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AFCC Conferences

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AFCC 56th Annual Conference

The Future of Family Justice: International Innovations
May 29 - June 1, 2019
Westin Harbour Castle Hotel



AFCC 56th ANNUAL CONFERENCE



Save the Date!

Fall Conference
Integrating Research into Practice and Policy: The Impact on Families and Children
Oct. 31-Nov. 2, 2019
Omni William Penn Hotel

There is still time to register for the AFCC 56th Annual Conference in Toronto. Session topics include alienation and reunification, abuse, the voice of the child, and high conflict cases.

Still Time to Register!

Ask the Experts

Ten Lessons Learned from 100 years of Custody Evaluations

Philip S. Watts, PhD; Robert A. Simon, PhD; Philip M. Stahl, PhD, ABPP

The child custody evaluation literature is just over 30 years old. AFCC as an organization has sponsored biennial conferences since 1994 and recently held its 13th Symposium on Child Custody. We asked three custody evaluators with a combined 100 years of experience for their Top 10 lessons learned over the years.

Drs. Watts, Simon, and Stahl will present *If We Forget We Shall Repeat: Lessons from 100 Years in Custody Evaluations* at the AFCC 2019 Annual Conference in Toronto.

Read More

Registration is open for the AFCC-AAML Conference

Advanced Issues in Child Custody: Evaluation, Litigation, and Settlement
September 19-21, 2019
The Westin San Diego



2019 Conference on
Advanced Issues in Child Custody:
Evaluation, Litigation, and Settlement

An exceptional advanced-level training opportunity
sponsored by two premier family law organizations

AFCC's biennial joint conference with the American Academy of Matrimonial Lawyers returns to the sunny west coast in San Diego this year! Priority registration is now open for AFCC and AAML members.

Register Now!



AFCC Chapter Conferences

Australia Chapter Annual Conference

August 15-17, 2019
International Convention Centre
ICC Sydney
Sydney, Australia

Florida Chapter Annual Conference

September 26-27, 2019
The Florida Hotel & Conference
Center at the Florida Mall
Orlando, Florida

Maryland Chapter Annual Conference

September 27, 2019

Indiana Chapter Annual Conference

October 4, 2019
Indiana War Memorial Shoup
Hall
Indianapolis, Indiana

AFCC Resource of the Month

Guidelines to Court-Involved
Therapy



Association of Family
and Conciliation Courts

Guidelines for
Court-Involved Therapy

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See more AFCC resources

AFCC Webinar Corner

Registration is now open for the June webinar with Professor Andrea Schneider!



Negotiation Strategies for Family Law Professionals

Andrea Schneider, JD, Marquette University Law School

Thursday, June 13, 2019

1:00pm - 2:00pm Eastern time

Registration closes Wednesday, June 12, 2019 at 9:00am Eastern Time

This webinar will review typical negotiation styles used by lawyers in general and then focus on particular styles often used in family law context. The advantages and disadvantages of these styles will be reviewed, as well as skills and possible responses for diffusing the more aggressive/unethical tactics that can be faced.

[Register](#)

In the Courts

Last month, Senators Maggie Hassan (D-NH) and Susan Collins (R-ME) [introduced](#) the bi-partisan bill "Help Grandfamilies Prevent Child Abuse Act" (S.1181).

This bill would amend the Child Abuse Prevention and Treatment Act (CAPTA) to "include plans for prioritizing placement with kin as the first placement," which would allow grandparents, who often become the primary caregivers, better access to resources within and outside of the foster care system.



Read the bill text [here](#).

Photo by [Nikoline Arns](#) on [Unsplash](#)

Chapter News



Meet Jennifer Clapp, Massachusetts
Chapter President



Meet Marcy Pasternak, New Jersey
Chapter President

Spring Chapter Challenge

Congratulations to the Missouri Chapter for winning the AFCC Spring Chapter Challenge and a \$2,500 prize! This is the second challenge in a row won by the Missouri Chapter, which grew membership by the greatest percentage of any AFCC Chapter this year!

Family Court Review Writing Competition

The *Family Court Review* has selected winners for the 9th Annual Family Law Writing Competition.

First place winner: "Medical Legal Partnerships: How Legal Services Can Dramatically Improve Health Outcomes" by Rebecca Rubin from Fordham University School of Law.

Second place winner: "A Crisis of Faith: The Lawful Exclusion of LGBT Individuals from Publicly Funded Faith-Based Foster Care and Adoption Agencies" by James S. Beslity from University of Baltimore School of Law.

Both articles will be published in the October 2019 *Family Court Review*.

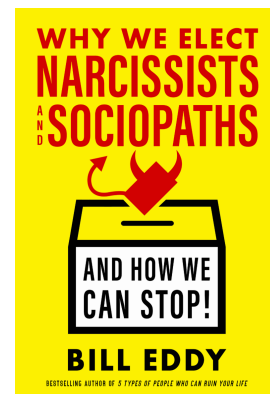
Congratulations to both winners!

Member News

Bill Eddy, AFCC member from San Diego, CA, has a new book released this month titled: *Why We Elect Narcissists and Sociopaths – And How We Can Stop!*

The book describes how dangerous, high-conflict personalities have gained power in governments worldwide--and what citizens can do to keep these people out of office.

The book will be available May 21, 2019. For more information, click [here](#).



Where In The World Is AFCC?



AFCC Immediate Past President Annette Burns, and her husband Jim Burns at the Kentucky Derby

Thank you to everyone wearing AFCC hats from around the world this year!

The best picture will be honored at the 56th Annual Conference in Toronto. Check out all the pictures on the [AFCC Facebook page](#).

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, case law and research updates, international news and the latest initiatives in family law and conflict resolution. The AFCC eNEWS is free and you do not need to be a member of AFCC to subscribe. [Subscribe here](#).

AFCC members are free to share eNEWS content.

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Ask the Experts: Ten Lessons Learned from 100 years of Custody Evaluations

Philip S. Watts, PhD; Robert A. Simon, PhD; Philip M. Stahl, PhD, ABPP

The child custody evaluation literature is just over 30 years old. AFCC as an organization has sponsored biennial conferences since 1994 and recently held its 13th Symposium on Child Custody. We asked three custody evaluators with a combined 100 years of experience for their Top 10 lessons learned over the years.

Drs. Watts, Simon, and Stahl will present *If We Forget We Shall Repeat: Lessons from 100 Years in Custody Evaluations* at the AFCC 2019 Annual Conference in Toronto.

1. Respect

In a child custody evaluation, it is very easy to get bogged down as to who is the cause of the problem and forget that both parents are thinking, feeling humans whose lives are going to exist well after the report is finished. Therefore, all aspects of the assessment process run a lot better if people feel respected when you interview them, and the report is written in a manner which demonstrates consideration of the person despite the flaws or problems, and accounts for the humanness of people. This allows the process of being an evaluator to be rewarding, minimizes people complaining about your report, and allows you to get the best quality information easily. Respected people are not defensive and are generally co-operative.

2. Care about Process, not about Outcome

The best evaluators are people who appreciate that it is not their job to win the case. That is the job of the attorney. The best evaluators also understand that it is not their job to decide the outcome of the case. That is the job of the judicial officer. The role of the court expert is to provide useful information which is truthful, objective, balanced and fair. When the family law community comes to realize that an evaluator operates objectively and with reference to standards of practice and guidelines the evaluator will find he or she gets more rather than less work. Hired guns who behave like advocates for parties have short-term success but lose their credibility in the long-term.



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3. Knowledge-Guided Practice

One of the most prevalent problems within the domain of child custody evaluation is politics where people's ideology around rights of men, rights of children, or the rights of women overtake the use of science and collective knowledge. In Australia when the legislation changed to require the court to consider shared-care as a starting proposition in assessment, many professionals immediately changed their recommendations. However, that should not have been the case if people were scientists basing their recommendations on the knowledge of child custody evaluation. A sensible practitioner is first and foremost a scientist and secondarily should engage in politics (if at all). The political arguments have caused a lot of in-fighting which has made a difficult job within the profession even harder. Best outcomes, both individually, and for the profession, come when people focus on what the science teaches and not what they personally believe is best. Opinions should change as knowledge changes, not when politics change.

4. But What Is "Science" And What Is "Empirical"?

The "scientific" approach to child custody evaluation which has been championed by many AFCC members is a significant improvement over previous child custody evaluation models. This is because the scientific model attempts to bring a systematic approach to the work, intellectual rigor to the work, and requires attention to the body of literature we have in the field. The scientific model also requires evaluators to show their work and demonstrate how they reached the conclusions that they reached rather than the "trust me, I'm a doctor" approach. However, the truth is that there is precious little real science in our field. We have little, if any, controlled studies in our literature that applies the classic scientific method. Much of our science is reached by analogy or extension of the work in area where a more rigorous scientific approach is possible. Some of what many call "science" is more learned thinking and treatises by respected voices in the field. Moreover, we have very little research that gives us a good sense of the efficacy of the various interventions that we may recommend and that the Court orders. The word "empirical" is used by many to give our field the appearance of being truly scientific. However, this word does not imply or require that information or conclusions be reached by the scientific method. In fact, "empirical" is defined as "based on, concerned with, or verifiable by observation or experience rather than theory or pure logic". Thus, rather than striving to be scientifically driven in our work, we ought to strive to be scientifically informed and guided in our process and analysis rather than requiring that there are actual experimental studies that support our assertions. If only that existed!



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5. No Room for Hubris

We must at all times remember a very simple but very important reality: When we do child custody evaluations and when we evaluate a family, we are officers of the court and of the state acting on people's private lives. Not only that, we are making decisions that impact the lives of other people's children. We are outsiders and interlopers. We are intruders into the family. There is no room for hubris, no room for arrogance, and no room to imagine that because we are educated, trained, experienced and smart, that we know better than anyone else. The best evaluators remain open, curious and aware of their limitations and the inherent limitations within the system that makes decisions that impact the lives of families for years to come. The best evaluators feel immensely RESPONSIBLE rather than feeling powerful and/or important.

6. The Work Requires Constant Learning

Being a child custody evaluator is a major commitment to a sub-specialty in the field of family psychology and forensic psychology. It requires a certain mind-set, it requires knowledge of a variety of fields within psychology (for example, family psychology, child development, conflict resolution, trauma, domestic violence, addiction, psychopathology, communication skills) and it requires extensive knowledge of the law, of legal procedure and of legal requirements for the work. Thus, ongoing multidisciplinary learning is not optional. Such learning is essential. Because the law changes and because psychological knowledge changes and evolves, ongoing learning throughout one's career is necessary. Also, this area of specialty is not one that people can simply "dabble" in. It requires a true commitment, desire and passion for the work.

7. Stay Curious

One way to show respect for the parents is to show your curiosity. If a parent tells you that something is important to her, ask her a series of questions to show you are trying to understand it. Ask why it matters. Evaluators typically know more than parents about research and child development, but we can't discount parents and their concerns. Honor their feelings, ask questions about why they believe what they do, regardless of what you think you know.



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When a parent requests supervised contact for the other parent, do not assume that parent is simply a restrictive gatekeeper. Be curious enough to consider that there is protective gatekeeping. When a parent seeks to move with the child to a location away from the other parent, ask how it might be helpful for the child, but also ask the tough question about how it might be harmful to the child. Always ask about critical areas of parent-child relationships to learn each parent's understanding of the child, her developmental needs, her moods, etc., even if not mentioned by the parents. Always ask critical questions about the co-parenting relationship, learning about the parents' ability (or inability) to communicate and make decisions on behalf of the children. Staying curious will reduce the likelihood of oversimplification.

8. Avoid Oversimplification

In his groundbreaking book *Thinking Fast and Slow*, Daniel Kahnemann identified two types of reasoning humans engage in, i.e., System 1 thinking which is relatively quick, almost robotic, and for which consequences of getting it wrong are low and System 2 thinking which is reflective, comprehensive, and used when the stakes of getting it wrong are high.

Brain surgery and piloting a jumbo jet require System 2 thinking, and we think child custody evaluations do too. Unfortunately, the human brain is wired to oversimplify complex issues, and there is little in the field of psychology that is more complex than family law, especially with allegations of domestic violence, refuse/resistance dynamics, children with special needs or of different ages, relocation, and many other complex issues.

Heuristics that lead to oversimplification include, but are not limited to anchoring, confirmatory bias, hindsight bias, and a failure to inquire in depth across a wide range of issues increases the risk of oversimplification. Remember that families have many issues, and just because the "case" is about domestic violence, relocation, or refuse/resistance (among others), it is critical to learn about all relevant parenting and co-parenting dynamics as a way to avoid oversimplifying. Three keys to avoid over-simplification include remaining curious, holding multiple hypotheses throughout the evaluation, and slowing down.



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9. Know what is and is not Relevant

Sometimes evaluators ask about issues that have no apparent relevance in the evaluation. Even worse, the irrelevant information takes up precious pages in the report detracting from the primary purpose of the assessment. Granted, we might not know what is relevant until we begin our evaluation, but most evaluations do not require us to waste precious time talking about a parent's educational background, finances (which are not in the expertise of a mental health expert), or other such issues. Just because an evaluation for child custody has been ordered does not mean we can go on a fishing expedition for useless information. Ideally, the court order which appoints the evaluator identifies the scope of the evaluation. Stay within that scope and gather in-depth relevant information about the issues identified by the court. Not only does it show respect for families and the court, but hopefully will reduce the overall costs of the evaluation.

10. The Boy Scout Oath

This topic can best be exemplified by most elements of the Boy Scout Oath. These include the aspirational goals of being Trustworthy, i.e., telling the truth, the whole truth and nothing but the truth, and acknowledging data that are inconsistent with our conclusions and recommendations; being Helpful, not in a clinical sense but helpful to the court with our analysis of the data; being Friendly, Kind, and Courteous, i.e., having respect for families and children; being Obedient and Loyal, i.e., adhering to Rules of Court, Guidelines, and Standards; being Brave, i.e., unafraid to describe the truth, including good and bad traits about strengths and weaknesses of parents; being Clean, i.e., managing our risk of biases, including implicit biases; and being Prepared, i.e., having the appropriate scientific mindset to approach the evaluation neutrally, with no preconceptions, developing and maintain multiple hypotheses, with a respectful, but investigative attitude, while sorting out the various truths within the family. We must also be prepared to understand the various risks of suggestibility for what we hear from children and be prepared to be fully transparent throughout the evaluation and litigation process. If we strive toward these aspirational goals, there is a likelihood that we will achieve the rest of these elements.



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Philip S. Watts is an Adjunct Associate Professor and a Forensic Psychologist who practises child custody evaluations in Perth, Australia. As a leading Australian practitioner in the area of child custody evaluation, he has been court expert in over 1,000 matters. Dr. Watts has a wide variety of interests, including addictions, sexual pathology, ethics in custody evaluation, and frequently advises on giving evidence in court. He is the author of six books including *Shared Care or Divided Lives*. He has been performing child custody evaluations for about 30 years.

Robert A. Simon, Ph.D. is an internationally recognized leader in forensic psychology consulting in the area of child custody disputes and family law. Based in San Diego, CA, and Maui, HI, Dr. Simon provides work product review, expert witness services and litigation support services to attorneys throughout the country on child custody matters. He also conducts child custody evaluations and child custody mediation in the states of California and Hawaii, where he is licensed. He trains judges, mental health professionals and attorneys on various forensic topics nationally and internationally. He is the co-author of the recently released book entitled *Forensic Psychology Consulting in Child Custody Litigation: A Handbook for Work Product Review, Case Preparation, and Expert Testimony* published by the American Bar Association. He has also published articles for academic journals such as the *Family Court Review* and the *Family Law Quarterly*. Dr. Simon is on the Boards of Directors of the Association of Family and Conciliation Courts, the World Congress on Family Law and Children's Rights, the National Council of Juvenile and Family Court Judges, a member of the Board of Fellows of the National Juvenile Justice Center, a past member of the Ethics Committee of the California Psychological Association, a past member of the Committee on Professional Conduct and Responsibility of the California Bar Association and a member of the Executive Committee of the California Bar Court. He serves on the editorial board of the *Family Court Review*. He has been performing child custody evaluations for about 33 years.

Philip M. Stahl, PhD, ABPP (Forensic) is a forensic psychologist in private practice, living in Maricopa County, AZ, who provides consultation and expert witness testimony in child custody litigation throughout the United States and North America. He conducts trainings throughout the United States and internationally for attorneys, child custody evaluators, and others working with high-conflict families of divorce. He is on the faculty of National Judicial College, teaching domestic violence to judges since 2000, and regularly speaks at state judicial colleges. Along with his teaching, Dr. Stahl has written extensively on high-conflict divorce and custody evaluations. He is the author of *Conducting Child Custody Evaluations: From Basic to Advanced Issues*, (Sage Publications, 2010) and *Parenting After Divorce, 2nd Edition* (Impact Publishers, 2008) and is co-author of *Forensic Psychology Consultation in Child Custody Litigation: A Handbook for Work Product Review, Case Preparation, and Expert Testimony*, (American Bar Association Section of Family Law, 2013). His most exciting project has been his newest book, written with his daughter Rebecca Stahl, JD, LL.M., titled, *Beyond the Law: What Children's Lawyers Need to Know to Represent Children in Dependency and Family Court*, published by the ABA Family Law Section in 2018. He has been performing custody evaluations for about 37 years.

April 11, 2019

Senators Hassan and Collins Introduce Bipartisan Bill to Support Grandfamilies Affected by Substance Misuse and Other Trauma

WASHINGTON – Senator Maggie Hassan (D-NH), a member of the Health, Education, Labor, and Pension Committee, and Senator Susan Collins (R-ME) today introduced the bipartisan *Help Grandfamilies Prevent Child Abuse Act* to better support kinship caregivers – the vast majority of whom are grandparents – who have taken over as primary caregivers for children exposed to substance misuse or other trauma.

A growing consequence of the opioid crisis is an increasing number of grandparents raising their grandchildren because the children’s parents overdosed or are absent due to substance use disorders. This bipartisan legislation would help address the unique challenges that face grandfamilies and all kinship families, including ensuring that these families are eligible for services under Child Abuse Prevention and Treatment Act (CAPTA) and providing support to meet the unique needs of children who have experienced trauma, including exposure to substance misuse.

“We must be there for the children whose parents have died or are absent because of their substance use disorder,” Senator Hassan said. “Largely due to the opioid epidemic, 2.6 million children are currently being raised by their grandparent – or other relatives or close family friends – without their parents in the home. This bipartisan bill will help ensure that these children get the care and support that they need to thrive.”

“As the opioid epidemic continues to devastate families across Maine, grandparents increasingly are being called on to become the primary caregivers of their grandchildren. Although this caretaker role can be a source of tremendous comfort and stability for families, it also presents several challenges,” Senator Collins said. “The *Help Grandfamilies Prevent Child Abuse Act* would provide grandparents access to important resources they need to help their grandchildren succeed.”

“In the midst of the opioid crisis, more and more grandparents and other older relatives are stepping in with little to no warning to raise children and keep them out of foster care,” said Jaia Lent, Deputy Executive Director at Generations United. “This legislation helps grandfamily caregivers access critical supports and services to help the children thrive.”

“It is estimated that more than 12,000 grandparents in New Hampshire are raising their grandchildren,” said MaryLou Beaver, Chair of the NH GrandFamilies Advisory Council. “The New Hampshire GrandFamilies Advisory Council has heard from a substantial number of Grandparent caregivers of a system that they find difficult to navigate, of not having anywhere to turn to help them find supportive services and resources, of the challenges of meeting the material needs of their grandchildren on limited incomes, and of children with mental and behavioral health issues that could not be addressed in a timely manner. It is imperative that grandfamilies have access to all the supports and services available inside and outside of the child welfare system to ensure that the children’s needs are met. We believe that Senator Hassan's bill will address some of the unique challenges they face and will help these families to thrive.”

The *Help Grandfamilies Prevent Child Abuse Act* would:

- Help to ensure that grandfamilies and all kinship families are eligible for services under the Child Abuse Prevention and Treatment Act (CAPTA).

- Provide additional support to these families to meet the unique needs of children who have experienced trauma, including being exposed to substance misuse.
- Call for specialized training to help kinship caregivers navigate the complicated supports and services they may be eligible for.

Last year, Senator Collins introduced the bipartisan *Supporting Grandparents Raising Grandchildren Act*, which Senator Hassan cosponsored and the President signed into law. Earlier this year, Senator Hassan met with grandfamilies in New Hampshire who have been impacted by the opioid epidemic and discussed how to strengthen child abuse prevention laws to better address the impact that the substance misuse crisis is having on young people and families.

The bipartisan *Help Grandfamilies Prevent Child Abuse Act* is also endorsed by the New Hampshire Children's Trust.

[Click here for more information on the bill and read the bill text here.](#)

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Meet Jennifer Clapp, New Jersey Chapter President

Jennifer Clapp is the founder of the law firm Clapp Family Law located in Wellesley, Massachusetts. She devotes her practice to all aspects of domestic relations litigation with an emphasis on resolving disputes in a constructive, conscientious, and effective manner. Jennifer has been an active participant in AFCC since she joined private practice, and, a Board Member of the Massachusetts Chapter of AFCC since 2010.





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Meet Marcy Pasternak, New Jersey Chapter President

Dr. Marcy Pasternak is a Clinical and Forensic psychologist who practices in Watchung, New Jersey. She obtained her doctoral degree in Clinical Psychology at Duke University and is licensed in NJ, NY, and VT. She holds the national credential for NCC AP Master's Addiction Counselor. Her special interests and areas of expertise include marital/family therapy, divorce therapy, parent coaching, reunification therapy, intensive family interventions for children who resist contact with a parent, and forensic evaluations for custody and parenting time, removal, grandparent visitation, risk assessment, focused evaluations, settlement-based evaluations, and personal injury. She often serves as a parenting coordinator, and is also an accredited divorce mediator. Dr. Pasternak has trained in collaborative law, and is a senior clinician at the Overcoming Barriers Camp for families in which a child refuses contact with a parent. Dr. Pasternak has served as a psychological expert in numerous counties in NJ, and is a Clinical Assistant Professor of Psychiatry at Rutgers NJ Medical School. She is a member of a number of professional organizations, and has given numerous workshops and presentations to the mental health and legal communities.

