



FOUNDED IN 1963

# AFCC NEWS

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Volume 24, Number 1

Winter 2005



## Welcome to the AFCC News

AFCC's quarterly newsletter has been re-designed to reflect the new look of AFCC's logo, Web site and membership brochure; and pages have been added to make it easier to read. We hope that you share our excitement with these improvements. Please send suggestions for articles you would be interested in authoring or reading, or let us know information or ideas you would like to see in future issues. Email [cwalker@afccnet.org](mailto:cwalker@afccnet.org) or mail your comments to: AFCC News Editor, 6515 Grand Teton Plaza, Suite 210, Madison, WI 53719.

## See you in Seattle!

Make plans to join your colleagues at AFCC's 42nd Annual Conference, *Solving the Family Court Puzzle: Integrating Research, Policy and Practice*, May 18-21, 2005, at the Sheraton Seattle in Seattle, Washington.

The conference features an incredible group of presenters who will shine new light on a wide range of research, policy and practice topics. AFCC's Conference Committee has put together an exciting program consisting of seven in-depth pre-conference institutes, four plenary sessions and more than 50 workshops.

### Plenary Sessions

Wednesday evening's opening session will feature Washington State Supreme Court Justice Bobbe J. Bridge, a former family

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[www.afccnet.org](http://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

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**AFCC News**

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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

We are all in a tough business. Many of us deal, each and every day, with people who are at their worst. They are emotional, hurt, angry and often petty and vindictive. The lucky among us deal with those people who are coping with their losses in an adaptive, appropriate and mature manner. But for all of us, the arena of Family Law involves the re-arrangement of families and the loss of the way things were. Hopefully, for some individuals, the change will eventually be a positive one that will open new possibilities and opportunities for several, if not all, of the family members. For some, the change will mark a relief from fear and violence. For the majority, however, the change will be just that—a change: in their family constellation, residence, school and/or place of employment.

I am primarily a custody evaluator and parenting coordinator, so I see the worst of the worst. Except when I am (thankfully) mediating a case, the people I see are in the Top Ten (percent) of the level of conflict. They have not been able to settle between themselves, with their attorneys or even with a mediator. They ask the Court's intervention to make it better—and then often proceed to continue their battle so that can never happen.

I am friends with many attorneys and judges in various areas of practice. Those who practice Domestic Law are usually the ones who talk about their burn out and running away to live on a beach somewhere. Burnout is accepted as an occupational hazard.

If you hear a sense of exhaustion and despondency in my words, you would not be mistaken. It is a malady that occurs several times a year, and then—seemingly by magic—disappears and I feel rejuvenated, excited about the families I can help and the differences I can make. Sometimes, I am even anxious to get to my office and begin my day!

After much introspection (another occupational hazard for us mental health folk) I have identified my elixir. It is simply... AFCC.

I get a copy of the journal, *Family Court Review*, and read about new research, ideas and ways to deal with the complex issues that are plaguing me. These issues then seem less onerous and more challenging. I get the brochure for the upcoming conference or training or symposium and get excited about seeing old friends,

and making new ones, who speak the same language that I do. I anticipate, with much pleasure, the collegial debates and arguments, as well as hearing brand new, cutting edge ideas.

I simply could not do my job without AFCC. I certainly could not do it well. I was lucky enough to discover AFCC at the beginning of my forensic career, and it has been instrumental in my professional growth. I am committed to excellence and find AFCC members to be excellent mentors, teachers, debate opponents and spurs for reaching beyond my capabilities. They are, unequivocally, the leaders in our field.

If this sounds like a love letter to AFCC, I will unabashedly say that it is. I was honored to be elected President and have now served over half my term—traveling, working and emailing at all hours of the day and night (working around my day job that pays the bills). The Board of Directors does not get paid. We do not even get our travel expenses to Board meetings and conferences reimbursed. Instead we donate a lot of our time and, often, our own money because we believe in the organization and its values and mission. We are committed to trying to make lives better for families in conflict.

Of course, I feel like I am preaching to the choir. If you are reading this, you are, more than likely, an AFCC member and know of which I speak. Perhaps you will choose to share your enthusiasm and excitement and bring your colleagues to a meeting so that they can see for themselves. "Pay it forward!"

As for me, my batteries are in need of a bit of recharging right about now. I may still think about that beach, but I am **really** looking forward to seeing you all in Seattle!



**Leslye Hunter**  
AFCC President  
Metairie, Louisiana

*I get the brochure for the upcoming conference or training or symposium and get excited about seeing old friends, and making new ones, who speak the same language that I do.*

# The Family Law Education Reform Project: Genesis and Prospects

by **J. Herbie DiFonzo**,

*Professor of Law, Hofstra University School of Law,  
and Co-Reporter, Family Law Education Reform Project*

*The Family Law Education Reform Project is made possible in part through funding from the JAMS Foundation and The Johnson Foundation.*

The last two decades have seen substantial—even dramatic—changes in the practice of family law, most particularly the infusion of non-legal professionals into the court system. As this sea change has occurred, however, law school curricula and teaching have remained relatively static. The result, predictably, is that young lawyers entering family law practice often find themselves unprepared for what they encounter. A substantial and growing gap between family law teaching and family law practice undermines the best efforts of new family lawyers, and leaves them ill prepared to assist families and children in separation, divorce, and dependency matters. Today's family lawyers need a thorough understanding of the appropriate—and inappropriate—uses of dispute resolution services, the emotional impact of family conflict, case management processes in the family courts and the rise of, and critique of, unified family courts. Yet the materials from which most family law professors teach contain nary a word on any of these topics.

The goal of the FLER Project is to provide family law teachers with the ideas, tools and materials they need to bring family law teaching in line with family law practice, and to help students become effective and reflective family law practitioners, leaders and policy makers. FLER is a joint project of Hofstra University Law School's Center for Children, Families, and the Law and the Association of Family and Conciliation Courts (AFCC). The course modules and model curricula that will emerge from this project will be designed to provide the next generation of family lawyers with an understanding of the range, complexity, and interdisciplinary nature of family law practice. They will stress sensitivity to the legal, emotional, and process needs of family members. More grandly, it is our hope that future generations of family lawyers will not only provide more informed and effective advocacy to the families they serve, but will also serve as catalysts for positive change in their broader communities.

“Traditional” family law teaching materials emphasize litigated cases, nearly to the exclusion of everything else. What message does this emphasis convey to students? One strong possibility is that students conclude that litigation is the norm in family law, with the “good” lawyer being the one who wins cases for her client. The published materials rarely, if ever, describe the tightrope family lawyers walk in an area where the outcomes for all parties and their children are inherently linked. Indeed, a student may study assiduously in many family law courses and never see the literature documenting the harm children suffer from intractable parental conflict. Discussion of the pervasiveness of domestic violence is also missing from many traditional family law materials, as is treatment of the rapidly expanding phenomenon of unrepresented litigants in family court.

In reality, today's family courts incorporate a wide variety of dispute resolution procedures and are populated by professionals from multiple disciplines. Many jurisdictions have unified family courts that group a range of issues—from divorce and custody to juvenile crime to child support—under one roof, with a single judge. Specialized courts for domestic violence, drug abuse, and permanency planning also dispense both mental health and legal services, involving the courts in interventions in the family that are designed to meet therapeutic goals. As a result, family court judges do not serve only as adjudicators. They may also oversee a multi-disciplinary group of service providers all engaged with the children and families whose cases are before the court. This complex mix of professions, skills and roles is still evolving. In addition to lawyers and judges, mediators, custody evaluators, guardians *ad litem*, parent educators and parenting coordinators are all powerful actors in today's family courts. Indeed, today's family lawyer works in a world where understanding the work of dispute resolution and mental health professionals may be as essential as knowledge of governing statutes and constitutional doctrine.

## Family Law Course Goals

The FLER Project has tentatively identified five goals that family law courses, broadly defined, try to achieve: (1) Legal Architecture, (2) Larger Context, (3) Interdisciplinary

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## AFCC COMMITTEE CHAIR PROFILE

# David Hodges, Conference Committee, Local Chair



**David Hodges, M.A.**

*David Hodges is a family court services social worker in Seattle, Washington where he provides parenting plan mediation, domestic violence assessments in protection order cases, parenting evaluations, and adoption services. David chairs a subcommittee of the AFCC Court Services Task Force. His subcommittee has solicited nominations for exemplary practices and is in the process of developing a report to the AFCC Board and for an AFCC publication. David also runs the AFCC Court Services email group. (You can join by contacting him at david.hodges@metrokc.gov.) David has been a longstanding member of AFCC and is a former AFCC Board member. For years he has been involved in promoting AFCC conference program content relevant to court staff.*

**Childhood/Education:** I was born in Long Beach, California, the second of three children, and went through the public school system there, graduating from Long Beach Polytechnic High School. I was active in high school with music (marching band, jazz band, and orchestra) and sports (swimming and water polo), but still maintained high academic standing. I was able to work my way through college as a lifeguard for LA County. My family was very church involved, and I gave serious consideration to entering the ministry. At least partly with that in mind, I attended Hope University (then Pacific Christian College in Long Beach). My interests shifted during college to counseling and psychology, and after graduation, I completed a Masters Degree in Psychology, graduating *magna cum laude* from Pepperdine University.

**What led to my present career:** My interests have always been in helping people. After graduating from Pepperdine, I immediately began employment at a large rehabilitation hospital in Southern California, where I found not only challenging work, but also my wife of 35 years. That probably was the best job I ever had! After more than five years in the hospital setting,

we moved to Central California and I worked as a supervisor and counselor in a community-based youth-focused family counseling program before finding employment with Fresno County Family Court Services. After ten years with the Fresno Superior Court, we moved farther north to Seattle, in part to be closer to my wife's parents who live in Washington. I have served in various capacities for Family Court Services, King County Superior Court, but I find direct services to be the best fit with my skills and interests.

**Career other than my own that I**

**would like to do:** I was raised on a nursery owned and operated by my father. My father and his landscape crew foreman taught me how to work. But, as a youth I thought I wanted nothing to do with that business, largely because of the long hours my father worked. Now, an attractive variation on the plant-growing theme would be traveling the world, collecting rare specimens, and propagating them for wholesale or to sell through a retail business. My wife and children all enjoy gardening and this is one of my main leisure activities. In addition, I enjoy other outdoor activities with my family, including hiking, fishing, and snowboarding.

**Proudest personal achievement:** When discussing this with my son, I was gratified that he suggested that I should say that successfully raising my family was my greatest achievement.

**Favorite AFCC memory:** It sounds so trite to say, "It's the people." But as I sit here and think of the people I've met and with whom I've worked and played in connection with AFCC, that's the best part. Right up there are the high quality learning experiences at AFCC conferences, and the opportunities for travel (my family usually has come along as well to places we probably would not otherwise have visited).

## PRACTICE TIPS

# Improving Your Interviews with Children

by **Mindy F. Mitnick, Ed.M., M.A.**

Licensed Psychologist, Edina, MN

Evaluators who conduct custody and parenting time evaluations are often challenged when they need to understand children's communication. While we recognize that children are not mini-adults in their ability to provide information, understanding how they think and report what they know can be bewildering. The tips that follow have been developed based on research into children's cognitive and linguistic abilities.

Interviews with children may have many purposes: to learn about the child's relationships with family members, to find out about specific events/incidents, and to determine the child's preference in an access dispute. Forensic interviews with children do not follow the usual rules of conversation that are familiar to them. In ordinary conversation, the adult often knows the answer—"Tell grandma about your solo in the concert"—or provides multiple "leading" prompts—"You know, you sang that song from *Annie*."

Two communication styles are inappropriate when interviewing children for forensic purposes: talking as if they were adults and talking as if they were children. While this may seem puzzling at first, it is a reminder not to use language that children cannot understand, but also not to conduct an interview as we would in an ordinary conversation with our own children.

### Use of a Protocol

From the very beginning, every aspect of the interview should have a purpose and not be merely chit-chat. Some interview protocols designed for assessing suspected child abuse (e.g., the *Step-Wise Protocol* designed by John Yuille) recommend three initial stages to the interview that set the tone in a neutral but supportive way. The introduction allows the interviewer to identify their name and role: "My name is Mindy and I talk to kids about their families." The instructions teach the child not to guess and to correct the interviewer. Research has shown that children believe they must answer the questions of authority figures, even if that means guessing, and that they are reluctant to tell an unfamiliar adult when the adult has made a mistake. The Cognitive Interview instructions teach the child that the interviewer will not get mad if the child does not know the answer and that the interviewer wants to know if she makes a mistake. A sample instruction script follows:

"My name is \_\_\_\_\_ and I talk to children/kids about their families. I'm going to be asking you a lot of questions today. Some will be easy and some will be hard. Some you'll know the answers to and some you won't. If you don't know the answer, I don't want you to guess. So, if I said,

'Where do I live?' what would you say? Sometimes I forget and say things that kids don't understand. If I do that, I want you to tell me. So, if I said, 'Do you feel garrulous today?' what would you say? Sometimes I make mistakes. If I do, I want you to tell me. So if I called you (any name that's not the child's), what would you say? Sometimes I ask the same question more than once. If I do that, it doesn't mean you gave me the wrong answer. It means I either forgot that I asked or I just need to ask two times. Let's start with an easy question. How old are you?" When the child says "I don't know" or corrects the interviewer, it is important to say you are glad she is not guessing and to thank her for helping you get it right.

### Establishing the Child's Level of Competence

From the beginning, the interviewer will be (1) listening to see if the child understands the questions; (2) determining if the interviewer understands the answers; (3) deciding whether to adjust the complexity of the questions; and (4) paying attention to signs of coaching or other forms of contamination. Because children do not always perform in keeping with their chronological ages, the interviewer must be sensitive to the appropriate form of the question for the child. Should questions be more concrete or more abstract? Should the language be simplified or made consistent with the child's own usage? Especially with adolescents, not appearing to talk down to them is vital to establishing and maintaining rapport.

### Phases of the Interview

#### Introduction and Instructions

Begin by asking the child, "Do you know why you're here today? Tell me about that." Using open-ended questions will allow the information to be provided from free-recall memory, the most reliable form. Questions such as "Tell me more about that—and then what happened?" and "You said he \_\_\_\_\_. Tell me more about that" all elicit narratives from the child rather than a few words. Specific questions that begin with "Did your mom" or "When did" do not encourage children to provide all of the information they can recall but serve to limit their reports to just what the interviewer has asked.

#### Rapport Building

Any topic from sports to after school activities may be used to help the child settle in to the question and answer format the interviewer will use. "You're wearing a Yankees T-shirt. Tell me what you like about them." Rapport-building should be only as long as it takes for the child to be freely offering information. While this varies among children, most become comfortable quickly with an interviewer who is listening attentively.

*Continued on page 11*

## See you in Seattle!

*Continued from page 1*

lawyer and family court judge. Justice Bridge's keynote address will highlight important advances in family law and considerations for the future well-being of children and families in the legal system.

Thursday morning's plenary will examine *The Politics of Research: The Use, Abuse and Misuse of Social Science Data* presented by Richard J. Gelles, Ph.D., Dean of the School of Social Work at the University of Pennsylvania in Philadelphia; Janet R. Johnston, Ph.D. of the Department of Justice Studies at San Jose State University in San Jose, California; Kyle Pruett, M.D. of the Yale Child Study Center in New Haven, Connecticut; and Joan B. Kelly, Ph.D., researcher and author from Corte Madera, California. The presenters will share their experiences, explore the implications of inaccurate representation of social science data and suggest possible remedies.

*Relocation Cases: An International View from the Bench* is the topic for the first of two plenary sessions on Friday. Shedding light on the judicial view of relocation cases are judges from around the globe. Joining AFCC in Seattle from the Southern Hemisphere are Hon. Peter Boshier, the new Principal Family Court Judge of the Family Court of New Zealand, and Hon. Diana Bryant, recently appointed Chief Justice of the Family Court of Australia. They will be joined by Hon. Mary Lou Benotto of the Superior Court of Justice in Toronto, Hon. W. Dennis Duggan of the Albany County Family Court in Albany, NY and Hon. Jerilyn Borack of the Superior Court of California, County of Sacramento.

Professor Andrea Schneider of Marquette University Law School, discussant R. John Harper, LL.B. of Harper Jaskot in Hamilton, Ontario and moderator Hon. Linda Dessau of the Family Court of Australia in Melbourne, Australia will present Friday's second plenary session, *Shattering the Myths: What the Research Shows about Lawyer Negotiations*. The session will present new research on how lawyers negotiate; the differences between family lawyers and other lawyers; the impact of negotiation style on substantive outcomes; and how lawyers are perceived by their colleagues.

### Conference Workshops

You will have 52 workshops to choose from at this year's conference. Research sessions include children exposed to domestic violence and children of high conflict divorce. Sessions with a focus on mediation include comparative mediation styles, family mediation research and child

protection mediation. There are sessions on parenting coordination, interviewing children, parental relocation, and issues faced by same sex couples. Sessions that focus on child custody include ethical infractions and malpractice and a look at the revisions being made to the Standards of Practice for Child Custody Evaluations. Legal issues to be examined include representing children in civil domestic violence cases and international child abduction. Audio cassettes and CDs of conference sessions will be available for purchase at the conference, so you don't have to miss any of the sessions. The conference brochure is posted on the conference page of the AFCC Web site at [www.afccnet.org](http://www.afccnet.org), where you can also register online.

### Continuing Education, Networking and More

In addition to the interesting and informative sessions, the conference offers continuing education for psychologists, lawyers, social workers, licensed professional counselors and marriage and family therapists. The program provides opportunities for you to network with colleagues from different countries and disciplines, visit and learn from businesses in the exhibitor forum, and the option of participating in the Taste of Seattle on Thursday evening. During your leisure time, you'll also find many great activities to enjoy in Seattle. See the list on page 15 for a sampling of interesting venues to visit during your stay.

On Friday, May 20, AFCC's Annual Banquet will be preceded by the Seventh Annual Silent Auction. Participants will be able to bid on a variety of items, including hotel packages, admission to future AFCC conferences, boutique fashions, customized stationary and business cards, and many more. If you are interested in contributing an item to the auction, please contact Peter Salem, AFCC Executive Director, at [psalem@afccnet.org](mailto:psalem@afccnet.org).

### Accommodations

For hotel reservations, contact the Sheraton Seattle Hotel & Towers by calling reservations direct at (206) 447-5555 or toll free at (800) 325-3535. *The AFCC conference rate is \$159/single or \$179/double. On April 25, 2005, non-reserved rooms will be released for sale to the general public, so be sure to make your reservations early to ensure you'll receive a room at this great rate.* The Sheraton is located in the center of downtown Seattle, adjacent to the Washington State Convention and Trade Center and just 15 miles from the Seattle/Tacoma International Airport.

Questions? Contact AFCC at 608.664.3750 or email [afcc@afccnet.org](mailto:afcc@afccnet.org).



## C A L L F O R P R E S E N T E R S



## AFCC'S NEW REGIONAL TRAINING CONFERENCE REACHING THE PINNACLE OF PRACTICE

Beaver Run Resort  
Breckenridge, Colorado  
Room rates from \$119 per night  
September 22-24, 2005

Join AFCC in the Rocky Mountains! Our 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.

**AFCC is accepting proposals for three-hour training workshops targeted to:**

Parenting Coordinators  
Custody Evaluators  
Multi-disciplinary audiences  
Mediators  
Legal Professionals

*Workshop proposals should combine a focus on the development of practice skills and underlying theories that can be incorporated into practice.*

If you are interested in presenting a workshop, please send the following information: (1) an abstract of 200 words or less describing your proposed workshop; (2) a one-page outline of your proposed workshop; (3) three learning objectives that will be addressed by your proposed workshop (4) name, address, telephone and fax numbers, and email addresses **for all proposed presenters**; (5) resumes for all proposed presenters; and (6) name, address, telephone and fax numbers, and email address of two professional references. *Maximum of four presenters per workshop.*

**Please note that the deadline for proposals is May 2, 2005. AFCC is unable to guarantee consideration of incomplete proposals or those submitted after the deadline.** AFCC offers a reduced registration fee for conference presenters and is unable to reimburse travel and related expenses. Please mail, fax or email proposals (Word or WordPerfect attachment only please) to: AFCC, Conference Proposal, 6515 Grand Teton Plaza, Ste. 210, Madison, WI 53719-1048, Phone: (608) 664-3750, Fax: (608) 664-3751, Email: [afcc3@afccnet.org](mailto:afcc3@afccnet.org). *Electronic submissions via email are preferred.*



# Update from the Resource Development Committee

## AFCC Announces Innovation Mini-Grant Program

The AFCC Resource Development Committee is excited to announce its new **Innovation Mini-Grant Program**. Under the program, small grants will be presented to assist in the development or expansion of creative programs. Each year, the amount and number of grants will be determined based on the success of AFCC's Annual Appeal and a new theme will be selected. This year, one \$5,000 grant will be awarded to an educational program designed to improve the lives of children of separating or divorcing parents.

Special thanks to Hon. John and Joan VanDuzer and the Harbinger Foundation for providing support for this year's grant.

Although any program may apply for funding, preference will be given to programs developed or administered by AFCC members. Members of the AFCC Board of Directors and Resource Development Committee members are ineligible to apply.

For more information about Innovation Mini-Grant criteria and application procedures, please see the Resource Development Committee page on the AFCC Web site at [www.afccnet.org/about/resource\\_committee.asp](http://www.afccnet.org/about/resource_committee.asp) or contact AFCC at (608) 664-3750.

## Conference Scholarships Available for Seattle

The AFCC Resource Development Committee is offering eight scholarships for AFCC's 42nd Annual Conference, May 18-21, 2005, in Seattle, Washington.

- Five **Conference Scholarships** will include registration fees for the conference and for one full-day or two half-day pre-conference institutes.
- Two **International Conference Scholarships** will be granted. These scholarships will each include registration fees for the conference and pre-conference institutes and a travel stipend of US \$1,000. Applicants for the International Scholarships must currently live outside of North America.
- One **Local Conference Scholarship** will be designated for a person living in the Seattle metropolitan area. This scholarship includes registration fees for the conference and pre-conference institutes.

Anyone is eligible to apply, although preference is given to AFCC members. The online application is posted on the AFCC Web site on both the home page and the AFCC Conferences page. If you do not have Internet access, please contact AFCC for an application at (608) 664-3750. **The application deadline is March 11, 2005.**

## Annual Appeal Update

AFCC's Resource Development Committee thanks AFCC's generous members for contributing to the Resource Development Annual Appeal. Contributions help support AFCC's Conference Scholarship and Innovation Mini-Grant Programs.

Special thanks to Key Club and Diamond contributors, Hon. John and Joan VanDuzer, Charlie and Barb Asher, Doneldon Dennis, Hon. Arline S. Rotman (ret.) and The Suzie S. Thorn Family Foundation; and thanks to everyone who contributed.

### Key Club (\$5,000+)

Hon. John and Joan VanDuzer and the Harbinger Foundation

### Diamond (\$1,000-\$4,999)

Charlie and Barb Asher  
Doneldon Dennis  
Suzie S. Thorn Family Foundation

Arline and Barry Rotman

### Platinum (\$500-\$999)

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Hon. Linda Dessau

Robin Deutsch

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Joel B. Glassman

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Shirley Thomas

Hon. Sharon S. Townsend

Anita Trubitt

Lynn Tyson

Cecilia Wong

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Claire M. Hill

Pat Michelsen/Eric Dean

Peggy Gorman



## GLOBAL ISSUES

# Child Abduction involving Non-Signatories to The Hague Convention: Is There Adequate Protection?

by **Frieda Gordon, CFLS**

Santa Monica, CA

Recent Assembly Bill 2160 (CH 517, Reyes) created a new unit within the California Department of Justice under Penal Code Section 11055 to assist local law enforcement agencies with child abduction recoveries, returns under the Hague Convention on the Civil Aspects of International Child Abduction and foreign prosecutions.

Among its specific duties, the new Foreign Prosecution and Law Enforcement Unit is charged with helping local District Attorneys recover children from Mexico and other countries, where appropriate, under court-ordered returns per the Hague Convention, or voluntary returns.

Despite similar concerns of legislatures in much of the United States, all the laws in the world have not been able to help return abducted children from countries that are not signatories to the Hague Convention on the Civil Aspects of International Child Abduction. Of equal concern, especially since September 11, 2001, these same laws sometimes serve to wrongfully limit or destroy the rights and freedoms of parents and their children who become subjected to the other parent's abuse of those very laws created to protect their children. Such parents file false reports claiming risk of flight to a non-Hague or uncooperative nation for many reasons, the end result of which serves to keep the non-custodial parent from having active participation in their child or children's lives.

This article will discuss both sides of the dilemma: (1) how to effectively balance the right of the minor child to be safe and protected against the rights of the parent to maintain a relationship with the child when the threat of abduction to a non-Hague Convention country is present; and (2) how to protect a parent from the unscrupulous actions of another parent aimed at preventing continuing contact with their child or children through use of unsubstantiated fear tactics, taking advantage of the non-custodial parent's immigration status or historical ties to an unfriendly nation.

Abduction of a child to the Middle East is an all-too-frequent occurrence. Return of an abducted child through legal means has never been achieved. Because Islamic Middle Eastern countries are not parties to the Hague Convention, there are no bilateral treaties in effect between the United States and the Islamic countries that cover parental child abduction. U.S. Department of State statistics indicate that an average of one child a week is

abducted into the Islamic Middle East in violation of an American custody order, and custody battles involving multi-national families are becoming common in our courts. Secular, American court orders addressing child custody are not recognized in the Islamic, Shari'a courts, and there are no *enforceable* legal remedies, no legal process, and no legal authority to return an abducted child to the left-behind parent after the child is taken.

Identification of children at risk and establishing appropriate protective measures is imperative, and is best approached by understanding the cultural foundation and religious attributes that may predict flight risk. The law in Islamic countries can vary significantly from those in Western countries. For example, the secular legal code that once existed in Iran has been replaced by the religious establishment. Men are permitted to have up to four wives and may divorce them at will, and a woman's testimony and share of inheritance is considered to be half that of a man's. Women are obliged to wear veils and the wearing of bright colors outside the woman's home and family circle is considered inappropriate. Women holding government office are required to wear a black head-to-toe cover called a "chador." Punishments for violations of these laws are severe, though enforcement varies according to political climate and location.

As an example of Iranian laws, Belgium issued an international warrant for the arrest of a father on charges of kidnapping for failing to return his daughters to their mother after taking them on holiday to Greece. The girls went to the Belgium embassy in Tehran by taxi after eluding their father, who had taken them to Iran and stayed in the country after the visitation period had ended. "Iran's law does not consider either of the parents a kidnapper for taking the children, even without informing the other one," stated the criminal court judge in Iran. The judge held that the only possible resolution was to hand the girls back to their father and if the mother of the two girls had any complaints about custody of the girls she could pursue the case through the Iranian courts. The mother lives in Belgium and expressed concerns about traveling to Iran since, under Iranian law, she would then need her husband's permission to leave Iran. The parents' divorce and the mother's custody rights granted by a Belgian court are not recognized in Iran. The Iranian Family Code 975 states that the courts cannot uphold foreign laws or private contracts that are against good morals or cause harm to the community, or are against order and common peace. Such contracts cannot

be implemented even if their implementation is permitted by the law. Code 976 considers all persons whose father is an Iranian, regardless of being born in Iran or abroad, as an Iranian citizen.

Iran is just one of many countries from which there has never been a successful return through legal means of an abducted child. There are recent stories of parents with written agreements entered as court orders and registered with the Muslim country not a signatory to the Hague Convention, who had agreed in good faith to custody and visitation orders, only to have the father take the children during a regular visitation period back to the country of origin where the government and/or the religious courts granted the father sole custody and denied the mother the right to enforcement of the valid court order.

Sometimes the abduction happens many years after the agreement and sometimes before any court action. How vigilant should the custodial parent be if a separation is being contemplated? In truth, could not an abduction take place with or without restraining orders by simply taking the minor child over our borders to Mexico or Canada and from there to a country friendly to the Muslim countries that refuse to recognize Western laws with regard to the rights of women and children? How careful must a father be to preserve his rights when he suspects alienation to occur and his immigration status is suspect? These are questions plaguing family law custody and visitation practitioners and evaluators in ever-increasing numbers. While parents can learn of the numerous precautions that can be taken and learn to recognize the risk factors, there are no right answers as to how to proceed to protect the rights of a child. Every situation is unique and requires a balance test of Solomonian proportions.

The harm to the child during and after the lengthy court battle over custody that inevitably ensues in these cases at unbelievable cost, financially and emotionally, is exponentially related to the measure of risk involved. With all the protections in place that may seem necessary to prevent flight, the child's relationship with the non-custodial parent can only be artificial, superficial, unsatisfying and distant. The child will be taught not to trust her own parent, often without any reason but for the fact that he comes from somewhere else. Balance that against the opposite scenario where children have been taken from the only home they have ever known, to be raised in a culture foreign to them, and one which is disrespectful and disdainful of their personal rights and freedoms. Those children will live an existence inexplicably and tragically scary to them every day of their lives.

In the course of practice, certain unique case histories have come to define how little we as parents, facilitators, lawyers, judges and evaluators can really do to avoid the unspeakable—the loss of a child through illegal means without access to any legal remedy. Should a parent of Middle Eastern descent presently residing in a country not a signatory to the Hague Convention ever be allowed unsupervised access to the minor child? Does he fit the profile of an abductor simply by being a resident of a country without any diplomatic ties to the United States? Should he be branded as being a potential abductor just because of his nationality, or is more needed? Where do you draw the line as to the foreign parent? Is a bond enough, given the Iranian laws that can ignore our Court's Orders simply by charging a mother with violating her modesty? Depending who you represent or whom you are treating, you may find yourself altering your perception of fairness and necessity. How would you choose?

*Frieda Gordon, J.D.; Mannaal Radwan, Assistant Director of Political and Congressional Affairs, Royal Embassy of Saudi Arabia; and Kristine Uhlman/Umhani, International Custody Abduction Expert, will present on international custody issues at AFCC's 42nd Annual Conference, May 18-21, 2005, in Seattle.*

## Interviews with Children

*Continued from page 6*

### The Inquiry

Topics of interest will depend on the purpose of the interview but often include what the child knows about the divorce, what the child likes best and least about each parent, how parents discipline the child, the nature of relationships with siblings and others important to the child, rules in each home, conflict between the parents, how the child feels about the current and past living arrangements, and whether there have been specific problems such as violence or chemical abuse.

Focused questions will direct the child's attention to specific topics. Examples of these questions are: "Tell me what you like about \_\_\_\_ (mom's/dad's new partner)." "Do you have a bedtime at Dad's house? Tell me about that." And "Sometimes when grown-ups drink, they act different. Tell me how your mom acts when she drinks." "When you do something you're not supposed to, what does mom/dad do? What else does she/he do?"

### Closure

When finishing the interview, it is important to ask if there is anything else the child wants to tell you. This provides a chance to discuss something that the interviewer has not touched on. Interviewers may also want to allow the child to ask questions to tap into anything that has been on the child's mind and provide useful information about the child's worries. Always thank the child for helping you do your job, for being patient with all your questions, or for letting you get to know her.

Interviews with children for forensic purposes will provide reliable and useful information when the child's competence is facilitated through these techniques.

*Mindy Mitnick will present on interviewing children at AFCC's 42nd Annual Conference, May 18-21, 2005.*

[WWW.AFCCNET.ORG](http://WWW.AFCCNET.ORG)

## AFCC Launches New Web Site

AFCC's new Web site is still located at [www.afccnet.org](http://www.afccnet.org), but once you get there you will hardly recognize it. The site not only features AFCC's new logo and branding, but new pages, navigation and functionality. In the coming months, the Web site will offer even more improved access to information.

What can you do on AFCC's new Web site? Here are the *AFCC News*' top twenty ideas.

### 1. Apply for a Conference Scholarship

AFCC is now offering three different levels of conference scholarships. To learn more about them, and how to apply, go to **About AFCC**, then, click **Committees**, then **Resource Development Committee**. You can read about and apply for scholarships online!

### 2. Check out the new Resource Center

**Resources for Professionals** is a new page open to the public. It provides online information and reports for professionals and parents. Online access to model parenting plans, resource lists, research reports and resource guides are among the many resources available. **Resources for Parents** is a great page for your clients who are interested in parenting plan information or additional ideas on co-parenting. If you have ideas about noncommercial resources that would be appropriate for the AFCC Resource Center, please email your suggestion and its URL to [afcc@afccnet.org](mailto:afcc@afccnet.org).

### 3. Make an Award Nomination

Just click on the **Awards Committee** page to learn more about AFCC's Distinguished Service Award, Irwin Cantor Innovative Program Award and Stanley Cohen Distinguished Research Award. Nominate a colleague for one of AFCC's annual awards.

### 4. Shop 'til You Drop

The AFCC **Shopping Center** provides the opportunity to purchase AFCC pamphlets, publications and videos, or shop at the new AFCC-Barnes & Noble bookstore. If you go to Barnes & Noble through the AFCC Web site and make a purchase, 5% is rebated to AFCC to support the work of the association.

### 5. Get Member Discounts!

AFCC members receive discounts on books and most journals from Blackwell Publishing, electronic publications from J.M. Craig Press, and professional liability insurance from Complete Equity Markets. Go the **Member Center** and click on **Member Resources** for more information. Watch for new member-discounts on AFCC products.

### 6. Read the Conference Brochure

You can link to the PDF of the brochure for AFCC's 42nd Annual Conference from the home page or **AFCC Conferences** page. The brochure features more than 60 sessions on everything from relocation disputes to the impact of domestic violence on children. For more information, just click on the link for the brochure.

### 7. Register Online for Seattle

AFCC members can register online for AFCC's 42nd Annual Conference in Seattle. Just go the home page and click **Register Online Now**. AFCC members save \$55 over the non-member rate.

### 8. Renew Your Membership

It is quick and easy to renew your AFCC membership online. Just go to the **Membership** section and click **Renew Now**.

### 9. Apply for an Innovation Mini-Grant

The **Resource Development Committee** page provides information on AFCC's new Innovation Mini-Grant Program. This year, \$5,000 will be awarded to support an educational program for children of separating or divorcing parents. Learn more by visiting this page.

### 10. Learn About AFCC Training Programs

AFCC offers training programs in partnership with law schools throughout the country. Want to know more? Go to **Training Programs** from the home page.

### 11. Read or search the Family Court Review.

*FCR* goes online in February 2005 in both PDF and searchable HTML format. To access the journal online, use your password to enter the AFCC **Member Center**, then click **Family Court Review**. By the end of 2005 it is anticipated that AFCC members will also be able to access PDF archives of the *Review* beginning with the very first issue published in 1963.

### 12. Learn more about AFCC Chapters

AFCC's eight chapters can be contacted by going to the **Membership** section and clicking on **Chapters**.

### 13. Learn About AFCC

Did you know that AFCC was founded in 1963? Or that it started as a small group of California judges and court-connected marriage counselors? Click **History** for an overview of AFCC's history and find out more!

#### 14. Read Reports and Provide Feedback

AFCC-sponsored projects post draft documents for comment. New drafts of standards for parenting coordination and custody evaluation will be posted in the coming months, along with reports from AFCC's Court Services Task Force and Family Law Education Reform Project.

#### 15. Give the Gift of Membership

AFCC members may buy a gift membership for a colleague at a reduced rate of only \$130. For more information, see the *Member Categories* page, or go directly to *Join Today* to purchase a gift membership.

#### 16. Read the News

AFCC's quarterly newsletter is archived on the *AFCC News* page of the *Member Center*.

#### 17. Find a Colleague

Need to find a lawyer in Louisiana? An evaluator in Edmonton? A mediator in Melbourne? A parenting coordinator in Poughkeepsie? Check AFCC's searchable online directory for up-to-date information on members throughout the world. In the coming year we hope to add "search-by-discipline" capability.

#### 18. Ask Us Anything

AFCC's staff in Madison will do everything we can to answer any question you have. Just go the *Staff* page and send an email to one of the staff and we'll do our best to answer your question or point you to an AFCC member who can.

#### 19. Find Ideas for Local Activities

The *Chapter Resources* page in the *Member Center* features several resource documents for chapters, including "20 Ways to Activate Your Local Membership."

#### 20. Keep up Your Standards

The *Standards of Practice* page in the *Resource Center* links to standards for mediators, evaluators, supervised visitation providers and lawyers who represent children in both custody and abuse and neglect cases.

## Visiting the Emerald City: Ten Places to Visit in Seattle

There's a lot going on at AFCC's 42nd Annual Conference, and there's a lot going on in Seattle, too. The Sheraton Seattle is downtown, close to many great activities. All of the attractions below are easily accessible from the hotel, either by foot, monorail, street car, or free bus ride. See the Seattle Convention and Visitors Bureau website at <http://www.seeseattle.org> for more information.

- 1 Pike Place Market
- 2 The Space Needle
- 3 Experience Music Project
- 4 Pioneer Square
- 5 Seattle Underground Tour
- 6 Waterfront
- 7 Harbor cruises and ferry boats
- 8 Seattle Aquarium
- 9 Fremont District
- 10 Westlake Shopping Center and Pacific Place

## New York Chapter Conference

The New York Chapter's third annual conference, held on November 19, 2004 at the New York City Bar Association, was a tremendous success. The conference, entitled *Understanding Children's Communications in Custody Conflicts: Lincoln Hearings and Beyond*, was well attended. The program consisted of a panel of judges, including the Hon. Sondra Miller, Hon. Judith Gishe and the Hon. Tandra Dawson, a member of the AFCC-NY Board. The judges presented their experiences conducting in-camera hearings with children.

Next, a panel of psychologists spoke about interpreting children's communications. On the panel was AFCC-NY co-president, Steve Demby, Ph.D., along with Ava Siegler, Ph.D., director of the Institute for Child, Adolescent and Family Studies. During an interlude for lunch, AFCC-NY was presented with their chapter charter by Leslye Hunter, AFCC President. Following lunch, a panel of Law Guardians, including Pamela Sloan, Esq. and Carol Sherman, Esq. spoke about the way they approach interviewing children.

In the latter part of the afternoon, case scenarios with fact patterns were distributed and participants broke out into multidisciplinary groups to discuss the case from individual professional perspectives. Each group was charged with the task of coming up with an interview protocol for an in-camera hearing, taking into account the fact pattern in the case. When the larger group reconvened, all of the groups reported on their interview strategies. An interdisciplinary panel of judges, mental health personnel and law guardians, along with Liza Thayer, Ph.D., a parenting coordinator from Connecticut, addressed the questions raised by the groups. Jeff Zimmerman, Ph.D. moderated the final panel.

Attendees were energized by the enthusiastic response to the third annual conference and the potential of a strong chapter of AFCC in New York State.

## AFCC Member News

**Justice Rodney Burr** and **Stuart Fowler**, AFCC members from Australia, have been honored in the Australia Day Honours List and admitted as Members of the Order of Australia (AM) with the citation that such membership recognizes service to the law in Australia and internationally, particularly through the establishment of the World Congress on Family Law and the Rights of Children and Youth. In accepting the honors, Justice Burr and Mr. Fowler stated that they "remain mindful that the initial vision for the World Congress may have been theirs but it is shared now by thousands of colleagues and friends throughout the world." The Fourth World Congress on Family Law and Children's Rights will be held in Cape Town, South Africa, March 20-23, 2005. Go to [www.lawrights.asn.au](http://www.lawrights.asn.au) for further details about the World Congress.

Long time colleague and AFCC member **Dean M. James Toner** has retired after a 33-year career with the National Council of Juvenile and Family Court Judges. Jim has been a friend and advisor to AFCC over many years and he will be missed by his colleagues. AFCC member **Joy Ashton**, former Project Attorney, has been promoted to Director of the National Council's Juvenile and Family Law Department.

**Dick Altman**, AFCC board member from Napoleon, Ohio, has been sworn in as Magistrate (all Divisions) of Henry and Fulton County Common Pleas Court. Dick is replacing **Denise McColley**, former AFCC president, who was sworn in as Henry County's new Domestic Relations and Juvenile Court Judge.

AFCC member **John Hunt** has announced that he is retiring in February from Family Court Services at Alameda County Superior Court in Hayward, California. He is looking forward to a very long vacation. John and his wife, Ruthanne Allen, have served as shepherds at AFCC's annual conferences for many years. AFCC staff will miss John, especially at this year's Annual Conference in Seattle.

In January, **Cori Erickson**, AFCC Board member from Sheridan, Wyoming, received the NFL Community Quarterback Award and a \$10,000 donation that will go to the Wyoming Children's Access Network (WyCAN) to continue Cori's work assisting children and families in conflict. The award is part of a collaboration between the National Football League and Parade Magazine to recognize people whose efforts contribute to improving their communities.

AFCC member **Greg Firestone** has been appointed to Chair the Florida Supreme Court Parenting Coordination Workgroup. Other AFCC members serving on the workgroup are **Dr. Debra Carter**, **Linda Fieldstone**,

**Judge Ray McNeal** and **Judge Hugh Starnes**. The workgroup is staffed by AFCC member **Sharon Press**.

In November, the *Wall Street Journal's* Sue Shellenbarger's column addressed the scheduling and communication problems that arise from parenting in two separate homes and the solution—the OurFamilyWizard Web site. **Jai Kissoon**, Vice-President of the OurFamilyWizard Web site, is an AFCC member and frequent exhibitor at AFCC conferences. Judges in at least 15 states, parts of Canada and the United Kingdom have ordered that parents in separate homes use the OurFamilyWizard Web site's features to accommodate their communication and scheduling needs.

## AFCC Members Write On

**Robin M. Deutsch**, Ph.D., AFCC member from Boston, Massachusetts, has co-authored *7 Things Your Teenager Won't Tell You* (Random House of Canada Limited). The book will debut March 8, 2005.



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## Family Law Education Reform

*Continued from page 4*

Nature, (4) Necessary Skills, and (5) Cultural Window. These goals are elaborated in the Initial Draft of Findings and Recommendations, drafted by the Co-Reporters, which is available by clicking on the Family Law Education Reform Project Draft Report link on the home page of the AFCC Web site at [www.afccnet.org](http://www.afccnet.org).

The FLER Project aims to draw interested parties into a discussion which will, we hope, proceed on at least four levels: (1) Are these the right goals for family law courses and curricula? (2) If they are not, or if they are too limited, what should be added or changed? (3) If these are sound goals, are law schools achieving them? (4) If not, who and what needs to change?

### Wingspread Conference

To date, several significant meetings have been held across the country at which law professors and other professionals involved with family law and the family courts have exchanged information and ideas. The Initial Draft of Findings and Recommendations will serve as a touchstone for an upcoming major conference. AFCC, The Center for Children, Families and the Law at Hofstra University School of Law, and The Johnson Foundation are hosting the Wingspread Conference on Family Law Education Reform from March 3-5, 2005, in Racine, Wisconsin. The Johnson Foundation is dedicated to sponsoring conferences in the public interest on issues ranging from arms control to education to sustainable development, and much more. Additional funding for the project has kindly been provided by the JAMS Foundation.

The conference will serve as a forum for integrating the perspectives and expertise of organizational leaders in family law into the teaching modules and curricula. Because the overarching goal of the project is to close the gap between teaching and practice, it is critical to involve those who can support and inform the process, help to facilitate dissemination of information and encourage the organizations they represent to endorse the project and promote its goals.

The product of this conference will be a revised Report on the State of Family Law and outlines for model curricula and teaching modules. These will be presented for additional feedback at AFCC's 42nd Annual Conference, May 18-21, 2005, in Seattle, Washington. It is anticipated that this will be followed by revisions until satisfactory documents are completed. We hope that the final report will spark a thorough reevaluation and reaffirmation of the role of family law in the law school curriculum, with the aim of improving legal practice and, ultimately, the lives of spouses, parents, and children.

*Special thanks to Co-Reporter, Mary O'Connell, Professor of Law at Northeastern University, for carrying the lion's share of this work. Thanks also to Andrew I. Schepard, Director of Hofstra University Law School's Center for Children, Families, and the Law, and to Peter Salem, Executive Director of the Association of Family and Conciliation Courts. Finally, this project relies mightily on the ideas and labor of an enthusiastic group of Hofstra students: Heather Abissi, Sharon Clarke, Alexis Collentine, Danielle Passano, and Marion Perry.*

## Member Discount on Parenting Coordination Liability Insurance

AFCC is pleased to announce that all members are now eligible for discounted Parenting Coordination Liability Insurance through Complete Equity Markets.

The Parenting Coordination policy offers four limits of liability starting at \$250 per year. Limits of liability are \$100,000/\$300,000. This coverage may also be added by endorsement for a reduced rate to an existing mediation liability policy through Complete Equity Markets. A sample copy of a Parenting Coordination Appointment must be submitted with an application.

For additional information, please contact Betsy Thomas at Complete Equity Markets, 1-800-323-6234, ext. 472, or [bthomas@cemins.com](mailto:bthomas@cemins.com).

## Nominations

The AFCC Nominations Committee hereby serves notice to membership that the following members have been nominated for service on the AFCC Board of Directors:

For a first three-year term,  
July 1, 2005-June 30, 2008:

Mr. Richard Altman, Napoleon, OH  
Ms. Linda Fieldstone, Miami, FL  
Hon. Emile Kruzick, Orangeville, ON, Canada

For a second three-year term,  
July 1, 2005-June 30, 2008:

Ms. Mary Ferriter, Boston, MA  
Mr. Stephen Grant, Rocky Hill, CT  
Mr. William J. Howe, III, Portland, OR

For the completion of the three-year term formerly held by Larry Fong,  
July 1, 2005-June 30, 2006:

Ms. Wendy Bryans, Ottawa, ON, Canada

For the completion of the three-year term formerly held by Jan Shaw,  
July 1, 2005-June 30 2007:

Dr. Robin Deutsch, Boston, MA

The AFCC Nominations Committee is chaired by Hon. George Czutrin, AFCC Past President.





AFCC

## Upcoming AFCC Conferences and Trainings

### **AFCC Massachusetts Chapter Conference**

April 8, 2005  
Weston, Massachusetts  
Contact: Nancy Perkins at 508.856.8600

### **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 42nd Annual Conference**

May 18-21, 2005  
Sheraton Seattle  
Seattle, Washington  
www.afccnet.org

### **AFCC Regional Training Conference**

September 22-24, 2005  
Beaver Run Resort  
Breckenridge, Colorado  
www.afccnet.org

### **Texas AFCC Chapter Conference**

September 30-October 1, 2005  
Houston, Texas  
www.texasafcc.org

### **Florida AFCC 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

