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AFCC eNEWS

MONTHLY E-NEWSLETTER

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APRIL 2009

AFCC's 46th Annual Conference in New Orleans: Did You Know?

- There is an international and interdisciplinary faculty of nearly 200 presenters from at least eight family court-related disciplines: judges, mental health professionals, mediators, lawyers, academics, researchers, social workers, and court administrators.
- There are a total of 79 interdisciplinary sessions: six full-day pre-conference institutes, three plenary sessions, and 70 workshops, including five 3-hour extended sessions.
- AFCC's Annual Conferences are known for their networking. There are at least 13 hours of networking opportunities built in to the conference program, not including breaks between sessions.
- Registration fees increase May 1, 2009 – register today!

[Online hotel reservations...](#)

[Online conference registration...](#)

[See the entire conference program...](#)

Volunteer for New Orleans

Saturday, May 30, 2009, after the final sessions of the conference end, AFCC has arranged a volunteer activity with a nonprofit organization called Common Ground Relief. This workday is a chance to help local residents with the continuing post-Katrina recovery effort, as well as an opportunity to spend time with colleagues and friends in a different setting and see parts of the city you may not otherwise see. Volunteers will be helping residents clear debris and landscape.

AFCC will provide transportation on a charter bus to and from the work site, which is in the St. Claude neighborhood approximately three miles from the Sheraton. The bus will leave the Sheraton at 1:30pm and will return by 6:00pm. Common Ground Relief has advised participants to be prepared to get dirty. Be sure to bring closed-toe shoes, old clothes, and be prepared for the heat. There are a limited number of spaces available. If you are interested in volunteering, please contact Erin Sommerfeld at esommerfeld@afccnet.org now to reserve your space. For more information on Common Ground Relief, [click here](#).

Uniform Collaborative Law Act Draft

The National Conference of Commissioners on Uniform State Laws has published an interim draft of the Uniform Collaborative Law Act (UCLA) with prefatory notes and comments for discussion only. The ABA Section of Litigation has responded to the draft



UPCOMING CONFERENCES

46th Annual Conference

*Children, Courts and Custody:
Back to the Future or Full
Steam Ahead?*

May 27-30, 2009

Sheraton New Orleans
New Orleans, Louisiana

[Conference program...](#)



with specific concerns that challenge the Draft Act. The Reporter for the UCLA is Andrew Schepard, a long-time AFCC member and editor of the AFCC journal, *Family Court Review*.

[Click here to read the UCLA draft...](#)

[Click here to read Litigation Section response...](#)

FEATURED ARTICLE

Marital Mediation for Family Mediators

by John Fiske, courtesy of Mediate.com

If you are a family mediator, you might expand your practice to offer mediation to help couples stay married. The process, called "marital mediation," uses the specific settlement focus of mediation to preserve a marriage in ways not attempted by family therapy. The process uses your family mediation skills to help couples negotiate new terms for their marriage. Couples may use mediation to enter into a written post-marital contract defining their own solutions.

[Read more...](#)

ASK THE EXPERTS

Top Ten Things to Consider When Developing a Parenting Plan

by the FLAFCC Parenting Plans Taskforce

The AFCC Florida Chapter Taskforce on Parenting Plans has looked to current research to provide for the development of empirically advised parenting plans. The Florida Chapter hopes to post more information, including a substantial bibliography, on its web site at FLAFCC.com soon.

[Read the Top Ten list...](#)

RESEARCH UPDATE

Siblings Are Not Equally Affected by Parental Anger

Courtesy of J.M. Craig Press, Inc.

We have known for some time that when children witness parental conflict, it can have an adverse effect upon them. This study goes further by examining the impact of parents' hostility on the behavior of their children.

[Read more...](#)

AFCC Brief Focused Assessments Task Force

Draft for Comment

The AFCC Task Force for Brief Focused Assessments, co-chaired by Phil Bushard, D.P.A. and Linda Cavallero, Ph.D., was given the task of defining a model of "focused" or "brief" evaluation and to write suggested guidelines for such work. A draft document is now available for comment.

[Read draft here...](#)

Featured Blogs and eNewsletters

Martha New Milam, AFCC member from Durham, North Carolina writes a family law blog, the [Durham Family Law Journal](#), with news and comments about family law related matters.

<http://durhamfamilylawjournal.blogspot.com>.

AFCC Regional Training Conference

Interventions for Family Conflict: Stacking the Odds in Favor of Children

November 5-7, 2009

Peppermill Resort

Reno, Nevada

[Submit workshop proposal...](#)

AFCC 47th Annual Conference

June 2-5, 2010

Sheraton Denver

Denver, Colorado

AFCC Ninth Symposium on Child Custody Evaluations

October 28-30, 2010

Hyatt Regency Cambridge

Cambridge/Boston,

Massachusetts

AFCC 48th Annual Conference

June 1-4, 2011

Hilton Orlando Bonnet

Creek Resort

Orlando, Florida

AFCC Trainings

[Training schedule & brochure](#)

Advanced Issues in Child Custody

Nancy Williams Olesen, Ph.D.

June 22-23, 2009

Chicago, Illinois

Parenting Coordination: Advanced Practice and Skills

Joan B. Kelly, Ph.D.

June 24-25, 2009

Chicago, Illinois

AFCC Chapters

Minnesota Chapter Annual Conference

April 24, 2009

St. Paul Campus of the

University of Minnesota

St. Paul, Minnesota

JOIN AFCC

If you write a family law blog or eNewsletter, please let AFCC know at editor@afccnet.org.

RECOMMENDED READING

Jonathan Gould, Ph.D., AFCC member from Charlotte, North Carolina, recommends an article that examines changes in noncustodial parental involvement over the years:

Amato, P.R., Meyers, C.E., & Emery, R.E. (2009) Changes in Nonresident Father-Child Contact From 1976 to 2002, *Family Relations*, 58 (1) , 41-53.

[Read abstract here...](#)

Note: Paul Amato will be a plenary speaker at "Back to the Future or Full Steam Ahead? What Research *Really* Shows About Children and Divorce" at the AFCC 46th Annual Conference in New Orleans, May 28, 2009.

Decision-Making and Conflict Resolution in Child Welfare: Think Tank II Summary

On May 28, 2008, Think Tank II was conducted at The Westin Bayshore in Vancouver, British Columbia, immediately prior to the commencement of the AFCC annual conference. Think Tank II is part of a continuing effort by a group of organizations and individuals engaged in sharing their knowledge, expertise, and wisdom on child welfare mediation and family group decision-making processes.

[Click here for summary...](#)

INTERNATIONAL NEWS

News From Across the Pond

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

Spring has arrived in Britain, together with the G20 summit!

[Read more...](#)

Conference of Interest

The Future of Family Law Education presented by the Midwest Family Law Consortium, Friday, June 26, 2009, William Mitchell College of Law, St. Paul, Minnesota.

[Conference Web site...](#)

Membership Notice

Notice of Board Nominations and Bylaw Changes

The AFCC Nominating Committee will be nominating members to the Board of Directors at the Membership Meeting at the Annual Conference on Saturday, May 30, 2009. The Board of Directors has approved changes to the bylaws, which will be voted on by the membership at the Membership Meeting.

[Read full notice...](#)

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ABOUT AFCC eNEWS

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

[AFCC eNEWS archive...](#)

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Editor:

Leslye Hunter
editor@afccnet.org

AFCC welcomes your comments, questions or feedback. Please email the editor by [clicking here](#).



6525 Grand Teton Plaza

Madison, WI 53719
Phone: 608.664.3750
Fax: 608.664.3751
www.afccnet.org

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



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Siblings Are not Equally Affected by Parental Anger

Courtesy of J.M. Craig Press, Inc.

Richmond, M.K. and Stocker, C.M. [2008]. Longitudinal Associations Between Parents' Hostility and Siblings' Externalizing Behavior in the Context of Marital Discord. Journal of Family Psychology, 22, 231-240.

We have known for some time that when children witness parental conflict, it can have an adverse effect upon them. This study goes further by examining the impact of parents' hostility on the behavior of their children. More specifically, the authors wanted to know whether there was a relationship between the level of hostility the children suffered and their subsequent acting out behavior. Also, they were interested in knowing whether there were varying levels of hostility directed at different children and if those children were differentially harmed.

The authors studied 116 intact families, each with at least two children. Eighty percent were Caucasian. Two siblings were evaluated when they were 8 and 10 years old and then again six years later. The parents completed a number of questionnaires and were observed interacting with each other.

The authors found that:

- The more parental hostility that children experienced, the more they were likely to act out as teens.
- Greater levels of parental hostility toward each other resulted in greater maternal hostility directed at children and adolescents.
- A parent's hostility toward a particular child continued between the two interviews.
- When parents were more hostile to one child than another, the targeted child exhibited more acting out behavior than did his/her sibling.
- The more a child acted out, the more hostile his/her parents became.
- When parents had a child who acted out, they tended to be more hostile toward both children. This trend was greater for mothers than for fathers.

Critical Analysis

The method employed in this study is strong. It was done over a relatively long period of time, and both parents and children were interviewed. Another major advantage was that rather than looking at extreme behaviors, which are easier to study, the authors examined behavior that is often considered to fall within the normal range. This makes the study all the more applicable for attorneys and MHPs working in family law where allegations of extreme behavior are less likely. In terms of disadvantages, the participants were all intact families, and they remained together throughout the course of the study. Therefore the findings may not apply to cases in which couples divorce.

Recommendations

This article raises troubling questions regarding situations in which a child may be the target of his mother's or father's anger. Sadly, this study tells us not only that such behavior is not unusual but also that it may persist over long periods of time. As a result, CCEs should take accusations of differential child treatment seriously and be skeptical when parents claim they have changed their behavior.

A second troubling finding from this study is that while both parents seem to take their aggression out on their children, mothers appear more likely to do so than fathers. We were surprised by this finding and do not have a ready explanation for it. When such information comes to our attention, we are inclined to avoid making recommendations and wait for further research.

We noted above that when parents had an acting out child, they tended to be more hostile toward both children. This finding helps us to remember that children's behavior may not always be a reaction to mistreatment, and when parents respond, albeit inappropriately, there may be reasons for doing so that call for further investigation.

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

J.M. Craig Press, Inc.,
12810 Hillcrest Road, Suite 217
Dallas, TX 75230
(972) 960-1472 or (877) 960-1474

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News From Across the Pond

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

Spring has arrived in Britain, together with the G20 summit! We were delighted to welcome the First Families from around the world. The credit crunch and its effects on families was high on everyone's agenda. The first place that the credit crunch is experienced is in our families and Resolution's members as family lawyers are in the front line of dealing with the effects of the credit crunch on family life. As the effects of redundancy, job losses and debt impact on individuals, they all have their affect on people's ability to keep their families together.

The first credit crunch judgement has just been published: Mr. Myerson a former fund manager applied for a variation in his ancillary relief order on the grounds that his substantial shareholdings and properties, valued at £25.8 million at the original hearing, had been significantly reduced because of the drop in the share value. Originally, the order was to pay Mrs. Myerson £11 million (43% of the family's assets). Mr. Myerson argued that his assets had dropped to a value of £12.7 million.

The court rejected the application for a variation. The court could set aside an ancillary relief order on the grounds of a dramatic subsequent event, but did not hold that natural processes of price fluctuation met the test. The court also held that Mr. Myerson had agreed to an asset division whereby he kept his shareholding in his company and stood to gain as well as lose in years ahead. The court took the view that when a businessman takes a speculative position, the court should not relive him of the consequences of his speculation when that speculation does not go in his favour. Mr. Myerson is considering whether to appeal the decision.

In smaller money cases, Resolution's members are coming across an increasing phenomenon: the couple living apart under the same roof. When one of the main assets of the marriage is the matrimonial home and that home cannot be sold, couples are having to find ways around the difficulty. Some lawyers are reporting an increase of younger people who are returning home to live with their parents, while they wait out the credit crunch and can finally sell the matrimonial home. Others are dividing up the space and living apart together. Couples and their lawyers are having to come up with increasingly creative ways of handling splits where property forms one of the main assets of the family.

Where a financial division is not possible because of the credit crunch, alternatives to the court process also have to be found. An unenforceable court order does no one any favours. In this environment, alternative dispute resolution is more and more coming into its own. Mediation, although established for more than 30 years, still only reaches a minority of couples. Estimates range around the 10-20% figure.

Collaborative law has taken off big time in this jurisdiction, with 1,300 trained collaborative lawyers.

Resolution recently published some research on how collaborative law is working in England and Wales. The research talked to lawyers and their clients about the collaborative process. Although the numbers were

relatively small, lawyers and their clients were largely positive about the benefits of collaborative law. A summary of the research can be found on Resolution's Web site: <http://www.resolution.org.uk>.

In some jurisdictions, arbitration is available in family disputes, but not, to date, in England and Wales. Resolution has been working with the Chartered Institute of Arbitrators in England to develop arbitration training for very experienced family lawyers. We hope to run a scheme as a pilot later this year, to see if arbitration is something family clients may want to take up.

This new scheme and our collaborative research, as well as other methods of alternative dispute resolution, will be showcased at Resolution's international Alternatives to Court conference in London on 4th July. We hope to welcome delegates from the UK, Europe, North America and Australia and New Zealand. The conference will be looking at new ways to help separating couples resolve their disputes outside court and will give delegates the opportunity to share their ADR experiences with an international community. Nancy Cameron, President of the International Academy of Collaborative Practitioners, will be the keynote speaker.

Details of the conference can be found on Resolution's Web site: <http://www.resolution.org.uk>.

We hope to welcome AFCC members to London for this conference and to share experiences, skills and to get to know each other!

6525 Grand Teton Plaza, Madison, WI 53719
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Changes in Nonresident Father-Child Contact From 1976 to 2002

Amato, P.R., Meyers, C.E., & Emery, R.E. (2009) Changes in Nonresident Father-Child Contact From 1976 to 2002, Family Relations, 58 (1) , 41-53.

Abstract

To study changes in nonresident father contact since the 1970s, we pooled data from 4 national surveys: the National Survey of Children (1976), the National Survey of Families and Households (1987 – 1988), the National Longitudinal Survey of Youth (1996), and the National Survey of America's Families (2002). On the basis of mothers' reports, levels of contact rose significantly across surveys. Paying child support and having a nonmarital birth were strongly related to contact frequency. The increase in contact may be beneficial in general but problematic if it occurs within the context of hostile interparental relationships. Because nonresident fathers are having more contact with their children now than in the past, an increasing need exists for practitioners to help parents find ways to separate their former romantic roles from their ongoing parental roles and to develop at least minimally cooperative coparental relationships.



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Notice of Board Nominations and Bylaw Changes

The AFCC Nominating Committee will be nominating members to the Board of Directors at the Membership Meeting at the Annual Conference, May 30, 2009. The Board of Directors has approved changes to the bylaws, which will be voted on by the membership at the Membership Meeting.

At the AFCC membership meeting on May 30, 2009, the following individuals will be nominated to the Board of Directors, for their full three-year term beginning July 1, 2009 and concluding June 30, 2012:

Dr. Matthew Sullivan, Palo Alto, CA
Hon. R. John Harper, London, Ontario
Ms. Andrea Clark, St. Louis, MO

The Board of Directors Executive Committee is elected by the Board of Directors. For information purposes, the following individuals have been nominated for positions on the Executive Committee:

President: Hon. Emile Kruzick, Orangeville, Ontario
President Elect: Robert M. Smith, Windsor, CO
Vice President: Linda Fieldstone, Miami, FL
Secretary: Arnold Shienvold, Harrisburg, PA
Treasurer: Richard Altman, Napoleon, OH

AFCC Nominating Committee:

Hon. William C. Fee, Chair
Hon. George Czutrin
Hon. Denise McColley
Prof. Andrew Schepard
Hon. Arline Rotman (ret.)

Bylaws Amendments

The following changes are proposed to the Bylaws of AFCC. These proposed changes will be voted on by the membership at the Annual Membership Meeting scheduled for 8:00am, May 30, 2009 at the Sheraton New Orleans in New Orleans, Louisiana.

1. The mission statement of the Association is updated to reflect the current mission of the association as follows:

AFCC is an interdisciplinary, international association of professionals dedicated to improving the lives of children and families through the resolution of family conflict.

AFCC promotes a collaborative approach to serving the needs of children among those who work in and with family law systems, encouraging education, research and innovation and identifying best practices. Its membership includes judges, lawyers, mediators, mental health professionals, academics, researchers, court administrators and public policy makers.

To further its mission and serve its members, AFCC:

- Creates forums and networks that enable professionals to share information, ideas and experiences, identify trends and shape constructive change;
- Provides continuing education through conferences and workshop;
- Advocates for innovation and change in the court and legal systems called upon to serve children and families in conflict;
- Publishes the Family Court Review and other regular bulletins;
- Identifies and disseminates standards of practice and model strategies;
- Disseminates research;
- Supports a network of state and provincial chapters aligned with the mission and goals of AFCC; and;
- Collaborates with other organizations to achieve its goals.

2. All references to the governance transition of 2001 are proposed to be stricken.

3. All references to the AFCC Advisory Committee are proposed to be stricken.

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ASK THE EXPERTS

Top Ten Things to Consider When Developing a Parenting Plan

*by the FLAFCC Parenting Plans Taskforce**

The AFCC Florida Chapter Taskforce on Parenting Plans has looked to current research to provide for the development of empirically advised parenting plans. The Florida Chapter hopes to post more information, including a substantial bibliography, on its web site at FLAFCC.com soon.

1. There Is No One Size Fits All Parenting Plan

Parenting plans should be constructed to meet the unique needs of each family and each family member.

2. Children's Developmental Needs Must Be Considered

Children of different ages need and benefit from different parenting arrangements. Parenting plans need to include time-sharing arrangements that reflect children's developmental needs and individual requirements as much as possible. As children get older, these time-sharing arrangements will need to be more flexible.

3. Children Grow and Families Change

A good parenting plan takes into account developmental changes as children grow and life cycle events that will occur in the lives of their parents. Parenting plans should not be static, and should anticipate the need for adjustments to the parenting plan in order to avoid potential conflict when these changes occur.

4. The Best Parent Is Two Parents

When parents construct their plans, it expresses their acknowledgement that both parents, whenever reasonably possible, are important to their children. Children retain the feeling of family when they have pleasant, free access to both parents and both extended families. The best plan allows ample time for each parent to develop meaningful ongoing relationships with their children.

5. Maximize Relationships

The disrupting effect of divorce or parental separation can have profound consequences for children. Children are likely to feel more secure and experience less disruption in their lives when allowed to remain in safe, consistent, supportive, and familiar environments. A good parenting plan encourages the relationships that existed between children and others that were established before the divorce or parental separation.

6. Minimize Loss

Children often experience a series of significant losses as a result of their family's changing structure. They may lose their home, familiar schools, access to friends, access to extended family members, regular contact with a pet, and daily access to a parent. Parenting plans that anticipate these changes and minimize losses for their children can be very beneficial.

7. Protect Children from Conflict

It is well documented that children are harmed when exposed to the conflict between their parents. A good parenting plan builds in structures to avoid children's exposure to parental discord. Some parenting plans may help increase the level of cooperation between parents and other plans

may specify the use of an outside party or “intermediary” if parents are unable to resolve their parenting disputes without exposing the children to conflict. Plans can also include that a specific mechanism such as counseling, mediation, and parenting coordination be attempted to resolve issues before parents resort to court action.

8. Protect Children’s Feelings and Promote Their Sense of Well Being

Children are harmed when they hear one parent say bad things about the other parent. A child’s identity is tied to being a product of both parents and their extended families. Parenting plans that build in children’s rights to love both parents without fear of reprisal and eliminates blame helps keep children out of loyalty binds and minimizes their feelings of guilt for their parent’s separation.

9. Parenting Style, Gender, and Culture Makes a Difference

Each parent has different and valuable contributions to make to their children’s lives. Parenting plans that acknowledge and respect differences in parenting style, the need for gender development for each child, and the importance of maintaining cultural norms helps promote healthy development and a sense of continuity for children.

10. Communication is Essential

Communication and cooperation between parents is important. Consistent rules and routines in both households and sharing of knowledge of events create a sense of security for children of all ages. Parenting plans should specify a detailed plan for constructive and effective communication between parents about the children.

** The FLAFCC Parenting Plans Taskforce: Debra K. Carter, Ph.D., Chairperson; Michelle Artman-Smith, Esq.; Eric Bruce, Esq.; Linda Fieldstone, M.Ed.; Hon. Diana Moreland; Jack Moring, Esq.; Roxanne Permesly, LMHC; Laurie Pine-Farber, LCSW; Magistrate Lee Schrelber; Deborah Silver, Psy.D.; Robert Silver, Ph.D.; Nina Zollo, Esq.*

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