year
<b>Institutional</b>	\$50/year
<b>Student</b>	\$5/year

### AZ CHAPTER DUES

<b>Individual</b>	\$20/year
<b>Institutional</b>	\$40/year

### KS CHAPTER DUES

<b>Individual</b>	\$25/year
<b>Institutional</b>	\$50/year

Remit in US funds to:  
**AFCC**  
329 W. Wilson Street  
Madison, WI 53703



# AFCC ANNUAL CONFERENCE

“The Family Court of the Future”

May 6-9, 1992

Hilton Beach & Tennis Resort  
San Diego, CA

**THE FAMILY COURT OF THE FUTURE** will be the theme of AFCC's 29th annual conference May 6-9, 1992 at the San Diego Hilton Beach and Tennis Resort. Murray Bloom, conference chairperson, has hosted a number of successful AFCC conferences and intends to make this conference one that participants will long remember.

A pre-conference Advanced Mediation Training Program will be held Wednesday, May 6, 1992 from 9am-5pm. Trainers include Joan Kelly, Donald Saposnek, Hugh McIsaac and Robert Benjamin. Registration for the pre-conference is \$55.

The annual conference will be led off by Dr. William Hodges, popular AFCC presenter and author of his latest book, *Interventions for Children of Divorce*. Other

presenters include Isolina Ricci, author of *Mom's House—Dad's House*; Alan Adler and Christine Archambault, co-authors of *Divorce Recovery*; Joan Kelly; Donald Saposnek; Hon. Don King, California Court of Appeals; Hon. Len Edwards, San Jose, CA; Hon. Benjamin Mackoff, Cook County, IL; Hon. Mike Towne, Hawaii Unified Family Court; and Noel Phelan, President, California Association of Marriage and Family Therapists.

Workshops will include “Models of Juvenile and Domestic Court,” “Attorney Interviewing Techniques,” “Judicial Settlement Techniques,” “Private Counselors and Court Cases,” “Comprehensive Update on Family and Children of Divorce Research,” “Child Support Issues,” “Use of Child Custody Evaluations,” “Administration of Family Court Services,” “Domestic Violence Task Forces,” and “Cross Cultural Dynamics in Mediation.”

Conference Registration prior to 3-10-92 for AFCC members is \$180; non-members \$200. After 3-10-92 member registration is \$195; non-members \$215. For further information contact: Murray Bloom, Family Court Services, 1501 Sixth Ave., San Diego, CA 92101, (619) 557-2125.

Participants in the 5K run/walk will receive an official AFCC T-shirt. Other optional activities will include a trip to **Tijuana, Mexico** and a **boat ride on the bay**. The Finals of the **America's Cup** will also be held during our time in San Diego. Conference planners are looking into an optional boat trip to review the competition. Further information on the C races may be obtained by calling 1-800-862-6652.

**The Hilton Beach and Tennis Resort** is located on Mission Bay, one of San Diego's most beautiful water spots and only 10 minutes from the airport. The 4,600 acre hotel grounds include an aquatic preserve featuring beautiful beaches, secluded coves and lushly landscaped parks. Conference room rates are \$114 + tax single or double. Call (619) 276-4010 for reservations and request the AFCC conference rate.

The **AFCC Newsletter** is published four times a year in January, April, July and October. News items should be sent by the 15th of the month preceding publication to Newsletter Editor, Ann L. Milne, 329 W. Wilson Street, Madison, WI 53703, (608) 251-4001.

## AFCC Newsletter Advertising Rates

Advertising copy must be received by the 15th of the month preceding publication. Send your camera-ready advertising copy and payment in US funds to:

**AFCC**  
329 W. Wilson Street  
Madison, WI 53703

Full page .....	\$350
Half page .....	\$250
Third page .....	\$125
Sixth page .....	\$ 75

## San Diego Conference Includes Work and Play

AFCC conference schedules are always packed full with workshops and educational sessions. This year conference planners are taking advantage of the Hilton Hotel's resort setting and adding several other optional activities to help invigorate mind and body.

**The First Annual AFCC Fun Run/Walk** will be held during the conference. Partici-

## SJI Offers Judicial Scholarships

The State Justice Institute is reserving up to \$100,000 to support an experimental judicial education scholarship program in fiscal year 1992. The Institute will fund up to 75% of the total cost of attending a program (including travel, tuition, lodging, meals and other necessary expenses), up to a maximum of \$1,500 per scholarship. Judges interested in obtaining a scholarship must submit the application form (Form S1), preferably 60 days in advance of the program. The applicant must obtain the written concurrence of the Chief Justice of his or her state. Contact the State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684-6100.

## Member Profile



Frances Bernfeld

Arizona Chapter President, Frances Bernfeld, is one of those electric people who is charged with energy. In addition to her position as a therapist and mediator with the Conciliation Court in Tucson, AZ, Frances has been teaching a PAIRS class for couples and individuals. The class focuses on the prevention of marital breakdown. She also serves as the Community Relations Coordinator for the Conciliation Court and organized the Court's first educational program for parents and children experiencing divorce. Frances coordinated the development of the popular video "For Your Children's Sake," which is used by a number of courts as a part of the divorce orientation program. She has served on the Arizona chapter of AAMFT and has been a presenter at several of AAMFT's national conferences. She is fluent in Spanish and lived in Spain for several years following her marriage.

Divorced now, Frances has a daughter who is studying law. Similar to her professional life, Frances' home life is also very full. She recently completed a SCUBA diving class and loves to travel. Ironically, she met fellow AFCC member Lolly Levit while traveling on a professional seminar to Russia sponsored by well-know family therapist James Framo. Frances and Dr. Levit have enjoyed being able to keep in touch through AFCC conferences and most recently when Dr. Levit attended the Arizona chapter meeting in Sedona. And for those of us who enjoy Spanish cuisine, we can thank Frances for introducing paella and sangria to our culinary fare. Frances ran a Spanish restaurant for 10 years and helped to popularize these tastes in the U.S.! Thank you, Frances for all of your contributions. Your energy lit up the Sedona conference.

## SPOTLIGHT SERIES

### Part I

## Albuquerque Court Clinic Guidelines

Several family court programs have developed informational guidelines to give to disputing parents concerning the needs of children at different ages. This Newsletter features the Second Judicial District Court Clinic in Albuquerque, New Mexico.

The Albuquerque Court Clinic provides written guidelines to parents before the mediation process. The handout describes the mediation process, defines basic terms such as "joint legal custody" and "time-sharing," and provides information about different timesharing plans, the implications of poor parenting plans and the needs of children at different ages.

The Court Clinic program begins with an orientation for parents, following which they are assigned a mediator. The mediation sessions begin with a discussion of legal custody. In New Mexico, the law favors joint legal custody, however, this is one of the most misunderstood concepts among parents. Joint legal custody in New Mexico means that parents share major decision making in five areas of their child's life: residence, education, non-emergency medical and dental care, religion and recreation. As each area is discussed the mediator and parties refer to "periods of responsibility"—the time each parent has the child under the parenting plan.

### Guidelines

**Residence** The name of the city in which the child lives will be listed. The child will live in that city until both parents agree otherwise or the court enters an order allowing the child to move.

**Education** Both parents must agree on the school or day care the child will attend. To maintain stability for the child each parent should use the same provider for regular day care. Each parent must take responsibility for maintaining contact with teachers and day care providers and should notify the school of both parent's current address and ask that information be sent to both parents.

**Non-emergency medical, dental, or psychological care** Parents should continue with the child's same doctor, dentist, or therapist after separation and divorce. If a new provider must be chosen, both parents should obtain information and together decide who will provide the child's care and treatment. This creates less confusion regarding records and minimizes the chance for different providers to prescribe conflicting medication.

**Religion** Whatever the parent's religion was at the time of the marriage or commencement of the relationship should be considered the child's religion. This may mean no religion is declared. A child may attend church services with a parent but cannot officially join a different religion or be given formal classes in church doctrine.

**Recreation** If either parent wants the child to be enrolled in a recreational activity, they must first get the permission of the other parent. Both parents must agree that the child will get to all practices and activities during his or her time of responsibility.

The Court Clinic guidelines point out that the best way to make changes is *in writing* with a description of the activity, who is in charge, and the time commitments. If the parent receiving written notification says

"no" he or she should provide an explanation of the reason. A "yes" means the parent agrees with the change and will be supportive of the other parent as it is implemented.

**Sole Legal Custody** On occasion, sole legal custody is recommended for reasons such as: one parent is seriously physically or mentally ill and unable to participate in decision making; one parent is living too far away to make communication practical; or the level of hostility between parents is so high that communication is impossible. The parent without legal custody should still be consulted and involved in decisions concerning the child. However, that parent does not have to give permission for a change in the status quo unless the change will interfere with time-sharing.

**Time-Sharing** Once legal custody is negotiated, the parents discuss time-sharing, or periods of responsibility. Parents should keep in mind such things as the child's age and temperament, the logistics of implementing a given schedule and the amount of contact that will be required between parents to carry out the schedule. Parents should also recognize that plans may need to be revised as children's needs change, typically every two years.

The Court Clinic guidelines provide summaries of children's needs at the developmental stages of: under 18 months; eighteen months to two years; ages two to five; the grade school years; and junior/senior high years. These guidelines will appear in the next issue of the Newsletter.

For a copy of the guidelines or additional information, contact Family Court Clinic, 415 Tijeras NW, 2nd Fl., Albuquerque, NM 87103 (505) 841-7409.



## President's Letter

Dear Friend and Colleagues;

Our work exposes us daily to the painful realities of divorce. Lately, that reality is frequently made more difficult for families because of job losses and terrible economic stresses. Those concerns make the provision of established alternatives to litigation more important than ever for families in dispute. Our empathic assistance at these doubly stressful times is of enormous value.

We are all touched by the difficult economic conditions. For many of us in the courts, our budgets limit conference travel. We hope you'll be able to plan for time with us this year in San Diego. The value of our conferencing in AFCC always seems to surpass the dollar cost.

As I write, I am preparing for an exciting trip to Jerusalem to address the Congress of the International Association of Marital Therapists. My topics put me right at home with AFCC philosophy and I am looking forward to this opportunity to share our multi-disciplinary model.

I have just returned from a truly exciting experience conferencing with the Arizona Chapter in Sedona. Their annual meeting was a multi-dimensional success. It's always exciting to see that 'light go on' for those experiencing AFCC for the first time and it's even nicer to spend time with those who have made AFCC a special place for me since the beginning. It was a professional treat to visit Pima County's (Tucson) Conciliation Court in action and a personal treat to make so many new Arizona friends. I'm grateful to Fran Bernfeld, outgoing chapter

President, Linda Kerr and Judge Peggy Houghton for making this opportunity possible.

What we learned from the well developed theme of that Sedona meeting, "Resolving Ethical Dilemmas . . .", was that our dilemmas frequently represent the conflict between two or more sets of values. We, as professionals, have an obligation to attend to certain established ethical codes. In our work with families, these values often come into conflict with our human values. The voice of the Arizona conferees seemed to express the consensus that one of the human values which must rise to priority in these conflicts is a concern for the needs of children. Though the respective disciplines tend to assign to the 'others' the responsibility for making the wrong choices, in the end, we all have the opportunity to make life's critical choices individually everyday. May we all make them from a caring heart.

Until we meet again in San Diego, be kind to each other.

Your President,  
*Susan Snow*

## Using Games in Custody Evaluations

*The last issue of the Newsletter featured a story about games used in the custody evaluation process. This issue features **The Story Telling Game**, submitted by Nina Jean Barrett, M.A., Family Court Services, Dallas, Texas.*

Games are a universal form of recreation and one of a child's first forms of communication with others. The basic function of games is to intensify human experience in ways that are relatively safe. It is this factor that makes games an extremely useful tool for the custody evaluator who must be able to reach through the confusion, anxiety, and protective shell a child may present in the wake of the parent's decision to divorce.

One such tool used by the Dallas Family Court Services staff is **THE STORYTELLING GAME**. The most effective age range is from four to eleven; the upward ages being more prone to defensiveness and the realization that their stories can be revealing.

The game consists of twenty-four picture cards, twenty depicting various common scenes devoid of humans or animals, and four blank scenes. The players are each given five reward chips with additional chips

being acquired through the storytelling process. The child earns chips for a story about the picture and an additional chip for a lesson or moral to the created story.

There is an allowance for flexibility and modification of the rules to accommodate those children who are resistant. The custody evaluator, while instructing the child to present a story from their own imagination, can utilize the stories as a point of departure to elicit discussion and inquiry. In addition to direct discussion with the child, the game can be a particularly useful assessment tool, especially in verbally limited children with regard to such aspects as:

- with whom the child has close attachments.
- the way a child views him or herself as seen by the significant individuals in his or her life.
- how the child relates with parents, siblings, etc.
- routine scenarios in the child's life.

Further information about **The Storytelling Card Game** may be obtained from Creative Therapeutics, 155 County Road, Cresskill, N.J. 07626-1317 or by telephoning: 1-800-544-6162.

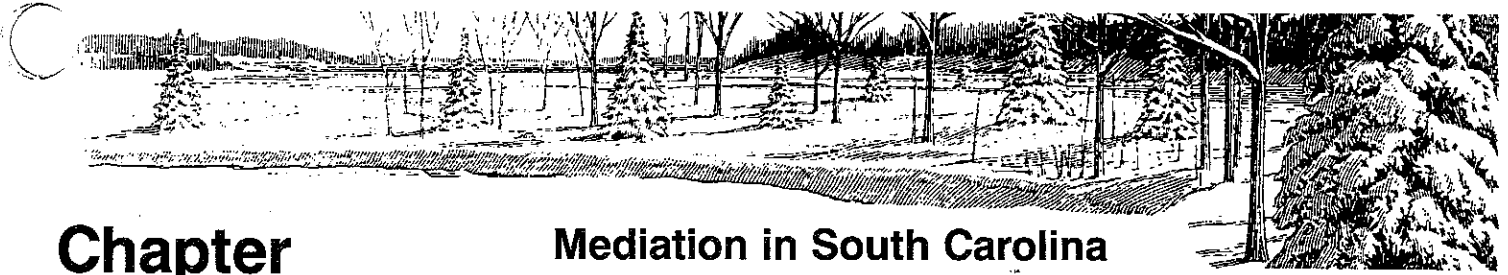
## JOB ANNOUNCEMENT

**The Greater Boston Legal Services** is seeking a Family Law Managing Attorney to manage its Family and Individual Rights Unit. This person will supervise and be responsible for implementing unit priorities, coordinating all advocacy, including legislative and administrative, on behalf of family law clients; maintain a reasonable caseload; and supervise and direct staff attorneys, paralegals and support personnel assigned to the Unit. Qualifications include a minimum of 5 years family law experience, membership in the Massachusetts Bar or eligibility, good legal, administrative and supervisory skills and a commitment to legal services for the poor. Send resume to Marie Renna, Greater Boston Legal Services, 68 Essex St., Boston, MA 02111, (617) 357-5757.

## Corrections

Linda Girdner's phone number in the Directory should be (202) 331-2667.

Douglas McNish's name was inadvertently omitted as a co-chairperson of AFCC's Domestic Abuse Committee.



## Chapter News

**KANSAS CHAPTER.** The Kansas Chapter Board has selected the theme, "Should There Be A Family Court?" on which to focus programs and efforts for this coming year. Helen Wahl, chapter President, writes that a brochure has been developed for prospective members with both state and national information.

A social gathering was held in November, 1991, hosted by "Topper" Johntz, Jr. and his wife, Linda. A seminar, "Parental Alienation Syndrome—Its Diagnosis and Application," was coordinated by the Hon. James Beasley and co-sponsored by the Wichita Bar Association and repeated in Topeka with the assistance of Judge Buchele. The annual chapter meeting will be held in June, 1992 on the topic "Meeting of the Minds." Newsletters will be mailed in January and June, supplemented by letters from the president.

**ARIZONA CHAPTER.** The Arizona Chapter recently held its annual meeting in Sedona at the Poco Diablo Resort. Chapter President Frances Bernfeld reports that the conference was well attended. AFCC President Hon. Susan Snow and Leonore Levit attended from out of state. The conference theme "Resolving Ethical Dilemmas: Innovations in Family Dispute Resolution" focused on the controversies that frequently arise at the point of interface between the legal and mental health professions.

**CALIFORNIA CHAPTER.** AFCC's California chapter recently held its annual meeting in Santa Barbara. The topic of the conference was "Embracing Diversity: Culture and Cultural Competence." Family Law Commissioner Maria-Elena James, San Francisco, was the plenary presenter. Her topic was "Why Diversity?" This presentation was the prelude to workshops such as "The Development of a Bicultural Identity" (Jose Flores), "Prejudice Reduction" (Ken Cloke), "Unlumping the Asians" (Kathryn Imahara, Marcia Choo, Vincent Reyes and Vu Duc Hoang), "Law Office as Culture" (Woody Mosten), and "Cross Cultural Issues in Parenting" (Jan Gates). The 1993 conference will be held January 31–February 1 in Sonoma.

## Mediation in South Carolina

The South Carolina Bar Foundation recently funded a project to formalize and promote the previously ad hoc custody/visitation mediation project in Charleston County. The South Carolina Council for Mediation and Dispute Resolution was founded in 1990 and obtained a Bar Foundation Grant to develop a model Family Court, currently being tested in Charleston County. Chief Administrative Judge for Charleston County, L. Mendel Rivers, Jr. is now referring all suitable custody/visitation cases to a panel of mediators. A couple is referred to mediation by the Court at an early status conference or temporary hearing. The attorneys select a mediator from an approved list of trained and qualified mediators. The average mediation takes between two and four hours and generally is con-

cluded in two sessions. A memorandum of agreement is prepared, executed by the parties, and forwarded to the attorneys for review and approval. If approved by the attorneys, the agreement is presented for approval by the Court in the usual fashion.

The project has successfully organized a statewide network of attorneys and judges to promote mediation; formalized a simple and efficient private pay mediation model which does not require the expenditure of state funds for its administration; established criteria for mediator qualifications; and established standards of practice. AFCC members Cotton Harness, III, Julie Harness, Donna Upchurch and Hon. Gene Morehead, III have been instrumental in implementing these South Carolina reforms.

## Hamilton, Ontario Mediation Project Update

A three year mediation research project has been established at the Unified Family Court in Hamilton, Ontario to compare the results of mediation offered in Hamilton to a litigation control site in St. Catharines, Ontario. The project, directed by Lorraine Martin and located in the Unified Family Courthouse, offers comprehensive voluntary mediation services of custody and access issues and financial, support and property division.

The data will enable the Ontario government to develop public policy on the role of mediation in the family law process. Mediation services are provided without charge by social workers who have been trained in the mediation process and family law issues. All clients requesting comprehensive mediation must have independent legal counsel during mediation.

In response to concerns by women's groups, steps have been taken to ensure that women who choose to mediate will be protected. Those steps include a recognition that assault is a criminal issue and should be dealt with under the Criminal Code; the identification and removal of couples from mediation who have experienced domestic violence or other forms of power imbalance which would prevent them from bargaining on an equal footing; and a series of special training sessions for mediation staff enabling them to identify and screen out couples who can't bargain equally.

The service model, begun in February, 1991, has three special features:

1. a separate and early response intake phase,
2. individual intake meetings to determine informed consent and suitability.
3. weekly intake review meetings, biweekly case review and legal consultation meetings.

The evaluation component of the project includes an assessment of the process and the results of mediation as compared to litigation. Questionnaires will be completed at three points in the process including a one year follow-up after initial resolution of the dispute to determine durability of agreements, cost, satisfaction of clients and impact on women.

The accomplishments to date have been exciting and satisfying, according to Ms. Martin. The challenge of change, adjustment and new direction have required a great deal of flexibility from staff, the bar and the judiciary. Frustrations and new problems created by new solutions have inevitably accompanied this process. The strong support provided by Court Reform, the integrity and openness of the Unified Family Court and the Hamilton Bar are acknowledged as key contributors to the success of the project.

## MEETINGS AROUND THE WORLD



### IUFO Conference on "Legal Rights of Families"

The International Union of Family Organizations (IUFO) in collaboration with the government of Poland will be hosting a conference in Warsaw, Poland March 6-8, 1992 on "The Legal Rights of Families." This international conference will bring together experts who will reflect on the legal instruments of a Declaration on the Rights of

Families on the occasion of the International Year of the Family—1994. Participants will discuss the rights of families in international documents and in national constitutions and the rights of families in religion. This conference was preceded by a conference in Nicosia, Cyprus in September 1991 on "The Social Rights of Families" and will be fol-

lowed by a meeting in Curitiba, Parana, Brazil, November 22-26, 1992 on "The Economic Rights of Families." For further information contact the IUFO Secretary General's office: 28, place Saint-Georges, F-75009 Paris, France, Tel: (33.1)48.78.07.59 Fax: (33.1)42.82.95.24.

### IUFO Commission Focuses on "Marriage Across Frontiers" May 18-21, 1992

The IUFO Commission on Marriage and Interpersonal Relationships will be hosting a Commission meeting May 18-21, 1992 in Newcastle, Northern Ireland on "Marriage Across Frontiers: National Ethnic and Religious Differences in Partnership." The conference will discuss the implications of "mixed" marriage for partners, their children and others concerned with these families. Keynote papers will be presented by Professor Peter Stringer of Queen's University,

Belfast and Professor Augustin Barbara of the University of Nantes, France. Accommodations and meals will be provided at the Slieve Donard Hotel in Newcastle. Full conference registration and accommodations and meals is £260 Sterling. Registration should be sent to Mr. William Curran, CMAC, 56 Lisburn Road, Belfast BT9 6AF, Northern Ireland. Tel: (44 232) 23.30.02 Fax: (44 232) 32.81.13.

### International Congress on Family Therapy: Divorce and Remarriage

March 29-April 3, 1992  
Jerusalem, Israel

The 6th International Congress on Family Therapy sponsored by The International Family Therapy Association will be held March 29-April 3, 1992 in Jerusalem, Israel. AFCC member Susan Zaidel is serving as co-chairperson of the Congress. AFCC President Hon. Susan Snow will be a featured presenter. Other presenters include Constance Ahrons, Howard Irving, Florence Kaslow, Douglas Sprenkle, Emily and John Visher, Janet Walker, and Judith Wallerstein. Kibbutz Ma'ale Hahamisha Guest House in the Jerusalem Hills, approximately 20 minutes from Jerusalem will serve as the site of

the workshops. The kibbutz has an international reputation as a convention and resort site. The Ramada Renaissance will serve as the site of the Congress. All workshops and the Congress will be in English. Registration Fees are \$290 US and double room occupancy for two nights is \$245 per person. Travel arrangements may be made from the US with Tzell Travel, 70 W. 36th St., New York, NY 10018, (800) 288-7908 and from Canada with Conference Travel of Canada, Ltd., 102 Bloor St. West, Toronto, Ont M5S 1M8, (416) 922-8161.

### REVISED DATES FOR NORTHEAST REGIONAL CONFERENCE

November 12-14, 1992  
Baltimore, Maryland

*"Jekyll & Hyde:  
Appearance vs. Reality"*

FEATURING  
**Ann Graffam Walker, Ph.D.**  
Forensic Linguist  
Specializing in  
Courtroom Communications  
Communications in the Courtroom  
Interviewing Children  
Child as Witness

CONTACT:  
**Aza Howard Butler**  
801 Dairy Road  
Parkton, MD 21120  
(301) 887-2910

**Tim Salfus**  
Family Division  
Superior Court  
28 Grand Street  
Hartford, CT 06106  
(203) 566-7973

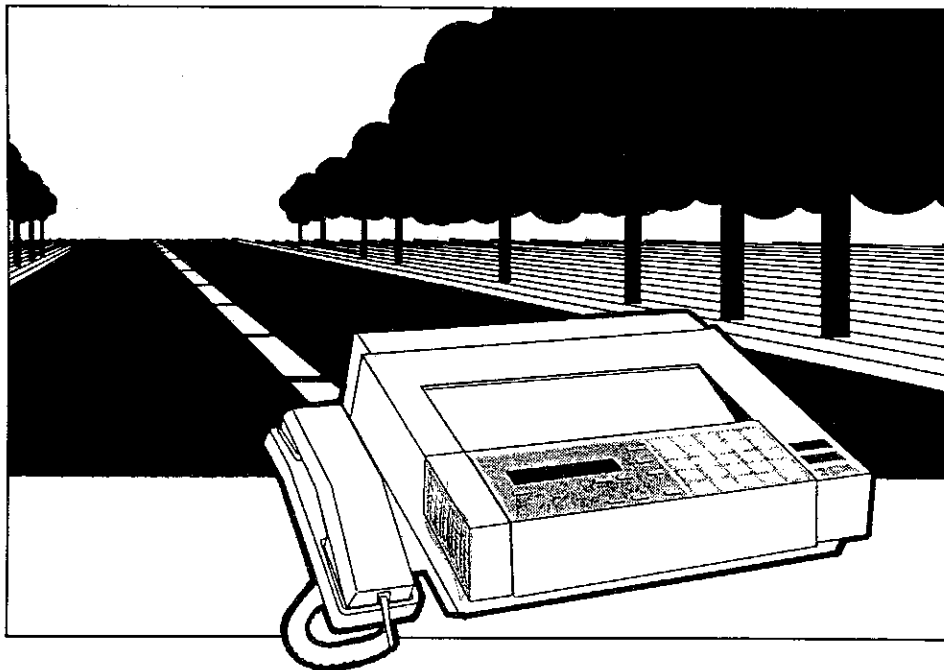
# Courts in the Fax Lane

The use of facsimile machines in the United States is on the rise. According to a study conducted by the National Center for State Courts, courts are making use of fax technology to improve or maintain access to the courts, to allow judges to use time more efficiently and to provide speedy communication in rural districts. The Center studied the use of fax services in Minnesota, Washington, Illinois, Colorado and Idaho. Fax transmissions are used in trial and appellate courts for such activities as filing documents, sending child support orders to State enforcement agencies, issuing arrest and search warrants, sending notices to attorneys, transferring case files between courts, preparing jury instructions, conducting legal research and processing death penalty appeals.

Most courts lease or own facsimile machines. However, in the Ninth Judicial District of Colorado, the Jefferson County Bar Association leased a plain paper fax for the clerk of courts' office and administers the billing and collection of fax fees. The Bar Association offers a fax subscription service to members and nonmembers. In California, private fax-filing services have sprung up close to courthouses to receive fax documents which are copied onto bond paper and filed with the court by the service.

State and local rules have been developed to govern the transmission of documents through fax communications. Tips for successful and cost-effective court fax operations include:

1. Purchase machines that print on plain bond paper if at all possible.
2. Sheet cutter and de-curling feature are very important with rolled paper machines.



3. Keep only one copy of the document in the official file.

4. Set a limit on the number of pages that can be faxed for a single transaction.

5. Install a surge protector. If electrical fluctuations are common, use a dedicated electrical circuit and a dedicated phone line.

6. Monitor all incoming transmissions and provide timely turnaround of unacceptable documents.

7. Consider establishing a credit card system to assure early and effective fee collection. Include credit card company collection fee in the sender's fee.

8. Look for additional uses for your fax that will save time and money for your operation.

9. Don't become the county "fax mailbox."

For a copy of "Courts in the Fax Lane: The Use of Facsimile Technology in State Courts," contact Susan Koenig, National Center for State Courts, Western Regional Office, 220 Bush Street, Suite 1500, San Francisco, CA 94104, (415) 392-7151; or Kathy Schwartz, Deputy Chief of the Program Division, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314; (703) 684-6100.

## AFCC Joins South Africa Books Project

The growing importance of negotiation, mediation and other forms of consensual dispute resolution in South Africa in recent years has created a need for books, journals, training materials and other resources which address community conflict management and dispute resolution.

The U.S.-South Africa Dispute Resolution Books Project was established to solicit and distribute these materials and other dispute resolution resources for the use of non-government organizations active in conflict management and dispute resolution in South Africa.

The project is sponsored in the US by Conflict Management Initiatives (CMI), directed by Richard Salem and in South Africa by the Community Dispute Resolution Resource Committee (CDRRC) and the Independent Mediation Service of South Africa (IMSSA). AFCC and other organizations have been invited to co-sponsor the project and to contribute materials from each organization's respective library.

Contributions and inquiries should be directed to Richard A. Salem, Conflict Management Initiatives, 1225 Oak Avenue, Evanston, IL 60202, (708) 869-2244; FAX (708) 328-2064.

## AFCC Sympathies

AFCC members extend their thoughts and sympathies to Stanley Cohen, former AFCC Executive Director, on the recent loss of his father.

AFCC was also recently advised of the death of Cynthia J. Bell, Ph.D. Dr. Bell had been employed as a counselor, mediator and evaluator by the Cook County, Illinois and Los Angeles courts. A scholarship fund has been established in her memory. The annual award will be given by the School of Social Work to a deserving female doctoral candidate. Donations may be sent to the Cynthia J. Bell, Ph.D. Memorial Fund, University of Illinois Foundation.

# Resources

**Mediation in Cases of Domestic Abuse: Helpful Option or Unacceptable Risk?** Final report of the Domestic Abuse and Mediation Project assembled by the Maine Court Mediation Service. Contact: Paul Charbonneau, Court Mediation Service, P.O. Box 328, Portland, ME 04101.

**Shattered Dishes: Picking Up the Pieces of our Parents' Divorce**, produced by filmmaker Deborah Ellman is an interview with three young adults talking about the effects of their parents' divorce. Video length: 28 minutes. Rental: \$50, Purchase: \$195. Contact: Fanlight Productions, 47 Halifax Street, Boston, MA 02130, (617) 524-8838.

**Singlemother**, A Newsletter. Subscriptions: \$11/year, six issues. Contact: Just Me & You, Kid Publishing, 11111 J. Sossoman Road, Midland, NC 28107, (704) 888-KIDS.

**Parents, Children & Divorce**, a workbook program designed to help divorcing couples work more cooperatively with each other while focusing on what is in the best interests of their children. For costs and samples contact: Porter-Thal Counseling and Mediation Services, 1315 S. Howard Avenue, Suite 101, Tampa, FL 33606.

**Children Held Hostage: Dealing with Programmed and Brainwashed Children**, written by Stanley Clawar and Brynne Rivlin and published by the Family Law Section of the American Bar Association. Purchase

price: \$49.95. Contact: ABA Order Fulfillment Dept., 750 N. Lake Shore Drive, Chicago, IL 60611, (312) 988-5555.

**Children in the Middle** is a 30 minute video depicting the most common situations whereby children feel caught in the middle of their parents' divorce. A workbook accompanies the video and includes exercises for families to adapt the remedial concepts and methods taught in the video. Video purchase price: \$275. Contact: Marketing coordinator, Ohio University Telecommunications Center, 9 S. College Street, Athens, OH 45701, (614) 593-4888.

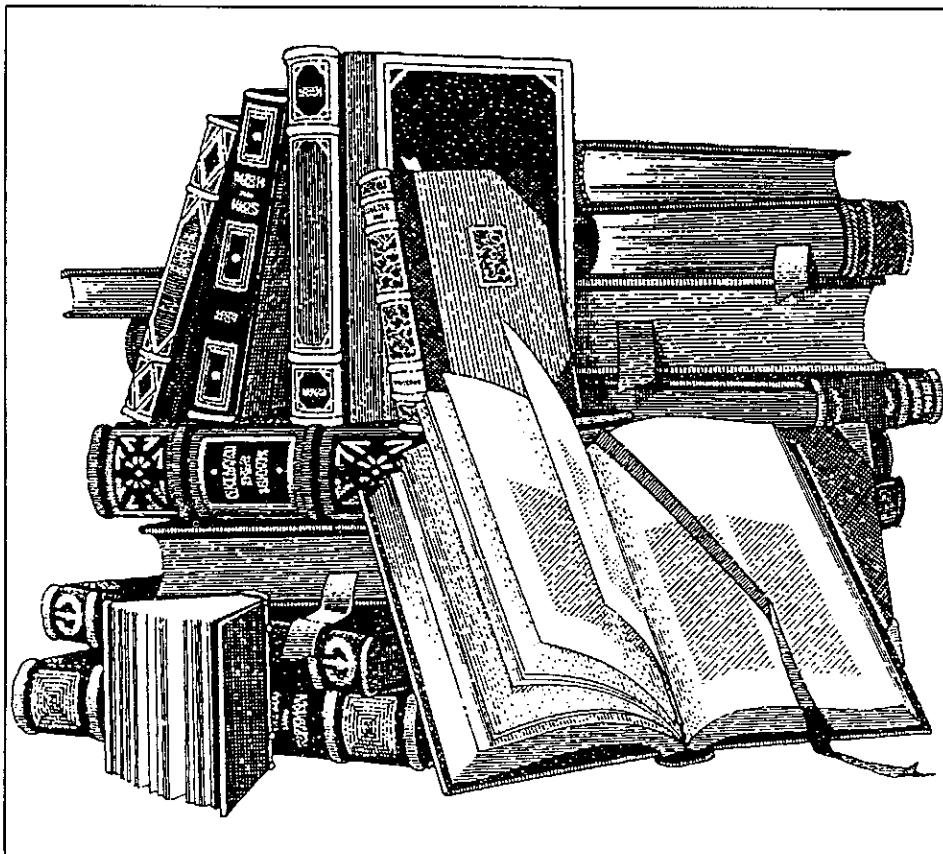
**What About the Children: A Guide for Divorced and Divorcing Parents** is a brief summary from the professional and scientific literature for divorcing parents. Written by Professors of Psychology at Ohio University Donald Gordon and Jack Arbuthnot and endorsed by the National Council of Juvenile and Family Court Judges, the publication is available for \$2. Contact: Marketing Coordinator, Ohio University Telecommunications Center, 9 South College Street, Athens, OH 45701, (614) 593-4888.

**Healing Your Life After Divorce** is a newsletter targeted to individuals recovering from divorce. A complimentary copy will be sent to professionals requesting a copy. Subscription: \$18/year. Contact: Sidney Buckman, 62 Tonowanda, Flagstaff, AZ 86001, (602) 525-9666.

**The Matrimonial Strategist** is a newsletter for family law practitioners edited by Robert Kirkman Collins. Upcoming issue will discuss how to negotiate QDRO terms and tax implications of a divorce. Complimentary issues provided upon request. Subscription: \$85/year. Contact: (212) 463-5706.

**Dispute Resolution: A Selected Bibliography 1987-88** edition contains a comprehensive bibliography of over 1,000 articles written in the various fields of ADR during 1989 and will include a brief summary of each article's contents as well as an easy-to-use topical index. Also available on diskette. Price: \$8 to subscribers of the Ohio State Journal on Dispute Resolution, non-subscribers \$30. Contact: Bibliography Editor: Ohio State Journal on Dispute Resolution, 1659 N. High Street, Columbus, OH 43210, (614) 292-7170.

**ABA Juvenile and Child Welfare Law Reporter** is a monthly digest of key decisions in child welfare law by state and federal courts. The Reporter is targeted for the attorney, judge, or child advocate handling child abuse and neglect, juvenile delinquency, foster care, adoption, education, or civil rights cases affecting children and youth. Subscription: \$166 for individuals (12 issues) or \$140 institutions and agencies. Contact: ABA Juvenile and Child Welfare Law Reporter, 1800 M Street NW, Washington, DC 20036, (202) 331-2250.



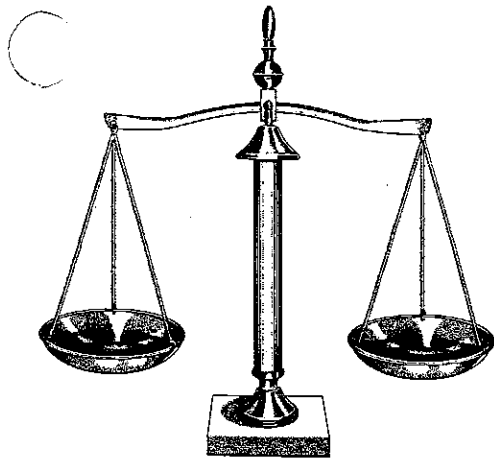
## SECOND EDITION: Joint Custody and Shared Parenting Now Available

*"This second edition of JOINT CUSTODY AND SHARED PARENTING should be in every family practitioner's library. It brings together the most important works on shared custody and parenting. How satisfying to find so many valuable resources in one volume."*  
—Isolina Ricci, Ph.D., Author *Mom's House, Dad's House*.

**Joint Custody and Shared Parenting, Second Edition**, edited by Jay Folberg, Dean of the University of San Francisco Law School, is a thoroughly revised and updated edition of this popular resource. This work brings together the collected experience and knowledge of child development experts, therapists, mediators, researchers, economists and lawyers to examine the questions and issues presented by joint custody. The book provides crucial information for parents and professionals. Contributing authors include: Richard Gardner, Joan Kelly, Don Saposnek, Joseph Goldstein, Howard Irvin, Janet Johnston, Hugh McIsaac and Julien Payne. Copies may be ordered from AFCC for \$19.00 plus shipping and handling. All royalties have been donated to AFCC.



# A Model for Assessing Court Performance



Economic realities and dwindling resources have required organizations of all types and sizes to reconsider how products and services are delivered. More than ever, the ability to remain competitive in the marketplace depends upon an organization's creativity in finding ways to do more with fewer resources.

New organizational and management techniques, most notably, **strategic management**, have been developed to respond to this state of affairs. Components of strategic management include (1) a clear sense of direction; (2) a unity of purpose; (3) a map where the organization is heading; and, (4) a plan for how to get there. Management decisions in a strategic system are proactive and performance-based, arising from careful analysis of data and results. Consumer satisfaction is of prime importance.

**Trial Court Performance Standards** were initially developed by the National Center for State Courts and the Bureau of Justice. The standards were developed to assist courts in measuring and assessing performance. Several state courts, including the Superior Court of Maricopa, Arizona have incorporated the standards into their strategic management plans. The next issue of the Newsletter will focus on Maricopa's application of the Standards.

## Trial Court Performance Standards

The **Standards** are intended as guiding principles for effective performance along five key areas: (1) **access to justice**; (2) **expedition and timeliness**; (3) **equality, fairness, and integrity**; (4) **independence and accountability**; and (5) **public trust and confidence**.

### 1. Access to (justice) services

Courts should be open and accessible. This means that they conduct their proceedings in other public business openly; that court facilities are safe, accessible, and convenient to use; that all who appear before them are given the opportunity to participate effectively without undue hardship or inconvenience; that judges and other court per-

sonnel are courteous and responsive to the public, according respect to all with whom they come into contact; and that the costs of access to trial court proceedings and records (measured in terms of money, time, or procedures) are reasonable, fair and affordable.

### 2. Expedition and Timeliness

Trial courts should meet their responsibilities to everyone affected by their actions and activities in a timely and expeditious manner. This means establishing and complying with recognized guidelines for timely case processing while keeping current with the incoming caseload, disbursing funds promptly, providing reports and information according to required schedules, responding to requests for information and services on an established schedule that assures their effective use, and promptly implementing changes in law and procedure.

### 3. Equality, Fairness and Integrity

Trial courts should provide due process and equal protection of the law to all who have business before them. Integrity refers not only to the lawfulness of court actions (e.g. compliance with constitutional rights to bail, legal representation, a jury trial, a record of legal proceeding), but also to the results or consequences of its orders. Therefore, trial court procedures should faithfully adhere to relevant laws, procedural rules, and established policies. Jury lists should be representative of the jurisdiction from which they are drawn. Trial courts should give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors. Their decisions should unambiguously address the issues presented and clearly show how compliance can be achieved. Trial courts should take appropriate responsibility for enforcing their orders. Finally, courts should maintain accurate and properly preserved records of all relevant court decisions and actions.

### 4. Independence and Accountability

The judiciary must assert and maintain its distinctiveness as a separate branch of government. Courts must both control their proper functions and demonstrate respect for their co-equal partners in government. A trial court possessing institutional independence and accountability protects judges from unwarranted pressures. This is not likely to be achieved if the court is unwilling or unable to manage itself. It must have effective leadership, operate effectively within the state court system, develop action plans, obtain appropriate resources, measure performance, and account publicly for that performance. Therefore, trial courts should maintain their institutional integrity; observe comity in government relations; responsibly seek, use and account for resources; use fair employment practices; inform the community, and anticipate new conditions or emergent events, adjusting operations as necessary.

### 5. Public Trust and Confidence

Ideally, public trust and confidence stem from the many contacts citizens have with the courts. Unfortunately, there is no guarantee that public perceptions reflect actual court performance. Several constituencies are served by the courts including the general public, community opinion leaders, those with direct knowledge of routine court activities (e.g., attorneys, litigants, and judicial officers) as well as other employees of the court system. The public should perceive the trial court and the justice it delivers as accessible. They should have confidence that the basic trial court functions are conducted expeditiously and fairly and that its decisions have integrity. Finally, the trial court should be perceived to be independent, not unduly influenced by other components of government, and accountable.

## Member News

**Jim Alfini**, former Director of Education and Research for the Florida Dispute Resolution Center, has been appointed Dean of the Northern Illinois Law School. Jim had been actively involved in the development of mediation and arbitration legislation and rules in Florida. Congratulations on the new position!

**Hon. Jim Beasley**, Judge in Wichita, Kansas had to miss the last AFCC Board meeting because he was teaching in Bermuda. We know it was a difficult choice to make but look forward to seeing him in San Diego.

**Hon. Fred Freedman**, AFCC Board member, has been appointed to the Connecticut Appellate Court. He formerly served as Chief Administrative Judge of the Family Division of the Connecticut Superior Court. Judge Freedman has, unfortunately, had to resign from the AFCC Board due to his new duties. We wish him much success in his new position.

**Rich Mc Conomy**, AFCC Board member and attorney from Montreal, will be at the head of the parade on St. Patrick's Day. He will be serving as the Grand Marshall of the 168th Annual Consecutive Parade which will attract a crowd of 750,000 people. Rich has promised to hand out AFCC membership invitations!

**Hon. Susan Snow**, AFCC President, has become engaged to be married to Bill Erickson, a Chicago attorney. The couple will be married September 26, 1992. We have also been advised that Judge Snow was recently selected as Honoree of the Year by the Women's Bar Association of Illinois. Judge Snow recently returned from the Arizona chapter conference in Sedona and will soon be heading off to Israel for the International Congress on Family Therapy. So Bill thinks getting married is going to slow the Judge down? Best wishes to you both. We are very happy for you.

# UPCOMING EVENTS

## DATES TO REMEMBER

March 12-15, 1992  
 May 7-10, 1992  
 June 11-14, 1992  
 June 18-21, 1992  
 July 9-12, 1992  
 July 23-26, 1992  
 July 30-Aug 3, 1992  
 Family Mediation Training  
 Gary Kirkpatrick and Anthony Picchioni  
 Contact: (214) 528-2830

March 13-17, 1992  
 April 3-7, 1992  
 May 11-15, 1992  
 Divorce Mediation Training  
 Zena Zumeta and Carl Schneider  
 Contact: 1-800-852-1432

March 5-8, 1992  
 April 9-12, 1992  
 May 7-10, 1992  
 June 4-7, 1992  
 Family Mediation Training  
 Contact: John Lemmon  
 (510) 547-8089

March 19-22, 1992  
 National Council for Children's Rights  
 Annual Conference  
 Washington, DC  
 Contact: NCCR  
 220 "I" Street, NE  
 Washington, DC 20002

March 14, 1992  
 London  
 Family Mediator's Association Conference  
 Contact: Lisa Parkinson  
 The Old House  
 Rectory Gardens  
 Hensbury, Bristol, England BS10 7 AQ  
 0272 500140

March 29-April 3, 1992—Jerusalem  
 Interdisciplinary Approaches to Divor.  
 Contact: Israel Association for Marital  
 and Family Therapy  
 P.O. Box 29313  
 61292 Tel Aviv, Israel  
 FAX: 972-3-660604

April 7-10, 1992  
 May 12-15, 1992  
 July 21-24, 1992  
 August 18-21, 1992  
 November 10-13, 1992  
 School Conflict Managers Training  
 Contact: The Community Board Program  
 1540 Market Street, Ste. 490  
 San Francisco, CA 94102  
 (415) 552-1250

May 6-9, 1992—San Diego  
 1992 AFCC Annual Conference  
 Contact: Murray Bloom  
 1501 6th Ave.  
 San Diego, CA 92101  
 (619) 557-2125

October 21-24, 1992—Lubbock, TX  
 South Plains Assoc. Gov't.  
 Contact: Gene Valentini  
 P.O. Box 3730  
 Lubbock, TX 79452  
 (806) 762-8721

November 12-14, 1992  
 AFCC Northeast Regional Conference  
 Harrison's Pier 5  
 Clarion Inn  
 Baltimore, Maryland  
 Contact: Aza Howard Butler  
 801 Dairy Road  
 Parkton, MD 21120  
 (301) 583-6578

Fall 1992—Minneapolis area  
 AFCC North Central Regional Conference  
 Contact: Hon. Mary Winter  
 County Government Bldg.  
 Rm. 559  
 Minneapolis, MN 55487  
 (612) 348-7782

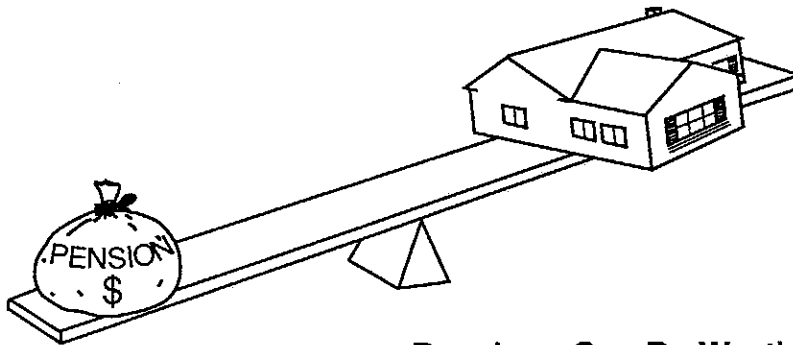
May 12-15, 1993—New Orleans  
 1993 AFCC Annual Conference  
 Contact: Tim Salius  
 Family Division Superior Court  
 28 Grand Street  
 Hartford, CT 06106  
 (203) 566-7973

Fall 1993—Toledo, OH area  
 AFCC Northcentral Regional Conference  
 Contact: Caryl Dill or Denise McColley  
 (419) 592-0010

Fall 1994—Hamilton, Ont.  
 AFCC Northcentral Regional Conference  
 Contact: Gerald McNeilly  
 Unified Family Court  
 55 Main Street West  
 Hamilton, Ont CANADA L8P 1H4  
 (416) 525-1550

May 1994—Maui, Hawaii  
 1994 AFCC Annual Conference  
 Contact: Hon. Douglas McNish  
 2145 Main Street  
 Wailuku, HI 96793  
 (808) 572-9642

## Don't Forget The Pension . . .



### Pensions Can Be Worth More Than Houses!

Retirement plans are valuable marital property. A fair property division must consider pension rights earned during marriage. We provide accurate pension valuations for family mediators.

Our pension valuation fee is only \$100.

We analyze 1,200 pensions a year for mediators and attorneys nationwide. Put our experience to work for you!

**CALL (800) 221-6826**

For immediate consultation and free publication:  
*A Mediator's Guide to Retirement Plans*

**Legal Economic Evaluations, Inc.**

1000 Elwell Court #203 Palo Alto CA 94303  
 (800) 221-6826 (415) 969-7682 Fax: (415) 969-0266

# Of Special Interest...

You are invited to help us  
**PLAN, PROMOTE**  
and  
**PRODUCE**  
the

AFCC  
ANNUAL CONFERENCE • MAY 12-15 1993

## N.E.W O.R.L.E.A.N.S

### THE ECONOMIC IMPACT OF DIVORCE

AFCC's 30th Annual Conference will focus on **The Economic Impact Of Divorce**. This will be more than simply looking at the dollars and cents of divorce. Rather, this conference will examine the **BIG PICTURE**—the economic impact of divorce on Children, Adults, Courts, and Society.

**WHAT WOULD YOU LIKE TO SEE AND HEAR?**

**WHO SHOULD WE TELL ABOUT THIS CONFERENCE?**

**DO YOU HAVE A PROGRAM TO PRESENT?**

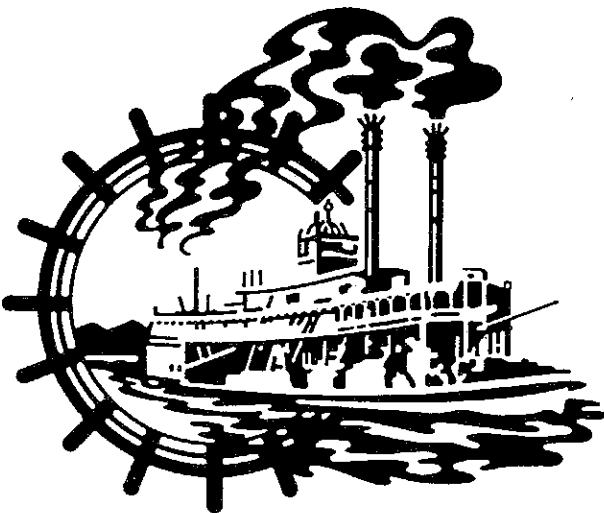
If you would like to submit a proposal for a workshop or presentation: Send a one-two page description/outline, a list of participants and note any audio-visual or other equipment that you will need. Proposals should be directed toward one of the following topic headings:

- The Economic Impact of Divorce on CHILDREN
- The Economic Impact of Divorce on ADULTS
- The Economic Impact of Divorce on COURTS
- The Economic Impact of Divorce on SOCIETY
- SPECIAL ISSUES

We want to make sure that everyone knows about this conference. Let us know who we should notify. Do you have mail lists that would be appropriate?

What are the issues that are of special interest to you? What would you like to know more about? What would you like others to know more about?

SEND TO  
**AFCC**  
329 W. Wilson Street  
Madison, WI 53703  
(608) 251-4001  
FAX (608) 251-2231



# DIVORCE



## AFCC Poster Now Available

*This beautiful full color limited edition commemorative poster, "Children On a Swing," was designed for the Southwest Regional Conference in Albuquerque and may now be ordered from AFCC. Anyone who attended the conference can attest to its attractiveness. The artist, Catalina, comes from a family of artists. Her father, Anthony Quinn, is an actor and accomplished painter and sculptor. Her maternal grandfather is the legendary film director Cecil B. DeMille. Posters may be ordered from AFCC for \$30, plus \$5.00 shipping and handling. Contact: AFCC, 329 W. Wilson St., Madison, WI 53703, (608) 251-4001.*

**Association of Family  
and Conciliation Courts**  
329 W. Wilson Street  
Madison, WI 53703

## Memorial Contributions

Should you have an occasion to make a memorial contribution on behalf of a friend or relative, consider making a donation to AFCC. The Association will notify the individual or family of your remembrance and send a confirmation of the gift to the donor. AFCC is a non-profit association and all gifts are tax deductible.

## DID YOU KNOW?

Children are involved in half of the divorce cases.

The wife is the petitioner in two-thirds of divorce cases.

Wives have an attorney in 65% of the cases; husbands in 47%.

Motions are filed in 28% of divorce cases.

Courts have seen a decline in divorce filings between 1989-90.

Ninety percent of cases filed in 1989 in 16 urban trial courts had a final decree within one year.

*From The Domestic Relations Courts Study, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23187, (804) 253-2000.*

Nonprofit Org.  
U.S. Postage  
**PAID**  
Madison, WI  
Permit No. 1547