## **AFCC eNEWS**







Improving the lives of children and families through the resolution of family conflict





**June 2021** VOL. 16 No. 6

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# Attend the AFCC-AAML 2021 Conference Online, Network In Person

2021 Conference on Advanced Issues in Child Custody: Evaluation, Litigation, and Settlement

#### **Virtual Conference**

September 21-24, 2021 Live via Zoom

#### In-Person Networking and Consultation

September 23-24, 2021 Capital Hilton, Washington, DC

Enjoy the company of your fellow members of AFCC and the American Academy of Matrimonial Lawyers (AAML) online and in-person in late September! The AFCC-AAML Conference will be a hybrid event.

What does that mean? The conference will feature the convenience of a virtual conference with an in-person twist to enhance the experience for those who feel comfortable traveling and gathering.

- All sessions will be delivered virtually.
- A break in the programming on September 23, 2021 allows time to travel to Washington, DC.
- Several in-person activities will take place at the Capital Hilton, September 23-24, for those who wish to

AFCC-AAML 2021 Conference on Advanced Issues in Child Custody



September 21-24, 2021 Live via Zoom

September 23-24, 2021 In-Person Networking and Consultation Washington, DC

Thank you to our annual conference sponsors!

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- experience the networking and consultation this conference has to offer.
- Dedicated meeting space at the Capital Hilton will be available for those who wish to view programs together.
- The Capital Hilton is offering a reduced special rate to conference attendees of \$229/night for single or double occupancy. Make your hotel reservation now!
- Read the brochure to learn more.

**Registration is open!** We hope to see you online and in Washington, DC!

Register now!



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## **Ask the Experts**

## Seven Tips for Gathering and Interpreting Social Media Data

Chris Mulchay, PhD and Sean Knuth, PhD

Evaluations conducted within the context of child custody litigation can be among the most complex evaluations conducted by psychologists. In addition to the usual data collection suspects (e.g., direct and collateral interview, testing, medical records), data from email, text, social networking sites (SNS), and various cell phone or tablet applications, as well as other on-line sources, can provide evaluators with information useful to their evaluation's purpose.

Data from these sources can:

- provide insight into how evaluees communicate, both in general and with their once-and-future coparent.
- · Read more.

# The AFCC Fall Conference Comes to Cincinnati, Ohio!

Save the date for the **AFCC Fall Conference!** Look for the brochure next month.

### AFCC Fall Conference Unmuting the Voices of Children and Families: Can You Hear Me Now?

November 11-13, 2021 Cincinnati Netherland Plaza Cincinnati, OH Save the date!

# Attend the Next Presentation in the AFCC DE&I Webinar Series on July 7th!

Culture Specific Family Conflict: Case Applications Gitu Bhatia, PsyD; Linda Bortell, PsyD; and Frank Davis, PhD Wednesday, July 7, 2021

## AFCC Fall Conference

November 11-13, 2021 Cincinnati, Ohio



### AFCC Chapter Conferences & Webinar Series

Australia Chapter Annual Conference July 2-4, 2021 South Brisbane, QLD

Wisconsin Chapter Annual Conference September 30, 2021 Delafield, Wisconsin

Colorado Chapter Annual Conference October 8-10, 2021 Being held virtually

Ontario Chapter Annual Conference October 15, 2021 Toronto, Ontario

Illinois Chapter
Annual Conference
October 22, 2021
Being held virtually
followed by a live social

4:00pm-5:00pm Eastern Time US/Canada Registration closes on July 6, 2021 at 9:00am Eastern Time US/Canada

**Free registration includes a certificate of attendance**. You *must* register to attend.

Register now!

This webinar will provide ways of understanding and addressing issues of race, ethnicity, and culture through a discussion between mental health professionals in forensic and clinical roles. The presenters will discuss the challenges faced by mental health professionals in application of psychological terms when working with diverse populations and the paradigm shift from cultural competence to cultural humility.

#### **Discussion Group**

Wednesday, July 21, 2021 4:00pm-5:00pm Eastern Time US/Canada Registration is required. Register now!

# AFCC 58th Annual Conference Delivered Virtually to Nearly 1,000 Registrants

Attendees of the AFCC 58th Annual Conference enjoyed up to eight full days of educational content! Highlights included the opening plenary session, which featured Grande Lum, who served as Director of the US Department of Justice Community Relations Service under President Barack Obama, and a lively roundtable on resist-refuse dynamics with perspectives from a judge, an academic, an attorney, and a psychologist. See below for more information about the conference.

gathering (COVID-19 restrictions permitting)

Arizona Chapter Annual Conference January 21-23, 2022 Sedona, Arizona

## Resource of the Month

## Resource of the Month

Substance Use and Parenting: Best Practices for Family Court Practitioners

Edited by Stephanie Tabashneck, PhD, JD AFCC - Massachusetts



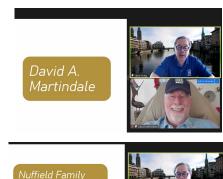
#### **Recordings and Handouts**

Registrants of the 58th Annual Conference have access to handouts and recordings for all conference workshops and plenary sessions (originally held June 7-11, 2021) for a full year. Recordings and handouts for all sessions can be found on the **conference portal**. If you need help, please contact AFCC at **afcc@afccnet.org** or 608-664-3750.

#### 2021 Award Winners

AFCC recognizes the achievements of its member through annual awards at its Annual Conference. The 2021 recipients were acknowledged on June 4, during the virtual membership meeting.

- David A. Martindale received the John E. VanDuzer Distinguished Service Award for outstanding contributions and/or achievements by an AFCC member.
- The Nuffield Family Justice
   Observatory is the recipient of the
   Stanley Cohen Distinguished
   Research Award for outstanding
   research and/or research
   achievements in the field of family







and divorce. **Lisa Harker** accepted the award.

- The Alaska Court System Family Resolution Program was awarded the Irwin Cantor Innovative Program Award for innovation in courtconnected or court-related programs created by an AFCC member.
   Jeannie Sato accepted the award.
- OurFamilyWizard.com won the Tim Salius President's Award, selected by the president for outstanding contribution to AFCC. Jai Kissoon accepted the award on the company's behalf.
- The Meyer Elkin Essay Award for the best article published in the Family Court Review went to Bruce Smythe, Lawrence Moloney, Jacqueline Brady, Joe Harman, and Marian Esler.
- Loretta Frederick received a Special Commendation in recognition of exceptional leadership and collaboration.

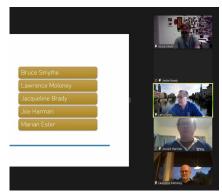
Congratulations to all 2021 recipients!









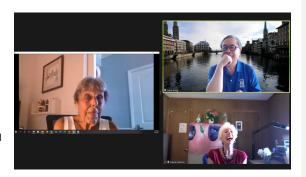






The membership meeting also featured the passing of the gavel from outgoing AFCC President Larry Fong to Mindy Mitnick, who will take over the role on July 1, 2021.

The Minnesota chapter of AFCC, in a video project led by Deb Link, participated in the hand-off. Congratulations, Mindy, and thank you for your service, Larry!



### Sponsors, Exhibitors, & Partner Organizations

AFCC is fortunate to partner with organizations that make its conferences, training programs, and webinars possible and keep costs low for attendees. We appreciate the support of our sponsors, exhibitors and partner organizations.

Please support the organizations that support AFCC! Thank you!

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Grande Lum - America's Peacemakers book

#### **Partner Organizations**

The National Council of Juvenile and Family Court Judges (NCJFCJ) International Academy of Collaborative Professionals (IACP)

#### **NFRC Celebrates 30 Years**

The National Family Resiliency Center, Inc. (NFRC) is celebrating its 30th Anniversary with an event, NFRC: Making Music, on June 26, 2021. For the past thirty years, NFRC has provided a wide variety of counseling services and educational programs to support children, teens, adults, and families. NFRC's mission is to help children and adults preserve a sense of family, foster healthy relationships regardless of family configuration, and constructively adjust to change throughout the family lifecycle, especially during times of separation, divorce, and other family transitions. Risa Garon, Executive Director of NFRC, is a longtime member of AFCC and serves on the Board of Directors of AFCC's Maryland Chapter. To learn more, click here.

## World Congress on Family Law & Children's Rights

The 8th Family Law & Children's Rights Conference is being presented by the World Congress on Family Law & Children's Rights and the Law Associate for Asia and the Pacific (LAWASIA) from July 12-16, 2021. The conference is a major international event focusing on family law and family law processes and the rights of children and youth, and will be of immense interest and benefit to lawyers, judges, academics, government, non-government associations, psychologists, medical professionals and social scientists with a common interest in the active protection of children and in sharing best practices to promote the rights of children and family law issues. Due to international COVID-19 restrictions on travel, the conference will be held virtually, with registrants able to access a wide range of pre-recorded expert presentations. More information.

### **AFCC Webinar Corner**

## Interviewing Children About Sexual Abuse: What They Know and How They Tell Us

Mindy Mitnick, EdM, MA
July 14, 2021 | 1:00-2:00pm Eastern Time US/Canada
Registration closes on July 13, 2021 at 9:00am Eastern Time US/Canada.

When family law cases involve sexual abuse allegations, professionals may need to interview the child about what they know and what they have experienced. While family law professionals would not provide investigative forensic interviews, they may need to inquire directly with the child.

This webinar will provide professionals with information about the impact of children's cognitive development on interview participation, how to frame reliable questions, and how to understand the answers we receive.



**Mindy F. Mitnick, EdM, MA** is a Licensed Psychologist practicing in Minneapolis. She received a Master of Education from Harvard University and a Master of Arts from the University of Minnesota. She specializes in complex custody and parenting coordination cases and serves as an expert witness on a variety of topics. Mindy will become AFCC President in July 2021.

Registration Certificate of Attendance

Members: \$15 Non-Members: \$50 Members: \$20

Continuing education credit may be available for lawyers, judges, psychologists, social workers, counselors, and other professionals. **Learn more**.

Register today!

#### Register Now for AFCC's August webinar!

"Coparenting" Without Contact and Other Conundrums: Can Parties with Orders of Protection Really Have Joint Custody?

Holly Friedland, Esq. and Gregory D.R. Behringer, Esq. August 10, 2021 | 1:00-2:00pm Eastern Time US/Canada Register now!

Continuing education credit may be available for lawyers, judges, psychologists, social workers, counselors, and other professionals. **Learn more**.

### **Chapter News**

Joi Hollis, AFCC member from Tucson, Arizona has been appointed to the Chapter Committee, which she will co-chair with Alexander Jones (Newton, Massachusetts). Joi is the Director of the Pima County Conciliation Court with the Arizona Superior Court in Tucson. Employed there since 2001, first as a Counselor/Mediator, then as Clinical Supervisor, she was appointed Director in 2015. Joi has a PhD in Psychology in addition to a master's degree in Counseling. Her doctoral dissertation is entitled: *Using a Risk Assessment to Predict Family Court Service Use in Custody Disputes*. Joi is a limited term Adjunct Professor with the University of Arizona James E. Rogers College of Law, teaching Family Mediation. Congratulations, Joi!



**Kathleen McNamara**, AFCC member from Boulder, Colorado, will step down as co-chair of the Chapter Committee after many years of service. Kate is a psychologist in private practice in Fort Collins, Colorado. She specializes in working

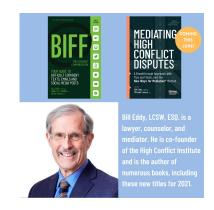
with high conflict families. Kate is a past president of the Colorado Chapter of AFCC and remains involved in program planning and chapter development. She was named the 10th Anniversary Honoree for her ten years of service to the Colorado chapter. Kate is a past chair and current member of the Colorado Psychological Association Ethics Committee and speaks on a variety of topics related to working with families in conflict, including trainings for child and family investigators, judges, lawyers, and multidisciplinary groups in Colorado. Thank you for leading the Chapter Committee, Kate!



#### **Member News**

Bill Eddy, AFCC member from San Diego, California, has written a new book, Mediating High Conflict Disputes: A Breakthrough Approach with Tips and Tools, and the New Ways for Mediation® Method, with coauthor Michael Lomax, JD! Bill is the co-founder and Chief Innovation Officer of the High Conflict Institute. He pioneered the High Conflict Personality Theory (HCP) and has become an expert on managing disputes involving people with high conflict personalities. Bill is also a frequent and popular presenter at AFCC conferences. Learn more about the new book here. Congratulations, Bill!

George Czutrin, AFCC member from Toronto, Ontario and former AFCC President (2003-04), was awarded an honourary doctorate degree from the Law Society of Ontario on May 27, 2021. Appointed as a senior judge of the Family Court of the Superior Court of Justice in Toronto in 2013, Justice Czutrin led the expansion of the Unified Family Court before he left the position in January 2020. He has received other honors throughout his forty-year career, including the AFCC John E. Duzer Distinguished Service Award (2011) and the AFCC 10th Anniversary Ontario Award of Excellence in Family Justice. Congratulations, George!





**Do you have a notable achievement to share?** Email **Gina Wentling** with your story and a professional head shot (JPEG or PNG preferred), if you have one, to be featured in next month's Member News!

#### **AFCC Board of Directors News**

AFCC welcomes new members of the Board of Directors, effective July 1, 2021:

Joi Hollis, PhD, Tucson, AZ Andrea Jones, MSW, RSW, Toronto, ON Daniel Pickar, PhD, ABPP, Santa Rosa, CA

Congratulations to the Officers of the Board for 2021-22:

President: Mindy F. Mitnick, EdM, MA President Elect: Hon. Linda Fidnick Vice President: Stacey Platt, JD Secretary: Michael Saini, PhD, MSW Treasurer: Hon. Dolores A. Bomrad Past President: Larry S. Fong, PhD A special thanks to departing members of the Board for their many years of service:

Kelly Browe Olson, JD, LLM, Little Rock, AR Ann Ordway, JD, PhD, Gilbert, AZ Matthew Sullivan, PhD, Palo Alto, CA

#### **Staff News**

Ann Ordway, JD, PhD joins the AFCC staff as Program Director on July 1, 2021. Having previously served on the AFCC Board of Directors, she is no stranger to the organization and looks forward to her new role. Ann is currently a counselor educator with the University of Phoenix in Phoenix, Arizona, where she teaches graduate-level students in the counseling department. In 1991, she cofounded the Battered Women's Legal Advocacy Project in Morris County, New Jersey, which provides pro bono legal representation for victims of domestic violence. She resides in Gilbert, Arizona with her husband and the two youngest of her nine children. Welcome, Ann!



Katie Porter, MSW, JD has left the Program Director role at AFCC after a successful year in the position. Under her leadership, the role evolved to greater incorporate the areas of communications, program development, and continuing education. She worked with trainers to develop three training programs on parenting coordination and conducting child custody evaluations, delivered virtually for the first time in AFCC's history. She has also served as Editor of the AFCC eNEWS. We wish Katie the best in her future endeavors!



#### **AFCC eNEWS**

The AFCC eNEWS is the monthly e-newsletter of the Association of Family and Conciliation Courts. The eNEWS provides up-to-date information for professionals including practice tips, international news, and the latest initiatives in family law and conflict resolution. The AFCC eNEWS is provided at no charge to you; anyone can subscribe. Subscribe here

AFCC members are free to share eNEWS content.

#### **ASSOCIATE EDITOR:**

**Gina Wentling** 









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## Seven Tips for Gathering and Interpreting Social Media Data

Chris Mulchay, PhD and Sean Knuth, PhD

Evaluations conducted within the context of child custody litigation can be among the most complex evaluations conducted. In addition to the usual data collection suspects (e.g., direct and collateral interview, psychological testing, medical records), data from email, text, social networking sites (SNS), various cell phone or tablet applications, and other online sources can provide evaluators with information useful to their evaluation's purpose. Data from these sources can:

- Provide insight into how evaluees communicate, both in general and with their once-and-future coparent.
- Inform hypotheses regarding each evaluee's current and past functioning, the relationships between evaluees, and the insight evaluees have into their own contributions to conflict.
- Inform professional opinions on child functioning, including to what extent a child might be exposed to the conflict between parents.
- Help inform hypotheses regarding how and to what extent a parent monitors a child's internet usage.

Though data from SNS and other related sources can be helpful, they, like all other sources of data, need to be considered and interpreted within the context of all collected information. Collecting, considering, and archiving this data comes with its own challenges above and beyond those presented by more traditional sources of records.

As mentioned above, hypotheses regarding several areas of an individual's functioning (as a parent or otherwise) can be informed through consideration of SNS and other electronic data. For example:

We can learn about how evaluees communicate with others and how they interpret communication from others. Consider:

- Are messages reported as antagonistic or patronizing but do not appear to be so?
- Is an evaluee able to maintain a rational and calm style of online communication in the face of clearly antagonistic behavior?

- Are the content and tone of the evaluee's messages with others consistent with how
  he or she represents his/her communication style during the interview or consistent
  with how collaterals report an evaluee's assessment of their own communication?
   We can learn whether they demonstrate insight into how their actions potentially benefit
  or harm the relationship between the minor children and themselves, the minor children
  and the opposite parent, or even the minor children and their social circles. Consider:
- Do they make blatant public posts denigrating their ex?
- Are they publicly members of online communities that could directly or indirectly harm the opposite parent's relationships?
- How, if at all, do they modify their online presence in response to being made aware of the implications of such behavior?

We can learn how well an evaluee understands social networking and technology. We can also learn whether they effectively monitor and control a minor child's access to information in an appropriate manner. Does the evaluee, for example:

- Understand the forever nature of online posts?
- Understand and make use of parental controls?
- Understand and make use of privacy controls?
- Monitor their child's internet usage?

With these items in mind, here are some things to think about when gathering and interpreting SNS and other related data:

1. Learn about an evaluee's use of SNS sites and other electronic communication.

When it comes to trying to elicit information about what SNS apps people use or how they communicate with others, it is important to keep in mind that there might not be consistency between how we all define various terms (e.g., app, chat, posts, forums). This makes it important to learn the terms that evaluees use, which can be done by crafting an interview around a series of (somewhat repetitive) queries. For example, ask an evaluee:

- Whom do you talk to online?
- Do you use a tablet or a phone to talk to people? Do you use a computer?
- Do you communicate with people electronically other than through placing calls or through video chat?
- Do you have a particular app that you use?
- Do you use just the phone?
- Do you message?
- Are there websites you go to in order to communicate with people you know?
- Are there websites you go to in order to communicate with strangers?
- Do you read or post on any particular website, message board, or app?

Don't be afraid to ask the evaluee to show you what the icon looks like for the applications they use.

2. Listen to how parents describe their communication with others.

There's also a passive part of gathering this data. We can learn a lot by listening to how a parent describes communicating with the other parent, friends, family, and even teachers.

- When an evaluee says, "I said to the teacher..." or "My neighbor told me...", they might be referring to communication that has taken place via text message or email. This is particularly true with teachers; it is less common for parents to talk to teachers directly anymore as they are more likely to email, which leaves a record of communication that can be examined.
- If an evaluee says, "My friend and I were talking about that the other night", ask: "How were you talking about it?" Clarify if by telephone or text, another chat program, an app, etc. Ask them, "How did they tell you," or, "How did you guys talk about it? Were you in person? Was it by phone? Were you talking by text? Were you using an app like WhatsApp or another chat app, like Snapchat?"

By following up thusly, not only are you getting the information that you need, but also training the interviewee to relate that type of information at the outset.

3. Ask an evaluee for what they might know about privacy settings and parental controls.

Privacy settings and parental controls are two separate things: privacy settings help an individual control who has access to their information; parental controls allow a parent to monitor and limit a child's interactions. Ask a parent to describe to you how privacy settings or parental controls work on the various programs their child uses. While we recommend against having a parent demonstrate these things using their own devices, you can explore with them their knowledge of the general concepts and some aspects of how to implement them on common applications such as Instagram and Facebook.

Additionally, ask parents how they audit their children's internet usage, if at all, and how often. Ask them what they require their children to do to facilitate such audits and how they explain the necessity of conducting audits to their children. In some situations, it might also be worth asking a parent to imagine their child started using a hypothetical new app or website and then explain how they would educate themselves about it.

4. Learn about children's access to SNS and other online communication.

It is important to know if minor children have uncontrolled access to smartphones, tablets, and computers. Do they have their own device(s)? Do they share devices with their parents? If so, are the parents logging out of their email and other accounts before allowing a child to use the device?

During our interviews with children, particularly teenagers, they are more frequently acknowledging that they have access to their parent's email and social media accounts, and almost always inadvertently. Related, are parents aware that when they hand their smartphones to their children, the children might look through their pictures? What a child can find when they peruse a parent's cell phone can be a problem, let alone what they might come across by accident, or what notifications might pop up while the child is using the device for something

innocuous. Don't forget to ask children what SNS their parents use, what kinds of things their parents might post on SNS, and, most importantly, how they know this information.

#### 5. Should you search for evaluees on SNS?

We are almost always asked this question, and we understand the thought process behind this query. However, we recommend against it. Just because searching for evaluees on SNS expands the data you collect, doesn't mean your evaluation is better, and it's extremely time-consuming. It's reasonable to assume that if there's SNS data that's meaningful, you'll learn about it through your regular data collection techniques as meaningful SNS data will be presented by both sides. Some licensing boards may have regulations on this type of professional activity as well.

The algorithms that govern search results mean that future search queries are based, in part, on past search queries. Facebook knows whose profile you see. Google knows whose names you're searching. If you do 150 searches for major league baseball players, the next search you do, Google is more than likely going to serve you up information related to major league baseball players. If you're looking at your evaluees on Facebook, or LinkedIn, or anywhere, Google notices that. The algorithms make note, adjust to those clicks, and make a connection, and this connection is not just linking the evaluee to you, but you to the evaluee. We could conduct a whole seminar to inform evaluators how to manage their own online presence to minimize risk.

#### 6. SNS and other data present a good opportunity to collect balanced data.

We've all interviewed evaluees about conversations, only to learn later that the evaluee did not disclose some key parts of their discussions or interactions. Whether we're talking about inperson discussions or email chains, it is important to ensure you get both sides of the whole conversation. A convenient property of SNS and other related data is that all parties to the conversation have access to records, and you can request these records from more than one party. This allows you to check if records are complete and if conversations have been edited or presented out of context. And when we write "both parties to the conversation," we're talking not just about conversations between evaluees but between evaluees and a collateral source, or even between collateral sources.

Related, did you know that all SNS data and related communication can be fabricated? Emails, texts, Facebook or Twitter posts can all be mocked up in very convincing manners. In the <a href="mailto:on-demand-workshop">on-demand-workshop</a> we recorded for the AFCC 58th Annual Conference, we demonstrated how an evaluee could fabricate a text message exchange. The lesson here is to remember that it's always an option to ask the other party to the conversation about the information you've reviewed.

We also recommend asking people, evaluees in particular, if there are any deleted messages or if there's any data that they have deleted that could have informed areas of discussion. The legal ramifications of spoliation aside, an evaluee's decisions to delete or withhold information can be informative.

#### 7. "Bouncing it back"

Take advantage of the fact that evaluations conducted within the context of child custody litigation feature two (or more) parties, each with pretty extensive knowledge of the other. Just like you might ask Parent A, "What are your parenting strengths?" and "What are Parent B's parenting strengths?", we think there can be good information in then asking, "When I ask Parent B what your parenting strengths are, what are they going to say?" Similarly, if you're interviewing Parent A, you ask Parent A about their SNS usage. A savvy evaluator also knows to ask Parent A about Parent B's SNS usage. What we recommend is taking this a step further and asking Parent A what Parent B would say about Parent A's SNS usage. We refer to this third line of inquiry as "bouncing it back" to the initial interviewee, and while we acknowledge that the term isn't very good, the approach to interviewing can be.

#### We conclude with the following:

- As with email and text messaging, SNS use can provide evaluators with a source of communication they can use to inform their evaluation.
- When you are provided with SNS data, it is likely something the parent believes is important, or believes illustrates a point.
- Like data from any other source, data from SNS can help an evaluator generate hypotheses for investigation and can provide an evaluator with data that lends support or argues against hypotheses.
- Data from SNS, not unlike data from any other source, is rarely in and of itself dispositive.
- Data from SNS are only reliably interpreted when considered within the context of all collected information.

Chris Mulchay, PhD is a licensed psychologist in North Carolina and Hawai'i specializing in matters related to family law and psychological evaluation. Dr. Mulchay's practice includes evaluation and consultation services pertaining to child custody matters to attorneys and courts. He conducts child custody evaluations, parental capacity evaluations, psychological evaluations, and neuropsychological evaluations. Dr. Mulchay serves as the president for his local psychological association. He also serves on the board of directors for his state psychological association, as well as the International Council of Psychologists. Dr. Mulchay has presented on human rights panels in Japan, Canada, and Mexico.

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Sean B. Knuth, PhD is a licensed psychologist. Shortly after completing his doctoral degree at UNC Chapel Hill he moved to Charlotte, North Carolina, where he currently lives. His private practice is focused on child custody litigation-related evaluations and consultation. He has been a panelist at San Diego Comic Con and other conventions, discussing the intersection of parenting and video games/technology. He recently wrote a chapter on integrating data from social media into child custody evaluations and other evaluations.

