



NEWSLETTER

Association of Family and Conciliation Courts

An international association of judges, counselors, court evaluators, mediators, and lawyers

Volume 4, Number 3
Fall 1985

Co-Editors, Stanley N. Cohen
Ann Milne

New Zealand Family Courts Focus on Counseling and Mediation

The Spring 1985 joint conference between 47 U.S. and Canadian AFCC members and an estimated 200 New Zealand Family Court personnel resulted in an increased understanding of the shared philosophies between countries and disciplines.

Specialization was introduced into the New Zealand Court System as the result of recommendations made by the 1976 Royal Commission on Courts. The District Court, the court of first instance, now divided into General, Family Trial, and Family Court specialty areas. In 1981, 18 Family Court Judges implemented a policy of assisting families in resolving disputes through the use of counseling and mediation services.

Parties may petition for a marriage dissolution following a two year separation based on irreconcilable differences. All applications for separation orders, and a majority of

custody, access, and guardianship disputes as well as applications for protection from domestic violence are referred to counseling by the Family Court Judge, Registrar, or Counseling Coordinator. The Counseling Coordinator, assisted by the Marriage Guidance Council of New Zealand, staffed by volunteers who donate 5 hours per week, provide counseling services to assist in the resolution of these issues. When counseling is completed the counselor advises the court of any understandings reached and the outstanding issues needing resolution.

Mediation conferences are chaired by the Family Court Judge. Legal counsel for the parties may be present upon request of the parties. A record is kept of the mediation conference setting forth agreements, consent orders, and unresolved matters. Apart from the record of agree-

ments, all matters discussed during the mediation conference are deemed confidential. The judge who chairs the mediation conference does not typically preside over any ultimate litigation.

The Family Court Act of 1980 states that Family Court proceedings shall be conducted in such a way to avoid unnecessary formality, and neither the judge nor legal counsel shall wear wigs or gowns. Most judges conduct dissolution hearings by personally questioning the parties while legal counsel take a less active role in the proceedings.

Participants in this first inter-continental exchange were left with a greater appreciation of the multi-cultural traditions of counseling and mediation services. We look forward to renewing our many friendships and a continued dialogue.

AFCC Receives California Mediation Planning Grant

AFCC has been retained by the Judicial Council of California to prepare an advance planning document for the implementation of Chapter 893, AB2445. This legislation, enacted on behalf of the California Chapter of AFCC, acknowledges the significant changes in the area of family law in recent years, including joint custody and mediation, and the need for a state wide coordination of the application of these laws, a statistical reporting system regarding family

law matters, ongoing training for family law professionals and an evaluation of the effectiveness of present law. AFCC President Tim Salius and Technical Assistance Co-director Patrick Phear met with Administrative Office Staff and others in August to discuss needs unique to individual California counties. This exciting project highlights the expertise offered by AFCC in assisting various jurisdictions with the development and implementation of

legislation and court programs in the area of family law.

Last Newsletter for Unpaid Members

Although membership renewals are far ahead of previous years, this will be the last Newsletter sent to members who have not paid their 1985 dues by October 1, 1985. This extends the usual June cutoff date. Unpaid members will not receive the Conciliation Courts Review and will miss out on news of upcoming conferences. Renew Now!

AFCC Conference--December 12-14, 1985

AFCC's midwinter conference will return to the popular Vacation Village Resort in San Diego, December 12-14, 1985. The theme CHILDREN, DIVORCE & SOCIETY - AN INTERNATIONAL PERSPECTIVE will continue

AFCC's tradition of bringing together experts in the field of domestic relations. Joan Kelly, co-author of Surviving the Break-up will be the featured presenter at the Public Forum. Workshops and

panels will address judicial alternatives to litigation, custody evaluations, child abuse, mediation techniques and parental kidnapping. See coupon below for conference registration information.



Member Profile

AFCC members agree that Anthony "Tim" Salius has a winning way about him. Tim is AFCC's first President to be elected to a second term of office. When Tim was elected to office in 1984 he established several priorities for the Association including the implementation of a technical assistance program and increased member participation in AFCC activities. Under Tim's guidance the Association has provided technical assistance to several courts and recently received a planning grant to assist California with the implementation and development of recent family law reforms. Tim has a Master's Degree in Counseling from Southern Connecticut State University and has been Director of Connecticut Court Services since 1973. He is responsible for juvenile, family, and child support programs and supervises 600 employees in the Connecticut state-wide system. He was recently appointed to the Governor's Commission on Child Support and the Governor's Commission on Family Violence. Tim resides in Harwington with his wife, Diane, and two sons, Chris, 18, and Scott, 14. He enjoys jogging, golf, and coaching his son's football team. We're lucky to have Tim's able leadership for another year. Keep up the good work.

HOTEL REGISTRATION:



VACATION VILLAGE

A Princess Cruises Resort

P.O. BOX 9509

SAN DIEGO, CALIFORNIA 92109-0183

NAME _____
 STREET _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 ARRIVAL DATE _____ DEPARTURE DATE _____
 AMOUNT DEPOSIT ENCLOSED \$ _____ NUMBER IN PARTY _____
 TYPE OF ACCOMMODATION _____

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

DATE OF MEETING: December 12-14, 1985

RATES: Single: \$72.00 Double: \$72.00
 Suites: Cottage \$150.00 Village: \$175.00 Executive \$175.00
 Add'l Person: \$6.00

ALL RESERVATIONS RECEIVED AFTER November 13, 1985

WILL BE ON A SPACE AVAILABLE BASIS AND

THE GROUP RATE MAY NOT APPLY.

(IT IS OUR POLICY TO CHARGE FOR EARLY CHECK OUTS.)

POST/PRIOR CONVENTION RATES: SAME

WOULD YOU LIKE RENTAL CAR INFORMATION? _____

Deposit refunded only if hotel is notified 48 hours before arrival.
 Please advise us of late arrival. All rates subject to 7% Room Tax.

FIRST NIGHT ROOM DEPOSIT REQUIRED WITH RESERVATION
 Check in time - 4:00 p.m.

CHILDREN, DIVORCE & SOCIETY - AN INTERNATIONAL PERSPECTIVE

CONFERENCE REGISTRATION:

MIDWINTER CONFERENCE OF THE ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Vacation Village Hotel
 Mission Bay, San Diego, CA 92109

December 12-14, 1985

Complete this form, send with check payable to 1985 Midwinter Conference Association of Family and Conciliation Courts, Murray Bloom, Director, San Diego Conciliation Court, 210 West Ash Street, San Diego, CA 92101.

Hotel reservations must be made directly to Vacation Village Hotel.

REGISTRATION FEES:

Member \$100
 Non-member 125
 Spouse or guest 50
 Student 50
 (With photocopy of current ID)

Name _____ Degree or License _____

Address _____

City _____ State _____ Zip _____

Amount enclosed _____

Fees include Friday luncheon

UPCOMING EVENTS OF INTEREST

- November 1-2, 1985 Custody Mediation Training
Richmond, VA
Contact: Center for Mediation Training
and Consultation
4139 Rosalie Street, Suite 100
Winston-Salem, N.C. 27104
(919) 760-0351
- November 4-6, 1985 "Transcultural Family Processes:
Discovering Connections and Communications"
Ohio State University College of Social Work
and the Transcultural Family Institute
Hilton Inn, Columbus, OH
Contact: Transcultural Family/Dept. Conferences
2400 Olentangy River Road
Columbus, OH 43210
(614) 422-8571
- November 6-9, 1985 NASW Symposium "The People, Yes!"

Hyatt Regency, Chicago
Contact: NASW
7981 Eastern Avenue
Silver Spring, MD 20910
- November 7-10, 1985 Family and Divorce Mediation Training
New York
Contact: Haynes Mediation Associates
1180 Avenue of the Americas
New York, NY 10036
(800) 782-1212
- November 7-11, 1985 "Divorce and Child Custody Mediation"
Family Mediation Council of Western
Pennsylvania Training Seminar University Inn -
Oakland, Pittsburg Contact: Trudy Grotzinger,
Executive Director
3140 Pioneer Avenue
Pittsburgh, PA 15226
(412) 621-0819
- November 14-17, 1985 Introductory Mediation Training Program
Chicago, IL
Contact: Center for Mediation Training
and Consultation
4139 Rosalie Street, Suite 100
Winston Salem, NC 27104
(919) 760-0351
- November 15, 1985 "Financial Considerations for Divorce Mediators"
Wisconsin Association of Family and Divorce
Mediators Fall Seminar
Madison Midway Motor Lodge
Contact: WAFDM
P.O. Box 11612
Milwaukee, WI 53211

- November 15, 1985 "Custody Issues in Individual and Family Treatment: The Practitioner's Responsibilities and Dilemmas"
Isolina Ricci
Palo Alto, CA
Contact: New Family Center
210 California Avenue, Suite K
Palo Alto, CA 94306
- November 18, 1985 Successfully Marketing Your Mediation Practice
Chicago, IL
Contact: Center for Mediation Training and Consultation
4139 Rosalie Street, Suite 100
Winston-Salem, NC 27104
(919) 760-0351
- December 12-14, 1985 AFCC Midwinter Meeting "Children, Divorce and Society - An International Perspective" Vacation Village, San Diego, CA
Contact: Murray Bloom
Conciliation Court
210 W. Ash Street
San Diego, CA 92101
(619) 236-2681
- December 12-15, 1985 Family and Divorce Mediation Training
New York
Contact: Haynes Mediation Associates
1180 Avenue of the Americas
New York, NY 10036
(800) 782-1212
- February 10-11, 1986 "Custody Issues in Psychotherapy: A Comprehensive Look at the Therapist's Responsibilities and Dilemmas"
Isolina Ricci
New Otani Kaimana Beach Hotel, Honolulu, HI
Contact: New Family Center
210 California Avenue, Suite K
Palo Alto, CA 94306
- February 12-13, 1986 "Special Advanced Mediation Training"
Isolina Ricci
New Otani Kaimana Beach Hotel, Honolulu, HI
Contact: New Family Center
210 California Avenue, Suite K
Palo Alto, CA 94306
- May 21-24, 1986 AFCC Annual Meeting
"Creating New Partnerships in Serving Families"
Copley Plaza Hotel, Boston
Contact: Tim Salius
28 Grant Street
Hartford, CT 06106
(203) 566-8187

Announcements of upcoming events of interest to AFCC members should be sent to Newsletter Editor Ann L. Milne, 314 E. Mifflin Street, Madison, WI 53703, (608) 251-0604.



Association of Family and Conciliation Courts • Publication Order Form

FILMS/VIDEO TAPES

Custody Resolution Counseling: Designed for training counselors in mediation techniques for family disputes concerning custody and visitation. Color, 45 minutes. Rental-\$40/5 days; Purchase-\$130.

A Family Affair: Designed to inform judges and other professionals of the legal remedies and implications regarding child abuse. This film is a gold medal winner. New York International Film and Television Festival (1982), First Prize winner, American Film Festival (1982) in its category. Gold Medal, National Council Family Relations (1983). Available in 16 mm or video cassette through VISUCOM Productions, Inc., 1255 Veterans Blvd., Redwood City, CA 94063. Rental-\$60/3 days; Purchase-\$450.

You're Still Mom and Dad: A sensitive portrayal of the issues of Joint Custody. Designed for parents, professionals, and others who wish to understand and implement this post-divorce parenting plan. Color, 38 minutes. Video Cassette: Rental-\$40/5 days; Purchase-\$100.

From This Day Forward: Three successfully mediated couples from a variety of backgrounds participate in an intensely personal discussion about their expectations, anxieties, resentments and misconceptions about divorce mediation. Each couple examines its past relationship, their modification during mediation and the rearranged parental relationship with their children.

For use in mediation orientation for clients and mediation training for family therapists, judges, lawyers and social workers. Previewed at the 1984 AFCC mid-Winter conference - Scottsdale. Color, 31 minutes; various video-tape formats. Available through Dr. Robert Klein, 120 Vassar SE, Suite 1-B, Albuquerque, NM., 87106. (505) 268-0022.

PUBLICATIONS

Joint Custody and Shared Parenting: Edited by Jay Folberg, Past President AFCC and Professor of Law at Lewis and Clark College, this book provides the reader with a compilation of writings that cut across the disciplines of law, social work, family therapy, and psychology. It presents a balanced debate on a sometimes volatile and difficult issue. The book's interdisciplinary approach enables judges, social workers and family therapists to benefit from its material. Royalty proceeds have been donated to AFCC by Jay Folberg. This book ordinarily is \$25. AFCC has a limited number available for purchase @ a 10% discount (\$22.50).

Guidelines for Establishing a Court Connected Counseling Service: A manual written for courts and individuals with helpful information regarding how to establish a court connected counseling service. \$2.00.

My Mom and Dad Are Getting a Divorce: Written by Florence Bienenfeld, an AFCC member and conciliation court counselor in Los Angeles, this colorfully illustrated book appeals to children whose parents are going through divorce and assists parents in understanding their children's feelings. Available for \$3.95 plus \$1.25 postage and handling from Changing Times Education Service, Division of EMC Publishing, 300 York Avenue, St. Paul, MN 55101, (800)328-1452.

Divorce and Family Mediation: History, Review, Future Considerations: A monograph, published in the December, 1982 issue Conciliation Courts Review. This 45 page article presents a well researched history of the development of mediation in the field of divorce. \$2.00 each. Orders of ten or more, \$1.50 each.

Divorce Mediation Final Report: The findings of this AFCC sponsored project is now available in a bound volume. The project was under the direction of Dr. Jessica Pearson. The findings are presented in eleven extensive reports and is an important contribution to the field. Copies are available for \$25.00 by contacting Dr. Jessica Pearson, 1720 Emerson Street, Denver, CO 80218; (503) 387-1555.

PAMPHLETS

Parents Are Forever: Internationally acclaimed pamphlet used by Conciliation Court staff, family courts, lawyers, counselors and mediators to assist families in the divorce process. Pamphlet addresses custody and visitation issues and assists parents in using the divorce experience as an opportunity for growth.

An Important Message to Step Parents: This pamphlet provides guidelines that will assist the blended family in working together.

Joint Custody: A New Way of Being Related: This brochure provides guidelines for parents considering joint custody of their children and suggestions for what to include in a joint custody agreement.

Twenty Questions Divorcing Parents Ask About Their Children: This brochure answers 20 of the most commonly asked questions about how to help children adjust to divorce, such as "How can parents prepare children for divorce?" and "What kinds of things are especially damaging to children?"

Is Mediation for Us: This brochure has been developed to provide basic information about the use of mediation in resolving family conflict. Presented in a clear and concise manner, this pamphlet describes the mediation process to the potential consumer.

THE FOLLOWING MATERIAL IS AVAILABLE DIRECTLY THROUGH AFCC

	<u>Cost @</u>	<u>Total Number</u>	<u>Price</u>
<u>VIDEO TAPES</u>			
Custody Resolution Counseling: Rental-\$40/5 days Purchase-\$130		_____	_____
You're Still Mom and Dad: Rental-\$40/5 days Purchase-\$100		_____	_____
<u>PUBLICATIONS</u>			
Joint Custody and Shared Parenting/Folberg	\$22.50	_____	_____
Guidelines for Establishing Court-Connected Conciliation and Mediation Services	2.00	_____	_____
Divorce and Family Mediation: History, Review and Future/Brown	2.00	_____	_____
1984 AFCC Annual Conference Syllabus (Denver)	8.00	_____	_____
1984 AFCC Mid-winter Conference Syllabus (Scottsdale)	8.00	_____	_____
<u>PAMPHLETS</u>			
"Parents are Forever"	\$.20	_____	_____
"An Important Message to Step Parents"	.20	_____	_____
"Twenty Questions Divorcing Parents Ask About Their Children"	.20	_____	_____
"Joint Custody: A New Way of Being Related"	.20	_____	_____
"Is Mediation for Us"	.20	_____	_____

(Pamphlet Orders over 1,000 -- \$.15 each)

POSTAGE INCLUDED IF ORDERS ARE PREPAID

NAME _____
 ADDRESS _____

 PHONE _____

Checks payable in U.S. funds to:
 ASSOCIATION OF FAMILY AND
 CONCILIATION COURTS
 c/o OHSU, Dept. of Psychiatry
 Gaines Hall, Room 149
 3181 SW Sam Jackson Park Road
 Portland, OR 97201
 (503) 220-5651

Legislative News

California - Effective July 29, 1985, AB100, written and sponsored by the California Chapter of AFCC, authorizes mediators and evaluators to request the appointment of an attorney for the child in any contested custody or visitation matter. The legislation allows Family Court Services Staff to seek intervention on behalf of a minor whenever it appears that the parents are unable or unwilling to address the child's needs and removes any impediments to such requests due to confidentiality provisions. Chapter 893, AB2445 will provide approximately \$600,000/year for the coordination of family court services, a uniform statistical and reporting system and training and education. Fees in the amount of \$3:00 each for copies of divorce decrees and marriage licenses have been earmarked for these services. AFCC members, Hugh McIzsaac and Mae Ames, lent their expertise to this legislative effort and AFCC has been selected to provide a preliminary planning report for implementation of the bill.

Florida - House Bill 756, to create standards for certification, renewal and discipline of mediators under the "Florida Family Mediation Practice Act" was defeated in committee. Senate Bills 1028 and 1037 attempting to establish similar certification provisions for mediators were also defeated in committee. It was felt that more time and thought was needed before such legislation could be effective.

Kansas - Senate Bill 33, effective July 1985, allows the court to appoint a mediator in contested child custody and visitation matters. The statute defines criteria for appointment of a mediator, the duties of the mediator, and conditions for termin-

ation of mediation. The mediation process is deemed to be confidential except where disclosure of information is required by law and holds that communication between the participants is privileged. The costs of mediation are to be shared by the parties in an equitable fashion.

Maine - Maine Public Law 1983, Chapter 813, effective July 1984, requires separating or divorcing parents of minor children to attempt mediation of any issue in dispute. The Court Mediation Service began in 1977 as an experiment in several Maine courts by providing voluntary mediation of small claims disputes. As a result of the new legislation, the Court Mediation Service has expanded from 12 to 44 part-time mediators working in all of Maine's District and Superior Courts and handles the domestic relations mediation for the state. Attorneys are precluded from serving as court mediators. The new law also removes references in the statutes to sole custody, joint custody, and visitation rights and instead describes the elements of parental rights and responsibilities such as primary physical residence, parent-child contact, support, education, medical and dental care, religious upbringing, and travel boundaries and expenses.

Wisconsin - A special Committee on Custody Arrangements was appointed by the Legislative Council to study the use and effectiveness of joint custody and the implementation of mediation services to assist parents in resolving custody and visitation disputes. The Legislative Council draft WLCs 210/5 creates definitions for sole and joint legal custody and replaces the concept of visitation with "periods of physical placement." The draft also permits the court to order joint legal custody in

instances where only one parent is requesting joint custody and creates new standards for post-judgment changes in legal and physical custody. The proposed legislation would require every county to make mediation services available to assist in the resolution of custody disputes and would require contesting parents to attend an initial mediation session to assess the appropriateness of mediation.

Miscellaneous Notes

Jay Folberg, former AFCC Executive Director and Past President, will be a visiting professor at the University of Washington Law School in Seattle during the 1985-86 school term. He will be teaching a new course in dispute resolution. Jay can be reached at the University of Washington School of Law, Condon Hall, Seattle, WA 98105 (206) 543-7002

Joan Massaquoi, ACSW has assumed the position of Director of the Marriage and Counseling Service of the Circuit Court of Cook County, Illinois. Marion Holtzer has been hired as Assistant Director.

Tom Bishop and Patrick Phear provided 35 hours of mediation training for the Connecticut staff; Paul Casperson and Ann Milne presented a two day program on increasing parental participation in custody evaluations.

Dr. Isolina Ricci, provided a 1 day Advanced Family Mediation Seminar on September 20, 1985 in Oregon City, Oregon. The seminar was sponsored by the Clackamas County Family Court Service. It was attended by public and private sector mediators at the invitation of F. Nolan Jones, Director of the court service. Dr. Ricci demonstrated the cases of confluent mediation - a blend of therapeutic and educational intervention within mediation.

AFCC Chapter News

Arizona - Murray Bloom, Chapter and Regionalization Chairperson, will be meeting with AZ affiliate chapter members in October to assist with the completion of requirements for obtaining full chapter status.

California - Guided by Past-President Hon. Leonard Edwards of Santa Clara County and President Wallace Beasley, Fresno County, the California Chapter has been actively working on legislation to improve family court matters. The California Chapter has employed a lobbyist to assist with the enactment of legislation including a provision to allow custody mediators and evaluators to seek the appointment of legal counsel for minors in contested custody and visitation matters and the implementation of Chapter 893, AB2445 to provide a state wide coordination of family law legislation and a statistical reporting system. It is estimated that AB2445 will provide \$600,000/yr through court document fees. These funds will be earmarked for family court programs.

Florida - interest in the development of an AFCC Chapter in Florida is increasing. Staff from the

13 court-connected services will be meeting November 8-9 in Orlando to discuss common issues and to explore interest in an AFCC chapter. Recent legislative efforts in the area of mediation will also be discussed. For further information contact Ailene Hubert, Family Mediation/Conciliation Program, 507 SE 6th Street, 2nd Floor, Ft. Lauderdale, FL 33301 (305) 765-4012.

Kansas - Judge Herbert Walton, District Judge of Johnson County, Kansas has contacted AFCC to inquire about a Kansas Chapter. Kansas' recently enacted mediation legislation has prompted considerable interest in the development of public and private services for divorcing families. Individuals interested in assisting with an AFCC Chapter may contact Judge Walton at the Johnson County Courthouse, Olathe, Kansas 66061, (913) 782-5000.

Northwest Regional Chapter - Fifty AFCC members from Washington, Oregon, Idaho, Alaska, Hawaii, and British Columbia met during the annual meeting in Vancouver to confirm their intent to proceed with the development of a regional chapter.

Alice Thomas, organizational committee chair, reports that a slate of officers being sought and a further planning meeting will be held during the San Diego conference. Ms. Thomas can be reached at the King County Family Court, Room W-364 Courthouse, Seattle, WA 98104 (206) 583-4674.

AFCC Members Participate in Academy Conference

The Academy of Family Mediators held its second annual conference July 17-20, 1985 at Dominican College, San Rafael, California. The successful conference included many AFCC presenters and participants. Steve Erickson, Center for Mediation Training and Consultation, Edina, Minnesota was elected Academy President and AFCC Board Member Lois Gold was selected President-elect. Academy membership requirements have been revised to allow for an Associate membership with an equivalency of training and experience in lieu of a law degree or a master's degree in the behavioral sciences. Nancy Thode has assumed the responsibility of Executive Director from Ray Fowler. Ms. Thode can be reached at P.O. Box 4686, Greenwich, CT., 06830, (203) 629-8049.

The Oregon Health Sciences University
Association of Family and Conciliation Courts
Department of Psychiatry
Gaines Hall, Room 149
3181 S.W. Sam Jackson Park Road
Portland, Oregon 97201

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Portland, Oregon

A MILNE
314 E MIFFLIN ST
MADISON WI 53703

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The AFCC Newsletter is published four times a year - January, April, July, and October. News items should be sent by the 15th of the month preceding publication to Newsletter Editor, Ann L. Milne, 314 E. Mifflin Street, Madison, WI 53703, (608) 251-0604.
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