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## Executive Director's Message

Bryan Altman



I'll tread lightly here as my spouse, a developer, may be reading this. In my previous professional life, there was a common sentiment, *"I've never met a developer who liked another developer's code."* It was a daily refrain as we set out

to design features and effective user experiences for families in conflict. In that tension between highly skilled developers and product experts was often where we found the best solutions. [Continue Reading.](#)

## AFCC 62nd Annual Conference

AFCC is excited to announce the release of the brochure for our 62nd Annual Conference, taking place May 28-31, 2025, in the vibrant city of New Orleans! This year's conference promises an exceptional program featuring two thought-provoking plenary sessions, six engaging pre-conference institutes, and an impressive lineup of 80 workshops tailored to diverse interests and professional needs.

Whether you're looking for in-depth learning or opportunities to connect with leading experts and colleagues, this is the must-attend event of 2025. We look forward to seeing you there!

[See the Brochure](#)

### Sponsor or Exhibit at this Conference!

Don't miss the chance to connect with approximately 1,000 family law professionals, including lawyers, judges, psychologists, social workers, and others who are passionate about family law. This is your opportunity to

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### AFCC Online Training Programs

**New!** [Advanced Issues in Family Law: Parent-Child Contact Problems](#)  
January 13-16, 2025

### Fundamentals of Conducting Parenting Plan Evaluations

March 10-13 and  
March 17-19, 2025

### AFCC 62nd Annual Conference

May 28-31, 2025  
New Orleans, LA

### AFCC Chapter Conferences

#### AFCC Arizona Annual Conference

January 24-26, 2025  
Sedona, AZ

#### AFCC California Annual Conference

February 7-9, 2025  
Costa Mesa, CA

#### AFCC Alberta Annual Conference

March 13-14, 2025  
Edmonton, AB, Canada

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showcase your products or services to the audience that needs them most!

Sign up by January 31st to secure the best rates! Sponsor packages include listings in the conference program brochure, conference website, exhibit tables, conference registrations, acknowledgements, and link to your website in the AFCC eNEWS, and more!

See the [exhibitor prospectus](#) for complete details and contact [Abby Rebholz](#) to sign up!

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## Ask the Experts: Avoiding Pre-Task Influence in Parenting Plan Evaluations

David Martindale, PhD, ABPP



The premise that forms the foundation for the practice advice that follows is that pre-evaluation exposure to issue-related information increases the risk that evaluator objectivity will be impaired.

Pre-evaluation information may be imparted during attorney-evaluator conversations that occur before the selection of an evaluator has been made, and may be provided after an evaluator has been appointed but before the evaluation has begun.

It is useful to differentiate between *judicial appointment* and *judicial selection*. Quite frequently, evaluators are appointed by judges because the evaluators have been selected by the attorneys representing the litigants. Knowledgeable and experienced attorneys recognize that evaluators differ significantly in their areas of experience and expertise. The evaluator selection task falls upon the attorneys when judges make known their receptivity to input from the attorneys.

[Continue Reading](#)

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## Webinar Corner

### The Truth and Consequences of Kayden's Law: Emerging Trends

Lawrence Jay Braunstein, JD; Robin M. Deutsch, PhD, ABPP; & Shely Polak, PhD, AccFM

**January 8, 2025**

1:00pm – 2:00pm Eastern Time (US/Canada)

**Registration will close on January 7, 2025, at 9:00am Eastern Time US/Canada .**

Given Kayden's Law, several states have passed legislation in an attempt to limit judicial and therapeutic responses to parent-child contact problems in contested custody cases. This presentation will provide a brief overview of the tenets of the legislation and the unintended consequences of these laws, as well as some creative solutions to address the needs of these families within the law.

**Lawrence Jay Braunstein, JD**, is a partner in the law firm of Braunstein & Zuckerman, Esqs, located in White Plains, New York where he practices in the areas of Matrimonial, Family and Collaborative Law and related civil and criminal litigation, with an expertise in child custody litigation and litigation involving allegations of child sexual and physical abuse. He is a Fellow of the American Academy of Matrimonial Lawyers of the



International Academy of Family Lawyers; Past Chair of the New York State Bar Association Child Custody Committee; Past Co-President of the AFCC-NY Chapter and a member of the AFCC National Conference Program Committee; and Vice President of the New York Chapter of the American Professional Society on the Abuse of Children (APSAC). He is also an Adjunct Professor of Law at Hofstra University School of Law, Hempstead, New York where he teaches Child Abuse and Neglect, Collaborative Family Law and Modern Divorce Advocacy. He is a recognized expert in the areas of child sexual abuse, physical abuse and abusive head trauma (shaken baby), child custody litigation, expert witness testimony, courtroom psychology and trial procedures.

**Robin M. Deutsch, PhD, ABPP**, is the former Director of the Center of Excellence for Children, Families and the Law at William James College. Previously she was on the faculty of Harvard Medical School, most recently as an Associate Clinical Professor of Psychology. Dr. Deutsch is a child and family forensic psychologist, mediator, parenting coordinator, and is board certified in couple and family psychology. She developed and currently teaches the Certificate in Child and Family Forensic Issues at William James College and is a founder of Overcoming Barriers, an organization that provides family-centered services for families in conflict. She is the past president of the Massachusetts Chapter of AFCC, past president of AFCC, and former Chair of the APA Ethics Committee.



**Shely Polak, PhD, AccFM**, is a registered social worker and accredited family mediator. She is the director of a private practice specializing in forensic clinical services including parenting plan evaluations, family mediation, voice of the child reports, parenting coordination, and other therapeutic services for children and families impacted by divorce in Toronto, Canada. Shely serves as adjunct faculty at the Faculty of Social Work, University of Toronto. She is a former president of the AFCC Ontario Chapter.



#### Registration

Members: \$15

Non-Members: \$50

#### Certificate of Attendance

Members: \$15

Non-Members: \$20



[Register Now!](#)

## Ten Tips for Working with Separating or Divorcing Families Impacted by Disabilities

*Alison Freeman, PhD*



As of mid-2024, there was a reported estimate of 61 million adults in the US living with some type of disability. The special circumstances of an individual family member naturally impact the family as a whole. However, when the family is also experiencing separation or divorce, the special needs of a parent or a child will conjure a level of additional consideration.

Here are ten things to keep in mind when working with families where there is a member with a disability:

1. **Disability is an umbrella term.** The term “disabilities” is very complex and broadly encompasses a wide range of functional limitations. Do not make assumptions about what those limitations might be, or how the individual is navigating them.

*Join Alison Freeman for her DE&I webinar in January (See Below)!*

## DE&I Series: Impact of Disabilities on Family Dynamics

Alison Freeman, PhD & Moderator: Gitu Bhatia, PsyD

January 21, 2025

4:00pm – 6:00pm Eastern Time (US/Canada)

**Registration will close on January 20, 2025, at 9:00am Eastern Time US/Canada.**

Join Alison Freeman, and Moderator Gitu Bhatia, for a discussion of the impact of disabilities on marital relationships, sibling relations and parent-child dynamics in families going through divorce and separation.

***This webinar is free to attend, but you must register to receive the link!***



**Alison Freeman, PhD**, is a clinical psychologist who is personally and professionally very familiar with issues related to disability, starting with her own hearing loss since early childhood. She will help us understand the impact of disabilities on various family systems. Disabilities is an umbrella term that covers a broad range of functional limitations that can have consequences on the health, education, and economic well-being of families.



**Gitu Bhatia, PsyD**, has extensive experience working with individuals, couples, and families. She provides psychotherapy, marital therapy and co-parenting for parents going through divorce. Besides her private practice, she is an adjunct faculty member in the Graduate School of Psychology at Pepperdine University. She also enjoys teaching and has conducted trainings for therapists, teachers, and parents on several subjects related to human development. Dr. Bhatia is the Past President of Los Angeles Psychological Association 2015 and has been a passionate supporter of raising awareness regarding issues of diversity. Dr. Bhatia has also been actively involved in the California Psychological Association and has served on the CARE executive committee for several years. She has been an active member of AFCC for a couple of decades and is on the AFCC DE&I Committee.

Register Now!

## More Upcoming Webinars!

See below for a comprehensive list of upcoming webinars:

*AFCC's monthly webinars are eligible for one-hour of continuing education credits for qualifying professionals.*



### **Better or for Worse? Arguments for and Against Codifying Coercive Control in the Family Law Context**

Tracy Shoberg, JD & Anadelle M. Martinez-Mullen, JD  
February 12, 2025



### **Effective Collaboration Between Attorneys and Parenting Coordinators in Custody Cases**

Bettina Thomsen, LCSW & Jenifer J. Foley, JD  
March 4, 2025



### Every Person Has a Story: The Importance of Narrative in Native American Culture (DE&I Series)

Hon. Abby Abinanti  
April 10, 2025



### Authenticity and Weight when Including Children's Voices in Court Processes

Lorri Yassenik, PhD & Jon Graham, LLB, BA  
April 16, 2025



### How We Think as Evaluators and Clinicians: Update on Clinical Judgement Research

Jeffrey P. Wittmann, PhD  
May 6, 2025

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## AFCC Chapter News

Excitement is brewing around efforts to start local chapters in Georgia and Kansas!

### Interested in getting involved?

- For Georgia, please contact Dawn Smith, at [dsmith@evolvefamilylawga.com](mailto:dsmith@evolvefamilylawga.com)
- For Kansas, reach out to Trina Nudson, at [trina@thelayneproject.com](mailto:trina@thelayneproject.com)

Join **AFCC**, and consider becoming a member of an established Chapter or contribute to the effort of creating a new Chapter in your jurisdiction!

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### 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**.

*AFCC members are free to share eNEWS content.*

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## Executive Director's Message

Bryan Altman

December 2024

Vol 19 No. 12



I'll tread lightly here as my spouse, a developer, may be reading this. In my previous professional life, there was a common sentiment, "*I've never met a developer who liked another developer's code.*" It was a daily refrain as we set out to design features and effective user experiences for families in conflict. In that tension between highly skilled developers and product experts was often where we found the best solutions.

Here at AFCC, I see a similar dynamic among our experts — whether researchers, legal practitioners, judges, dispute resolution professionals or mental health practitioners. A cynic might confuse passionate disagreements over research, best practices, or program implementation with obstinance or naked advocacy, but I find it's in that very tension where we find innovation, respect for complexities, and above all, a shared commitment to the best interests of children and families. It has been my experience that AFCC is where we challenge each other. The stakes are too high for anything less than our very spirited best because of the importance of our work for the children and families we serve.

That spirit, *your* spirit, the one that keeps us pushing forward, questioning assumptions, and refining solutions, has revealed itself in several ways since I stepped into this role:

- The Parent Education Task Force, led by Anthony Ferraro and Karey O'Hara, has launched an ambitious effort to bring clarity and consistency to the field of parent education. They endeavor to bring parents efficacious programs through shared language, statutory frameworks, and contextual considerations.
- Through diligent deliberation, Nancy Ver Steegh, Donna Erez-Navot, and Stacy Heard led The Model Standards for Family and Divorce Mediation Task Force to a blueprint for an update they will circulate in the first half of 2025.
- At the 16th Symposium on Child Custody in Columbus, participants came together for a vibrant exchange of ideas and innovations. The program showcased new research, fresh perspectives, and compelling sessions that reinforced AFCC's reputation as the leader in interdisciplinary education.

Finally, the upcoming Annual Conference in New Orleans, *Bridging Perspectives: Pioneering Solutions in Family Law*, promises to deliver. With a record-breaking number of proposals, the conference committee debated late into the night (literally) to build a program that reflects the depth and breadth of our community. I'm excited to report that nearly half of our workshops will feature new presenters, and 20 workshops will pair established voices with emerging experts as dynamic and diverse as the challenges we face.

As we focus on *Solutions* in an increasingly unsettled world, AFCC reminds us that tension between competing values alone does not render one of those values illegitimate. Instead, it's within that tension where we grow, innovate, and find our way forward together.

It's an honor to work alongside you and contribute to an organization that all of *you* make so remarkable.

Bonne Année,

**Bryan Altman**

A handwritten signature in cursive script, appearing to read "Bryan Altman". The signature is written in black ink and is positioned below the printed name.

## **Ask the Experts: Avoiding Pre-Task Influence in Parenting Plan Evaluations**

December 2024

Vol 19 No. 12

*David Martindale, PhD, ABPP*

The premise that forms the foundation for the practice advice that follows is that pre-evaluation exposure to issue-related information increases the risk that evaluator objectivity will be impaired.

Pre-evaluation information may be imparted during attorney-evaluator conversations that occur before the selection of an evaluator has been made, and may be provided after an evaluator has been appointed but before the evaluation has begun.

It is useful to differentiate between *judicial appointment* and *judicial selection*. Quite frequently, evaluators are appointed by judges because the evaluators have been selected by the attorneys representing the litigants. Knowledgeable and experienced attorneys recognize that evaluators differ significantly in their areas of experience and expertise. The evaluator selection task falls upon the attorneys when judges make known their receptivity to input from the attorneys.

It is indisputable that attorneys are entitled to information concerning evaluators whose selection for a particular case is under consideration. It is not uncommon for attorneys to communicate an interest in chatting with evaluators. I urge evaluators not to agree to such informal interactions. Attorneys can make known the information that they seek, and evaluators can furnish the requested information without the need for oral interactions. Evaluators who are in solo practice and who handle their own secretarial tasks may find virtual assistant services to be useful.

Once evaluators have been appointed, the probability is high that attorneys or litigants will attempt to make oral contact with the evaluators for purposes such as providing background information; obtaining information regarding evaluators' policies, procedures, and fees; and, scheduling appointments. Each of these tasks can be accomplished without oral exchanges.

Evaluators are encouraged to be knowledgeable concerning cognitive biases and to tap that knowledge in making decisions concerning their procedures. Cognitive biases are tendencies to attend to, consume, and process information in a particular way. Some cognitive biases are situationally induced. Kahneman (2011) in his remarkably useful work on information processing, *Thinking Fast and Slow*, has pointed out that, under certain circumstances "fast" thinking (in which cognitive shortcuts – biases – have been relied upon) may be helpful. Our many memories of situations in which "fast" thinking has led to

satisfactory outcomes tempts us to take cognitive shortcuts. In advance of, and during, a parenting plan evaluation, “slow” thinking is strongly encouraged.

In an article entitled “Best practices for structuring a family court parenting plan evaluation under the 2022 AFCC Guidelines,” (Martindale & Shear, 2023), it was noted that “[f]or more than a century (Ebbinghaus, 1913), professionals have studied the manner in which information is acquired, stored, and retrieved from memory” (p. 739).

“When an attorney, in a conversation with an evaluator, alludes to specific elements of the case, the words ‘Pay particular attention to . . .’ need not be spoken. As the evaluation moves forward, the information referenced by the attorney will have salience. Specifically, the accentuated information will be more rapidly acquired, more effectively integrated with other information, and more easily recalled. This cognitive dynamic, referred to as proactive facilitation, has been documented in a variety of research settings” (Martindale & Shear, p. 739).

Pre-appointment or pre-evaluation discussions with attorneys or litigants are likely to contribute to anchoring - the tendency to be inordinately influenced by information that has been provided in advance of a judgment that must be made, and that bears directly on the judgment to be made. In this context, the word “judgment” is not a reference to the development by evaluators of their final opinions; rather, it is a reference to judgments that must be made throughout the evaluative process.

Francis Bacon and Thomas Hobbes are credited with having observed that *knowledge is power*. Not always. Mental health professionals err when they assume that a structured introspective analysis of their opinion formulation process, employing their knowledge of cognitive biases, will enable them to avoid the errors to which cognitive biases contribute.

Neal and Brodsky (2016) have opined that “introspection – one of the strategies forensic psychologists rated as most useful for mitigating bias – is not just a poor strategy for bias correction, but actually exacerbates bias” (p. 72). Baseless confidence in introspection may contribute to carelessness in the use of procedures that serve to reduce the cognitive risks associated with pre-task input from attorneys or litigants.

We strive to be described as credible witnesses, but how well do we understand what actions will produce that description? It's unlikely that “helpful” would appear in a list of synonyms for “credible;” nevertheless, in discussions of testimony, it may be useful to conceptualize a credible expert witness as one whose guidance (offered in the form of opinions and accompanying explanations) is deemed helpful to the court in adjudicating the specific issue(s) in dispute. When a judge, in a written decision, describes testimony as having been credible, it's likely that the judge has concluded that the witness's testimony was helpful to the court in adjudicating the issue(s) in dispute.

John Henry Wigmore (1863–1943) has opined: “Cross-examination is the greatest legal engine ever invented for the discovery of truth.” Wigmore has pointed out that a witness’s response to a question may serve to bolster his/her credibility, while the witness’s response to the following question may raise questions regarding his/her credibility.

With Wigmore’s observation concerning fluctuations in credibility in mind, I suggest thinking of the term as a description of testimony, rather than as a description of the person offering it.

When experts have gathered information in a balanced manner, have employed procedures that reduce threats to objectivity, and have explored multiple hypotheses in integrating their data and formulating their opinions, it is likely that their descriptions of their procedures will enhance their credibility.

In an article authored by Christy Bradshaw Schmidt entitled “Exploring Possibilities: 5 Tips for Documenting Alternative Hypotheses, published in the October, 2024 issue of eNews, three references are made to documentation. It seems reasonable to infer that the message to readers is: “Don’t just do it; document having done it.” Though I have urged evaluators not to engage in pre-appointment or pre-evaluation oral interactions with attorneys or litigants, if oral interactions occur, I strongly recommend taking reasonably detailed notes; diligently creating and maintaining a log of all interactions; and, releasing the log, along with all other file items, during discovery. Attorneys wishing to challenge evaluators’ findings and opinions are entitled to information regarding the content of pre-evaluation information provided to evaluators, the source(s) of the information, and the manner in which the information was imparted. The production of this information in written form during discovery is likely to reduce whatever stress testifying evaluators may experience during voir dire and cross-examination. Stress reduces effectiveness. The helpfulness of an expert’s testimony is diminished if it has been ineffectively articulated.

***References:***

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Schmidt, C. B. (2024). Exploring possibilities: 5 tips for documenting alternative hypotheses. *AFCC eNEWS*, 19:10.

**Author information:**



David Martindale, PhD, ABPP (forensic) limits his practice to consulting with psychologists, attorneys, and state regulatory boards. He served on the AFCC Child Custody Consulting Task Force; was the Reporter for the AFCC *Model Standards of Practice for Child Custody Evaluation*; and, was a member of the task force that developed the AFCC Guidelines for Parenting Plan Evaluations in Family Law Cases.

## Ten Tips for Working with Separating or Divorcing Families Impacted by Disabilities

December 2024  
Vol 19 No. 12

*Alison Freeman, PhD*

As of mid-2024, there was a reported estimate of 61 million adults in the US living with some type of disability. The special circumstances of an individual family member naturally impact the family as a whole. However, when the family is also experiencing separation or divorce, the special needs of a parent or a child will conjure a level of additional consideration.

Here are ten things to keep in mind when working with families where there is a member with a disability:

1. **Disability is an umbrella term.** The term “disabilities” is very complex and broadly encompasses a wide range of functional limitations. Do not make assumptions about what those limitations might be, or how the individual is navigating them.
2. **Access to healthcare is often compromised.** People with disabilities have poorer access to health care and are at greater risk for other health conditions and diseases. Accordingly, family members often spend time with health care providers, possibly transporting to and from multiple appointments, and concerned about making sure medical and related needs are met.
3. **Marginalization adds additional stress.** People with disabilities are among the most marginalized groups in society and report mental distress 5 times as often as people without disabilities. They suffer the effects of both conscious and subconscious bias, and experience being overlooked and left out on a regular basis. Assumptions are made, which assumptions can be rooted in misinformation or a lack of information.
4. **Higher risk of abuse in general.** People with disabilities have a significantly higher lifetime prevalence of experiencing physical, sexual, and emotional abuse than people without disabilities. They report being subjected to violent crime more often than those without disability. In school bullying against children with disabilities is also prevalent.

5. **Higher Risk of Intimate Partner Violence.** People with disabilities experience violence and sexual abuse by their intimate partners more often than people without disabilities. Disabilities can add complications when formulating exit strategies for leaving abusive relationships, whether the person with disability is the parent or a child. This can be because of some dependency on the non-disabled partner for having physical needs met, or financially.
6. **Increased Risk of Divorce.** There is some research indicating a higher divorce rate in families with children with disabilities. However, there are mitigating factors that help marital relationships, such as other children in the family, the nature of the disability, and other supports available in the family, such as help from extended family.
7. **Specific impact on siblings.** Sibling relationships are often impacted by disability(ies) of one child. Advocating and supporting the child with disabilities can take the focus away from the needs of the other children, or can result in disproportionately allocating caregiving responsibilities to a nondisabled sibling.
8. **A Lifelong Grieving Process for Parents.** Having a special needs child or a child with disabilities is a lifelong grieving process experienced at different developmental stages in some cases. There are ever-present reminders of what the disabled child cannot do – and even when the parent is able to accept what they cannot change, it can also be painful to know the impact on the child without the ability to “fix” it.
9. **Children in caregiving roles for disabled parents.** Having a parent with a disability can sometimes burden the child at a young age and result in parentification (reversal of roles of parent and child). Some children assume or are give caregiving responsibilities which prevent them from being engaged in after-school activities or events with their peers, thus compromising the usual childhood experience.
10. **It is okay to “not be an expert.”** A professional involved in a case where one of family members has a disability is not expected to know everything and is certainly not expected to know every nuance about every disability. Be sure to ask questions of both the family member with the disability, but also of other family members about the role the disability has had on them and on the family dynamic. Engage client in teaching you about their disability...this can be empowering!

Join Dr. Freeman on January 21, 2025, from 4:00 to 6:00 pm EST for the upcoming DE&I webinar entitled “Impact of Disabilities on Families,” moderated by Dr. Gitu Bhatia, for a deeper discussion of the impact of disabilities on marital relationships, sibling relations and parent-child dynamics in families going through divorce and separation.