WASHINGTON CALLS ON AFCC

Past President Robert Tompkins was the first of four AFCC members to testify before the U.S. Commission on Child and Family Welfare, a 15-member body established under the 1992 Child Support Recovery Act. AFCC’s Academic and Research Committee Co-chair, Sanford Braver, Colorado member Jessica Pearson and Executive Director Ann Milne will also be presenting testimony before the Commission.

The Commission is holding a series of public hearings throughout the U.S., and AFCC members are contributing their expertise to the Commission’s pending recommendations on custody and visitation and the best interest of children. The Commission’s broad mandate includes studying and providing recommendations to the President and Congress on a number of child well-being issues. The panel held its first meeting in January of this year, and is funded until October 1, 1995. Because of budgetary and time constraints, the Commission narrowed its focus, and agreed to examine custody and visitation as its first priority.

Representatives from academia, social services, the medical profession, the legal profession and advocacy groups were invited to the Commission’s public hearings to discuss ways to ensure the well-being of children by having both parents remain involved whenever feasible. Discussions were organized around four panels:

- Custody and Visitation Laws, Policies and Procedures
- Alternative Dispute Resolution Models
- Child Well-Being Issues
- Community-based Alternatives and Support Systems

Recommendations from the Commission will be developed at June and September meetings in Washington, D.C., and the final report to the President and Congress will be published after October 1.

(See Washington, p. 5)
President’s Message
by Hon. Douglas McNish
Wailuku, HI

For my last President’s Message I am going to take advantage of the opportunity presented by an unrestricted forum to tell a story that I need to tell more than you need to hear. It is a story of how I, in my rural little Maui, came to understand what many of you in the sophisticated world have known for a long time.

On May 27, 1993, the Hawaii Supreme Court issued its opinion in Baehr v. Lewin. The case held that restricting state-sanctioned marriage to opposite-sex couples is a sex-based classification and, under the Hawaii Constitution, would be subject to the strict scrutiny test. In other words, the State cannot discriminate against same-sex marriages unless it has a very good reason.

While not something I had pondered before, the holding made sense to me. Given the demise of dower, inter-spousal tort immunity and other marriage based distinctions, the only remaining area of state involvement, not easily addressed in other ways, is the regulation of the dissolution of the economic partnership of those who choose to join in the legal relationship of marriage.

What I did not anticipate was the reaction to the decision. The Hawaii State Legislature enacted a statute, the five page Legislative Findings and Purpose section of which reads like a dissenting judicial opinion. The legislature found the rationale for the State’s prohibition of same-sex marriages in its legitimate desire to “foster and protect the propagation of the human race... Why is it I don’t think fostering the propagation of human race is something the State needs to worry about?

I came to realize that same-sex marriage is not the issue, it is a mere symptom. The award of custody to a third party in a recent Virginia case by a trial court which held that a woman’s lesbian relationship, per se, rendered her unfit as mother is a mere symptom. The similar ruling by Utah trial court that gave custody to the father for the same reason is a mere symptom. The rolled eyes and the “humorous remarks” whenever a gay couple comes to court for family abuse or other serious matter is a mere symptom. The sickness, the disease, is the compelling under-addressed civil rights issue of our time.

Throughout our society, even in our courts, we are using sexual orientation to divide people into “them” and “us” and we are treating “them” differently. Yes, even in our courts, the keepers of the covenant of a free and fair society, we treat people differently. Whenever society begins to recognize discrimination, it has difficulty looking the prejudice in the eye and giving it a name.

Yet, deep within us, there is a voice that yearns to be heard. Despite the gulf of our upbringing and our prejudices, despite the stifling concern of what our peers will think, the voice says, “Stand-up and speak out, it is a matter of simple justice—Stand-up and speak out, it is a matter of human decency!” And, there is the fear. The fear that if we fail to speak, we will be doomed to live under the banner so mournfully penned by Martin Luther King Jr. from a Birmingham jail when he wrote:

“We will have to repent in generation not merely for the vitriolic words and actions of the bad people, but for the appalling silence of the good people.”

Can our individual voices make a difference in what, I believe, is truly a civil rights matter? Can they make a difference in any area? Despite too many years in an occupation that makes cynics out of dreamers and pessimists out of optimists. I still believe our individual efforts do count. The individual may not be able to make a change alone, but the individual voice can call forth another to speak. It can join with others to raise the volume of the message. All this has been said by Robert F. Kennedy more eloquently than I can say it. I leave this topic, and end this column and my year as president of AFCC with his words, the spirit of which is so often demonstrated by the members of this organization. Excuse the single-gender references to the writing date, 1966.

“Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends, forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can weep down the mightiest walls of oppression and resistance.”
AFCC Conducts Membership Survey

by Phil Bushard, AFCC Treasurer,
Reno, NV

Under the leadership of AFCC Past President Bob Tompkins and President Doug McNish, the Executive Committee has engaged in a strategic planning process. At the Executive Committee’s November 1994 meeting, the decision was made to survey our membership as a prerequisite for knowledge-based decision-making. A survey instrument was developed by Linda Hahn and Phil Bushard and was mailed to all AFCC members in December 1994. Over 350 responses were received.

The survey addressed the following issues: (a) member demographics; (b) opinions of AFCC services and products; and (c) major professional concerns of members and possible AFCC responses.

A report of survey results was made to the Executive Committee prior to its March strategic planning session. This article, the first of a three part report to the membership, will describe the survey respondents and summarize the ratings of member services.

Member Demographics

The 353 survey responses which comprise the data base for this report represent nearly 25 percent of AFCC membership.

Responses affirm that AFCC is an international association, as surveys were sent from members in the United States (331), Canada (17), Australia (5), and Chile, England, Israel, Mexico, New Zealand, Puerto Rico and Spain (fewer than five each).

Responses also affirm AFCC’s interdisciplinary orientation. By area of practice responses were received from (by rank order of response):

73 mediators
67 attorneys
62 custody evaluators
28 court services staff
28 counselors
22 judges
19 clinical psychologists
14 academicians
11 court program directors
7 parent education specialists
6 therapists
5 court administrators

Other areas of practice reported included clinical social worker, certified public accountant, expert witness, law student, psychiatrist, researcher and supervised visitation provider.

The survey also asked about duration of membership. The number of responses, by length of membership were:

One year or less .......................... 96
Two-five years ........................... 131
Six-ten years ............................. 76
More than ten years ....................... 31

AFCC Member Services

Respondents ranked member services including the Review, the Newsletter, the Membership Directory and the AFCC office in Madison. The rating scale is from low (1) to high (4).

Eighty-two percent (282 responses) rated the Review:
Quality of articles: 3.43
Informative: 3.40
Relevance: 3.35
Overall: 3.42

The Newsletter was rated by 281 respondents:
Quality: 3.24
Relevance: 3.14
Informative: 3.18
Overall: 3.20

Sixty-eight percent (243 members) rated the Membership Directory:
Quality: 3.27
Informative: 3.21
Format: 3.17
Overall: 3.24

The AFCC Office was rated by 189 (53 percent) of the respondents:
Prompt: 3.34
Courteous: 3.60
Information/Referral: 3.39
Overall: 3.49

Future Newsletters, will discuss how AFCC attracts and retains members, member views of AFCC conferences and trainings and issues that AFCC members identify as most important to them.

AFCC Develops Strategic Plan

The AFCC Executive Committee, with the assistance of funding from the Hewlett Foundation, initiated a two year organizational development effort last fall. Jack Schlegel, organizational consultant from Washington, D.C., met with the Executive Committee and presented a two day workshop on association management.

In March, the Strategic Planning Task Force, consisting of the AFCC Executive Committee and Phil Stahl, Rosemary Vasquez and Margaret Taylor met for two days in San Francisco to review AFCC’s Mission Statement and develop goals and objectives to assist AFCC in planning its activities for the next 18 months.

The Board of Directors, at the May 17 Board meeting in Montreal, will be developing action statements to implement the goals and objectives developed by the Strategic Planning Task Force.

Any comments or suggestions may be sent to AFCC President Douglas McNish.

GOALS

1. To develop and support the organizational capacity to fulfill our mission.

Objectives:

- Improve ability to communicate between Executive Director, Executive Committee, Board of Directors, Regional Directors and members.
- Define, clarify and enhance the capacity of the Executive Director, Executive Committee, Board of Directors, Committees and Regional Directors to carry out their roles and responsibilities.
- Increase internal organizational revenue generating capacity.
- Increase outside revenue generating sources.
- Improve method and outcome of structuring relationship of AFCC and Executive Director.
- Improve ability to prioritize projects and consequential use of resources.
- Develop budgeting and financial management systems which assure effective financial management of AFCC resources.

2. To promote and develop leadership in the humane resolution of family conflict.

Objectives:

- Institutionalize regular and periodic planning and development.
- Improve ability to financially support leadership development and participation.
- Improve visibility of AFCC to be recognized as a leader in the field of humane resolution of conflict.
- Enhance our capacity to identify and develop leadership within the organization.
- Improve our ability to influence social and public policy.
- Improve diversity of leadership.

3. To increase the number, diversity, international representation, involvement and retention of members.

Objectives:

- Increase the total number of AFCC members.
- Expand the diversity of AFCC members.
- Increase multi-national membership.
- Broaden the representation from the legal professions.
- Facilitate member involvement in AFCC activities.
- Ensure continued institutional membership.
- Maintain AFCC’s organizational values.

(See Strategic Plan, p. 6)
Mark Your Calendar for These Upcoming AFCC Events

AFCC is planning numerous conferences and professional development programs for the next two years. Don't wait until the last minute. Now is the time to make plans to participate. Mark your calendar, put in your budget requests or plan a family vacation at one of AFCC's conference sites. Here is our menu for the immediate future.

The Pacific Northwest
Northwest Regional Conference and Board Meeting
November 2–4, 1995 Skamania Lodge, Columbia Gorge, Oregon

Don't miss this special opportunity to get away from the hustle and bustle of everyday life and experience an excellent conference in the beautiful surroundings of the Columbia Gorge, Oregon.

Less than one hour from Portland, the Skamania Lodge provides an atmosphere which is ideal for learning and collegiality. The planning committee of Hugh McIsaac, John Kydd, Ruth Garret, Jerry McHale and Kit Furey are hard at work planning the program.

The conference theme will be Making it Better for All of Us—Building Our Professional Family. Robert Theobold, author of Turning the Century, and Constance Ahrons, author of The Good Divorce, will be featured speakers. Workshop tracks for the conference will include Violence and Fear, Sabotage of Settlement, "Parents that Don't (or Can't)" and Violence and Fear: The Threat to Families and the Threat to Us.

AFCC has reserved all two hundred rooms at a rate of $85.00 single/double ($99.00 river view). Make your plans early. For more information contact Hugh McIsaac, Multnomah County Family Services, 1021 S.W. 4th Ave., Room 350, Portland, OR 97204; (503) 248-3189.

Sunny Florida
AFCC will hold two meetings at the Sheraton Sand Key in successive weeks: the Second International Symposium on Child Custody Evaluations and the Second International Congress on Parent Education Programs. The Sheraton Sand Key is a beach front property located about thirty minutes from the Tampa airport. Florida's Busch Gardens and Disney World are an easy day trip. AFCC has secured a conference rate of $96.00 single/double good from January 17–February 1, 1996.


This Symposium will provide workshops for practitioners of all levels ranging from those just starting out to the seasoned evaluator. If you are interested in presenting a workshop, please send us a brief abstract and one page outline with a resume to AFCC, 329 W. Wilson St., Madison, WI 53703; FAX (608) 251-2231.


Back by popular demand, AFCC's Second International Congress on Parent Education Programs will offer workshops on program management, programs for children, program evaluation, family violence, program standards and more. There will also be ample opportunities for networking, consultation and sharing information with others in the field.

As the field continues to grow, an increasing number of new and creative programs are emerging. Don't miss this opportunity.

If you are interested in presenting a workshop, please send us a brief abstract and a one page outline with a resume to AFCC, 329 W. Wilson St., Madison, WI 53703; FAX (608) 251-2231.

New England
Northeast Regional Conference and Board Meeting
November 14–16, 1996, Copely Plaza Hotel, Boston, Massachusetts

AFCC's Massachusetts Chapter is looking forward to the opportunity of bringing AFCC back to Boston. Hon. Arline Rotman, Hon. Sheila McGovern and Sophia O'Brien are spearheading local efforts.

The Copely Plaza Hotel is located in the heart of Boston's Back Bay neighborhood, a short distance from Boston's famous Freedom Trail, Museum of Fine Arts, the Boston Common and Public Garden.

San Francisco
June 4–7, 1997

AFCC Annual Conference &
Second World Congress on Family Law & the Rights of Children and Youth

Hyatt Hotel Embarcadero

Contact:
AFCC
329 W. Wilson Street
Madison, WI 53703
(608) 251-4001
FAX (608) 251-2231
The Emergence of Special Masters in Child Custody Cases

by S. Margaret Lee, Ph.D., Greenbrae, CA.

The use of special masters in child custody cases is quite recent and continues to grow as the legal system looks for effective new ways to respond to the most difficult family disputes.

Special mastering is a legal concept originating in the federal court system where judges transfer their decision-making powers to an expert in cases requiring a high level of specific, technical expertise. Using an expert to make decisions in child custody cases expands the original concept to include an on-going relationship between the special master and the litigants (the two parents) and to add mediative, educational and therapeutic elements to the process. Thus, a special master is most often a psychologist but can be any mental health professional, mediator or family law attorney, who specializes in helping high conflict, post-divorce families resolve disputes through processes such as mediation, developmental education, untangling interpersonal communication and quasi-therapeutic intervention. When these efforts fail, the special master, as a judicial officer, makes decisions in the manner a judge would and is subject to an appeals process.

A special master might be considered in several circumstances, for example, when other avenues of conflict resolution have not resulted in parents being able to make decisions about their children. Ongoing disagreements about schedules, overnight visitation, choice of schools, extracurricular activities, difficulties transferring the child, holiday scheduling, the handling of the child(ren)'s behavior, religious training, health issues, and problematic behaviors on the part of one or both parents may indicate the need for a special master.

A second type of family appropriate for the special master is one which requires ongoing monitoring due to serious concerns about child abuse, fitness to parent or major impairment of parent.

A third type of family appropriate for the appointment of a special master is one in which there is a young infant or toddler whose rapid changes in developmental needs require frequent adjustment to visitation schedules or significant communication between parents to coordinate such parenting tasks as weaning, toilet training and forms of discipline. If the parents have been unable, or have never had the opportunity, to develop effective problem-solving mechanisms between themselves, a special master may be indicated.

Most often the family has been through mediation, a custody/access evaluation, has been in front of the judge numerous times and is likely to be viewed as a difficult family. While these families represent a small segment of the divorcing population, within them exists great potential for the children to be damaged by their parents' behavior.

The work of a special master includes meeting with parents, perhaps meeting the children, reviewing evaluations and other documents to orient them to the family and the types of problems that have occurred. When disputes occur, the special master will initially attempt to mediate. The special master must have access to information such as the child's opinion, information from doctors, therapists, schools or other caretakers. If the parents are unable to reach agreement through a mediation process or utilize information attained during the mediation process, the special master then makes a decision.

Special master decisions that do not result in substantial changes in time sharing or significantly impact either parent's relationship with their child(ren) are immediately implemented and are considered equivalent to a court order. For major decisions, such as a change of custody, a decision about one parent relocating or a significant change in the visitation schedule, the special master will submit a recommendation (not a decision) to the court. The judge will review the opinion and make a decision.

A special master should be a professional who is a recognized expert in the areas of divorce, child development, psychopathology and family systems, and who is experienced with mediation and familiar with the legal concepts utilized in their family court.

In California, there is no code that accurately describes the functioning of a special master which also addresses issues such as the more flexible gathering of evidence, the informality of the hearing process and the mixed, functional role encompassed within this work. The special master concept, as viewed within the family court system, is a hybrid having some similarity to those roles defined in the codes pertaining to arbitrators, mediators, expert witnesses and the guardian ad litem. To address the absence of an appropriate code, courts have modified existing codes in stipulated orders.

Appointment of a special master, whether it is based on codes for expert witness, arbitrator, mediator or guardian ad litem, provides the special master with "quasi-judicial immunity." The power to make decisions with the protection of the court makes this new role for mental health professionals one of great influence and potential benefit, as well as a role where professionals are, rightfully, vulnerable to having their work closely inspected and monitored for ethical practices.

The experiences of professionals working as special masters in Marin County, California indicate that this process addresses an important need and can be tailored for a segment of the divorcing population that has not been adequately served by existing methods of conflict resolution. This powerful role must, however, be performed by those with excellent training and an eye toward the highest level of professional responsibility.

S. Margaret Lee and Joan B. Kelly will offer a Special Institute on Special Masters on May 17, 1995, at AFCC's Annual Conference in Montreal.

Washington (continued from p. 1)

According to Ms. Cathcart, "More than 11 million children live with a divorced or never-married parent, and they deserve our serious consideration. This Commission plans to explore the parallel areas of custody and visitation and make recommendations about the appropriate federal, state, and community roles in assuring that children receive emotional as well as financial support from both parents."

Commissioner Mary R. Cathcart will attend AFCC's Annual Conference in Montreal and would be pleased to talk with AFCC members about their views on the Commission's work.

President to President
AFCC President Hon. Douglas McNish was invited by the White House to attend President Clinton's Rose Garden signing of legislation to support efforts to reduce domestic abuse. Judge McNish was invited in recognition of his outstanding programs for families involved in domestic abuse.
Families In Transition (FIT) mandatory
divorce adjustment education in
Louisville, Jefferson County, Kentucky, con-
ducted its first program in October 1992.
Unique in design, it is believed to be the only
community-based, court-ordered divorce
education program in the United States. FIT
is currently scheduled at ten sites in Jeffer-
sont County, offering easy access to fami-
lies, ongoing clinical services and adequate
protection and security for family members.
Churches, community ministries, family serv-
ice agencies, and schools currently serve
as community sites. Program facilitators are
site-based, either as employed profession-
als or volunteers with professional creden-
tials. All FIT facilitators participate in
required training provided by the FIT Direc-
tor and Education Coordinator and must
observe a full program prior to indepen-
dently facilitating any session.

FIT is six hours in length. It is generally
offered in two-hour sessions, one night a
week for three weeks. Because the program
is mandatory, FIT also offers options to
accommodate non-traditional work sched-
ules. Six-hour Saturday sessions are occa-
sionally offered, as are three-hour,
two-night/two-week programs.

FIT is one of a limited number of national
programs which requires children’s attend-
dance. When a divorce petition is filed,
divorcing families with children ages eight
through 16 receive a copy of the court order
requiring their attendance, a program
schedule and an information brochure. Par-
ticipants may attend the program at the site
of their choice. One parent and the
child(ren) attend concurrently but separate
sessions while the other parent attends the
program at a separate time. Parents do not
attend together, but may attend the same
or a different site. An optional “parents
together” program has been scheduled at
two sites in 1995. Children will come with
both parents and attend concurrent, sepa-
rate programs. Each parent must register
independently for this program thus indi-
cating their interest in working together.

FIT was funded for the first two years by
a grant from The Norton Foundation, Inc. In
July 1994, the program was approved by
the Kentucky State Legislature as a part of
the budget for Jefferson Family Court. Addi-
tionally, the program receives one half of
participant fees. The other half is retained
by the sites which are responsible for fee
collection, facilitator reimbursement,
refreshments and site expenses. Fees for
FIT are $100.00 per family, divided equally
between the parents. There is a sliding fee
schedule which begins at $1.00 per parent.

The FIT curriculum is based on Judith
Wallertin’s suggestion that children must
master six hierarchical divorce-related
coping tasks in order to adjust satisfactorily:
1. acknowledging the reality of the
divorce and achieving a realistic cognitive
understanding of it;
2. disengaging from parental conflict and
resuming the child’s agenda;
3. resolving the many losses that divorce
imposes;
4. resolving problems of anger and self-
blame;
5. acknowledging the permanence of
divorce; and
6. achieving realistic hope about one’s
future relationships.

The program’s five major objectives are to:
1. increase children’s competence by
   teaching specific skills to identify divorce
   related feelings in self and others;
2. reduce feelings of isolation and mis-
   conception about divorce;
3. increase children’s awareness of how
divorce affects their parents;
4. increase appropriate ways children
can respond to anger; and
5. develop parental competence by
   teaching skills to handle life adjustment
   issues, children’s divorce-related concerns,
   parental relationship and parent-child rela-
tionship.

Children’s programs are primarily activ-
ity-based and parent programs utilize open
discussion, role-play and small group exer-
cises.

Commitment to evaluation and research play
a large part in the overall design of FIT.
Annual statistics compiled from participant-
completed program evaluations indicate that
over 90% of parents find FIT to be
“somewhat helpful” or “very helpful” in
their efforts to deal with divorce-related issues
with their children. An informal telephone
survey of parents who had completed FIT
one year previously found that ten percent
of the families had returned to court within
the year with child-related issues. This
represents a significant reduction from the
approximately 33 percent of divorcing fami-
lies in Jefferson County who have histori-
ically initiated litigation one year post decree
for child-related issues.

FIT is fortunate to have the strong sup-
port of the Jefferson Family Court judges,
the family law section of the Louisville Bar
Association, and the University of Louisville.
Representatives of these organizations serve
on the FIT Advisory Board and con-
tribute to the ongoing efforts to ensure that
FIT is a beneficial and effective service to
the community.

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AFCC’s Parent Education Program
Profiles contains information about
the operations, curriculum, materials
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This publication is a joint project of
AFCC’s Academic and Research,
Publications and Parent Education
Committees.
Update on Parent Education Legislation

by Eileen D. Biondi, Research Assistant, Hofstra University School of Law, Hempstead, NY.

Legislative support for parent education programs has become a popular response to separation and divorce, as state and local officials try to help families mitigate the impact of parental separation on family members. While there is widespread belief in the importance of these programs, there is also enormous diversity among them, including the laws and rules by which they are governed. Systematic information-gathering on legislation and court rules which addresses parent education programs is a cumbersome task which is in its early stages. Therefore, this article is not a comprehensive overview. Rather, it provides a foundation on which to build.

Authority for parent education programs generally falls within one of three categories: (1) mandatory state-wide legislation; (2) local court mandates; (3) discretionary state-wide legislation.

Mandatory State-wide Legislation

Connecticut and Utah are the only states that have passed legislation requiring participation in parent education programs on a state-wide basis. Connecticut legislation (P.A. 93-319; Senate House Bill No. 6072) provides that “the court shall order any divorcing parent of a minor child to attend a parenting education program designed by the judicial department to educate parents on the impact divorce has upon children.” Connecticut guidelines require programs to include information on: (1) the developmental stages of children; (2) adjustment of children to parental separation; (3) dispute resolution and conflict management; (4) guidelines for visitation; and (5) stress reduction in children and cooperative parenting.

Utah’s mandate (S.B. 50, Title 30, Chapt. 3-11.1), implemented in 1994, requires instruction on the following topics: (1) the impact of divorce on children; (2) the impact of divorce upon the family relationship; and (3) the financial responsibilities for the child or children.

In both Connecticut and Utah the court can determine that participation is not necessary, based upon the amicability of the divorce proceeding or if the parties select and participate in a comparable program. Both states charge a user fee and provide fee waivers if a participant cannot pay.

Legislation for state-wide mandated parent education programs failed to pass the Arizona legislature earlier this year. A similar bill remains under consideration in Washington.

Local Court-Mandates

What began as voluntary, court-based programs in Wichita, Johnson County and Wyandotte County, Kansas, became some of the first programs in the United States to use local rules to require attendance at parent education programs. Although no comprehensive search has been completed, local mandates are used in dozens of jurisdictions in several states, including Georgia, California, Illinois, Indiana, Massachusetts, Mississippi, Missouri, New Jersey, Ohio and Pennsylvania.

Some local mandates require both parents and children to attend. "Families in Transition" in Jefferson County (Louisville), Kentucky (see related article on page six) is one such program. "They're Still Our Children" in Maui, Hawaii is another.

Discretionary Legislation

Discretionary legislation generally permits the court to require parents to attend a parent education program at any time after an action for divorce or separation has been filed. Parties are typically ordered to attend on a case-by-case basis. Currently, Florida, Tennessee, Wisconsin and Wyoming have implemented discretionary legislation on a state-wide basis. Texas and South Carolina recently proposed discretionary legislation for parent education programs as well. Discretionary legislation failed to pass the Colorado legislature earlier this year.

The difficulties associated with divorce and separation in today’s society have led to an increasing number of states instituting legislation to support the growth of parent education programs. The activity in the legislatures throughout the country is, like so much of the movement in the parent education field, a very promising start.

If you have are interested in citations or have information on existing statutes, court rules, administrative policies or other mechanisms for referral to parent education programs, please contact Eileen D. Biondi, Research Assistant, c/o Professor Andrew Schepard, Hofstra University School of Law, Hempstead, NY, 11550-1090.

Massachusetts Chapter News

A FCC’s Massachusetts Chapter recently completed a very active and successful first year. One highlight for this new chapter has been its Education Roundtable Discussions. The topic in April was “The Out of Control Parent.”

Local Bar Associations and the Massachusetts Psychological Society co-hosted the discussions in six regions throughout Massachusetts. Dr. Ken Herman, Director of the Children and the Law Program at Massachusetts General Hospital presented at all six locations. He was joined by judges, family service officers, mental health professionals and lawyers. Chapter officials report that the attendance and interest in these programs has been outstanding.

The Massachusetts Chapter is looking forward to co-sponsoring Protecting the Children of High Conflict Divorce, with Carla Garry and Mitch Barris of Denver, CO. Drs. Garry and Barris are co-authors of two popular books, Caught in the Middle: Protecting the Children of High Conflict Divorce, and Children of Divorce: A Developmental Approach to Residence and Visitation.

The program takes place on May 5, 1995 in Milford, MA. For information contact (508) 756-6676.

MEMBER NEWS

Lynee Gold-Biken, a featured presenter at AFCC’s 1995 Annual Conference, was featured on ABC’s Nightline. Ms. Gold-Biken discussed the difficulties victims of domestic abuse face in dealing with the insurance industry.

Michael Lang, AFCC member from Yellow Springs, OH, has been appointed Editor-in-Chief of Mediation Quarterly. Mr. Lang is Chair of the Master of Arts in Conflict Resolution at Antioch University. As of July 1, 1995, Mediation Quarterly editorial offices will be located at Antioch University, 800 Livermore St., Yellow Springs, OH 45387; phone: (513) 767-6321; fax: (513) 767-6461; e-mail: conflictkit-mail, internet-mail@gac.acp.org.

Larry Lehner, AFCC member from San Francisco, CA, is the new Director of Alameda County Family Court Services in Oakland, CA. Mr. Lehner, who replaces Mary Duryee at Alameda County, leaves the position of Management Coordinator for the Statewide Office of Family Court Services after nearly seven years of service.

Anne Reiniger, Executive Director of the New York Society for the Prevention of Cruelty to Children, has been elected President of the Supervised Visitation Network. Ms. Reiniger will become the SVN’s liaison to AFCC.
NY Task Force Studies ADR and the Courts

Margaret Shaw, AFCC member from New York, has been appointed co-chair of the State Court Alternative Dispute Resolution Project, a New York task force charged with studying the possibility of designing and implementing a statewide court ADR system.

New York's Chief Judge, Hon. Judith S. Kaye appointed the task force of judges, lawyers, professors and mediators to examine various ADR models throughout the country. In addition to Ms. Shaw, members include co-chair Fern Schar Sussman, Chief Administrative Officer of the Association of the Bar of the City of New York; Manhattan Supreme Court Justice Helen E. Friedman; Nassau Supreme Court Justice Joseph Goldstein; Professor Jacqueline Nolan-Haley, Fordham Law School; Professor Maurice Rosenberg, Columbia Law School; Supervising Judge Anthony Sciolini of Monroe County Family Court; Andrew Thomas, Executive Director, Center for Dispute Settlement; and attorneys George Carpanello, Robert Conason and Kenneth Feinberg.

The project surveyed state courts throughout New York and found little court-annexed ADR, especially in courts of exclusively civil jurisdiction. In other courts (e.g., some family and criminal courts) the project found increased use of Community Dispute Resolution Centers.

The project's Interim Report also reported:

- Widespread confusion about definitions of ADR as well as specific alternative processes.
- Training of neutrals in existing programs is too often inconsistent or nonexistent.
- Qualifications of neutrals vary considerably.
- The number of cases handled is larger in courts which have specific programs, rather than those in which cases are referred on an ad-hoc, case-by-case basis.

Family Courts were reported as most active in using ADR programs. Courts reported that mediation offered by Community Dispute Resolution Centers was particularly effective. Issues respondents identified as needing attention included: mediator training; education of the public, judiciary and family court staff; consideration of the best interest of the children; and the determination of which cases are, and which are not, appropriate for mediation.

The panel is now in the process of formulating specific recommendations which will be published in draft form by the summer of 1995. Final recommendations will be submitted to the Chief Judge following public hearings.

AFM is Cincinnati Bound

by Lynn Carp Jacob, President
Academy of Family Mediators
Evanston, Illinois.

The Academy of Family Mediators is excited to present its 13th Annual Conference, Reaching for Diversity: Mediation in the 21st Century, July 10–15 in Cincinnati, Ohio. We hope that you will be able to join us for what promises to be a most stimulating and enjoyable conference. The conference will be preceded by three days of institutes presenting state-of-the-art theory and practice in family mediation.

The opening plenary will feature Laura Nader, a Professor of Anthropology at the University of California, Berkeley, who will discuss cross-cultural differences in resolving conflict, and the evolution of mediation. Marge Baker, president of the National Institute of Dispute Resolution (NIDR) will accept the Academy's Peace Award on NIDR's behalf.

Thursday morning's plenary will focus on the historical and cultural barriers that may impede the delivery of effective mediation services to the African American Community. Ray Schonholtz, President of Partners for Democratic Change, will be presented with the Academy's Distinguished Mediator Award for his contributions to the field of mediation.

The closing plenary will include two fish bowl role plays on Hot Topics in Mediation, featuring Linda Girdner, Director of the American Bar Association's Parental Abduction Project and Larry Sun Fong, Ph.D., former AFM President.

In addition to offering 17 institutes and 50 workshop sessions, the conference will also include numerous opportunities for networking and peer consultation, in addition to two exciting social events. The opening reception will be a Taste of Nations feast of hors d'oeuvres from countries around the world. On Thursday evening, everyone is invited to a cruise down the Ohio River with dinner and dancing.

For more information on the Academy's conference, please call AFM at (800) 893-5383.

Family and Divorce Mediation Resources

by James C. Melamed, J.D.
Former Executive Director of the Academy of Family Mediators & Kathleen Corcoran, M.S.

55 computer files (in your designated file format and hardcopy sets of all forms necessary for developing a successful family mediation practice.

Why spend hundreds of hours researching and entering data to create these documents on your own?

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Call (503) 345-1456 for information and to order. The cost is $99.95, plus $4 shipping. Please designate desired file format.
Florida Authorizes Juvenile Dependency Mediation

by Gregory Firestone, Ph.D., University of South Florida Mediation Institute, Tampa, Florida

During the 1994 legislative session, Florida statutes governing juvenile dependency, mediation and arbitration were modified to formally authorize the referral of dependency cases to mediation. Although mediation in these cases has been practiced successfully for several years around the country, it typically has received less attention and institutional support than mediation in child custody disputes.

Juvenile dependency mediation involves the non-criminal aspects of child abuse and neglect. In particular, these cases typically involve mediation of the following issues:

- child placement
- visitation
- evaluation and treatment needs for the child and/or family
- possible reunification of the family
- dependency

The Florida Statutes allow any party, including the guardian ad litem, to request a court-referral to mediation at any stage of a dependency proceeding. The multi-party mediation process may include any of the following participants: parents, relatives, state protection case workers, the guardian ad litem, non-relatives caring for the child(ren), and attorneys for some or all of the above mentioned parties.

Florida judges are beginning to refer cases for juvenile dependency mediation. Although no formal evaluation has been completed yet, the response of the parties to mediation and the referring judges has been very promising.

In addition to the legislative support, the Florida Dispute Resolution Center is fostering the development of juvenile dependency through pilot projects around the state. The Dispute Resolution Center awarded grants to Palm Beach County, Polk County and Hillsborough County to fund court-based mediation of juvenile dependency cases.

The Dispute Resolution Center has also provided Hillsborough County with funding to train family mediators in juvenile dependency mediation. The pilot training was developed and conducted by the University of South Florida Mediation Institute. According to Sharon Press, Director of Dispute Resolution Center, the experience from the pilot projects will assist the Florida Supreme Court in developing rules of procedure, training and qualification requirements for juvenile dependency mediation.

Issues identified for training mediators of juvenile dependency cases thus far include: multi-party disputes; dynamics of child abuse and neglect; the role of the guardian ad litem; the role of the child protective services agency; legal dimensions of juvenile dependency cases; juvenile dependency court process; the perspective of the parent's attorney; and ethical issues which are likely to arise in these cases.

Gregory Firestone will be presenting on juvenile dependency mediation at AFCC's Annual Conference in Montreal, May 17-20, 1995. If you are interested in contributing to the development of juvenile dependency mediation training, please send suggestions and comments to Dr. Firestone at: USF Mediation Institute, 2901 West Busch Blvd., Suite 707, Tampa, Florida 33618.

Mediation in cases of Juvenile Dependency will be a featured institute at AFCC's 1996 Northeast Regional Conference in Boston, MA., November 13-16, 1996.

AFCC CALL FOR PRESENTERS

Second International Symposium on Child Custody Evaluations
Sheraton Sand Key Resort
Clearwater Beach, Florida
January 20-22, 1996

AFCC's Second International Symposium on Child Custody Evaluations will include workshops ranging from general evaluation skills to advanced sessions for the experienced practitioner.

The Second International Symposium will also offer a variety of networking and consultation opportunities.

AFCC is looking for workshop presenters in the following areas:

- private vs. court services models
- innovative evaluation models
- the role of psychological testing
- what judges want from evaluations
- evaluating "non-traditional" families

Second International Congress on Parent Education Programs
Sheraton Sand Key Resort
Clearwater Beach, Florida
January 27-29, 1996

AFCC's Second International Congress on Parent Education Programs will provide in-depth, practical instruction on how providers can meet the challenges of establishing and maintaining parent education programs.

AFCC is looking for workshop presenters in the following areas:

- innovative programs
- program management
- standards and ethics
- conducting program evaluation
- service delivery to multi-cultural populations
- programs for post-divorce parents
- programs for children
- family violence

To submit a proposal for the Second International Congress on Parent Education Programs or the Second International Symposium on Child Custody Evaluations, please send a brief abstract and a one page outline of your proposed workshop to AFCC, 329 W. Wilson St., Madison, WI 53703, Tel: (608) 251-4001, Fax: (608) 251-2231.
Massachusetts Family Court Responds to Domestic Abuse

by Hon. Arline S. Rotman, Chair, AFCC Domestic Abuse Committee, President, AFCC Massachusetts Chapter, Worcester, MA Probate & Family Court.

Our collective national consciousness has been raised relative to the pervasive and destructive nature of domestic violence. Funded by the legislature and implemented by the trial court, Massachusetts undertook an ambitious multi-year domestic violence training project which included a powerful presentation on the effects of domestic violence on children. Faced with the enormous harm to children who witness violence, and research indicating nearly three-quarters of contested custody cases involve domestic abuse, it became clear that the court would need to respond.

The Chief Justice of the Massachusetts Probate and Family Court authorized the formation of a multi-disciplinary task force to develop a protocol for handling custody and visitation issues in the context of petitions for protection from abuse. Four judges, one family service officer, three forensic psychologists, one supervised visitation specialist, and one staff attorney from the Chief Justice’s office worked intensely for several months to produce a training product.

The task force which included several AFCC members, produced a guide for looking at domestic violence to assess the risk of harm to adults and children. The guide, entitled Domestic Violence Visitation Risk Assessment, is a practical tool for a quick assessment of custody and visitation options. It was used in a two-day domestic violence training conference involving every judge in the system and was very well received.

Domestic Violence Visitation Risk Assessment provides practical information for assessment of violence on several levels.

- Physical Violence
  The guide includes a list of violent acts, increasing in seriousness, to assess the level of physical violence. The list contains a range of violent acts including “credible threats of physical or sexual assault” and “credible threat or actual abduction of child.”

- Psychological and Economic Coercion
  The guide recognizes the relationship between physical assault and psychological and economic coercion. It suggests that if there are allegations of psychological and economic coercion, there may be physical abuse. The guide then provides a series of questions to better evaluate the seriousness of the alleged violence.

- Visitation Orders Based on Patterns of Violence
  The guide identifies patterns of violence and provides suggestions for visitation orders based on the likelihood of further harm to the child and the prognosis for changed behavior.

- Impact of Violence on Children
  The guide provides a series of questions to help assess the likelihood that children have been damaged by their exposure to violence. For example: “Have the children ever tried to intervene?” “Have they developed problems with peer relationships?” Behavioral symptoms that can serve as a red flag for the court to order further evaluation, are detailed.

A comprehensive form for supervised visitation orders was also developed to assist judges in articulating reason(s) for the supervision, the identity and responsibilities of the supervisor, conditions of continued visitation and provisions for review.

Domestic Violence Risk Assessment is available from AFCC. Contact P.J. White at AFCC, 329 W. Wilson St., Madison, WI 53703; Phone: (608) 251-4001; Fax: (608) 251-2231. Price: $6.00 plus shipping and handling.

Hon. Arline S. Rotman and members of the Massachusetts task force will present a workshop on this topic at AFCC’s Annual Conference in Montreal, May 17–20.

From the Supervised Visitation Network

by Anne Reiniger, President, Supervised Visitation Network, New York, NY.

SVN Comes to Montreal

SVN members are excited about presenting the first full-day Supervised Visitation Pre-Conference Institute at AFCC’s Annual Conference, Wednesday, May 17 at the AFCC Conference in Montreal. Supervised visitation addresses the needs of children, women, especially battered women, and men, often fathers who want to have a relationship with their children. If you are interested in starting a supervised visitation program or have started a program and need help, this institute will give you the opportunity to learn about supervised visitation from the experts. Topics will cover all pertinent areas and include: funding, training, security, court interface, administration, service provision, documentation and testimony.

Standards and Guidelines Update

The Supervised Visitation Network’s 1995 Annual Meeting offered SVN members significant time to work on the development of Standards and Guidelines for practice in Supervised Visitation Programs, discussed in the last issue of AFCC’s Newsletter.

The draft of the Standards and Guidelines, which includes 25 sections addressing such topics as Structure of Service, Operations, Security, Staff, Training, Records and Confidentiality, was presented to SVN members. SVN will now devote the remainder of the year soliciting feedback from providers of supervised visitation, drafting the commentary, and then formally adopting the Guidelines and Standards at the SVN Fifth Annual Conference in Austin, Texas in 1996.
Joint Task Force on Parent Education Programs Meets in Chicago

AFCC and the American Bar Association Family Law Section held the first meeting of the Joint Task Force on Parent Education Programs, March 3-4, 1995 in Chicago, IL.

The Joint Task Force was formed to support the development of new and existing parent education programs by developing and providing resources, technical assistance, public relations, conference presentations and outreach to professional associations. The Joint Task Force is in the process of compiling legislation, program materials and other information which is useful to those starting up a program. Task Force members are also actively organizing efforts to work with the bench, bar, mental health professionals and others to encourage the development of parent education programs. Task Force members are making presentations this spring at the AFCC’s Annual Conference, the ABA Family Law Section, the National Judicial College and other conferences.

The Joint Task Force includes: Co-chairs Hon. Douglas McNish, AFCC President, Wailuku, HI and Stephen Schlissel, Co-founder, P.E.A.C.E. Program, Mineola, NY; and members Linda Hahn, Director, Family Court Services, Dallas, TX; Tim Walker, Chair-elect, ABA Family Law Section, Littleton, CO; Tim Salus, Director, Connecticut Family Court Services; Joy Feinberg, Chicago, IL; Hon. Susan Snow, Cook County Circuit Court, Bridgeview, IL; Mark Robens, Phoenix, AZ; and Andrew Schebard (Reporter), Chair, AFCC Parent Education Committee, Hofstra Law School, Hempstead, NY. AFCC Associate Director Peter Salem is staff consultant to the Joint Task Force.

AFCC Partnership with University of Wisconsin Pays Big Dividends

AFCC’s partnership with the University of Wisconsin Department of Health and Human Issues got off to a great start as two successful training programs were launched this spring in Madison, WI.

Over 50 custody evaluators from throughout the Midwest attended Conducting Child Custody Evaluations, a two-day workshop on the fundamentals of custody evaluations. Participants noted the expertise and teaching excellence of the AFCC faculty, which included Pamela Langelier, Burlington, VT; Donelond Dennis, and Ellie Poor, Hennepin County Family Court Services, Minneapolis, MN; Hon. Sarah O’Brien, Dane County Circuit Court, Madison, WI; Arlene Wolek, Family Court Counseling Service, Madison, WI; and James Podell, Past-Chair, ABA Family Law Section, Milwaukee, WI.

Nearly 50 participants, one from as far away as Scotland, registered for AFCC’s second joint venture with the University of Wisconsin, Developing Educational Programs for Separated and Divorcing Parents.

Faculty for this program included Carol Roeder-Esser, Director, General Responsibilities as Separating Parents; Hon. Susan Snow, former AFCC President, Bridgeville, IL; Kenneth Waldron, Director, Children of Divorce, Madison, WI; and Peter Salem, AFCC Associate Director.

AFCC would like to thank the faculty members for their hard work. A special thanks goes to Professor James Campbell, the University of Wisconsin faculty coordinator of the programs and to Chris Burns, the University’s Program Assistant.

UPCOMING EVENTS

April 11, 1995 — Madison, WI
Developing Parent Education Programs
Contact: AFCC
(608) 251-4001 or
Professor James Campbell
University of Wisconsin
(608) 262-2352

April 21-22, 1995 — Chicago, IL
Mediation Council of Illinois
1995 Conference
Contact: Kathleen Borland
(312) 609-8766

April 24-28, 1995 — Boulder, CO
Family Mediation (non-divorce)
Contact: CDR Associates
1-800-MEDIATE

April 27-28, 1995 — Ann Arbor, MI
May 22-23, 1995 — Burlington, VT
June 23-24, 1995 — Lancaster, PA
Mediation Training & Consultation Institute
Advanced Mediation Training
Contact: Zena D. Zumeta, J.D.
(800) 535-1155 or (313) 663-1155

April 27-30, 1995
May 18-21, 1995
June 22-25, 1995
July 20-23, 1995
Basic Mediation Training
Location: San Francisco, CA
Contact: John Lemmon, Ph.D.
(510) 547-8089

April 27-28, 1995 — Appleton, WI
Wisconsin Interprofessional Committee on Divorce Annual Conference
Contact: Ginny Gigot
(414) 235-4910

May 1-5, 1995 — Chicago, IL
June 26-30, 1995 — Lancaster, PA
August 14-18, 1995 — Ann Arbor, MI
Mediation Training & Consultation Institute
Basic Divorce Mediation Training
Contact: Zena D. Zumeta, J.D.
(313) 663-1155 or (800) 535-1155

May 17-20, 1995 — Montreal, Canada
Gender Issues in Family Law
AFCC Annual Conference
Contact: AFCC
(608) 251-4001

June 1-4, 1995 — Washington, D.C.
National MultiCultural Institute
National Conference
Contact: NOMI
(202) 483-0700

June 7-11, 1995 — Corte Madera, CA
Divorce Mediation Training
Contact: Joan B. Kelly, Ph.D.
Northern California Mediation Center
(415) 927-1422

June 12-16, 1995 — Boulder, CO
Divorce and Child Custody Mediation
Contact: CDR Associates
1-800-MEDIATE

June 22-26, 1995 — Burlington, VT
August 17-21, 1995 — Allentown, PA
Basic Divorce Mediation Training
Contact: Carl D. Schneider, Ph.D.
(800) 905-2221

July 10-15, 1995 — Cincinnati, OH
Academy of Family Mediators
Annual Conference
Contact: AFD
(612) 525-8670

October 25-28, 1995 — Victoria, BC, Canada
Family Mediation Canada Annual Conference
Contact: FMC
(519) 836-7750

November 2-4, 1995 — Columbia Gorge, OR
AFCC Northwest Regional Conference and Board Meeting
Contact: Hugh Molsaas
(503) 248-3189

January 20-22, 1996 — Clearwater Beach, FL
AFCC Second International Symposium on Child Custody Evaluations
Contact: AFCC
(608) 251-4001

January 27-29, 1996 — Clearwater Beach, FL
AFCC Second International Congress on Parent Education Programs
Contact: AFCC
(608) 251-4001

May 9-11, 1996 — San Antonio, TX
AFCC Annual Conference
Contact: AFCC
(608) 251-4001

November 14-16, 1996 — Boston, MA
AFCC Northeast Regional Conference and Board Meeting
Contact: AFCC
(608) 251-4001

June 4-7, 1997 — San Francisco, CA
AFCC Annual Conference
Contact: AFCC
(608) 251-4001
Montréal
AFCC ANNUAL CONFERENCE
May 17—20, 1995
Le Centre Sheraton
$90 Single/Double U.S. (Approximate Exchange) $123 Canadian
(514) 878-2000
Gender Issues in Family Law
A Generation of Concerns

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