ASSOCIATION OF FAMILY AND CONCILIATION COURTS





AFCC eNEWS

BI-MONTHLY E-NEWSLETTER VOL. 3 NO. 2 APRIL 2008

AFCC Eighth International Symposium on Child Custody Evaluations

Call for Presenters Deadline Approaching

The Call for Presenters deadline is next week for AFCC's *Eighth International Symposium on Child Custody Evaluations*, September 25-27, 2008 in Albuquerque, New Mexico. If you are interested in participating as a presenter, please submit a proposal before May 1, 2008. The conference will feature preconference institutes, plenary sessions and more than twenty workshops for experienced evaluators and those who are just starting out. The *Symposium*, only offered in alternate years, will take place at the Albuquerque Marriott in the heart of Albuquerque.

Call for Presenters (PDF)...

ASK THE EXPERTS

Top Ten Tips for Interviewing Children for Custody Evaluations

AFCC eNEWS asked leading professionals Kathleen Clark, Leslie Drozd, Jonathan Gould, Kathryn Kuehnle, Mindy Mitnick and Phil Stahl their top ten tips for interviewing children during custody evaluations.

Read their top ten list...

Sellout Anticipated for AFCC 45th Annual Conference in Vancouver

Register today to ensure your place!

It looks as though AFCC's Annual Conference, May 28-31, 2008 in Vancouver, BC, will sell out for a second consecutive year. If you are planning on attending and have not registered, please do so immediately! All confirmed registrants were sent a hard copy confirmation letter in the mail. A list of confirmed registrants is posted on the AFCC Conferences page. Please check to make sure your name is on this list. Participants can save up to \$50 by registering prior to May 2, 2008. Register online by clicking the link below or, mail or fax your completed registration form to AFCC. For lodging information, online registration and more, please click the link below.

More information...

The Call of the Lattelope



AFCC Eighth International Symposium on Child Custody Evaluations

September 25-27, 2008 Albuquerque Marriott Albuquerque, New Mexico Call for Presenters (PDF)

AFCC Eighth International Congress on Parent Education and Access Programs

September 26-27, 2008 Albuquerque Marriott Albuquerque, New Mexico www.afccnet.org

ASK THE EXPERTS

Do you have a question that you would like answered by an AFCC expert? Let us know and your question could be answered in the next AFCC eNFWS

Email your question...

by John Kydd, AFCC Past President (1996), Seattle, Washington

What is a Lattelope? This enchanting (and sometimes breathtaking) creature was first sighted at AFCC's 42nd Annual Conference (2005) in Seattle, Washington. Pictures were taken, stories were whispered in the corners of the hospitality suite and hope soared for another sighting.

Read more...

AFCC Focused Evaluations Task Force Survey Results Online

The survey results from the AFCC Task Force on Focused Evaluations, Co-chaired by Phil Bushard and Linda Cavallero, are available on the AFCC Web site. The task force disseminated an online survey in the fall of 2007 to collect information on current practices of custody evaluators and to help guide their initiatives in developing Guidelines for Focused Assessments. Members of the Task Force on Focused Evaluations will be presenting the guidelines at AFCC's *Eighth International Symposium on Child Custody Evaluations*, September 25-27, 2008 in Albuquerque, New Mexico.

View survey results...

Child Welfare Decision-Making Collaborative Report Online

The Report of the Child Welfare Decision-Making Collaborative that AFCC hosted immediately prior to the AFCC and NCJFCJ Regional Training Conference, September 25-26, 2007 in Columbus, Ohio is now available on the AFCC Web site. The Report entitled, *Conflict Resolution in Child Welfare: Collecting the Wisdom of 25 Years of Experience* was prepared by Joan Kathol and Bernie Mayer.

Read the report...

Advanced Issues in Child Custody and Parenting Coordination Trainings in Chicago

AFCC is offering two excellent training programs in June for professionals who work with high-conflict families at the Loyola Law Center in Chicago, Illinois. Robin M. Deutsch, Ph.D., will present *Advanced Issues in Child Custody: Abuse, Alienation and Other Challenges*, June 23-24, 2008 and Joan B. Kelly, Ph.D., will present *Parenting Coordination: Helping High Conflict Parents Resolve Disputes*, June 25-26, 2008. Each training program is eligible for 13 CE hours for psychologists and both trainings are pending approval by the Illinois MCLE Board for 12 CLE credits.

More information...

AFCC Board of Directors

The AFCC Nominating Committee hereby provides notice to the membership that the following members have been nominated to serve a three-year term on the Board of Directors beginning July 1, 2008:

Read more...

MARK YOUR CALENDAR

45th Annual Conference

Fitting the Forum to the Family: Emerging Challenges for Family Courts May 28-31, 2008 Westin Bayshore Resort Vancouver, BC, Canada Register now...

AFCC Trainings

Advanced Issues in Child Custody: Abuse, Alienation and Other Challenges

Robin Deutsch, Ph.D. June 23-24, 2008 Loyola Law Center Chicago, Illinois More info...

Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Joan B. Kelly, Ph.D. June 25-26, 2008 Loyola Law Center Chicago, Illinois More info...

AFCC Chapters

Texas Chapter Annual Conference

October 3-4, 2008 South Texas College of Law Houston, Texas www.texasafcc.org

California Chapter Annual Conference

February 6-8, 2009 The Mark Hopkins Hotel San Francisco, California Call for Presenters (PDF)

Florida Chapter Annual Conference

February 27-28, 2009 Renaissance Hotel Tampa, Florida www.afccnet.org

FEATURED VIDEO INTERVIEW

Mediate.com Featured Interview with Ann L. Milne Courtesy of Mediate.com

Mediate.com and the *AFCC eNEWS* are pleased to feature this issue's video interview series with Ann L. Milne. Ann was AFCC Executive Director from 1989-2002 following many years of service as Chair of the Mediation Committee and a member of the AFCC Executive Committee. An early leader in the family and divorce mediation field, she continues to train mediators through the University of Wisconsin Department of Professional Development and Applied Studies.

Watch now...

INTERNATIONAL NEWS

Drops from Down Under

by Hon. Graham Mullane, New South Wales, Australia

This issue of *Drops from Down Under* features new research on shared parenting from the Institute of Family Studies. Additional topics include the Hague Convention, terrorism and children's legal aid, a new online mediation service and upcoming conferences in Australia and around the world.

Read more...

News from Across the Pond

by Karen Mackay, Chief Executive, Resolution, Kent, England

This year marks Resolution's 25th anniversary and we are busy organizing a host of events to mark the anniversary. Resolution's National Conference is now a fixture in the calendar of family lawyers in England and Wales, but increasingly family law crosses jurisdictional borders. Families in the 21st century have kinship, cultural and financial links that span the globe. When cross-border problems arise, lawyers must know how to resolve the conflicts created by jurisdictional and ethical differences before they can begin to help their clients.

RESEARCH UPDATE

Stepmothers Learn to Navigate New Waters

Courtesy of J.M. Craig Press, Inc.

Custody evaluators generally ask step parents to be included in their evaluations since they can have a significant impact on children's well being. This is the first study we have seen that examines the characteristics of successful stepmothers.

Read more...

FEATURED WEB SITE

Court ADR Resource Center

The Center for Analysis of Alternative Dispute Resolution Systems (CAADRS) changed its name and introduced expanded online services that will enhance the Chicago non-profit's capacity for court ADR information. CAADRS is now Resolution

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ABOUT AFCC eNEWS

AFCC eNEWS is a bi-monthly e-newsletter published by the Association of Family and Conciliation Courts (AFCC). AFCC eNEWS provides professionals with time sensitive and up-to-date topics including case law updates, research innovations and international news.

AFCC eNEWS archive...

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Editor:

Dave Vigliotta

AFCC welcomes your

Systems Institute (RSI), with a new online home at www.AboutRSI.org. RSI launched a completely renovated version of its Court ADR Resource Center at www.CourtADR.org. Originally launched in 2001 on the CAADRS Web site, the Resource Center has become the most comprehensive and respected court ADR information source available. The new site offers new resources, updated articles and research materials, and easier navigation.

View Web site...

comments, questions or feedback. Please email the editor by clicking here.



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Professionals dedicated to improving the lives of children and families through the resolution of family conflict



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Stepmothers Learn to Navigate New Waters

Courtesy of J.M. Craig Press, Inc.

Whiting, J. B., Smith, D.R., Barnett, T. and Grafsky, E. L. [2007]. Overcoming the Cinderella Myth: A Mixed Methods Study of Successful Stepmothers. <u>Journal Divorce and Remarriage</u>, 47, 95-109.

Custody evaluators generally ask step parents to be included in their evaluations since they can have a significant impact on children's well being. This is the first study we have seen that examines the characteristics of successful stepmothers.

The purpose of the study was to interview self-described successful stepmothers in order to have them describe the parenting challenges they faced. Nine participants were married, for at least five years, to men who had children from a previous relationship. All described themselves as successful stepmothers.

The authors found that:

- When first married, the stepmothers "professed a sense of confusion and lack of direction about... boundaries with their step children" [p. 100]. More specifically, they reported feeling uncertain as to their role with regard to the children's biological mother. At the same time, they reported desires to be both nurturing and protecting of their stepchildren.
- Stepmothers initially expected greater support from their husbands, but instead found that their role evolved into one of more of a decision maker and activities coordinator than they might have anticipated. The latter activity involved helping to arrange visitation between the biological parents.
- Successful stepmothers were accepting of the children and their circumstances. They also saw themselves as more open and honest, more forgiving of the stepchildren, and better able to identify family problems and help resolve them than one might expect of the average stepmother.
- Nearly all the stepmothers emphasized the importance of one-onone time with each of the children in order to establish their relationships.

The authors concluded that, "It seemed that finding a positive relationship with the biological mother was an important aspect of feeling successful for many of these stepmothers... Almost all of these stepmothers reported that they sought to act in the best interest of their stepchildren, while trying to respect the biological mother's role" [p. 104].

Critical Analysis

This study is an example of what is termed qualitative research. Unlike most of the studies we review, this is a procedure that relies heavily upon detailed interviews for the purpose of deriving common themes to be evaluated by subsequent empirical research. Such methods can be

valuable in this regard but also have significant limitations. In this study for example, all the mothers were self-described as successful, but there is no independent way to validate these descriptions. A second concern is that the participants represented a convenience sample. In this case, this means that volunteers responded to fliers and inquiries in a college class. Finally, the number of participants was very small. Generally, qualitative research studies have more participants.

Recommendations

We noted above our belief that it is important to interview step parents as part of the CCE process because they may be able to provide a unique perspective on family relations that biological parents often cannot. Furthermore, successful stepparents may have found solutions to problems that the biological parents were unable to solve on their own, thereby improving children's wellbeing.

For this as well as other valuable research visit J.M. Craig Press online at www.jmcraig.com or call (877) 960-1474. AFCC members receive a 25% discount on all J.M. Craig Products.

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The Call of the Lattelope

by John Kydd, AFCC Past President (1996), Seattle, Washington

What is a Lattelope?

This enchanting (and sometimes breathtaking) creature was first sighted at AFCC's 42nd Annual Conference (2005) in Seattle, Washington. Pictures were taken, stories were whispered in the corners of the hospitality suite and hope soared for another sighting.

Our advance team is quite pleased to report a sighting has occurred in Stanley Park, adjacent to the Westin Bayshore Resort, home to AFCC's 45th Annual Conference, May 28-31, 2008 in Vancouver, BC. We will gather at 7:00am Thursday and Friday mornings at the hotel lobby in our favorite loping gear.

Alumni wish it to be known that this is not, by any measure, a "fun run." Firstly they point out that, for many, a "fun run" is an oxymoron like, for example, the term "presidential clarity." Next, they note, a run implies an endeavor where the slower off feel a need to keep up with the swifter. Such is not the case with a "lope." A "lope" is more a ramble and less a dash wherein some quick lattelopers may scout ahead only to circle back to report the wonders that await around the next bend.

Each alum reported a different experience of "loping." Some speak of it as, "eloping with your inner child" or "loping is fusing with your musing," while others assert that any definition "can only diminish the experience." Many asserted that the interdisciplinary nature of the group was key to a successful sighting (apparently the most direct path is that which, at different points, can only be felt or mediated or collaborated or adjudicated). Sometimes only research can discern the proper turn to

Regardless of discipline, alumni reported a collective sense of elation by the end of the lattelope. Their day was very different. Some reported a pervasive feeling of gentle bliss; that it "met the best interests of my inner child," while others reported a deep (and ineffable) sense of being "heeled." Either way the alums say that this quest honors the meek, elevates the merry; and blesses even, those who tarry.

Those who wish to partake in the lattelope planning, please email John Kydd at john@kyddlaw.com. Otherwise the "questers" will meet at 7:00am in Lobby of the Bayshore.



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News from Across the Pond

by Karen Mackay, Chief Executive, Resolution, Kent, England

This year marks Resolution's 25th anniversary and we are busy organizing a host of events to mark the anniversary. Resolution's National Conference is now a fixture in the calendar of family lawyers in England and Wales, but increasingly family law crosses jurisdictional borders. Families in the 21st century have kinship, cultural and financial links that span the globe. When cross-border problems arise, lawyers must know how to resolve the conflicts created by jurisdictional and ethical differences before they can begin to help their clients.

To meet the demands of the globalization of family law, Resolution is holding its first International Family Law Conference from July 1-3, 2009 in London. Topics will include:

- · Children (abduction, relocation, contact, child support)
- Finances (international tax issues, reciprocal recognition and enforcement, funding litigation)
- Human rights (forced marriage, representation of children, domestic abuse, legal aid)
- · Jurisdiction and forum disputes
- · International liaison between lawyers and courts
- Practice issues (training and specialist accreditation, regulation and standards, independence of judiciary and legal profession, ethics)

Those interested in attending or contributing to the conference are invited to complete an expression of interest form, which can be found on the Resolution Web site or via this link:

International Conference 2009 - The Globalisation of Family Law: Sharing International Experience

This international conference will be an opportunity for family lawyers from around the world to share experience of how family justice works in other jurisdictions. The knowledge gained will be invaluable in practice. Relationships forged with foreign delegates will foster international awareness and business development opportunities. We hope that friends old and new will join us.

Resolution's National Conference

At Resolution's Annual Conference, April 5, 2008, hosting more than 400 family lawyers from England and Wales, senior family court judge, Justice Paul Coleridge used his keynote speech to lambast government neglect of the growing problem of family breakdown. Justice Coleridge compared the threat to society of the breakdown of the family as equal to the threat of global warming and compared government zeal to abolish plastic bags with their indifference to the impact of family breakdown. He particularly emphasized the lack of resources for the family court and lamented the lack of a radical vision from government about what could be done to mend the wounds of family breakdown.

His words struck a chord with Resolution members, struggling as they do on a daily basis with outmoded family laws that have not kept up with the changes to family life in the past two decades and with an under-resourced

family justice system in which delays are endemic. To our transatlantic cousins, the generosity of our legal aid scheme must seem like sugar candy mountain, but our legal system has become increasingly dependent on legal aid and the current dismantling of that aspect of the family justice system has led to a large increase in applicants to the court representing themselves, even in cases involving violence, where an injunction is sought. This adds to the clogging up of the courts, leading to more delays which affect all, be they rich or poor.

Justice Coleridge's speech can be read in full on Resolution's revamped and updated Web site by clicking the "Media Center" link at www.resolution.org.uk.

New Resolution Web Site

Resolution's Web site is now an excellent source of information for family law professionals and the public. The revamped Web site aims to give basic information about family law to members of the public, to help them find a Resolution member in their area and to promote Resolution's mission: to reduce conflict in family disputes, to improve standards of practice amongst family lawyers and to improve family laws and the operation of the family justice system.

If you would like further information on these topics or other issues in England and Wales, please contact Resolution Chief Executive Karen Mackay at Karen.mackay@resolution.org.uk or visit www.resolution.org.uk.

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AFCC Board of Directors

The AFCC Nominating Committee hereby provides notice to the membership that the following members have been nominated to serve a three-year term on the Board of Directors beginning July 1, 2008:

- · Magistrate Richard Altman
- · Hon. Peter Boshier
- · Hon. Linda Fidnick
- · Ms. Linda Fieldstone
- · Hon. Emile Kruzick
- · Dr. Arnold Shienvold

The following members of the Board of Directors have been nominated to serve as Officers for 2008-09:

President: Dr. Robin Deutsch
President Elect: Hon. Emile Kruzick
Vice President: Mr. Robert Smith
Secretary: Ms. Linda Fieldstone

Treasurer: Magistrate Richard AltmanPast President: Hon. William C. Fee

The AFCC Nominating Committee will be nominating members to the Board of Directors at the Membership Meeting at the Annual Conference, May 31, 2008. The AFCC Nominating Committee is chaired by Mary Ferriter. Members are Hon. George Czutrin, Cori Erickson, Hon. Denise McColley and Andrew Schepard.

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Drops from Down Under

by Hon. Graham Mullane, New South Wales, Australia

This issue of *Drops from Down Under* features new research on shared parenting from the Institute of Family Studies. Additional topics include the Hague Convention, terrorism and children's legal aid, a new online mediation service and upcoming conferences in Australia and around the world.

Shared Parenting

In the courts, many family consultants, federal magistrates and judges are discovering parents in litigation have already put in place equal shared care or other shared care arrangements. Sometimes it is an informal arrangement and other times it is a written parenting plan or a consent order made in a state magistrate's court or in the Federal Magistrates Court or the Family Court of Australia.

The effect of many of these arrangements has been to subject infants or very young children to a pattern of separation from their primary care giver that may be seriously damaging to the child. Many of the parents' relationships are poor and they have no capacity to co-parent. For many children, the arrangement involves a high level of inconsistency and instability, and repeated exposure to parental conflict.

But, recent research of the Institute of Family Studies shows that shared care arrangements where children spend at least five days per fortnight (fourteen days) with each parent, are now more common (5% in 2005 and 9% now). However, this arrangement is most likely to fail. The arrangement most likely to endure is where children live primarily with one parent and spend less than four days per fortnight with the other. Some researchers are reporting that the aim of shared care is overriding considerations of children being protected from violence or exposure to violence to others.

A research paper by Hon. Professor Richard Chisholm and Dr. Jenn McIntosh about research into the effects of shared parenting orders since the changes reveals a very high incidence of conflict, and inability to coparent amongst parents who have shared care orders, with serious adverse consequences for the children including the incidence of anxiety requiring therapeutic attention. The authors will be presenting at the AFCC 45th Annual Conference, May 28-31, 2008 in Vancouver, British Columbia

Hague Convention

In March, the High Court of Australia reversed a decision for a 12-year-old boy to be returned to New Zealand under the Hague Convention. The High Court's majority decision (3:2) overturned a majority decision (2:1) of the Full Court of the Family Court of Australia upholding the decision of the trial judge. The parties never married. The High Court held that the Central Authority had not proved that the father had ever lived with the mother and consequently had not established that under New Zealand Law the father was a guardian and had "rights of custody."

Terrorism and Children's Legal Aid

There have been ructions in February/March after the Managing Director of Victorian Legal Aid claimed that the (federal) funding available for independent legal representation for children in Victoria would be dramatically reduced because of the substantial cost of defense of 12 people charged with terrorism offences. The expenditure of federal funding on the terrorism defense had reached \$6 million and was likely to total \$9 million. Subsequently there has been some reassurance that there will not be cuts to legal aid for children.

New Online Mediation Web Site

Resolution Online (www.resolutiononline.com.au/) is an online family resolution service operating since May 2007. The service was established by Katherine Graham, who manages the Resolution Centre, a business focusing on workplace and commercial resolution with offices in each capital city.

The new service involves message input from the parties involving a third party mediator with a background in law, psychology or social work. The mediator helps "moderate" the discussions and assists the parties to discuss all facets of their separation. It is a user pays system and ideal for parties who are in different states or countries. It targets medium-to-high income earners

Ritalin Debate

Last year in sentencing a 20-year-old man, who had been using prescribed Ritalin since six years of age, a New South Wales District Court Judge heard evidence from a psychiatrist that the man had become addicted to methamphetamine because of his Ritalin use. The judge said he had serious concerns because of the "amazing tide" of cases coming before him involving people prescribed Ritalin as children who went on to commit violent crime.

An ADHD support group lodged a complaint to the NSW Judicial Commission about the Judge's comments and the Commission did not dismiss the complaint, but referred it to the Chief Judge of the District Court. I am not aware of what action the Chief Judge has taken, if any.

Upcoming Conferences

- The Family Law Section of the Law Council of Australia recommends the following conferences:
- Annual Conference of the Judges of the Family Court of Australia, April 3-5, 2008 in Adelaide, South Australia
- Conference of Federal Magistrates, April 3-5, 2008 in Adelaide, South Australia.
- Australian Institute of Family Law Arbitrators and Mediators, April 5-6, 2008 in Adelaide, South Australia
- 13th Biennial National Family Law Conference: Family Law Section, Law Council of Australia, April 6-11, 2008 in Adelaide, South Australia
- AFCC 45th Annual Conference: Fitting the Forum to the Family Emerging Challenges for Family Courts, May 28-31, 2008 in Vancouver, Canada
- Law on the Lounge Part 7: Bali Family Law Conference, May 30-June 2, 2008 in Bali, Indonesia
- Australian Institute of Family Law Arbitrators and Mediators in conjunction with Bond University, July 31-August 3, 2008 in Gold Coast, Queensland
- 12th Annual Melbourne Family Law Intensive: Family Law Section, Law Council of Australia, August 23, 2008 in Melbourne, Victoria
- Australian Institute of Family Law Arbitrators and Mediators in conjunction with Bond University, August 28-31, 2008 Gold Coast, Queensland
- Australian Institute of Family Law arbitrators and Mediators in conjunction with Bond University, November 27-30, 2008 in Gold Coast, Queensland

• 5th World Congress on Family Law and Children's Rights, August 23 -26, 2009 in Halifax, Nova Scotia

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ASK THE EXPERTS

Kathleen Clark, Ph.D., Galion, Ohio Leslie Drozd, Ph.D., Newport Beach, California Jonathan Gould, Ph.D., Charlotte, North Carolina Kathryn Kuehnle, Ph.D., Indian Shores, Florida Mindy Mitnick, M.Ed., Edina, Minnesota Phil Stahl, Ph.D., Queen Creek, Arizona

Top Ten Tips for Interviewing Children for Custody Evaluations

1. Differences

Understand the differences between clinical/therapeutic and forensic interviews. Clinicians without specific forensic training should not engage in forensic interviews. If an issue arises during the interview that requires training more specialized than basic forensic interviewing, report it to the proper agency or refer it to an expert in an appropriate area.

2. Sound Forensic Interviews

Establish rapport, explain the interview purpose and discuss interview "ground rules." Explain the limits of confidentiality and how the information obtained will be used in a way the child will understand. The interviewer should explain to the child that it is acceptable to tell the interviewer they don't know the answer to a question or don't understand it. Furthermore, they should correct the interviewer if s/he is mistaken. The interviewer should provide children with practice responding to open ended prompts when describing their experiences.

3. Understand Child Development

In conducting forensic assessments of children, it is critical that the interviewer determines any factors that may impinge upon the child's ability to comprehend, recall accurately and report past events. To understand this, the interviewer should be trained in child development including memory, suggestibility, language and communication.

4. Truth or Lie

The interviewer should let the child know that they will not be able to help her/him answer questions and that it is important to tell the truth. Ask questions early in the interview that will determine if the child knows the difference between the truth and a lie.

5. Open-Ended Questions

Research has shown that open-ended questions produce better results than specific "risky" questions. Examples of open-ended questions include: tell me, what, where, when, how. Examples of risky questions to avoid, if possible, include: why, did, was, can you tell, or.

6. Follow-up

Follow up with questions such as "tell me more" and "what happened next." Avoid yes/no and forced choice questions unless necessary.

7. Ask One Question at a Time

Wait until the child is finished responding before asking the next question or commenting on what the child has said. Avoid repeating the question, as this may make the child feel that her/his first answer was wrong.

8. Understand Admissibility

Evaluators should be familiar with the Federal Rule of Evidence 401 and similar rules of evidence in their state, as well as, case law, including but not limited to Frye, Daubert, and Kumho. Forensic practice is specialized and requires specialized training and knowledge.

9. Remember These Are Children

Speak to a child in words s/he will understand. Avoid abstract, vague and legal terms. Some children may be more open and communicative if they are allowed to play or draw as they are interviewed.

10. Respect the Children

Listen and make sure that you understand the child's point of view apart from the view of the parents. Let them know that their views are important but they are not responsible for the outcome—their parents or the judge are.

Do you have a question that you would like answered by an AFCC expert? Let us know and your question could be answered in the next AFCC eNEWS.

Click here to email your question!

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