



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

Season's Greetings from AFCC Executive Director

December in Madison, Wisconsin, typically brings our first real taste of winter; our first meaningful snowfall was December 7-8, followed by a cold front. It was a brisk three degrees outside on Monday morning when I opened the office to find the heat not functioning. It was 45 degrees at my desk. Fortunately, maintenance had everything back to normal relatively quickly. This is one of the many things I am grateful for this holiday season. I am also very grateful for the AFCC staff, all of whom worked through the morning in their winter coats without complaint, and the Board of Directors, who contribute so much of their time and wisdom to AFCC's endeavors. We are all *extraordinarily* grateful for AFCC members, for without you our efforts would be in vain. As many membership associations struggle, AFCC continues to grow and thrive. We are frequently asked what the secret is and it is, of course, you—our members. Only the very best are motivated to reach beyond their professional silo and explore their work through an interdisciplinary lens, to address the most challenging issues that families and children face and to generously share their work and ideas with colleagues. In a nutshell, that describes AFCC and, for that, we can never thank you enough.

Wishing you a peaceful, happy and healthy 2014.

Peter Salem

MONTHLY E-NEWSLETTER
VOL. 8 NO. 12
DECEMBER 2013

Upcoming AFCC Conferences



AFCC 51st Annual Conference
May 28-31, 2014
The Westin Harbour Castle
Toronto, Ontario, Canada

Executive Director

TORONTO Brochure Online, Registration Open
AFCC 51st Annual Conference
Navigating the Waters of Shared Parenting:
Guidance from the Harbour
May 28-31, 2014 at The Westin Harbour Castle

The AFCC 51st Annual Conference Program Brochure is now available online! Online conference registration and hotel reservations are also available on the AFCC website. Printed copies of the conference brochure will be mailed in January to AFCC members and colleagues. Now is the time to begin planning your attendance. There are close to 100 sessions to choose from; 200 presenters from around the world, thought-provoking plenary sessions and keynote speaker, Fiona Sampson, Executive Director of *the equality effect*.

[View the Conference Program Brochure](#)

[Register online](#)

[Hotel reservations](#)

Call for Posters

AFCC is accepting proposals for posters to be exhibited during the conference. Poster presenters will have the opportunity to discuss their work with participants during breaks. Students, lawyers, mental health professionals, and academics are invited to propose posters concerning innovative interventions, initiatives, new programs, legal or policy changes, and/or research. **The deadline to submit a poster proposal is February 7, 2014.**

[More information](#)

[Submit a poster proposal](#)

Passports Needed for Travel to Canada

Make sure you carry proper identification for yourself and children traveling with you. [Canada Border Services Agency's website](#) provides complete information on what is necessary to enter Canada. US citizens and permanent residents will need proof of citizenship, such as a passport to return to the United States. Routine passport applications are being processed in approximately 4-6 weeks. US residents may visit travel.state.gov for more information.

Q & A with Keynote Speaker Fiona Sampson, *the equality effect*

AFCC will welcome Fiona Sampson, Executive Director of *the equality effect*, as the keynote speaker at the 51st Annual Conference in Toronto. *The equality effect*, a charitable organization based in Toronto, has effectively used human rights law to improve the health,

[More information](#)

AFCC 11th Symposium on
Child Custody Evaluations

November 6-8, 2014

La Cantera Hill Country Resort
San Antonio, Texas

AFCC 52nd Annual
Conference

May 27-30, 2015

Hilton New Orleans Riverside
New Orleans, Louisiana

AFCC Regional Training
Conference

November 5-7, 2015

Hyatt Regency Columbus
Columbus, Ohio

AFCC 53rd Annual
Conference

June 1-4, 2016

Sheraton Seattle Hotel
Seattle, Washington

AFCC 54th Annual
Conference

May 31-June 3, 2017

Sheraton Boston Hotel
Boston, Massachusetts

AFCC Chapter Annual
Conferences

Arizona Chapter Annual
Conference

Exploring Innovative Paths for
Families in Conflict

January 31-February 2, 2014

Hilton Sedona Resort and Spa
Sedona, Arizona

[More information](#)

California Chapter Annual
Conference

Back to the Future:

Serving California's Changing
Families

February 7-9, 2014

InterContinental Mark Hopkins
San Francisco, California

[More information](#)

safety and the standard of living for women and girls in Ghana, Kenya and Malawi. In May 2013, the “160 Girls” project in Kenya, achieved a huge victory for women and girls. With the help of *the equality effect*, 160 girls, aged 3 to 17 sued the Kenyan government for failing to protect them from rape, and won.

[Read more](#)

Apply for a Conference Scholarship

For more than ten years, AFCC members have helped deserving professionals and students attend AFCC Conferences by giving to the AFCC Scholarship Fund. Scholarships cover the cost of a pre-conference institute, conference registration, attendee meals and networking functions, and a certificate of attendance. A limited number of stipends to help with the cost of travel and lodging will be offered.

The application deadline is March 1, 2014.

[Apply for a scholarship](#)

[More information](#)

Give to the AFCC Scholarship Fund

Help others attend AFCC conferences by giving to the AFCC Scholarship Fund online or with your conference registration. If you have not yet given this year, please consider giving today. Every gift—\$100, \$50, \$25, any amount that feels right to you—brings us closer to our goal. Receiving your gift by the end of 2013 will help us plan for next year, and will provide US taxpayers with a deduction for the 2013 tax year.

[Donate online today](#)

Ask the Experts

Ten Tips for Professionals on Domestic Violence and Cultural Contexts in Asian Communities

By Chic Dabby, San Francisco, California

Domestic violence is a systematic pattern of abusive behaviors that include physical battering, coercive control, economic abuse, emotional abuse and/or sexual violence. It is intended to gain or maintain power and control over a romantic or intimate partner to intimidate, frighten, terrorize, humiliate, blame or injure. Domestic violence is more than a series of incidents. It is about living in a climate of fear and disempowering restrictions that threaten and affect one’s selfhood, psychological well-being, health, economic security, and the emotional labor of parenting. The presence of domestic violence tells us about the presence of inequality in a relationship, the extent of the abuse tells us about the extent of the inequality. Addressing domestic violence in an ethnic community, in this case,

Washington Chapter Annual Conference

Frontiers of Family Practice

March 15, 2014

Washington Athletic Club

Seattle, Washington

[More information](#)

Louisiana Chapter Annual Conference

Restructuring the Family: Incorporating Different Needs and Perspectives into Your Practice

March 27-28, 2014

Hampton Inn & Suites

New Orleans, Louisiana

[More information](#)

Massachusetts Chapter Annual Conference

March 28, 2014

Regis College

Weston, Massachusetts

[More information](#)

Join AFCC

Are you a member?

[Join](#) or [Renew](#)

AFCC offers member benefits that promote excellence in practice.

[View member benefits](#)

AFCC Chapters

Network and share your interdisciplinary view of family court matters on a local level. There are currently chapters in the following states and provinces:

Australia

Alberta

Arizona

California

Colorado

Connecticut

Florida

Illinois

Indiana

Louisiana

Asians, typically raises questions about the role of culture and how a deeper understanding of cultural issues can guide and improve practice.

[Read more](#)

Parenting Coordination Trainings in Chicago

AFCC, in collaboration with Loyola University Chicago School of Law's Civitas ChildLaw Center, is pleased to announce two new training programs on parenting coordination. Joan B. Kelly, PhD, will present a basic training, *The Essentials of Parenting Coordination: Helping High Conflict Parents Resolve Post-Separation Disputes*, March 11-12.

Robin M. Deutsch, PhD, will present an advanced training, *Pitfalls, Process and Prescriptions: Advanced Strategies for Managing Parenting Coordination Cases*, March 13-14. Each training program is eligible for 12 hours of continuing education. Discounted registration is available for AFCC members and when you register for both trainings. See the [training brochure](#) for details.

[Register online](#)

The Child Welfare Collaborative Decision Making Network—Think Tank VII

By Marilou Giovannucci, MS, Wethersfield, Connecticut

The Child Welfare Collaborative Decision Making Network was created following discussion and planning by system stakeholders including practitioners, researchers, program managers, professionals from academia and representatives from organizations interested in child welfare systems who recognized the need to give child welfare decision-making processes a greater "voice" in the professional world, ensure the continued support for collaborative decision-making processes and create a platform for networking and future collaborative work.

[Read more](#)

Member News

AFCC President Elect, **Richard L. Altman**, Napoleon, Ohio, was presented with the prestigious Education Award from the Ohio Association of Magistrates for his outstanding contributions and dedication to magistrate education.

Hon. George Czutrin, a former AFCC President, was appointed Senior Family Judge of the Family Court. Justice Czutrin was appointed to the Ontario Court of Justice, Unified Family Court, in Hamilton in 1993, where he served as the local administrative judge of

Massachusetts
Minnesota
Missouri
New Jersey
New York
Ontario
Oregon
Texas
Washington
Wisconsin

[Add an AFCC Chapter to your membership](#)

AFCC Networks

New Zealand

Ask the Experts

Is there a topic you would like to see covered by an AFCC Ask the Experts piece?

[Email your suggestion](#)

About AFCC eNEWS

Readers are welcomed and encouraged to forward this e-newsletter to interested colleagues.

The opinions expressed in articles published or linked to in the *AFCC eNEWS* are those of the authors and do not necessarily reflect the positions of the Association of Family and Conciliation Courts.

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Erin Sommerfeld

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the Family Court Division from 1995 to 2006. He was transferred to the Toronto Region in 2006 and until this appointment served as Family Team Leader.

Hon. Debra Paulseth has been appointed Senior Advisory Family Judge of the Ontario Court of Justice by **Chief Justice Annemarie E. Bonkalo**, effective January 1, 2014. Justice Paulseth currently serves as President of the AFCC Ontario Chapter. She was appointed to the Ontario Court of Justice in 2005.

Jan Pryor, Carterton, New Zealand, has written a new book, [*Stepfamilies: A Global Perspective on Research, Policy, and Practice*](#), which reviews current global research and highlights the challenges, possibilities, and dynamics of stepfamily households.

Hon. Carey Snyder Hyatt, Family Court Presiding Judge, Superior Court of Arizona in Maricopa County, was awarded the Judicial Officer of the Year Award by the Arizona Family Support Council. She was selected for the award for making a significant impact using innovative methods to efficiently and fairly adjudicate child support cases.

Janet Walker, East Sussex, United Kingdom, is the co-editor of a new book, [*Contemporary Issues in Family Studies: Global Perspectives on Partnerships, Parenting and Support in a Changing World*](#). The volume tackles issues in the changing nature of family life from a global perspective, and includes contributions from AFCC members, **Jan Pryor**, Carterton, New Zealand; and **Gabriela M. Misca**, Worcester, United Kingdom.

Chapter News

Welcome and congratulations to **Dolores Bomrad**, West Bend, Wisconsin, the incoming President of the Wisconsin Chapter of AFCC.

Congratulations to the **Oregon Chapter** for earning its provisional status at the AFCC Regional Training Conference in Kansas City, Missouri. AFCC is thrilled to have 20 chapters! Groups in British Columbia, Maryland, Ohio, and Pennsylvania are in various stages of formation.

Thank You and Best Wishes for Retirement

Candace (Candi) Walker will retire at the end of this month after serving as AFCC Program Director since January 2003. During her eleven years as program director, she oversaw the planning and management of AFCC conferences and training programs. Candi will

enjoy an active retirement, avoiding Wisconsin winters and golfing. Thank you Candi, and best wishes from AFCC!

Call for Nominations, AFCC Awards

Nominate a colleague or a program for one of the following AFCC awards by March 15, 2014. The John E. VanDuzer Distinguished Service Award recognizes outstanding contributions and/or achievements by AFCC members; the Stanley Cohen Research Award, sponsored by the Oregon Family Institute, recognizes outstanding research and/or achievements in the field of family and divorce; and the Irwin Cantor Innovative Program Award recognizes innovation in court-connected or court-related programs created by AFCC members.

[More information](#)

ACR Spirituality Section Rocky Mountain Retreat

AFCC is pleased to join in supporting the 2014 Spirituality Retreat as a collaborating organization. The ACR Spirituality Section will hold its seventh retreat July 17-20, 2014, at the Shambhala Mountain Center in Red Feather Lakes, Colorado. Dr. Joan Borysenko, author of more than 20 books on mind-body science, is the featured speaker for the weekend. Spaces have been set aside for members of AFCC and ACR; there are approximately 20 spaces remaining for AFCC members.

[More information](#)

Call for Proposals—2014 ADRHub Webinar Series

ADRHub is currently accepting proposals for the monthly ADRHub webinar series. Presenting for one of these webinars provides a opportunity to share your expertise and to spread your work across a large community of ADR practitioners, scholars and the public that is interested in alternative dispute resolution. **The deadline has been extended through January 1, 2014.**

[More information](#)

Family Law in the News

The Changing American Family

By Natalie Angier, courtesy of New York Times

The typical American family, if it ever lived anywhere but on Norman Rockwell's Thanksgiving canvas, has become as multilayered and full of surprises as a holiday turducken—the all-American seasonal portmanteau of deboned turkey, duck and chicken. Researchers who study the structure and evolution of the American family express

unsullied astonishment at how rapidly the family has changed in recent years, the transformations often exceeding or capsizing those same experts' predictions of just a few journal articles ago.

[Read more](#)

Science Study: On Marriage, Listen To That Little Voice in Your Head

By Carey Goldberg, courtesy of WBUR.org

If you're thinking about getting married, you might want to listen to that little voice in the back of your head. A new study in the journal [Science](#) of more than 100 newlyweds found that a couple's "gut" feelings about each other—feelings they couldn't or wouldn't verbalize—were good predictors of how happy their marriage would be four years later—better predictors than their conscious feelings. The title: "Though They May Be Unaware, Newlyweds Implicitly Know Whether Their Marriage Will Be Satisfying."

[Read more](#)



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eNEWS

The Child Welfare Collaborative Decision Making Network—Think Tank VII

By Marilou Giovannucci, MS, Wethersfield, Connecticut

CHILD WELFARE COLLABORATIVE DECISION MAKING NETWORK

MISSION AND PURPOSE

The mission of the child welfare collaborative decision making network is to promote safety, permanency and the well-being of children, through the development of decision-making and conflict resolution processes that engage and empower families and youth; that are culturally appropriate; and that enable families and youth to fully participate in decisions that impact their future.

The Child Welfare Collaborative Decision Making Network:

- Convenes interdisciplinary professionals to advance and refine practices related to decision-making and conflict resolution in child welfare cases.
 - Encourages a collaborative approach to problem solving among professionals.
 - Identifies best practices and innovative approaches.
 - Promotes professional education and networking.
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-

The Child Welfare Collaborative Decision Making Network (CWCDMN) was formed in September 2007 following a two day Think Tank convened during the AFCC Regional Conference in Columbus, Ohio.

The CWCDMN was created following discussion and planning by system stakeholders including practitioners, researchers, program managers, professionals from academia and representatives from organizations interested in child welfare systems who recognized the need to give child welfare decision-making processes a greater “voice” in the professional world, ensure the continued support for collaborative decision-making processes and create a platform for networking and future collaborative work.

To that end, the CWCDMN developed a mission and purpose statement that articulates the broad, inclusive work of the network and its participants. The Network has convened annual think tanks since 2007.

Think Tank VII (TTVII) was held in conjunction with the AFCC 50th Anniversary Conference in Los Angeles, California. TTVII brought together approximately thirty attendees in a day-long forum.

Attendees represented programs, organizations and individuals that reflect the diversity within the field of child welfare decision making processes. They included participants from the United States, Canada and other countries, and were affiliated with universities, law school programs, professional organizations, governmental agencies and programs, and those serving as private practitioners.

TTVII provided attendees with an opportunity to share and learn about the status of and, in some instances, the interest in collaborative decision making processes in the United States, Canada and other countries.

The first segment of the TTVII provided attendees an opportunity to provide updates and learn about new processes programs and information. Some general themes emerged from the round table discussion. There continues to be a considerable amount of interest and growth in the use of decision-making processes around the United States, Canada and other countries. While some programs are very active, others are languishing. The main reasons for both, cited by attendees, include loss of judicial leadership, support and funding. However, the most disturbing trend that seems to be continuing is the economic impact of budget reductions to CPM programs. Examples include the loss of mediators in the Cook County, Illinois Program, and the severe reduction or elimination of CPM Programs in various counties in California and New York.

In programs that were flourishing, creative human resources and funding sources were noted. For example, in Georgia where there are ten delinquency and seven CPM Programs, Alternative Dispute Resolution fees are used to fund the juvenile court programs. One county in California is using volunteer mediators to make up for the elimination of court staff mediators.

Think Tank participants are continuing to explore ways to import the provision of conflict resolution services and funding sources. Topics noted were the readiness to use provision of family group decision making, other family teaming processes, the mediation in child protection matters, designing training for mediators, system stakeholders, and mediation participants.

Participants reflected on the continuing value of the Network and the Think Tanks. A desire to continue to promote the Network and to convene Think Tanks was expressed. Additionally, there continues to be an interest in having ongoing communication and opportunities to network with colleagues between Think Tanks.

For more information about the CWCDMN contact Marilou Giovannucci at:
mtgiovannucci@gmail.com

To be added to the Network membership list contact Susan M. Storcel at:
Susan.Storcel@cookcountyil.gov

More information on the [CWCDMN](#) is available on the AFCC website in the [Center for Excellence in Family Court Practice](#).

Call for Posters

AFCC 51st Annual Conference Navigating the Waters of Shared Parenting: Guidance from the Harbour

TORONTO

Westin Harbour Castle

May 28-31, 2014

There is limited consensus about the term “shared parenting” after separation and divorce. It may refer to parenting time, quality, decision making or responsibilities; it has multiple labels, including joint or split custody, access, time sharing and parallel parenting. Many believe shared parenting to be a worthy goal; others caution against presumptions and unintended consequences. Join AFCC for this ongoing conversation about the pros, cons, challenges and opportunities that shared parenting presents for children, families, practitioners, researchers, policymakers and advocates.

AFCC is accepting proposals for posters to be exhibited during the conference. Presenters can discuss their work with participants between scheduled workshops. Presenting a poster at the AFCC Annual Conference is a great opportunity to share your ideas with colleagues from the many disciplines that make up AFCC membership.

Statutory presumptions

Same-sex marriage, parenting, divorce

Shared parenting and relocation

Family law across cultures

Shared parenting and domestic violence

Gatekeeping

Family court service innovations

Voice of the child

Shared parenting across cultures

Family law reform initiatives

LGBT family law issues

Mediation

The mobile family

Parenting coordination

Child custody evaluation

Social science research

Technology and family law

Posters must be submitted using the online form at <https://www.surveymonkey.com/s/58BR65W>. This link can also be found on the AFCC website, under Conferences.

AFCC is accepting proposals at this time *for posters only*. To submit a poster proposal, you will need to include the following information: (1) an abstract of 250 words or less describing your proposed poster; (2) a brief poster title; (3) for research proposals, include a brief description of your methodology, results, conclusion and applications for practice, policy implications and future research (250 words or less); (4) complete contact information for all proposed authors; (5) the name of the person who will be coordinating your poster presentation; (6) contact information for two professional references; and (7) resumes for all proposed authors.

Please note that the deadline for proposals is February 7, 2014. AFCC is unable to guarantee consideration of incomplete proposals, or proposals submitted after the deadline.

You do not need to be registered for the conference to present a poster, but you do need to register if you intend to attend sessions. Full-time students are eligible for a reduced registration fee. For registration information, visit www.afccnet.org. Please direct any questions to (608) 664-3750 or afcc3@afccnet.org.



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eNEWS

Ask the Experts: Ten Tips for Professionals on Domestic Violence and Cultural Contexts in Asian Communities

By Chic Dabby cdabby@apiidv.org, Asian & Pacific Islander Institute on Domestic Violence
www.apiidv.org

Domestic violence is a systematic pattern of abusive behaviors that include physical battering, coercive control, economic abuse, emotional abuse and/or sexual violence. It is intended to gain or maintain power and control over a romantic or intimate partner to intimidate, frighten, terrorize, humiliate, blame or injure. Domestic violence is more than a series of incidents. It is about living in a climate of fear and disempowering restrictions that threaten and affect one's selfhood, psychological well-being, health, economic security, and the emotional labor of parenting. The presence of domestic violence tells us about the presence of inequality in a relationship, the extent of the abuse tells us about the extent of the inequality. Addressing domestic violence in an ethnic community, in this case, Asians, typically raises questions about the role of culture and how a deeper understanding of cultural issues can guide and improve practice.

1. Culture is more than ethnicity; culture is context.

Culture defines the spaces within which power is expressed, gender, and other relations are negotiated, and traditions are re-designed. There are three intersecting cultures that affect everyone because we all have cultural identities: a culture of violence that makes domestic abuse, sexism, and the devaluation of women normative; the culture of ethnic communities enforcing gender roles; and the culture of systems that domestic violence victims/survivors and their advocates have to contend with. Culture is responsible for *how* domestic violence is viewed: it is used as a convenient excuse for abuse by communities, or as encouragement to racial stereotyping by systems. Domestic violence must be understood within these intersecting cultural contexts for professionals to design meaningful interventions that acknowledge how survivors negotiate the barriers and gateways cultures afford them. Culture is also the site of being nurtured by community, a vital link that risks getting broken if services for survivors are only predicated on leaving. The importance of connection to community guides the many promising practices designed to serve Asian immigrant and refugee survivors.

2. Domestic violence is gendered; it is not gender-neutral.

Women are disproportionately affected by gender-based violence (GBV). The CDC reports the following lifetime prevalence rates: 1 in 5 women and 1 in 71 men have been raped; 1 in 4 women and 1 in 7 men have experienced severe physical violence by an intimate; and 1 in 6 women and 1 in 19 men have been stalked.¹ A compilation of community-based studies estimates domestic violence prevalence rates at 21-55% for Asian women.² In a 6-year period, 160 Asian intimate homicide cases resulted in 226 fatalities,

¹ Centers for Disease Control. *National Intimate Partner and Sexual Violence Survey (NISVS)*. Atlanta: 2010.

² Yoshihama, M. and Dabby, C. *Facts & Stats Report: Domestic Violence in API Homes*. San Francisco: Asian & Pacific Islander Institute on Domestic Violence, 2013.

83% of perpetrators were men.³ In many Asian communities, women who use physical violence and coercive control usually target other women, i.e., their daughters or sisters-in-law. Asian families that subscribe to very traditional ideas of women's role and place in society compound the gender inequality that domestic violence is rooted in. Professional neutrality is imperative: it doesn't however mean overlooking the disproportionality of women's victimization.

3. Assess if physical violence includes abuse by in-laws.

The dynamic of multiple perpetrators against a single victim is present in some Asian families (similar to elder abuse in all communities). So, in addition to her husband, a woman's mother-, father-, sister- and/or brother-in-law may abuse her—employing a range of tactics. Professionals should assess the presence and effects of multiple batterers abusing a single victim in an extended family home.

(a) Do not assume there is no domestic violence because the intimate partner is not abusive.

Battered women may be viewed as denying, minimizing or not co-operating because a professional's questions assume the intimate partner is the batterer.

(b) Explicitly gather additional information about who other abusers are.

Systems may respond inadequately, given a lack of understanding or training about multiple batterers. Practitioners, therefore, should rely on getting this information directly as it may not appear in regular documents such as police or medical reports.

(c) Do not assume that accompanying female or male relatives are part of a support system.

Greater family collusion accompanies multiple abusers. Male or female women relatives from the extended family or the family of origin are not necessarily a battered woman's allies or friends. Even if they are not actively violent, they may collude with the other abusers.

4. Identify if emotional abuse includes 'push' factors that coerce women to exit the relationship.

Asian women may more frequently experience 'push' factors out of a relationship than 'pull' factors that draw her back into the relationship—signaled, for example, by an abuser's apology/contrition. Push factors (e.g., 'get out; I never wanted you anyway') constrict autonomy and decision-making. Women experiencing push factors early on in the relationship will not be in a position to make decisions, and what may look like an inexplicable decision, e.g., to leave without her children, could in fact be a function of push factors exerted by a single batterer and reinforced by multiple batterers. Professionals can then understand the context for a survivor's poor decision-making skills, lack of agency, and/or anger at being pushed out of her home.

5. Evaluate how maternal authority and child safety are compromised by multiple abusers.

Custody evaluators may view an extended family home as a better environment for children post-separation, a home with several family members who can help care for the child, rather than a home with a single parent. However, multiple abusers increase children's exposure to domestic violence. For children exposed to domestic violence perpetrated by their father and by other family members in the extended family home, their access to maternal nurturing can be blocked by the multiple family members while they are living in the house together. Mothering in an abusive extended family home can be severely undermined by multiple perpetrators and maternal decision-making inhibited by push factors. Custody evaluators should identify these factors pre-separation to assess for them in post-separation parenting arrangements; and scrutinize paternal and familial allegations against the mother of child abuse, neglect or abandonment in light of multiple abuser dynamics. In addition, when multiple individuals give the same story of maternal culpability and paternal scrupulousness, the credibility of mothers, and even their children, is jeopardized or dismissed. In Asian families with acculturated, English-speaking fathers and recently immigrated non-English-speaking mothers, a further credibility gap develops to be exploited by abusers.

³ Dabby, C., Patel, H., Poore, G., *Shattered Lives: Domestic Violence, Homicides & Asian Families*. San Francisco: Asian & Pacific Islander Institute on Domestic Violence, 2009.

6. Consider a range of sexual violence perpetration.

In a study that interviewed 143 domestic violence victims, 56% of Filipinas and 64% of Indians reported sexual violence by an intimate.⁴ Asian women's experiences of sexual coercion and violence can include being forced to watch and mimic pornography; bodily humiliation; forced (*contra* arranged) early marriage; being forced to marry one's rapist; and/or sexual harassment by male in-laws. Asian women's reluctance to discuss sexual violence may be stereotyped as prudery, but it is influenced by the tight nexus of visiting shame on the family through public disclosure; by significant histories of sexual abuse (sexual violence starts early in all cultures⁵); and victim-blaming attitudes from communities and systems. Given these cultural contexts, professionals cannot limit their inquiry to intimate/marital rape, and need to build a repertoire of sensitive questions to gather a sexual violence history.

7. Be alert to abuses that exploit victims' immigration status and refer them to immigration lawyers/services.

Asian immigrant women face particular vulnerabilities when their immigration status is insecure. Most often, they fall out of status because abusers make false declarations to immigration authorities; refuse or delay filing paperwork that converts temporary status (e.g., a 3-month fiancée visa) to permanent residency; hide important documents like birth certificates or passports, so she cannot prepare her own application. Abusers may threaten deportation and loss of access to children if she reports domestic violence; abandon her a few months after marriage; or severely isolate her from family and friends. Domestic violence victims might behave compliantly in the mistaken belief that their immigration problems will be resolved, and at least they will not be forced out of the country and permanently lose access to their children. Practitioners should collaborate with or refer immigrant battered women to programs that help them obtain legal relief through U-Visas.

8. Do not accept culture as an explanation for domestic violence, or as a barrier to solutions.

When someone justifies domestic violence by claiming "this is how women are treated in my culture," what's being described is the culture of patriarchy, the culture of gender oppression, the culture of sexism. Cultures of patriarchy differ from place to place and in how rigidly they are maintained over time—the culture of patriarchy on an army base in Kentucky is different the culture of patriarchy in rural Chile, or in metropolitan London, etc. Cultural explanations of domestic violence can help professionals understand how tightly prescribed and rigid gender relations are within the community; how their interventions will challenge conventional practices; and what battered women are up against (e.g., tradition requires silence) and what risks they may encounter (e.g., from disclosure).

Because we are talking about domestic violence, a gender lens is at times equally, or more, illuminating than a cultural one. For example, a rural shelter frames an Indian woman's reluctance to use common bathrooms as a function of her cultural attitudes to nudity and contrasts them to American women's attitudes to nudity. The more appropriate question is: what would any abused woman in this situation want—privacy for sure; and not how an Indian woman's attitude to nudity impinges on her ability to shower in front of others. Practitioners should ascertain if the lens of gender answers a question or suggests a solution more effectively than the lens of culture.

9. Use an understanding of cultural differences to prompt better interventions, rather than confirm or sensationalize stereotypes.

Clearly, whilst domestic violence is a universal phenomenon, the cultural expressions of it differ, and some types of violence can be more horrific than others based on what people are exposed to in their own culture. For example, burning a woman to death or shooting her dead—the former may seem more disturbing than the latter and our cultural stereotypes step in to confirm this view, but in fact both acts are

⁴ Yoshihama, M., Bybee, D., Dabby, C., Blazevski, J. *Lifecourse Experiences of Intimate Partner Violence and Help-Seeking among Filipino, Indian and Pakistani Women: Implications for Justice System Responses*. Washington, DC: National Institute of Justice, 2011.

⁵ In the United States, almost half of female victims experienced their first rape before age 18, and a quarter of male victims were age 10 or younger.

equally awful. If practitioners don't adequately guard against cultural biases, they might risk misunderstanding their client's narrative. So, in the above example: asking if a batterer has threatened to use a gun does not rule out homicide risk by other means. While it is not possible to understand/learn all cultural contexts, it is possible, as professionals, to be trained and guided by best practice standards that mitigate cultural bias.

10. Considerations in serving clients with Limited English Proficiency (LEP)

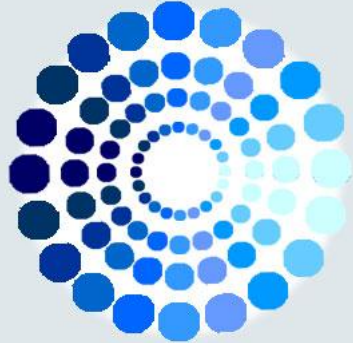
Interpretation:⁶ Arrange for professional in-person or telephonic interpreters for parties with Limited English Proficiency for all meetings. Allow extra time to familiarize yourself and all parties about how to work with an interpreter; as well as for the sessions. The same applies to working with sign language interpreters for a deaf client. Do not have adult or child family members, friends, or other bi-lingual individuals interpret for a client—and especially not the alleged abuser. Such practices can vitiate practitioner-client confidentiality. Fluent bilingual professionals could, of course, practice in a foreign language (and produce a report in English).

Test Instruments: Standard psychological tests for individuals with limited English proficiency are contraindicated. They would require every item to be sight translated and every response interpreted—introducing unknowable degrees of error and jeopardizing the integrity of assessment methods and test result validity.

Bias: Immigrant or refugee families who lack proficiency in English should not be considered uneducated or disadvantaged at parenting; and greater credibility should not be attached to more acculturated fathers.

⁶ To learn more on interpretation ('translation' refers to rendering *written* text from one language into another), go to <http://www.apiidv.org/files/Interpretation.Resource.Guide-APIIDV-7.2010.pdf>.

2014 ADRHub Webinar Series – Call for Proposals



ADR hub.com

Bringing The ADR Community Together

We are currently accepting proposals for the monthly ADRHub webinar series. Presenting for one of these webinars provides a great opportunity to share your expertise and to spread your work across a large community of ADR practitioners, scholars and the public that is interested in alternative dispute resolution.

With over 2000 members, the ADRhub.com is a valuable web resource for all the alternative dispute resolution community. ADRhub.com is a portal where you may get all your ADR related news, events, and be able to stay in touch with others in the community.

Through the ADRhub.com webinar series, participants receive wonderful presentations and engaging dialogues that provide high-quality education and training without leaving the home or office. The ADRhub webinar series offers a broad range of presentations hosted by industry experts to help keep participants up-to-date on the latest activities, trends, industry practices, and hot topics.

Webinar participants gain insight and knowledge to help them take their careers, education and communities to the next level, while gaining valuable guidance into this industry.

ADRHUB WEBINAR FORMAT:

A webinar is a live virtual presentation on the Internet utilizing a web-based video conference platform. The webinars are 45-60 minutes long. They typically include about 25 minutes of presentation and 25 minutes of Q&A. These presentations are typically accompanied by a PowerPoint.

The monthly webinars continue to bring in experts to present on various topics relevant to our field and provide an opportunity to engage in lively discussions. For those that cannot make it live to the event, they will also be archived so you can download it and watch it at your own convenience. The archives of previous webinar are available for viewing ([Webinar Archives Page](#)) and the discussion can continue in the forums.

SUBMISSION OF INTEREST IN PRESENTING:

We are always looking to provide topics that our community is interested in. Below you will find examples of contexts in which our audience will find interesting:

- Mediation
- Public Engagement
- Conflict Coaching

- Restorative Justice
- Role of the Ombuds
- Community Mediation
- Online Dispute Resolution
- Facilitation

If you would like to propose a topic related to these examples, or have another relevant topic of interest, please submit your proposal by **January 1, 2014**.

Simply provide:

- A one paragraph description of your presentation
- The months that you would be able to present
- Your contact information.

All submissions can be sent to Bryan Hanson at bryanhanson@creighton.edu, with the title "**Webinar Proposal Submission**" in the subject box.



ASSOCIATION OF
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eNEWS

Q & A with Keynote Speaker Fiona Sampson, *the equality effect*

AFCC will welcome Fiona Sampson, Executive Director of *the equality effect*, as the keynote speaker at the 51st Annual Conference in Toronto. *The equality effect*, a charitable organization based in Toronto, has effectively used human rights law to improve the health, safety and the standard of living for women and girls in Ghana, Kenya and Malawi. In May 2013, the “160 Girls” project in Kenya, achieved a huge victory for women and girls. With the help of *the equality effect*, 160 girls, aged 3 to 17 sued the Kenyan government for failing to protect them from rape, and won.

The equality effect identifies places where existing human rights law is not being enforced, or where there are inconsistencies between international, regional and domestic human rights laws. Public support for the change is mobilized and background research for legal arguments is assembled. Making the law consistent with existing human rights guarantees results, increased safety and security, improved health, and economic well-being for women.

Kenya has a strong constitution with protection against violence and gender equality laws that are supposed to protect women and girls from assault. The complaint brought before the court was that these laws were not being adequately implemented or enforced. Perpetrators were not being held accountable and victims faced disbelief, scorn or even more abuse when they reported crimes.

In Kenya, as well as some other parts of sub-Saharan Africa, there is a belief that having sex with a virgin, a young girl, or even a very young child, can cure HIV and AIDS. Many girls are orphaned, their parents having died from HIV or AIDS, and are victims of abuse by extended family members or strangers. A woman or girl is raped every 30 minutes in Kenya. It is estimated that only 1 in 20 victims of rape report it and only 1 in 6 will seek medical attention.

The equality effect, working with partners in Kenya, assembled a collaborative team, including members with expertise in inequality and the legal system (both litigators and legal scholars), as well as grassroots women and girls who best understand the challenges they face. Legal arguments and strategies were developed, while evidence was collected, networks established and fundraising took place for two and a half years. It was approximately eight months from the filing to the decision. The ruling was delivered at the end of May 2013.

The Kenyan High Court found that the police had failed to enforce existing defilement (the rape of girls under 18 is called defilement in Kenya law) laws, and that lack of enforcement was a failure of domestic, regional and international human rights law. The efforts of *the equality effect* and local partners had made a lasting change for women and girls in Kenya. When the state enforces the law, the girls will be protected from rape. *The equality effect* and partner organizations in Kenya continue to educate women and girls about their legal rights, as well as provide training to police, and other outreach and education efforts.

[Watch the “160 Girls” video.](#)

[Read about projects *the equality effect* is working on.](#)

Fiona Sampson recently spoke with AFCC about *the equality effect*, the “160 Girls” project, and what the future holds for the organization.

How did you become interested in social justice and human rights?

Throughout my life I have been motivated by human rights and addressing injustices. Maybe some of that comes from my experience. I am a victim of thalidomide [a sleep aid that continued to be sold after it was found to cause birth defects]; my mother took it before knowing she was pregnant.

I have a doctorate in human rights law and a master's degree in international development. I am interested in human rights law both in Canada and internationally, especially sub-Saharan Africa. I have worked as the Staff Lawyer and as Director of Litigation at the Women's Legal Education and Action Fund (LEAF) and as a legal consultant, with the Ontario Native Council on Justice, the DisAbled Women's Network (DAWN) of Canada, Education Wife Assault, and the Ethiopian Muslim Relief and Development Association.

How did the equality effect come into existence?

While working on my PhD in equality law (human rights law) at Osgoode [Osgoode Hall Law School, York University], friends and colleagues, and other PhD students from Africa would talk about women's disadvantages. They were interested in Canada, where in the 1980s equality law had been useful as a tool for change. The idea for the equality effect, and using international human rights law to improve the lives of women and girls, was conceived in 2005 with these friends and colleagues. After we finished our programs at Osgoode we went our separate ways, but stayed in touch. Finally, I left my job and started to put together funding for the equality effect. It was a risky, but the issues that needed to be addressed were too compelling and too urgent to ignore.

Could you tell us more about the human rights law in Canada?

In 1982, Canada repatriated its constitution. There was a three-year delay before the equality provisions were enacted in 1985. Since then, disadvantaged groups, women included, have guaranteed constitutional protections. The equality provision sought to reverse a problem seen in many commonwealth countries—constitutions and laws based on sexist legal systems inherited from Great Britain. Both Canada and the equality effect's African partners were colonized by Britain and as a result, share the common legal legacy, one that is characterized by laws that disadvantage women. Canada's current human rights law now more effectively protects women and girls from sexual violence.

And you decided to try this in Africa?

The equality effect's partners believe that there is no need to reinvent the equality wheel, nor is there time or money to try. I was convinced the concept would be a success; it had worked in Canada. An appreciation of the constitutional reform and the difficulty that process would present was outweighed by the potential to address appalling violence. The Canadian experience with substantive equality is used as the reference for the equality effect's work. This constitutional claim ["160 Girls" project] took eight months to get a decision. Much was learned from the Canadian experience. It took Jane Doe ten years in Toronto to accomplish what we were able to in eight months.

The principle of changing the law as opposed to changing culture has been integral to the equality effect's projects. Is it more efficient, more effective?

In Canada, it was a dual step process, the law would lead social change and social change would push the law and visa versa. In Africa, education on the ground was not working. Different groups had been there for years trying to protect women and girls through education and outreach. This approach [constitutional change] worked and it worked relatively quickly. It is a more concrete and assertive approach, although, I will add that litigation is not foolproof on its own. Advocacy and education are needed too.

We work with partners in Africa at a grassroots level. In Kenya, after the verdict, the state was receptive to progress. In the lead up to the decision, things were risky. Tensions were high. We had done a lot of grassroots outreach with police. This was initially risky, before we had the decision on our side; attempts in the past had not been well-received. Now we've partnered with local groups to start police training, to keep investigations above board. Social change is not there just yet. Once police begin holding perpetrators accountable then social change will come. We are working with partners on legal education and a nationwide public awareness campaign in Kenya about the decision and its significance. When police do their job, the public will know it. Unfortunately, the media in Kenya is focused on politics and terrorism. Legal decisions and women's and girls' rights are not getting much attention.

How can we, as outsiders, help women in places like sub-Saharan Africa, where the lack of gender equality puts women in physical danger?

Awareness, volunteering, and funding...awareness internationally helps by keeping the places we are working under international watch, and this ensures in many ways, the safety of us and our partners working with us. Volunteering to support the work, there are things needed that can be done from home, you don't have to go to Africa to research human rights law. Experts are needed for analysis—social workers, psychiatrists, psychologists. Artists and filmmakers can help make the law more accessible, both to people in that community, and also by bringing awareness internationally. Finally, funding—the equality effect is a charitable organization and does not receive any governmental funding. Legal challenges are expensive (all of our lawyers volunteer their time and work pro bono) and, perhaps most compelling, since news has spread about the “160 Girls” project in Kenya, women and girls in other countries are contacting us for help. Right now we can't afford to meet the need for assistance.

There is room for improvement everywhere, even in North America; pay equity in Canada is still just 73 cents on the dollar. There is a systemic lack of representation of women in senior leadership positions. Employers making accommodations for children and family—and eliminating the “mommy track” would reverse the leadership problem. I saw the “mommy track” in the legal profession firsthand, tracking women with children into less prestigious work, with less influence. There are issues with cyber violence and pornography, which compound the devaluation of women. Multilayer discrimination, affecting women of color, gay women, disabled women—this happens in the African context too. Advancements in gender equality help all women.

Do you envision this approach, using litigation and international human rights law, being used in more locations?

We are encouraged by the Kenyan response. As the “160 Girls” project gained attention, we [the equality effect] were contacted by women's groups all over the world, with very urgent requests for the type of help we were able to orchestrate in Kenya. Again, unfortunately, we don't currently have the financial resources to help in all of these cases.

It's important to reaffirm, women connecting and using the law to protect themselves can work anywhere, and also, you can do something about it. This is not a quick fix, and it's necessary to keep realistic expectations, but this change is do-able.

What is next for the equality effect?

We are currently working in Malawi. There, the police are failing to arrest perpetrators of violence and rape against women. There is a legal provision right now, a provision that requires a third party witness and/or a medical examination. This provision is based in English Common Law, and enforces discriminatory stereotypes of women fabricating rape. Eliminating this requirement will ensure that victims of sexual assault will be treated the same as other victims of other crimes.

After that we're looking at the criminalization of marital rape in Ghana. Currently, it is not a crime for a man to rape his wife. A woman becomes her husband's property when she marries. This lack of equality within marriage leaves women vulnerable to violence and health risks like HIV/AIDS.

From our work in Africa, the advancement of women's equality improves the status of all women. The collaborative and comparative nature of the equality effect's work provides us with new perspectives to addressing the issues that remain unresolved for women globally. Mutuality and reciprocity of the work is vital to the success of the equality effect.

Learn more about *the equality effect* and how you can help by donating time or donating financially at theequalityeffect.org.