



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

President's Message

Marsha Kline Pruett, PhD, ABPP

It is a pleasure to write my first Presidential message to AFCC members this summer. It has been a summer of weird weather patterns and unseasonal temperatures that we don't intend to repeat as an organization. Instead, I predict smooth sailing in spite of some rough winds in the world, a topic to which I will return shortly. [Read more.](#)

Member Profile: Marsha Kline Pruett, PhD, ABPP

Marsha Kline Pruett lives her life on the edge. No, she doesn't hang-glide nor bungee jump, but balancing her multifaceted professional and personal lives is nothing short of a high-wire act. Marsha is used to not quite fitting in, to working on "the edge of the interdisciplinary." Fortunately, the edge is exactly where she thrives: "My creativity comes from locating the edge where things don't naturally fit together, and finding ways for them to fit compatibly." Though her wide and varied educational and professional background makes her a bit of an odd duck outside of AFCC, within the organization, she's totally at home. [Read more.](#)

AFCC 12th Symposium on Child Custody

MONTHLY E-
NEWSLETTER
VOL. 11 NO. 7
July 2016

Upcoming AFCC Conferences



AFCC 12th Symposium

Evaluations

Abuse, Alienation, and Gatekeeping: Critical Issues for Family Court Professionals

November 3-5, 2016, Atlanta, Georgia

Registration Now Open

The symposium [program brochure](#) is available online and [registration](#) is open. Join AFCC in the heart of Georgia as we explore critical issues for family court professionals. With nearly 40 sessions to choose from, custody evaluators, judges, lawyers, mediators, and any professional who works with separating and divorcing families will have the opportunity to hear from world leaders on topics of abuse, alienation, gatekeeping, relocation and more!

[Register today!](#)

Apply for a Symposium Scholarship by September 2

Scholarships assist recipients with the cost of symposium attendance. Scholarships include pre-symposium institute registration, symposium registration, welcome reception, Friday's luncheon, access to the hospitality suite and a certificate of attendance. The deadline to apply is September 2, 2016. A limited number of scholarships are available, [apply today!](#)

Book Your Room at the Sheraton Atlanta Hotel

The Sheraton Atlanta is in a wonderful downtown location near the Centennial Olympic Park. The special rate for AFCC symposium registrants is \$169/night for single or double occupancy. On October 4, 2016, any unreserved rooms will be released and the special rate no longer guaranteed. Rooms fill up fast, so make your reservation early by calling 1-800-833-8624 and request the AFCC special rate or [reserve online](#).

Exhibit Opportunities

Introduce your organization and its products and services to the interdisciplinary professionals who attend AFCC conferences with an onsite exhibit! Talk to symposium participants face-to-face and attend a few sessions in your spare time as the rate also includes a conference registration. Space is limited, please [contact Corinne Bennett](#) for more information or [sign up today](#).

AFCC Webinars

Registration Closed for First AFCC Webinar

Thank you for your interest in the first AFCC Webinar, *Intimate Partner Violence and Child Custody Evaluation: The AFCC Guidelines*. We had an overwhelming response and sold out within 32 hours! All webinars will be recorded and made available to AFCC

on Child Custody Evaluations

Abuse, Alienation, and Gatekeeping: Critical Issues for Family Court Professionals

November 3–5, 2016
Sheraton Atlanta Hotel
Atlanta, Georgia

AFCC 54th Annual Conference

Turning the Kaleidoscope of Family Conflict into a Prism of Harmony
May 31-June 3, 2017
Boston, Massachusetts

AFCC Chapter Conferences

[Australia Chapter Annual Conference](#)

August 18-20, 2016
Brisbane, Queensland

[Wisconsin Chapter Annual Conference](#)

September 16, 2016
Pewaukee, Wisconsin

[Florida Chapter Annual Conference](#)

September 28-30, 2016
Orlando, Florida

[Indiana Chapter Annual Conference](#)

October 7, 2016
Indianapolis, Indiana

[Colorado Chapter Annual Conference](#)

October 7-9, 2016
Breckenridge, Colorado

[Ontario Chapter Annual Conference](#)

October 21, 2016

members through the Member Center of the website.

Next AFCC Webinar

Emerging Issues in Relocation Cases

October 13, 2016, 1:00pm-2:00pm Eastern Time

Philip M. Stahl, PhD, ABPP

Registration opens September 13th, 2016. More information to follow.

For the complete schedule of upcoming webinars, [click here](#).

Ask the Experts: Critical Issues in Child Development for Judges

Hon. Karen Adam, Hon. Ernestine Gray, Kirsten Lysne, PhD, Philip Stahl, PhD, ABPP

Family and juvenile court judges make important decisions in complex cases every day. These cases often involve substance abuse, mental health, family violence, and trauma. Before a judge can make an appropriate decision regarding custody, parenting time, reunification, child support, or relocation, she must also consider how the child will be impacted. Those decisions require knowledge of child development; most judges are not experts in the field nor have access to those with that expertise. Here are ten of the most important things every juvenile and family court judge needs to know to make informed and developmentally appropriate decisions in the best interests of children. [Read more](#).

Submit a Proposal to Present at the AFCC 54th Annual Conference

Turning the Kaleidoscope of Family Conflict into a Prism of Harmony

May 31-June 3, 2017

Sheraton Boston Hotel, Boston, Massachusetts

AFCC is accepting proposals for 90-minute workshop sessions through September 30, 2016. The conference theme will explore ways to resolve family law-related conflict, including conflict between family members related to parenting time, child support, and parenting during and after separation and divorce.

[Call for Proposals](#), [Submit a proposal](#).

AFCC Fellows

AFCC is pleased to welcome **Kristin Doeberl, JD**, and **Liana Shelby, PsyD**, as the inaugural AFCC Fellows. This year, AFCC is piloting a program to encourage participation of early career professionals. Kristin and Liana will have the opportunity to attend board meetings, participate in committee work, present at conferences, and get to know AFCC from the inside out. Kristin is a Family Law associate with the law firm of Verrill Dana LLP in Boston, MA. Liana is a post-

Toronto, Ontario

[Arizona Chapter Annual Conference](#)

January 27-29, 2017

Sedona, Arizona

[California Chapter Annual Conference](#)

February 10-12, 2017

Costa Mesa, California

Are you an AFCC member? [Join](#) or [Renew](#)

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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doctoral fellow at Child and Family Evaluation Service, a component of the Center of Excellence for Children, Families, and the Law, at William James College in Newton, MA.

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Member News

At the Arizona State Bar Annual Convention in June 2016, four former Presidents of the AFCC Arizona Chapter were awarded lifetime achievement awards for their contribution to family law.

Congratulations to **Hon. Karen Adam** (ret.), **Hon. Bruce Armstrong** (ret.), **Hon. Bruce Cohen** and **Prof. Barbara Atwood**.

Michael Aaron, current President of the AFCC Arizona Chapter, was named as Chair of the Family Section of the AZ State Bar Executive Committee.

Hon. Anne McKeig was appointed to the Minnesota Supreme Court. Judge McKeig is the first Native American Supreme Court Judge in Minnesota and many of you were lucky enough to see her present at the AFCC Annual Conference in Seattle last month.

AFCC's Program Coordinator Corinne Schlachter, now **Corinne Bennett**, got married to Mitch Bennett on June 19, 2016. Mitch works at Epic Systems as a Medical Software Consultant. Corinne and Mitch met in their undergraduate studies at Pepperdine University. Congratulations!

Patrick Sommer has joined the AFCC staff as a Program Assistant. Originally from Schaumburg, Illinois, Patrick graduated from Bradley University in 2014 with a Bachelor's in Health Sciences. He recently relocated to attend University of Wisconsin, Madison and study computer science. Welcome, Patrick!

Chapter News

Please welcome **Beth Lieberman** as President of **Colorado Chapter**.

The **Ontario Chapter** is undertaking a pilot project, under the direction of Rachel Birnbaum, PhD, and Prof. Nicholas Bala in cooperation with the Ontario Office of the Children's Lawyer, to prepare "Views of the Child Reports" for use in custody and access disputes. The report is expected in 2017. For more information contact [Dr. Birnbaum](#) or [Prof. Bala](#).

Conferences of Interest

The [NACC 39th National Child Welfare, Juvenile, and Family Law Conference](#) will be held in Philadelphia, Pennsylvania, August 12-14, 2016. [Read more](#).

The [ACR Annual Conference](#) will be held in Baltimore, Maryland, September 28-October 1, 2016. [Read more](#).

The [International Family Law Conference](#) will be held in Singapore from September 29-30, 2016 at the Supreme Court Auditorium. [Read more.](#)

The [7th World Congress on Family Law and Children's Rights](#) will be held in Dublin, Ireland, June 5-7, 2017. [Read more.](#)

Tribal Access to Justice Innovation

A new website highlighting innovative tribal justice programs from around the country. Developed by the Center for Court Innovation's Trial Justice Exchange, the website seeks to provide ideas and inspiration to reformers looking to address common challenges like substance abuse, domestic violence, gang involvement, and juvenile delinquency. [Read more.](#)

District Court Strategies - What Works in District Court Day of Trial Mediation

Maryland Courts has published the results of their study on what works and doesn't in mediation. This study examined the effect of mediator strategies (i.e. techniques) and program factors on case outcomes in day of trial mediations in the Maryland District Court.

- [District Court Strategies Two-Page Summary](#)
- [District Court Strategies Full Report](#)



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President's Message

*Marsha Kline Pruett, PhD, ABPP, Northampton,
Massachusetts*

It is a pleasure to write my first Presidential message to AFCC members this summer. It has been a summer of weird weather patterns and unseasonal temperatures that we don't intend to repeat as an organization. Instead, I predict smooth sailing in spite of some rough winds in the world, a topic to which I will return shortly. First I wish to acknowledge the passing of the Presidential torch to me from Hon. Peter Boshier, a charming, knowledgeable, and humorous predecessor who has given so much to AFCC, showing his remarkable capacity to conduct daily business discussions from across the globe. Clearly, that would not be possible without the steady hand on the tiller held at all times by our Executive Director, Peter Salem. He remains steady whenever we are threatened to get blown off course. Also, we could not maintain such a smooth sail without our crew, the incredibly professional, talented, and multi-tasking staff of AFCC, whose congeniality matches their ability, making leadership in this organization infinitely possible and pleasurable.

We recently concluded our 53rd Annual Conference in Seattle, WA, which, in my humble opinion, was one of the best conferences in many years – even though the vast majority of them have been excellent. The theme, *Modern Families: New Challenges, New Solutions*, spoke to how much the concept of family, and needs of modern families, have changed over the course of AFCC's history. Our three plenary speakers brought the latest thinking, practice, policy, and research to put some of our triumphs and challenges within AFCC into context for the upcoming decades. Sociologist Stephanie Coontz, author of books such as *The Way We Never Were*, debunked commonly held stereotypes about marriage and divorce and described how our family values and practices are being thrown into a tailspin by growing economic inequality and insecurity. Dr. Kyle Pruett (yes, a relation to me) spoke about how fathering has changed over the last generation, and how millennials have different expectations of joint parenting and family processes that portend interesting, but difficult, issues for family courts when

couples separate. And Justice Mary Yu shared her experiences marrying numerous same sex couples and described some of the challenges they will face as couples and parents in a world that is changing quickly in its acceptance of diversity but is still notably divided. These three plenary speakers articulated why the work of AFCC is going to be as important as it has been in the past, or more so in the coming years.

AFCC has successfully forged an interdisciplinary organization that truly welcomes all disciplines and professions, and treats all members as equally valuable to the organization, no matter their educational or professional background. Power is shared and distributed. This is not a small achievement when legal, educational, and mental health professionals are joined for common purposes. As an organization, we have brought that value of equality to the task of reducing family conflict inside and outside of the courts, through interventions and policies aimed at finding a place at the kitchen table for any parent who wishes to be there and can treat their child and the other parent with respect. In order to achieve this goal, AFCC has provided leadership through the development and dissemination of court-based collaborative processes, mediation, collaborative law, and programs that manage parental conflict working with couples, families, and groups. More recently, we have been a vehicle for thinking about and advocating for the child's voice in the divorce process and understanding how to manage conflict among families with multiple parents formed through biological, technological, and psychological means. Task forces, professional guidelines, and educational endeavors ranging from conferences to the newly implemented webinars also contribute much to this goal of reducing family conflict.

But families do not exist in a vacuum. The inequalities spelled out by the plenary speakers are increasingly evident in societies around the world, including in the countries represented in AFCC. The growing economic and security gaps have spilled into violence across the earth, exposing our inability as a human race to reach these lofty goals of respect for others with whom we disagree or feel threatened by. This violence is exemplified from the mass slaughters of LGBTQ persons in Orlando, to violence against Muslims carried out in Jordan, Yemen, Turkey, and Bangladesh, to the gratuitous deaths of black men such as Alton Sterling and Philando Castile, to the revenge exacted against police officers in Dallas and Baton Rouge.

There is an expanding consortium across the world that believes the key to changing national and global inequality and brutality is to begin with the smallest steps and the largest building blocks – young children and their families. Dr. Rima Salah of Palestine, former Deputy Executive Director of UNICEF, former Deputy Special Representative of the Secretary-General, UN Mission in Central African Republic and Chad, wrote about this consortium that “your science, your knowledge, your practical experience, your dedication to the well-being of children and their families globally, helped to orchestrate a global movement for

peace, that values the role of young children and families as agents of change in peace building. This is changing the tide of violence that is marking our world today." I see AFCC as representing a parallel process of working to reduce family conflict in order to support the creation of greater peace within families, and I argue that it may be the best way to build peace more broadly in communities and countries. This focus was initiated through Forrest "Woody" Mosten's special issue of the *Family Court Review* (July 2015, Vol. 53[3]) on peacemaking in separated and divorced families. The current challenge for AFCC will be to expand our vision so that we are not only talking about peace and co-parenting after separation and divorce, but also about peace building through the efforts being made on behalf of positive parenting and co-parenting, and inclusion for all persons in the family, in the courts, and ultimately, in children's lives.

How do we do this? First, it means developing our organization so that through education and interventions we keep trying to offer the best available knowledge in a way that brings professionals together, rather than magnifying our differences and splitting us apart. I am not advocating for less debate and disagreement. Indeed, that is the only way to avoid "group think" and understand diverse viewpoints. But that debate can be put forward in a way that leads our field, and hopefully, a broader segment of society, toward clearer understanding of our differences and recognition of our common goals.

Toward this end, I invite you to join us for education and debate at the Sheraton Atlanta Hotel, November 3-5, as we take on some of the more intractable issues in our field: *Abuse, Alienation, and Gatekeeping: Critical Issues for Family Court Professionals*. Make your voice heard. Bring your best ideas. Be part of the solution that AFCC stands for and will continue to champion over the next 50 years, as it has done in the 53 years before.

We must continue working together to mitigate conflicts within our own ranks in order to harness the national and global winds of change in the direction of shared goals. This means using our collective expertise for the good of children, and being sensitive to where we are inadvertently supporting inequalities that leave some children and families behind. It means challenging each other respectfully to work for the good of all children – not simply those whose parents are wealthy, or healthy, or even the most hostile. It means being a voice for children having the opportunity to grow up secure and healthy in all kinds of modern family structures. And it calls for peace at home amidst the global unrest that our children and grandchildren will experience throughout their years. AFCC must continue and step up its leadership in helping us all articulate ways of working and living together in a world that cherishes peace inside and beyond the family.



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Member Profile: Marsha Kline Pruett, PhD, ABPP

Marsha Kline Pruett lives her life on the edge. No, she doesn't hang-glide nor bungee jump, but balancing her multifaceted professional and personal lives is nothing short of a high-wire act. Marsha is used to not quite fitting in, to working on "the edge of the interdisciplinary." Fortunately, the edge is exactly where she thrives: "My creativity comes from locating the edge where things don't naturally fit together, and finding ways for them to fit compatibly." Though her wide and varied educational and professional background makes her a bit of an odd duck outside of AFCC, within the organization, she's totally at home.

Marsha grew up in Philadelphia and attended the University of Pennsylvania, where she earned her BA in interdisciplinary studies and MS in education. She went on to complete her doctorate in Clinical and Community Psychology at the University of California, Berkeley, and while at Berkeley, she forged working relationships with renowned researchers and AFCC stalwarts Janet Johnston and Judith Wallerstein. Marsha then headed back east to Yale University for Pre- and Post-Doctoral Fellowships. At Yale, Marsha subsequently held positions as Research Scientist, Director of Child and Adolescent Programs, and as a faculty member at the Yale School of Medicine and Child Study Center. Her last few years at Yale were spent in the Department of Law and Psychiatry.

While in New Haven, Marsha also managed to find the time to earn a Master's of Science in Law and to meet and wed preeminent child psychiatrist, Kyle Pruett. Kyle works at the Yale Child Study Center and is a proud Whiffenpoof (America's oldest collegiate a cappella group). In a first for AFCC, Kyle serenaded attendees following his keynote address at the AFCC annual conference in Seattle this June. Marsha and Kyle have a blended family that loves doing things together and includes their two children,

Olivia and Jefferson Daniel (JD for short). Olivia is entering her senior year of high school and studying Chinese, neuroscience, and psychology, and is currently looking at colleges where she will also play soccer. JD is newly 15 and an actor/soccer star/fundraiser for cancer research. Kyle's daughters from a previous marriage have spouses and children of their own. "It is difficult to be a parent and grandparent at the same time," Marsha said, but in true walking-the-talk fashion, Marsha asked Kyle's daughters to give her away at their wedding. They loved doing so and were also present at the births of Olivia and JD.

After more than 15 years in New Haven, the Pruett family moved to Northampton when Marsha accepted a tenured Chair at the Smith College School for Social Work. Marsha is the Maconda Brown O'Connor Professor, a title with a legacy she takes seriously. A Houston philanthropist and social worker who dedicated her life to working with impoverished children, Maconda Brown O'Connor made her own path and dedicated her life to social work, despite being born into a wealthy, politically conservative family. "It couldn't have been easy to be a social worker in that family," Marsha notes with a chuckle. She feels a connection to O'Connor's gifts, and hopes "to be worthy of her independent spirit, courage and generosity." The Smith College School for Social work is co-ed, unlike the historical women's college in which it is seated. Marsha notes that Smith students are known for providing challenge: she once received push back from a student wondering why she chose to speak on father involvement at a women's college. Though it can be frustrating, she feels confident that such student engagement is more positive than not and makes her a better teacher and mentor. Marsha works to find balance between engaging with the reality of ever-changing family structures while still honoring the focus of her work: men and women co-parenting together. "I hope to keep unbalanced enough to continue being creative, but balanced enough to be relevant and have something important to contribute."

Though she has a variety of goals for her presidency, one of Marsha's projects is an AFCC fellowship program that focuses on drawing new professionals to the organization. AFCC has identified one mental health and one legal professional in early career status to participate in the program. The AFCC Fellows will attend board meetings, do committee work, present at conferences, and get to know AFCC from the inside out—a hands-on approach that typifies Marsha's style. A goal of the fellowship program is to address the "greying leadership" of AFCC. Marsha is passionate about "not only creating a vision of greater new professional involvement, but building more relationships with young professionals themselves."

Marsha is adept at putting theory into practice, not only with AFCC, but also with the Supporting Father Involvement (SFI) program. The program has been in existence for 16 years, and is being implemented in the US, Canada and England. Her involvement as a member of the intervention and evaluation design team has taught her—a longtime

supporter of co-parenting—what it really takes to *foster* co-parenting. Marsha not only adapted the original program, created by Drs. Philip and Carolyn Cowan, but she also trains program staff, evaluates program progress, oversees curriculum modifications and provides program consultations to mold the program in different locales with different vulnerable populations.

No stranger to working on the precipice of the personal and the professional, Marsha co-authored a co-parenting book (*Partnership Parenting*) with Kyle. When asked what it was like to write a relatively personal book—the couple share co-parenting anecdotes throughout—Marsha asserts that she and Kyle are “big believers in walking the talk,” and they share personal experiences in the book because “they are part of what make us the people and the professionals we are.” Drawing on their collective experience, they set out to write a book because they knew of many parenting books, “but no *co-parenting* books.” In a March 2016 interview with AFCC *eNEWS*, Kyle insisted that the book was Marsha’s idea. Marsha says her inspiration was simple: “Couples who are good co-parents together are happier couples.” She hopes the book inspires conversations between parents and helps them realize that “if they can co-parent, whether they are together or separated, it will enrich the lives of both parents and their children.”

Marsha is not only a prolific writer, but a reader, as well. When asked about the last great book she read, she answered immediately: “The Nightingale” by Kristin Hannah, a novel set in France during WWII that follows two sisters in the resistance. Marsha notes that she enjoys reading about resiliency and family relationships – “cheesy, but true.” She also enjoys hiking, especially where mountains and lakes meet, as it is where she feels “most peaceful.” You will also find her kayaking, watching professional or college sports (a devout hockey fan), and catching theater performances (no, she did not get Hamilton tickets, but hopes to). Marsha’s most beloved interest, however, is traveling. Recent adventures include camping under the stars in the Australian Outback, and taking the whole family to a waterfront cabin in Belize for snorkeling. Marsha fancies herself an amateur travel agent, and loves using her passion for research to help friends and family plan trips.

To know Marsha is to know a woman of great drive and greater equanimity, in spite of all of the time she spends balancing on the high wire. If you were fortunate enough to attend the annual conference in Seattle, you heard Marsha lay out her vision for AFCC: “Together, we can make family life stronger...and we can help children have two parents (or more!) who teach them the lessons of life...and we can ride those hills together.” And what a vision it is.



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Ask the Experts:

Top 10 Critical Issues in Child Development for Family and Juvenile Judges

Honorable Karen Adam

Honorable Ernestine Gray

Kirsten Lysne, PhD

Philip Stahl, PhD, ABPP

Family and juvenile court judges make important decisions in complex cases every day. These cases often involve substance abuse, mental health, family violence, and trauma. Before a judge can make an appropriate decision regarding custody, parenting time, reunification, child support, or relocation, she must also consider how the child will be impacted. Those decisions require knowledge of child development; most judges are not experts in the field nor have access to those with that expertise. Here are ten of the most important things every juvenile and family court judge needs to know to make informed and developmentally appropriate decisions in the best interests of children.

1. Child Development is Brain Development

Children develop in utero in predictable and organized ways, which it makes it possible to know, for example, at how many weeks into a pregnancy an ultrasound will allow us to determine whether the baby is a boy or a girl. In this same predictable way, development unfolds throughout childhood. Most of this development is based on the growth and maturation of the brain. As the child's brain develops, the child acquires new capacities in their thinking and navigation of their interpersonal world.

In family court, we understand that very young children are not mature enough to indicate their preferences about parenting plans. Often when it comes to school-aged children, however, parents argue that a child is "mature for their age" and should therefore have a role in decision-making. Children may be perceived as mature when they are intelligent or have particularly strong verbal skills. It is critical to remember, however, that despite intelligence, brain development takes the full span of childhood to evolve. No 9-year-old child can take the perspective of other family members nor consider the long term consequences of their actions in the way a 14-year-old child can, and neither can do so as well as a 17-year old child can.

2. Very Young Children have an Organized System for Using their Parents to Regulate Themselves, and We Must Protect this System.

Babies and toddlers cannot manage their bodies and emotions on their own; they require the responses of adults for every basic need. This includes the physical tasks of feeding and changing, but also the emotional and relational tasks of managing distress, soothing the body into sleep, and regulating the interplay of facial expressions and responses that become the foundations for emotional stability and interpersonal skills. The developmental task for infants and toddlers is to build a system of attachment to their primary caregivers that organizes how they will manage themselves by utilizing their interactions with each parent.

Divorce and separation can disrupt the systems that small children have built and are relying upon. This can be disorganizing for children and cause setback in their developmental progress. Our task as family court practitioners is to preserve the systems that small children have built. For children whose self-regulation system has developed in the context of shared care by both parents, a parenting plan should include frequent and abundant contact with both parents and prevent lengthy separations from either parent. For those children who have developed within a context of care by a single, primary parent, then the focus should be on minimizing lengthy separations from that caregiver. Once children are three or four years old, they can become less reliant on these internal co-regulation systems and more flexibly manage life in two homes.

3. The impact of exposure to violence and trauma is likely to be worse for infants than for older children.

Counterintuitive to most people's thinking, the baby in the crib may be more severely damaged than the 4-year-old, or 10-year-old, in the family. Yes, the older children hear and see what is going on, may be put into a protective role (e.g., calling the police, yelling at the abusive parent to stop, etc.) and may express fears, confusion, or sadness. And yes, the infant doesn't "know" what is going on and doesn't realize that violence or trauma is occurring. However, the infant's brain is affected significantly by all of the noise and negatively-charged emotions. The brain remembers what the brain experiences, and the impact on the developing brain is *huge*. Additionally, the older child can use words to help mediate the emotional response, whereas the infant cannot. When parents say that their infant wasn't harmed because the infant doesn't know what happened, judges can explain the opposite.

For a detailed and compelling explanation of these issues, watch the video, "First Impressions - Exposure to Violence and a Child's Developing Brain," available on www.youtube.com

4. Child development is always relevant in family law decisions and knowledge about child development can help judges better estimate a child's maturity level and the custodial wishes of the child.

Most state family law statutes do not specifically require consideration of child development factors in judicial decision-making concerning custody, relocation, parenting time, and child support. Instead, judges are directed to consider the best interest of the child, the child's needs, or the child's emotional and psychological wellbeing. It is hard to imagine how a judge can make decisions about best interest, needs, or wellbeing without knowing what is developmentally appropriate for the child. A parenting plan that would be perfect for a ten-year-old will likely be a disaster for a two-year-old, due to the developmental differences between the two children. Judges must recognize the importance of child development when crafting orders that can either enhance or hinder that development. By carefully reviewing statutory mandates for phrases such as best interests or wellbeing, a judge will find the authority to consider and apply child development principles in decisions about custody, parenting time, relocation, and child support.

In general, children are better served by having relationships with both parents, assuming both can support the child's health, safety and welfare. Recognizing that parents may have mastery of different parenting skills, all children need a predictable schedule that supports those relationships and takes into account their developmental and individual needs, and allows both parents to be involved in all important aspects of their lives. Children under age 3 may need more frequent transitions and shorter amounts of time with each parent, whereas children from 3-5 can begin to tolerate more time away from each parent. School-aged children can benefit even longer time away from each parent, while preserving those relationships in ways that utilize each parent's healthy parenting styles optimally. Finally, adolescents may want an increasing voice in those parenting plans.

A great resource is "Planning for Parenting Time: Arizona's Guide for Parents Living Apart" (2008).

5. The Rhythm of Parenting Time is as Important as the Quantity of Parenting Time

Often in family court, parents, attorneys and other adults focus on the quantity of parenting time allotted to each parent, when what matters most to a child, particularly a younger child, is the qualitative elements of the schedule, particularly the rhythm of transitions between their homes. A child's perception of a schedule that has 10 consecutive days with Parent A followed by 4 consecutive days with Parent B is vastly different from a schedule that has four 2-3 day spans with Parent A interrupted by 1-day contacts with Parent B, although each of these schedules include ten days with Parent A and four with Parent B. Adjustment of this rhythm is the simplest method of adapting the schedule to suit the developmental stage of a young child.

Younger children cannot carry within themselves their sense of comfort and relationship with others, so they need face-to-face contact with caregivers on a schedule that prevents lengthy separations. Older children and teens have developed this ability to carry the comfort of parental relationships within themselves and they are

developmentally able to use the technology of phones to supplement their sense of connection. Children of more mature ages need not transition between their homes as frequently because of this developmental advancement.

6. Parents with Certain Strengths and Capacities Can More Effectively Share Care

Jennifer McIntosh and her colleagues in Australia conducted several studies of parental overnights. Much of the discussion following the release of their findings in 2010 focused on the results indicating that multiple overnights with a non-primary parent are disruptive to the long-term development of very young children. Another substantial finding of these studies, which is often overlooked, is that particular capacities in parents allow them to more successfully share care in a manner that supports their children's development. Note that in this discussion, sharing care includes equally shared schedules (50/50) as well as unequal schedules that provide abundant care for both parents.

McIntosh and colleagues identified these capacities as forms of "equipment" that co-parents carry, and outlined them as follows.

Developmental Equipment includes the ability of parents to understand the child's developmental stage and to adapt their parenting plan to their child's capacities and stage. This factor trumps all others in predicting children's success in shared care.

Relationship Equipment includes positive relationships between each parent and the child as well as a cooperative and respectful relationship between the co-parents. It also includes having supportive, respectful relationships with both extended families. This factor is more predictive of children's outcomes than the number of overnights in each parent's care.

Socio-Economic Equipment includes living in geographic proximity to the child, and having adequate income and work flexibility to provide comfortable housing, and the ability to be present with the child.

Maintenance Equipment includes the ability of the parents to be flexible and responsive to the child's needs, and to have a business-like co-parenting relationship.

We, as professionals, are wise to urge parents to invest their time and energy in developing the equipment outlined above if they prefer to have abundantly shared parenting time.

Professor McIntosh, Professor Kline Pruett, and Dr. Kelly focusing on risk and protective factors that are critical for very young children, added more information on these issues in two articles on overnights with young children, published in *Family Court Review*, April 2014, suggesting how decision-makers can use these factors to ensure developmental and relationship success for young children.

7. Be mindful that children's statements may be influenced by both internal and external factors, and thus may not be reliable.

It's easy for judges to understand that parents may try to influence what their children say in family and juvenile court matters. What's more difficult to understand is the myriad of internal and external factors that may also contribute to children's suggestibility. Various external factors that increase the risk of suggestibility in children include, but aren't limited to:

- Question type – Open-ended questions are always preferable over forced choice, or yes/no, questions.
- Suggestive questions – Questions that imply a particular person caused them harm, such as, "When your daddy ...?"
- Source Monitoring – It's always important to ask children how they know something, i.e., did they see it or did someone tell them about it. Younger children are particularly susceptible to source monitoring problems.
- Repeated questions – Children respect adults and often think that if adults ask the same question several times, their previous answers are incorrect and they change their answer accordingly. Some interviewers then stop asking questions when they get the answer they want to hear, and that reinforces for the child that they got it right this time.

Various internal factors that increase the risk of suggestibility include, but aren't limited to:

- Age – Younger children are always more susceptible to being influenced by these external factors.
 - Emotions – Children might be ashamed, anxious, angry, scared, sad, or have other emotions that influence the nature of what they say.
 - Loyalty – Children are often influenced by loyalties that they feel toward one or both parents.
 - Failure to understand – Adults often use language that children, especially children under 5 years old, don't understand and they answer questions incorrectly because of it. Use language that is appropriate to the age of the child.
- 8. In domestic violence or abuse cases, when appointing an expert to conduct an evaluation, provide therapy, or serve in some other capacity, be certain that your expert understands the unique and necessary considerations in those cases.**

Many experts are knowledgeable and understand complexities associated with family and juvenile court matters. But not all experts are expert in the particular matter of *your* case. For example, if you are dealing with a family experiencing sexual abuse allegations, domestic violence allegations, or allegations of child alienation (or all 3), be certain that your expert has the appropriate knowledge and skills to use protocols

appropriate to the case.

For more information, see the recently completed AFCC Guidelines for Examining Intimate Partner Violence (2016) and the AFCC Model Standards of Practice for Child Custody Evaluation (2006).

9. What To Do When You're Not an Expert

Judges bring to the bench, and to their decisions, who they are and what they've experienced. Few judges are experts in neuroscience, child development, family systems, family violence, substance abuse, or behavioral health. The best judges learn as much as possible about those topics so that they can ask the questions that will lead to the evidence they need to make good decisions. It is the lucky judge who can rely on the testimony of a professional about a particular child and family. More often, judges learn from the parents, the child, or non-professional witnesses such as family members and friends. That is why it is critical that judges have a basic understanding of child development (and of the other topics noted above). If there is no expert available, the judge must advise the lawyers and/or litigants about what she will use to make her decision. If she has heard a speaker, read an article, or attended a training, and plans to rely on what she learned to make her decision, she should provide that same information to the lawyers and/or litigants so that they are able to respond.

10. Judges need to understand that trauma (e.g., from substance abuse, high-conflict divorce, neglect and abuse) can derail a child's development.

Trauma comes in many forms, and significantly increases the risk that a child's development will become derailed. Symptoms can take on many forms. Some are internalized symptoms, including, but not limited to failure to thrive, depression, fears, anxiety, lack of self-confidence, lack of initiative, lack of self-esteem, or academic difficulties. Others are externalizing, including, but not limited to bullying, temper outbursts, failure to respond to authority, or ADHD symptoms. These children often have somatic symptoms, as well, including but not limited to sleep problems, regressions in toileting, speech and language, facial tics, or simply holding the tension in their bodies.

With the limited time you have with the family, screening for these symptoms is important. Independent child lawyers and parents should be queried about any symptoms that the child is experiencing that are related to the experienced traumas so that remedies and interventions can be part of the overall court-ordered plans. Interventions can include, but aren't limited to: play therapy, yoga, group therapy, and perhaps medication. As described in #9, although judges aren't the experts and you may not have experts to help in a given case, your experience and training will help guide you in recognizing the symptoms, the traumas associated with those symptoms, and providing direction for appropriate interventions.

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