



FOUNDED IN 1963

AFCC NEWS

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Volume 24, Number 2

Spring 2005



Fall Training Conference Set for Breckenridge

AFCC's new Regional Training Conference, *Reaching the Pinnacle of Practice*, takes place September 22-24, 2005 and this is a program you will not want to miss. The conference takes place at the Beaver Run Resort in Breckenridge, Colorado, and offers three days with skill-building sessions for AFCC Members and others who work with separating and divorcing families.

The program will begin with full day pre-conference institutes on Thursday, September 22 and continue with two full days of 3-hour training workshops. Four program tracks will offer training workshops for parenting coordinators, child custody evaluators, legal professionals and mediators. Preliminary topics include interviewing children, mediation and negotiation skills, serving as an expert witness, using technology in the courtroom, domestic violence, alienation, advanced mediation techniques and more.

If you like to golf, fish, bike, hike or spend time outdoors, you will love Breckenridge. Beaver Run Resort is a 90-minute shuttle through the scenic Rocky Mountains from the Denver airport and once you are there it is worth the trip. Room rates begin at \$119 per night for a Deluxe Studio, One Bedroom Suite or a Colorado Suite. Many rooms include fireplaces, spa tubs and private balconies.

Look for the conference brochure with all of the program details in early July. For additional information, please contact www.afccnet.org or call AFCC at (608) 664-3750. Save the dates!

www.afccnet.org



ASSOCIATION OF FAMILY AND CONCILIATION COURTS

AFCC is the Association of Family and Conciliation Courts—an interdisciplinary and international association of professionals dedicated to the resolution of family conflict.

Mission

To improve the lives of children and families through the resolution of family conflict.

Vision

A justice system in which all professionals work collaboratively through education, support and access to services to achieve the best possible outcome for children and families.

Values

- Collaboration and respect among professions and disciplines
- Learning through inquiry, discussion and debate
- Innovation in addressing the needs of families and children in conflict
- Empowering families to resolve conflict and make decisions about their future

AFCC Board of Directors

President

Leslye Hunter, M.A.
Metairie, LA

President Elect

Hon. Hugh Starnes
Fort Myers, FL

Vice President/Secretary

Fredric Mitchell, Ph.D.
Tucson, AZ

Treasurer

Mary M. Ferriter, J.D., M.P.A.
Boston, MA

Past President

Hon. George Czutrin
Hamilton, ON, Canada

Board Members

Richard L. Altman, J.D.
Napolean, OH

Wendy Bryans, LL.B.
Ottawa, ON, Canada

Hon. Linda M. Dessau
Melbourne, VC, Australia

Robin M. Deutsch, Ph.D.
Boston, MA

Cori Erickson, M.S.
Sheridan, WY

Hon. William C. Fee
Angola, IN

Linda B. Fieldstone, M.Ed.
Miami, FL

Hon. Ross Goodwin
Quebec, QC, Canada

Stephen Grant, M.A.
Wethersfield, CT

William J. Howe III, J.D.
Lake Oswego, OR

C. Eileen Pruett, J.D.
Columbus, OH

Robert Smith, J.D.
Fort Collins, CO

Philip M. Stahl, Ph.D.
Danville, CA

Janet Walker, Ph.D.
Newcastle upon Tyne, England

AFCC Staff

Executive Director

Peter Salem, M.A.
psalem@afccnet.org

Program Director

Candace Walker, CMP, CMM
cwalker@afccnet.org

Registrar and Office Manager

Dawn Holmes
dholmes@afccnet.org

Program Assistant

Nola Risse-Connolly, B.A.
nrisseconnolly@afccnet.org

AFCC News

Vol. 24. No. 2 Spring 2005

Editor

Candace Walker

Contributing Editor

Nola Risse-Connolly

Published by AFCC

6515 Grand Teton Plaza, Suite 210

Madison, WI 53719-1048

Tel: 608.664.3750

Fax: 608.664.3751

E-mail: afcc@afccnet.org

Web: www.afccnet.org

AFCC News is a publication of the Association of Family and Conciliation Courts and is published four times a year. Deadlines for news items and advertising are January 15, April 15, July 15, and October 15.

AFCC News Advertising

Advertising copy must be camera ready and payment made in U.S. funds.

| | AFCC members | Non-member |
|-----------------------------------|--------------|------------|
| Full page (7 1/2" x 10") | \$425 | \$600 |
| Half page (7 1/2" x 4 7/8") | \$300 | \$450 |
| Quarter page (3 5/8" x 4 7/8") | \$150 | \$250 |

President's Message

It is hard for me to believe that it has been almost a year since I had the great privilege of becoming President of AFCC. So much has been achieved this year and so much has been planned for the future.

- The Board of Directors developed and approved a four-year Strategic Plan, which provides a roadmap for the future direction of AFCC.
- We completed an identity branding project, creating a new look for AFCC.
- AFCC sponsored training programs throughout the United States.
- We rolled out four new publications.
- There are more AFCC members than ever (more than 2400!).
- *Family Court Review's* new publisher, Blackwell Publishing has posted the complete journals (back to 1963) online (bear with us while the kinks are worked out).
- Additional conference scholarships, including travel stipends for those from outside of North America, have been created and awarded.
- A \$5,000 Innovation Mini-Grant was awarded to an innovative children's education program in New Orleans called "It's Not Your Fault!"
- We improved and expanded our Web site, adding many resources for both professionals and parents.
- The Family Law Education Reform Project, cosponsored with Hofstra Law School, has hosted law professors and leadership from major stakeholders as we work to bridge the gap between teaching and practice of family law.
- AFCC's Parenting Coordination Task Force will present the final draft of its Guidelines to the Board of Directors in Seattle.
- The Child Custody Evaluation Standards Task Force will post a first draft for comment on the Web site following the Seattle conference.
- And we have new initiatives planned for the upcoming year, so continue reading the *AFCC News* for updates.

There are more exciting projects and ideas, but space is limited. These accomplishments are due to the very hard work and commitment of our Board, Committees, Task Forces, work groups and staff. We have, in Candi Walker, Dawn Holmes and Nola Risse-Connolly, an incredible staff and each does the work of more than one person. But most of all the credit goes to our Executive Director, Peter Salem, whose vision, talent and unending energy and passion for AFCC have made our work possible.

If I looked good this year, the reason is Peter's generosity in paving the way and giving me the credit. If I made mistakes, these were despite Peter's best efforts. This year has been a remarkably rewarding experience and I thank you all.

I hope to see you *all* next year for the annual conference back in my hometown (May 31-June 3, 2006 in New Orleans). I am so pleased to turn the gavel over to our next President, the Honorable Hugh Starnes, whose (very dry) wit and (enormous) wisdom will take AFCC to even greater heights of excellence.



Leslye Hunter
AFCC President
Metairie, Louisiana

AFCC is Moving

AFCC is moving to larger quarters on June 30. We are moving to the building next to our current space, so the address is quite similar. Please take note that our new address, as of June 30, will be:

AFCC
6525 Grand Teton Plaza
Madison, WI 53719-1048

Our phone number and fax number will remain the same:

Phone: (608) 664-3750
Fax: (608) 664-3751

We are anticipating a seamless move with no interruption in service to our members.

Message from the Executive Director



Peter Salem
AFCC Executive Director
Madison, WI

In the sixteen years I've been involved with AFCC there have been some remarkable ideas developed by members of our association, and most of them have been chronicled in the *Family Court Review*. During that time *FCR* has published articles by the leaders in our field on attachment and young children, domestic violence, alienation, fatherhood, high conflict families, same sex couples, unified family courts and much more.

We are fortunate to have some of the most sophisticated writing and research available to us on an ongoing basis. Every issue of *FCR* brings new ideas that keep us up to date and improve our practice and teaching. Lately, however, I've been reading some material that is not at all up to date. The ideas are not cutting edge. The data isn't

new. There are no theories that have not been discussed before. Nonetheless, I've learned an enormous amount and it is some of the most fascinating reading I've done for quite some time.

Over the last six months I have been perusing back issues of the *Family Court Review* (a journal previously published under three other names) in preparation for posting archives on the AFCC Web site. It has been a fascinating journey through the history of family law, family courts and court services and I am delighted to say that it is now available to our members at the AFCC Member Center at www.afccnet.org.

The first issue of what was then entitled *California Conciliation Quarterly* debuted in March of 1963. (The "Quarterly" staff probably realized relatively quickly that four issues a year

might be too ambitious an undertaking, and in 1965 the name was changed to *Conciliation Courts Review*.) Volume 1, Issue 1 is a 13-page publication that described services of Conciliation Courts in seven California counties. In the back was a one page directory of personnel. The content of that first issue says it all.

As brief as it was, the first issue set the tone for what AFCC has offered members for the last 42 years. An organization that brings people together, disseminates information and provides mechanisms for members to interact. Today, we can logon to the AFCC Web site, look up a member in the online directory and we are one click away from communicating. In 1963 it was more likely a telephone call, or—perish the thought!—handwritten or typewritten letters that served as the vehicle for member communication.

It is quite a realization to discover that, even with all of the changes in families, courts and society in the last four plus decades, the goals of that very first issue of the journal remain as central to AFCC today as they were in 1963. And that is what is so impressive about these readings. Long before we had the staples of our system such as mediation, parenting plans, joint custody, divorce education and no-fault divorce, AFCC members were writing about what they believed could be and *should* be the way families and the legal system intersect.

Meyer Elkin, editor of the *Review* from 1963-1986, wrote eloquent editorials about the structure of the family law system. In September 1975 he wrote "Why do we continue to use the language of criminal law in family law?... We need to develop new words that will alleviate stress on the divorcing family rather than add to the stress already present." Over the next thirty years many courts and legislative bodies would follow this sage advice.

In September 1974, Judith Wallerstein reported on a Marin County, CA research project called Children of Divorce, a study that would go on to provide significant information (and some controversy) for AFCC members and others for thirty years.

Long before we had the staples of our system such as mediation, parenting plans, joint custody, divorce education and no-fault divorce, AFCC members were writing about what they believed could be and should be the way families and the legal system intersect.

Continued on page 13



GLOBAL ISSUES

Fourth World Congress on Family Law and Children's Rights, Cape Town

by Professor Janet Walker

Newcastle Centre for Family Studies
England

The year 2005 marks the 15th anniversary of the UN Convention on Children's Rights (UNCROC) and some 700 delegates from over 60 countries gathered in a space-age congress centre at the foot of Table Mountain to review progress. This was a truly rich Congress, which highlighted just how much there remains to do about the very serious ramifications of the HIV/AIDS pandemic, the trafficking of women and children, child pornography, street children, child soldiers, and poverty.

The Congress opened with wonderful singing by the African Children's Choir, all AIDS orphans aged seven to ten, who melted every heart in the auditorium and received a well-earned standing ovation. They are living examples of remarkable resilience in the face of extreme adversity, as are the children from the Christel House School, some of the most deprived children from townships outside Cape Town, who performed colourful African dances. Some of us were privileged to visit the school which has a very dedicated multidisciplinary staff team and exuberant children who are full of ambition.

The Congress patron, Madam Graca Machel, Chair of the UN Study on the Impact of Armed Conflict on Children, was outspoken in her opening address, condemning governments and regimes that fail to protect children. She and her husband, Nelson Mandela, have done much to bring the issues relating to HIV/AIDS to the world's attention. Sadly, an attorney in South Africa was vilified in the press following her comments about Kwazulunatal being the epicentre of HIV/AIDS and the gross ineptitude of social welfare provision. Although there are 800 deaths a day in South Africa due to HIV/AIDS, 25 million people living with the disease in Sub-Saharan Africa, and 11 million AIDS orphans, denial is strong, thereby hampering efforts to address the problem. Fewer than 3,000 children access treatment and vast numbers are hungry, vulnerable to abuse and exploitation, and likely to become street children, 75 percent of whom develop AIDS. They do not receive welfare support because they have no identity documents and many get caught up in the sex trade.

One moment of humour in sessions which hushed us all came when an eminent South African obstetrician, Dr.

Eddie Mhlanga, declared that certain world leaders (who shall remain anonymous!) could have found plenty of weapons of mass destruction had they looked in the right place—in Eddie's view, every man who has HIV/AIDS owns a weapon capable of mass destruction!

In between moving presentations about HIV/AIDS and the sexual exploitation of children, there were excellent papers on topics closer to the everyday lives of many of us in AFCC: family

breakdown; adoption; mediation and child abduction. We can all learn so much from colleagues in other jurisdictions, and extending networks internationally is one of the delights of the World Congress.

AFCC members took every opportunity to encourage membership from countries currently unrepresented in AFCC, promoting the benefits of belonging to an association dedicated to improving the lives of children and families through the resolution of family

conflict. Copies of *Family Court Review* disappeared like hot cakes! We were much enriched by attending such a powerful conference, and we reaffirmed our commitment to create a better world for the children of the future. Although there was criticism that the US is one of only two nations (the other being Somalia) not to have ratified UNCROC, I believe that all nations have much more work to do. To really secure the rights of children in the 21st Century, we need universal effort and attitudes have to change.

Papers and Resolutions from the Congress will be available in May at <http://www.lawrights.asn.au> for those not able to enjoy the Congress and the amazing sights and sounds of South Africa.

We can all learn so much from colleagues in other jurisdictions, and extending networks internationally is one of the delights of the World Congress.

PRACTICE TIPS

The Incorporation of Play Therapy Modalities in a Comprehensive Child Custody Evaluation

by Anita Trubitt, LCSW, RPT-S

Honolulu, Hawaii

Play cannot “lie” because it is not under the child’s conscious control. This strong assumption supports and justifies the inclusion of play therapy modalities in a child custody evaluation, provided that the child therapist has adequate training, skills and experience in interpreting the meaning of the child’s play.

There is universal agreement that a custody evaluation needs to gather relevant information about the child’s past and current functioning in physical, academic, social and emotional realms, as well as his or her relationships with all important family members. One of the major criticisms of custody evaluations (Bow and Quinnell in *A Critical Review of Child Custody Evaluation Reports, Family Court Review; Vol 40, No. 2, April 2002, pp. 164-176*) is that insufficient attention is given to the needs of the child and the nature of the parent-child relationships. The inclusion of projective play therapy modalities addresses this insufficiency.

The following techniques for the individual child, six years or older, provides insights into their thoughts, feelings and needs that are unlikely to be discovered through verbal interviews: (1) the kinetic family drawing, (2) the two-houses activity, and (3) a sandplay in which each family member is represented as an animal of the child’s choice.

The instruction to the child (in two separate one-hour sessions) is as follows:

Kinetic Family Drawing

The child is given a piece of 8x11 white paper placed horizontally, a pencil and an eraser and asked to “draw a picture of everyone in your family doing something.” When the child is finished I ask who each member is and what each is doing. I note the order in which each member is drawn and who the child draws himself next to, whether the figures are grounded, strongly slanted or floating, whether any body parts are missing or exaggerated and comparative sizes of who is represented. It is not uncommon for some children, who feel so overwhelmed by their parents’ anger, to leave themselves out of the picture altogether or

to draw themselves on the other side of the paper. Some children ask to do two separate drawings and represent themselves in each one.

Two Houses Activity

The 3-story dollhouse in my playroom can come apart to become two separate houses. I ask the child to imagine that one house belongs to mommy and the other to daddy and suggest the inclusion of some miniature furniture and family dolls. When the task is finished, the child tells me which house belongs to each parent. A child who is very angry at one parent might leave one house entirely empty and furnish the other with loving detail. Most school-aged children want things to be “fair,” however, and will put similar furnishings, alternately, into each house. Where they put the family doll that represents themselves tells us where they feel most comfortable or safe.

Family As Animals in the Sand

Adapted from a drawing technique (Kasper Kiepenaur workshop, 1984), the child is asked to choose a miniature animal to represent every member of his family, place each in the sandtray, and create an environment. This becomes a 3-dimensional representation of the child’s perception of the family and we observe the order in which family members are placed, their proximity to one another, especially the animal that represents the child, and the level of potential danger if some animals are highly aggressive and frightening while others are small and vulnerable. Some children are eager to tell a story about their scene and this can provide additional insight about their perceptions.

The **Family-Build-A-House** (developed by Carla Sharp, APRN, www.carlsharp.com, 1985) is a dynamic one-hour play observation and assessment of how all family members engage in a playful, creative activity. Sharp uses this with the entire family in her assessment phase of therapy. As a custody evaluator, I have adapted it to compare how well each of the parents separately, with all of the children together, engages in such an activity. They are given an hour to complete the task of building a house

Continued on page 13

Rejecting Fear... But Paying Attention

by **Robert Smith, J.D.**

Ft. Collins, Colorado

At first, there was shock that someone could enter a U. S. Federal judge's home in Chicago and kill her husband and mother. Then, shortly after, a prisoner being taken to an Atlanta courtroom overpowered a sheriff, took her weapon and mortally wounded the judge who was to hear his case. Within a short time later, four Canadian Mounties died in a shootout during a marijuana farm raid in western Alberta. And days later, in the southwestern Colorado small county seat of Cortez, a thirty-year-old man became wrongly convinced that his ex-wife's divorce attorney was trying to defraud him, so he walked into the lawyer's office and fatally shot him. All this was happening as the U. S. Supreme Court prepared to hear arguments in *Castle Rock, Colorado v. Gonzales*, a case that centers on the brutal killing of Simon Gonzales' kidnaped three daughters, and his shooting attack on the local police station, after police allegedly failed to enforce a protective order against him.

Commentary

These incidents were stunning precisely because they demonstrated a lack of any regard for the rule of law, and—in at least one case—the havoc that can be created when someone who is likely mentally ill decides to take out their frustrations by direct, and fatal, action. Workplace violence has appeared to be on the rise in the United States, and even churches are not sacrosanct from violent attacks, as demonstrated in a recent Wisconsin shooting.

While the genesis of, and the predilection toward, such violent reaction very probably began well before the court action was initiated, we all work in arenas in which it is becoming clear that a litigant or suspect—mentally ill or not—may decide that they have little left to lose by venting their rage and frustration toward the symbols of the system they have come to hate. We can personally react to that increasing fear by moving to a different field, or we can go to great lengths to fearfully protect ourselves.

Or, we can reject the fear and consciously decide to take reasonable and appropriate action to minimize the chances for violent outbreaks around us, in our courts and in our offices. In domestic relations cases, in particular, we need to understand that relentless, adversarial “winning” of high conflict trials may not ensure that both parents feel that a sense of fairness has been achieved. Granted, there are some cases—such as those which include control, paranoia and domestic violence issues—in which a

tendency toward violence is presupposed; and there is probably little that can be done at the time when dealing with a severely mentally ill parent—particularly, it seems, when they represent themselves and have no legal counselor to explain confusing court processes.

This subject needs much more research and attention, but the needs of parents and children in domestic relation cases require us to stop and seriously consider whether leaving this field, or becoming somewhat immobilized by fear, will resolve the growing problems. Instead, I suggest that we consider the following options:

1. We need to become more attuned to people's emotions and subtle signs, so that we can recognize when someone is about to act negatively. The Cortez, Colorado, shooter had spent the morning before the killing engaging in reportedly public “bizarre and paranoid behavior,” yet no one in this small community seemed to pay much attention to his concerning behavior.
2. We need to step back and review how our offices and courts are reasonably protected, yet can still be easily accessible to the public. We often tend to cite “tight governmental funding” when shrugging our shoulders; yet simple measures, such as metal detectors for even small, rural area courthouses need to be seen as a worthy and appropriate expense.
3. We need to reflect upon how we present our arguments, professional testimony and rulings, so that the rule of law and principle of fairness is easily apparent. In this regard, perhaps collaborative law and mediation are forums which have allowed parents to consider these principles in a less stressful and competitive environment than aggressive litigation.
4. We need to support our community's efforts to provide counseling, mentoring and positive, inclusive activities for children and teenagers, so as to work on the underlying problems and frustrations in their lives, before they develop into ingrained hatred and total disregard for the institutions that are designed to help them.

We can recoil in fear over the increasing numbers of public acts of violence involving our courts and domestic relations practices, or we can consciously choose to become part of the solution in working toward fairness and lowered conflict in cases—all the while paying more attention to the emotions and subtle signs that swirl around parental conflict, but refusing to become immobilized by the possibility of erupting violence.

AFCC Hosts Wingspread Conference on Family Law Education Reform

AFCC and Hofstra Law School's Center for Children, Families and the Law convened more than 30 professionals in early March for a two-day conference as part of the Family Law Education Reform Project.

Wingspread, located in Racine, Wisconsin on the shores of Lake Michigan, was designed by Frank Lloyd Wright as home to Herbert Fisk Johnson in 1938-39. In 1959, Johnson and his wife moved into an adjacent home and donated Wingspread to the Johnson Foundation to be used as an international educational facility.

Over the years, the Johnson Foundation has sponsored conferences on issues ranging from arms control to education to sustainable development. National Public Radio has its roots in a Wingspread conference, as do the National Endowment for the Arts and numerous other organizations and movements. Eleanor Roosevelt and presidents Gerald Ford and Jimmy Carter top the long list of distinguished conference participants.

The goal of the Wingspread Conference was to convene representatives of family law-related organizations, leading practitioners, scholars and researchers to build on the family law education reform that began in May 2004 at AFCC's Annual Conference in San Antonio and continued with a think tank of family law professors at Hofstra in November 2004.

Wingspread participants worked in groups to identify educational goals and objectives to help bridge the gap between current family law teaching and practice. Strategies for developing reform within law schools and the legal community were identified. Project participants are now working on developing a report on the current and future state of family law teaching as well as identifying new teaching priorities and strategies for law school faculty.

Project co-reporters Mary E. O'Connell of Northeastern School of Law, and J. Herbie DiFonzo of Hofstra Law School will present a report on the State and Future of Family Law Teaching at the AFCC 42nd Annual Conference, May 18-21, 2005 in Seattle, WA.

The final report, along with commentary and related writings, will appear in the January 2006 issue of *Family Court Review*.

AFCC is grateful to the many organizations that participated by sending representatives to the Wingspread Conference. Participants at the conference included: Elissa Benedek, American Psychiatric Association; Lisa Berman, Hofstra Center for Children, Families and the Law; Hon. Susan Carbon, National Council of Juvenile and Family Court Judges; Hon. Dolores Carr, Santa Clara County Superior Court; Alexis Collentine, Hofstra Law School; Howard Davidson, ABA Center on Children and the Law; Otis Dean, Blackwell Publishing; J. Herbie DiFonzo, Hofstra Law School; Linda Elrod, Editor, *Family Law Quarterly*, Washburn University School of Law; Robert Emery, American Psychological Association, University of Virginia; Steve Erickson, Association for Conflict Resolution; Thomas Fee, The Agreement Zone; Susan Hansen, International Association of Collaborative Professionals; William Howe III, AFCC; Leslye Hunter, AFCC; Karen Jick, National Association of Social Workers; Kris Koeffler, Rock County Domestic Violence Intervention Program; Gregory Lampe, University



Project Chair, Andrew Schepard, participates in discussion at Wingspread.

of Wisconsin Colleges; Forest Mosten, UCLA School of Law; Mary E. O'Connell, Northeastern University School of Law; Paul Pearson, ABA Section of Dispute Resolution; Peggy Podell, ABA Section of Family Law; Marsha Kline Pruett, Yale Child Study Center; Jennifer Rosato, American Association of Law Schools Family and Juvenile Section, Brooklyn Law School; Peter Salem, AFCC; Andrew Schepard, Hofstra Center for Children, Families and the Law; Professor Andrea Schneider, American Association of Law Schools Dispute Resolution Section, Marquette Law School; Hon. Hugh Starnes, AFCC; and Nancy Ver Steegh, William Mitchell College of Law

AFCC thanks the Johnson Foundation for its support of the Wingspread Conference and the JAMS Foundation for providing additional financial support for the Family Law Education Reform Project.

The Wingspread Conference: A Student Perspective

by Alexis Collettine

*Child and Family Advocacy Fellow
Hofstra Law School*

As I imagine is true for many law students, I do not spend much time thinking about how well my education is preparing me for the eventualities of being a practicing lawyer. We're too busy reading, writing, thinking, synthesizing, and doing all the other things that are required of us as we attempt to turn unfamiliar material into internalized knowledge. Yet, does this method and the resulting amassed knowledge make a person into a good lawyer? This was one of the primary questions that I had the opportunity to examine when I stepped off of the student treadmill and attended the Wingspread Conference on Family Law Education Reform. Although the conference centered on family law education, many of the ideas could be expanded into law education generally.

The conference brought together an interdisciplinary group of professionals involved with family law in some capacity. As an aspiring family lawyer, it was exciting to merely be included in a group of people so committed to this area. It was even more gratifying when I participated in the stimulating discussions that ensued. Included in the conference were social workers, judges, professors, lawyers, and mediators; people who *have* been thinking about what changes in the way family law is taught would create more effective lawyers. There was a wonderful environment of collaboration and, of course, many interesting ideas resulted from the discussions.

A recurring theme was how best to balance practical education with more knowledge-based teaching. There was a general consensus among the attendees that cases and statutes are getting ample coverage in family law courses. However, the skills that practitioners find to be of utmost importance in their work—listening, balancing what the client wants with what would be the best outcome for the family as a whole, maintaining good relationships with other lawyers—are not sufficiently covered in the classroom. A related concern is that the bulk of family law is taught through adjudicated cases, yet taking a case to court actually represents the lawyers' failure to reach an agreement through negotiations. With the vast majority of a family lawyer's work done outside of court, it seems

counter-intuitive to focus students' attention on the in-court decisions.

Surprisingly, I felt some resistance to moving away from a case-law-based system, but I think that stemmed more from it being a familiar method than an effective one. However, my hesitation to increasing practical education was stronger. It seems to me that law school exists in a somewhat nebulous area between professional school and academic pursuit. Students learn what the law is and how to apply it, but also why it is the law, and the societal implications of that law. I am sure I would benefit from the infusion of more practice into my education, but I wouldn't want to lose these discussions. Also, I have years ahead of me to learn and refine the work of being a lawyer, but only these few years where my only job is to study the law.

This is a primary difficulty that any reform efforts must deal with, what to maintain and what to change and what will be the consequences of those decisions. However, if people remain as thoughtful as the participants of this conference were, I am sure the right decisions will emerge.

Countdown to New Orleans '06

If you have not yet done so, mark your calendar now for AFCC's 43rd Annual Conference in New Orleans, May 31-June 3, 2006. AFCC's conferences in New Orleans are something special, but we can't say much more, because what happens in New Orleans, stays in New Orleans (except the audiotapes and proceedings books, of course!).

The conference will take place at the Sheraton New Orleans, located just a few steps from the French Quarter. Room rates will be \$148, single or double rooms. The city of New Orleans is best known for its Cajun cuisine, seductive jazz and unique architecture so plan ahead and join your AFCC colleagues at this mystical event in 2006.

On the AFCC Chapter Newsfront

by **Linda Fieldstone**

AFCC Chapter Liaison, Miami, FL

As AFCC Chapter Liaison for the past two years I have had the invigorating opportunity to work with the leadership of each of the eight AFCC Chapters. Chapters have grown to be a significant part of AFCC's organizational structure. They provide opportunities for those who share AFCC's mission and organizational values to bring these "closer to the ground" and network at a level that may, at times, be more pragmatic than similar networking at the national level. Given the local and state control over much of the public policy and economics that shape the court system and family law, I have witnessed how chapters create an immediate and effective context for exploring problems, solutions and ideas that have the power to improve the way business is done on a grassroots level. It is thrilling to see the AFCC values at work, bringing interdisciplinary groups together to address concerns, share ideas, and facilitate changes through innovations and initiatives on statewide and local basis. Here is what some of our chapters have been up to.

Arizona: Arizona AFCC members have been instrumental in the formation of Arizona's new Rules of Family Law Procedure. The Arizona Supreme Court established a committee to create Rules of Family Law Procedure, the Committee started its work in July 2003. Arizona AFCC is well represented, as the Rules Committee includes four current Arizona AFCC Board members. The initial draft of the Rules will be presented to the Arizona Supreme Court in June and a public comment period will then be held. It is anticipated that the Arizona Rules of Family Law Procedure will take effect January 1, 2006. The Rules can be viewed at <http://www.supreme.state.az.us/drrc/> and comments to the Rules are always welcome.

California: The California Chapter recently presented a beyond-the-basics interdisciplinary conference for judges, lawyers, mental health professionals, researchers and parent educators serving children and their families in family and dependency courts. A conference notebook is being compiled to ensure continuity in conference planning since the statewide conference site alternates between Northern and Southern California. A new task force is being formed to help educate the legislature on issues pertaining to families and children. The chapter is also working on a strategic plan that addresses issues such as enhancing the chapter's relationship with the legislature, working to increase membership contacts with other organizations and addressing the continuity of Board participation.

Florida: FLAFCC was honored to have several Board members serve on the Florida Supreme Court Parenting

Coordination Workgroup appointed by Chief Justice Barbara Pariente. This group submitted its report in March, including an Administrative Order, Order of Referral for Parenting Coordination, and parenting coordination training protocol, to promote consistency and uniformity of service across the state. These documents are available on the Florida Chapter Web site, www.FLAFCC.org. Since the initial Bill was passed by the Florida Senate and House in 2004, then vetoed by the Governor, the FLAFCC PC Taskforce, a multi-disciplinary group representing all of the organizations that have expressed interest in this issue, has recently reconvened to revise the proposal in time for the next legislative session.

During the FLAFCC Annual Conference held last November, the chapter introduced the Florida Organizational Collaboration Initiative (FOCI), an interdisciplinary, multi-organizational alliance developed to promote collaboration, communication, mutual respect, and information exchange to increase knowledge and support and positively affect the lives of the children, parents, and families that we serve. There are currently 18 statewide organizations that have joined this innovative approach to bring together those representatives best able to effect positive changes in the state for children and families in the court system.

Additional projects this year include modification of the standard financial affidavit used in family law, promotion and development of local interdisciplinary family law groups, development of consistent parenting plans across the state, and the promotion of collaborative law.

Massachusetts: Over the past several years, the chapter has been involved in two special projects.

The first project is the creation of Standards for Guardians *ad Litem* who conduct certain investigations for the Probate and Family Courts regarding custody and visitation. These Standards have now been adopted by the Probate and Family Court Department statewide and govern the work that these Guardians *ad Litem* perform for the Court.

The second project was the development of *Planning for Shared Parenting: A Guide for Parents Living Apart*, which is available from AFCC.

The chapter is also beginning a new initiative and adopted a two-year theme of never-married parents. The Massachusetts Chapter will be forging new links between the Juvenile and Family Courts with this subject, doing some research and writing, using the theme for its conferences, and probably linking with other states and other countries.

The Massachusetts Chapter was also consulted during the drafting of Parenting Coordination legislation. So far, the bill has not met with success in the legislature, but it is

being re-introduced in the current session. The chapter has also established the Sheila McGovern Conference Scholarship in memory of a much-beloved Probate and Family Court judge who died unexpectedly in 2000.

Missouri: The Missouri Chapter continued its series of Lunch & Learns in 2004-05. The series, which is free and open to all interested professionals, takes place every other month in the St. Louis area. Topics on this year's agenda: dilemmas faced by private therapists whose clients are litigating a difficult divorce (1/2 day seminar); resolving disputes without the judge (a discussion of arbitration vs. mediation); trends and innovations in adoption (upcoming); pros and cons of splitting siblings in custody disputes (upcoming); booze, drugs and custody issues (upcoming 1/2 day seminar); the roles played by stepparents and significant others in custody disputes (upcoming). MO-AFCC also collaborated with MARCH (Mediation Achieving Results for Children) to bring Dr. Don Saposnek to St. Louis for a day and a half advanced mediation training in March 2005. The format of Lunch & Learns has been replicated by the Florida Chapter and has been found to be a very successful approach to support professionals, enhance professional growth and promote interdisciplinary understanding on a local level.

New Jersey: Several initiatives have evolved through the progress of the New Jersey Chapter.

- 1) The Parenting Coordinator Initiative is a campaign for popularizing the parenting coordination concept in New Jersey. The chapter maintains a list of professionals who have served as or are willing to serve as parenting coordinators.
- 2) The Committee on Focus Oriented Evaluations is developing and standardizing a toolbox of brief alternatives to full scale child custody evaluations to address issues to assist families in conflict.
- 3) A Bill for Notice of Intention to File Divorce, so as to make parent education programs and mediation services available to parties without filing a formal complaint and seek to change the title of family cases literally to "In the matter of the Jones Family (or Marriage)" rather than "Jones v. Jones."
- 4) A seminar on "How to Keep Your Divorce Case Out of Court" with simple suggestions on how to help parents share parenting, marital assets, and support two households.

New York: The New York Chapter has been involved with a number of initiatives this spring. Chapter co-presidents, Steve Demby and Len Florescue, both testified before the Miller Commission on February 17,

2005. The Miller Commission was appointed by New York's Chief Judge to investigate and consider the entire judicial system as it relates to all matrimonial matters, including custody and child support, with a view to making suggestions to improve it. The co-presidents volunteered the resources of the chapter to the Commission and have already filled several such requests from the Commission.

The chapter will be presenting regular programs to help matrimonial judges in New York learn more about the areas of interest to AFCC. The first such session will be a primer on the various psychological tests that are performed during the course of a forensic evaluation, as well as the purposes, strengths and weaknesses of each. The second will involve parenting coordinators.

Texas: The Texas Legislature is currently working on the passage of a Parenting Coordinator Bill, and the outcome of the legislative process will be known soon. The chapter has worked collaboratively with the Family Violence Council to incorporate wording that satisfies its concerns.

The Texas Chapter has also formed an Education Committee, which is working on development of interdisciplinary ethics training and other projects. The goal of the committee is to provide training specifically focused on issues pertaining to the work of those involved in helping families resolve conflict, which includes attorneys, judges and mental health professionals. The Education Committee has designated its first priority to create a training curriculum to address more complex issues faced by custody evaluators. The goal is to put together a training that will provide both the 'nuts and bolts' of ethics, as well as to facilitate discussion of the more thorny issues that those who work in the field often encounter. For example, is it ultimately best for the child to keep parents out of court? If so, then is it ethical for an evaluator to offer a recommendation that is 'second best' for the child, but does keep the parents out of the courtroom? The goal of the training is to help raise awareness of the choices and complications inherent in the work we do.

Author's note: My congratulations to each of the chapters for their innovative approaches toward reducing family conflict and introducing more options for families to resolve their issues constructively! I appreciate working with the staff of AFCC, the dedicated leadership of the Association, as well as each Chapter Representative. It is time to pass the baton to the next Chapter Liaison, Annette Burns, Past-President of the Arizona Chapter, and I will continue to cheer for each AFCC Chapter member as the values and goals of AFCC expand in the future.

Top Ten Ways to Recruit AFCC Members (and Earn AFCC Dollars)

10. Tell your colleagues about the incredible member discounts on Blackwell Publishing products, professional liability insurance through Complete Equity Markets and J.M. Craig Press publications.
9. Donate a gift membership as an auction item your for local bar, mediation or mental health association fundraiser.
8. Offer to share a hotel room with a non-member colleague at an upcoming conference. This will cut costs and give you ample opportunity to extol the virtues of AFCC membership.
7. Highlight AFCC's 42-year history of innovation and interdisciplinary collaboration.
6. Hand out AFCC membership brochures at training programs, conferences or other events—write your name on the referral line of each brochure. (Contact the AFCC office at afcc@afccnet.org and we'll send you all the brochures you need!)
5. Share a copy of your *Family Court Review* with a colleague—slip a membership brochure inside.
4. Encourage a colleague to apply for a conference scholarship. Once they attend, they'll be hooked!
3. Buy an institutional membership for your office or organization and name two colleagues as members.
2. Give a gift membership for the holidays or other special occasions!
1. Location, location, location... mention our conferences in Seattle, Breckenridge and New Orleans!

Condolences

Susan Sheaffer, AFCC Member from Toronto, passed away suddenly and tragically on March 15, 2005. Susan will be missed by many, especially team members of Family Solutions. AFCC extends its deepest sympathies to her family and friends.

AFCC Members Write On

Susan Boyan, AFCC member from Georgia, has co-authored a new book, *The Psychotherapist as Parent Coordinator in High Conflict Divorce: Strategies and Techniques* published by Haworth Press.

Carolyn Harris Johnson, AFCC member from Australia, has authored *Come with Daddy*, a study of child murder-suicide after separation. Carolyn will be presenting new research findings that compare incidents of familicide in Western Australia and other forms of family homicide at AFCC's 42nd Annual Conference, May 18-21, 2005.

Anita Trubitt, AFCC member from Hawaii, recently self-published a revised edition of her previous book under the new title of *Play Therapy Goes to Court: Implications and Applications in Contested Child Custody*.

Have you written a book? We want to let others know about new books in the field by AFCC members. Send information on your book to Candace Walker, Editor, AFCC News at cwalker@afccnet.org.

Mediate.com
The World's Dispute Resolution Counsel

Over 2 Million Annual Visitors
Web Site Development & Personal Support
Market to Your Area Code & State
Locate A Mediator Directory
Secure Online MeetingSpac™
Educational DVDs & CDs

Our 10th Anniversary Year 1996 2005
Mediate.com - LawCounsel.com - CollaborativePractice.com

Executive Director

Continued from page 4

Jay Folberg, who served as both executive director and president of AFCC, wrote in December 1974 about how court-based conciliation counseling could "...help families graciously end marriage with dignity rather than in debilitating anger. Disputes concerning divorce may, in effect be mediated, by a counselor without reconciling the marriage." Court-based mediation was certainly a novel idea at the time. Today, according to a recent AFCC survey, 92% of court service programs offer mediation.

There is more, of course, and it is not possible in this space to identify all of the important seeds that were planted in the *Review* over the last four decades. And it is amazing how far we have come. The first issue was probably typed up on someone's Smith Corona, hand-stapled and mailed to a handful of conciliation court counselors and judges in California. Today, thousands of copies are printed by the world's largest publisher of association journals, then sent by mail and electronically to all corners of the earth. But it is important not to overlook the impact of those original 13 pages. They started a legacy, beginning with founding editor Meyer Elkin, and continuing with editors Stanley Cohen, Hugh McIsaac and our current editor Andrew Shepard and associate editor Janet Johnston.

We should celebrate the ever-expanding scope and improving quality of *FCR*. And we should also remember that within the pages of the *Review* of years past lie the vision and foundation for the work that we do today. We owe an enormous debt of gratitude to those who paved the way. I invite you to logon to the Member Center at www.afccnet.org and share a bit of our history.

Online Access Note

Some members may have experienced problems with direct access to *Family Court Review* online through the AFCC Member Center due to security and firewall issues with certain operating systems. Blackwell Publishing will be furnishing alternate access information to all AFCC members by electronic and postal mail by mid-May. If you have not received your instructions by May 20, please contact Blackwell directly at memberships@bos.blackwellpublishing.com and identify yourself as an AFCC member.

Practice Tips

Continued from page 6

using blocks, furniture, family dolls and any other materials in the playroom. They are told that the house "doesn't have to look anything like mom's house or dad's house and the only rule is that you all have to work together."

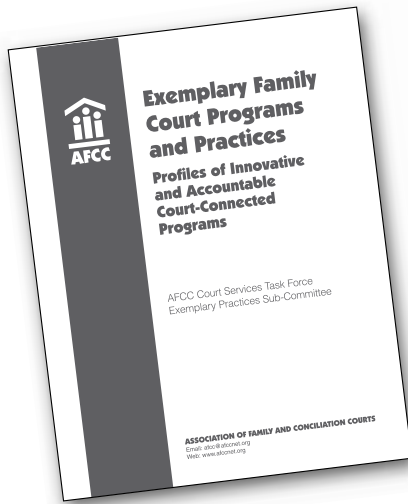
Observing both *content* (personal space and common space) and *process* (the parents' ability to accept and support the children's ideas and handle their disagreements) yields far more information about their parenting styles than their verbal reporting.

The inclusion of these projective play therapy modalities in a comprehensive custody evaluation offers a more

reliable source of information about the thoughts, feelings, needs and wishes of children and their parents than their words, and provides the evaluator with additional safeguards in a process that begs for redundancy.

Anita Trubitt's new self-published book, Play Therapy Goes to Court-2nd Edition: Implications and Applications in Contested Child Custody, describes these techniques in detail, including illustrations. She is a licensed clinical social worker in private practice and serves Honolulu's First Circuit court as a custody evaluator or child therapist and parenting counselor. She is a Registered Play Therapist-Supervisor with the Association for Play Therapy and has presented at AFCC conferences in Montreal, Florida and Hawaii. For more information visit her website: www.anitatrubitt.com.

New AFCC Publications Available!

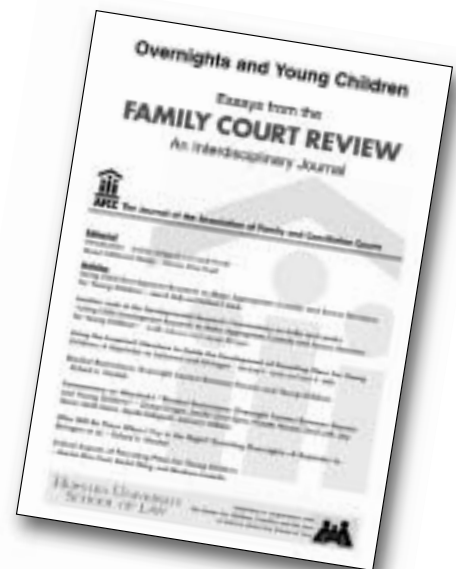


Exemplary Family Court Programs and Practices

Exemplary Family Court Programs and Practices profiles nearly 70 court-related programs including Dispute Resolution, Access to Justice, Parenting Plan Services and Children Services. This 170-page book is a must-have for courts, private agencies and others looking for innovative, effective and creative ways to serve families. Price: \$25 for non-members, \$21.25 for AFCC members.

Overnights and Young Children: Essays from the Family Court Review

This collection of essays previously published in the *Family Court Review* examines the long-standing debate on overnights and young children. Includes articles from Joan Kelly and Michael Lamb, Richard Warshak, Judith Solomon and Marsha Kline Pruett. Price: \$20 for non-members, \$17 for AFCC members.



Domestic Violence: Essays from the Family Court Review

This volume features Clare Dalton with a response from Janet Johnston, and examines issues including Domestic Violence and Child Protection, Partner Violence and Risk Assessment, Domestic Violence and Gay and Lesbian Victims and Teen Dating Violence. Price: \$20 for non-members, \$17 for AFCC members.

AFCC Members Receive a 15% Discount on Publications and Videos

To order online go to www.afccnet.org and then to the Shopping Center. Or contact AFCC at (608) 664-3750 or afcc3@afccnet.org and ask for a publication order form.



AFCC'S REGIONAL TRAINING CONFERENCE

September 22-24, 2005

Beaver Run Resort
Breckenridge, Colorado

REACHING THE PINNACLE OF PRACTICE

AFCC's new Regional Training Conference will feature pre-conference institutes and two full days of 3-hour skill-building workshops for in-depth instruction in best practices targeted to:

Parenting Coordinators

Custody Evaluators

Multi-disciplinary audiences

Mediators

Legal Professionals

Join AFCC in the Rocky Mountains! For outdoor enthusiasts, Breckenridge offers hiking, mountain biking, fly-fishing, whitewater rafting and horseback riding. Or, relax in one of Beaver Run's two heated pools, eight hot tubs or spa.

The Jack Nicklaus designed Breckenridge Golf Club offers 27 holes of championship play. For the die-hard golfer, The Keystone Ranch, The River Course, Copper Creek Golf Club and The Raven Golf Club are within minutes of Beaver Run.

Room rates from \$119 per night—available five days before and five days after the conference dates. More information will be available in July and can be found at www.afcnet.org.

Upcoming AFCC Conferences and Trainings

Advanced Topics in Child Custody Evaluations

Presenter: *Jonathan Gould, Ph.D.*

June 13-14, 2005

Loyola School of Law

Chicago, Illinois

www.afccnet.org

Resiliency and Risk for Children of Separation and Divorce: Current Research and Implications for Practice

Presenter: *Joan B. Kelly, Ph.D.*

June 15-16, 2005

Loyola School of Law

Chicago, Illinois

www.afccnet.org

AFCC Regional Training Conference

September 22-24, 2005

Beaver Run Resort

Breckenridge, Colorado

www.afccnet.org

AFCC Texas Chapter Conference

September 30-October 1, 2005

Houston, Texas

www.texasafcc.org

AFCC Florida Annual Chapter Conference

October 29-30, 2005

Tampa, Florida

www.flafcc.org

AFCC 43rd Annual Conference

May 31-June 3, 2006

Sheraton New Orleans

New Orleans, Louisiana

www.afccnet.org

AFCC 44th Annual Conference

May 30-June 2, 2007

Capital Hilton

Washington, D.C.

www.afccnet.org

