

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

Volume 10, Number 3 Summer 1991 Editors: Ann L. Milne Rebecca Greenlee



# **AFCC Commemorative Poster**

This limited edition commemorative poster, "Children On a Swing," will be available for purchase during the Southwest Regional Conference. The artist, Catalina, comes from a family of artists. Her father, Anthony Quinn, is an actor and accomplished painter and sculptor. Her maternal grandfather is the legendary film director Cecil B. DeMille. Catalina will be available at the conference to sign the posters. Signed posters may be purchased for \$20 at the conference ONLY. Unsigned posters will be available for purchase through AFCC at \$30, plus shipping and handling.

# Through the Eyes of the Child

# September in Albuquerque

Mark your calendars, **September 5–7, 1991**, for the best AFCC Regional Conference to hit the Southwest! Be prepared not only to update your professional knowledge in the area of children's issues in family law, but also to get acquainted with your long, lost inner child.

The conference theme, DIVORCE: THROUGH THE EYES OF THE CHILD, will focus on innovative methods for interviewing and assessing children in custody evaluations. Featured presenters include Sam Roll, Ph.D. and Bruce Williamson. Dr. Roll developed the Primary Attachment Structured Interview, utilized in custody assessments. He is an accomplished researcher with over 75 published articles. Bruce Williamson has gained a reputation as a dynamic, entertaining and inspiring teacher. He is currently working on his latest book, It's Never Too Late to Have a Happy Childhood (A Field Guide for Grown-ups). Joel Tenenbaum, a pioneer in the drafting of a Bill of Rights for Stepparents, will present a workshop about the future of family law as it relates to stepparents. Conference participants will hear about a new, multi-disciplinary approach to co-mediation and listen to children and adolescents speak about their frustrations with the divorce process and their suggestions for a better future.

Tour New Mexico's wonderful state capitol, Santa Fe, and the ancient "Sky City" at Acoma Pueblo. Reap the harvest of the best green chili crop in the Southwest—eat your heart out Texas!

Whatever strikes your fancy—EXPERIENCE IT IN NEW MEXICO AT THE 1991 AFCC SOUTHWEST REGIONAL CONFERENCE!

For further information contact: Debra Miller, Conference Coordinator P.O. Box 424 Albuquerque, NM 87103-0424 (505) 841-7409

Hotel Information: Albuquerque Marriott 1-800-552-6727

## Message From The President

My friend, and AFCC immediate past president Russ Schoeneman, is a hard act to follow. But as my presidency begins, many of the visions that Russ had for AFCC are still a part of our agenda.

Your Executive Committee and Board of Directors have dedicated a focus on membership in the year to come. We're supporting the enhancement of the staff of our hard-working Executive Director's office as a way of making more service available to members. We're also going to give some real energy and organization to membership outreach. Those are just two of the ways we hope you'll see our commitment to the essence and strength of this organization, as well as to its growth.

Our Pittsburgh conference was a great success. There were some wonderful new perspectives, as well as the joy of seeing old friends in "Judge Kaplan's neighborhood."

One of our new friends, Judge Salvador Mule, President of the National Council of Juvenile and Family Court Judges, accepted Judge Kaplan's invitation to join us in Pittsburgh. He was like a member of the AFCC family. I have accepted his invitation to attend the NCJFCJ's conference in Rapid City, SD in July. Betty Lindquist, an AFCC member from Illinois, will join me in strengthening this liaison.

Finally, one of the things you notice from this perspective, is that AFCC members are busy people. As Linda Hahn, AFCC's Treasurer, says, "We wouldn't be who we are if we weren't busy." We're grateful that you find the time to share who you are with AFCC. Maybe you could drop the newsletter editor a line about what you're doing!

See you in Albuquerque!

### AFCC Members Attend Stockholm Conference

Immediately following AFCC's annual conference in Pittsburgh, approximately 20 AFCC members traveled to Stockholm, Sweden to attend the Swedish National Board of Health and Welfare and the Stockholm Counseling Bureau's conference "Working with Divorcing/Separating Parents: Legal and Methodological Aspects." AFCC members from Canada, Great Britain, Denmark and the US joined others from Norway, Israel and of course our wonderful host country, Sweden.

The conference covered legal aspects and methodology in working with mediation, conciliation and research in a mixture of plenary sessions, seminars and discussion groups. The theme appropriately followed that of the Pittsburgh meeting, "Bridging Our Disciplines" since the Stockholm meeting allowed participants to "bridge" cultural and national differences in presentations and discussions of the handling of family problems in various countries.

A social program included a boat cruise on the Baltic Sea through the Stockholm archipelago and a formal reception at the Stockholm Town Hall, the site of the Nobel Peace Prize banquet. (And yes, Swedish smorgasbords are everything they're cracked up to be!)

Words like wonderful, magnificent and beautiful do not adequately convey the setting of the conference and the exceptional hospitality of our host group. If you weren't there, you really missed something!

Submitted by Russell Schoeneman, Immediate Past President

### **Competency Based Testing for Mediators**

Christopher Honeyman, a labor mediator and arbitrator with the Wisconsin Employment Relations Commission, is spearheading a national task force addressing the issue of competency based testing for mediators. These efforts are based on the premise that there is a basic core of skills needed by mediators in all types of dispute resolution settings and that these skills can be identified and evaluated. The task force is currently working to obtain financial support through grants and foundations to develop an assessment technique.

AFCC and its membership has been asked to give feedback regarding the value of such an evaluation and how it could be used most effectively. Diane Bryner, AFCC Mediation Committee Chairperson, is serving on the task force and would like to hear your thoughts on whether you see a need for an assessment technique that could be used for the selection and hiring of mediators and/ or the development of an instrument for the evaluation of experienced mediators for certification purposes. The task force will be meeting again at the SPIDR conference in October. Diane Bryner can be contacted at the Arlington Court at (703) 358-3742.

The AFCC Newsletter is published four times a year in January, April, July and October. News items should be sent by the 15th of the month preceding publication to Newsletter Editor, Ann L. Milne, 329 W. Wilson Street, Madison, WI 53703, (608) 251-4001.



### Hon. Susan Snow

Hon. Susan Snow has been active in AFCC since her first conference in Vancouver, BC Canada in 1985. It was "love at first sight" for this family court judge. Susan not only came to AFCC with a multi-disciplinary bent, having attended seminars on the "Interface of Law and Psychotherapy," but continues to enlarge upon it. She has been trained as a divorce mediator and encourages other judges to learn more about the process. She is regularly involved in judicial education projects in her home court in Chicago and the Illinois state judicial education system. Her focus is on bringing as much of the awareness of, and sensitivity to, the nonlegal concerns of the family court proceedings as she can.

Susan has been on the bench for the past ten years. She is currently serving as a Preliminary Judge where she hears preliminary motions, pre-trials and assigns cases. Prior to her appointment to the bench, Susan practiced law with her father for eight years. She graduated from IIT–Chicago Kent Law School and was the first woman president of a graduating class.

For the past several years, Susan has served as a trained intervenor in the Lawyers' Assistance Program of Illinois. This is a peer assistance group for alcoholic or chemically dependent lawyers and judges in Illinois. She is the first recipient of the Chicago Bar Association's Golden Gavel Award, given to a judge with less than five years on the bench. She is also the recipient of the Crystal Heart Award, given by the Cubs Wives for her work with domestic violence. She is a member of the Academy of Matrimonial Lawyers.

Public speaking and training are naturals on Susan's professional agenda as she started her working life as a high school teacher of Russian and English. She is still fortunate enough to see hundreds of high school students each year as they tour her courtroom.

Away from the courthouse, you'll most likely find Susan working in her garden or maybe relaxing with "piles of books." There is that special, very significant guy, Bill Erickson, who is always a part of her plans.

For Susan, AFCC has been a way of weaving together both the substance and spirit of what she's all about. Her goal as our President is "to hold the vision" of AFCC and to show it to others.

AFCC is honored to have "Her Honor" as our President for this next year.

## Do We Understand Each Other? The Use of Court Interpreters

Court interpreters provide necessary links for non-English speakers and a fair court proceeding also requires that courts fully understand the non-English speaker. Many Family Court Services clients who speak a foreign language or have hearing impairments enter programs bewildered and are unable to take full advantage of available services. Unfortunately, qualified court interpreters are in short supply according to the National Center for State Courts. In response to requests for information, the National Center prepared a memorandum to assist states in putting together guidelines for court interpreters. The report covers guidelines and gualifications for court interpreters in New Jersey, Massachusetts, New Mexico, Arizona, and the federal courts, and includes information on codes of conduct and ethics for court interpreters.

According to Honorable Heather K. Van-

Nuys and Joanne I. Moore, in a Washington State Bar News article, *Using an Interpreter in Court*, (May 1987) "Court interpretation requires not only full command of two languages, but also knowledge of courtroom procedure, legal vocabulary, and, more than anything else, the understanding that the job consists not of abridging, editorializing, or reassuring, but of exactly interpreting every word that is spoken without emendation or amendment."

Let us know how you provide services to non-English speakers in your family court programs. Send your jurisdiction's court interpreter procedures and experiences to the AFCC editors. You can obtain a copy of the National Center's research memorandum on court interpreters by writing: Information Service, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23187-8798 (publication no. S91.1102).



### Dear Colleague;

It gives us pleasure to invite you to participate in the 6th International Congress on Divorce and Remarriage—Interdisciplinary Issues and Approaches, to be held in Jerusalem, Israel, March 29–April 3, 1992.

This congress will be attended by members from all disciplines concerned with divorce and remarriage. The goal is to enhance mutual understanding and build a framework for cooperation between the therapeutic and the legal communities involved in family issues stemming from divorce and remarriage.

Congress topics will include courts and family issues, mediation, child custody, the bi-nuclear family and the social and economic aspects of divorce and remarriage.

The prelinimary list of invited speakers includes Constance Ahrons (USA), Henrik Andrup (Denmark), Jill Barnes (Eng), Barbara Chisholm (Can), Howard Irving (Can), Florence Kalsow (USA), Hon. Susan Snow (USA), Max van Trommel (Holland), Janet Walker (Eng), and Judith Wallerstein (USA).

We trust that Jerusalem will offer a unique opportunity to combine the exchange of ideas with a memorable visit to this ancient and holy city.

Further information is available from the Congress Secretariat: 6th International Congress on Family Therapy, P.O. Box 29313, 61292 Tel Aviv, Israel 61292 FAX: 972-3-660604.

Yours sincerely,

Yael Geron, PhD and Susan Zaidel, PhD Congress Co-chairpersons

### Israel Conference— Call For Papers

AFCC members are invited to submit abstracts for plenary presentations, three six hour workshops, round table discussions and poster sessions on the congress topics: therapeutic approaches with adults and children experiencing divorce and remarriage; legal, cultural and professional aspects of mediation; legal and religious aspects of divorce and remarriage; issues in child custody; social and economic aspects of divorce and remarriage; the impact of divorce on children and others: the binuclear family and related topics. Abstracts must be submitted by September 15, 1991 to the Congress Secretariat: address noted above.

# **Regional News**

### Southwest

Members of the Southwest region met during AFCC's Pittsburgh conference. Ideas were explored for making regionalization more effective. Sharing state chapter newsletters between regions and putting regional inserts into the AFCC newsletter were two ideas agreed upon.

Francis Bernfeld has recently agreed to co-chair the SW region with Pat Dixon. Francis is a mediator and counselor with the Family Conciliation Court in Tucson, AZ and President of AFCC'S Arizona chapter. She also maintains a private practice. Francis has chaired state meetings for other statewide organizations and brings a wealth of experience to the SW region.

Planning for the September 5–7 SW regional conference in Albuquerque, NM is well under way. Chair, Debra Miller, has scheduled many new presenters and an array of programs that will bring out the "kid" in you. Post-conference trips to Santa Fe and Taos will round out the conference. The Southcentral region will provide Lubbock, Texas wine. Turn about will occur next year when the Southwest region assists the Southcentral region with their conference in October 1992.

Although the plans for a regional conference in New Zealand in 1992 have been put on hold, negotiations are underway regarding the possibility of holding a meeting there following AFCC's annual meeting in Maui, Hawaii in 1994.

Submitted by Linda Hahn, AFCC Treasurer. Other Southwest Regional News may be submitted to Pat Dixon, Conciliation Services, 201 W. Jefferson, Phoenix, AZ 85003 (602) 262-3296.

## **Arizona Chapter Officers**

President—Frances Bernfeld President-elect—Bruce Cohen Past President—Elizabeth Yancey Secretary—John Fox Treasurer—Joel Bankes

## **California Chapter Officer**

President—Maxine Baker-Jackson President-elect—Hon. Roderic Duncan 1st Vice President—Ro Bolen 2nd Vice President—Nancy Madsen Treasurer—Suzie Thorn Secretary—Don Saposnek

## Kansas Chapter Officers

President—Helen Wahl Past President—Carol Roeder-Esser Vice President—Amy Hackler Treasurer—Gary Kretchmer Secretary—Doraen Bouska

## Northwest Regional Conference

#### October 31–November 2, 1991 Vancouver, BC Sheraton Landmark Hotel

The third annual Northwest Regional Conference will be held in beautiful Vancouver, BC. The conference will focus on the social and economic consequences of separation and divorce and how those consequences and cultural factors affect the planning and decisionmaking processes of parents and the Courts. A dramatic multicultural family dispute will be presented. Conference participants will include The Honourable Madam Justice Rowles of the Supreme Court of British Columbia, Dean Maureen Maloney, University of Victoria, Natalie Pilcow, Ministery of the Attorney General and Daniel Hamoline, Director, Family Mediation Clinic, Saskatoon.

For further information contact: Jane Grafton P.O. Box 12180 1404—808 Nelson Street Vancouver, BC Canada V6Z 2H2 (604) 669-4021 Fax: (604) 685-1222

# A Community's Response to Custody Disputes

## **Delaware County, PA**

The Delaware County, Pennsylvania Legal Assistance Association, Community Dispute Settlement Program and the Family Court of Delaware County have joined together to create a custody mediation program aimed specifically at legal assistance clients who need help in developing parenting plans in non-emergency custody situations. Legal Assistance will give their clients information on both filing pro se petitions, as well as the option of using mediation to work out arrangements. Clients who contact Community Dispute Settlement meet with a team of volunteer mediators, ready to work with them for as many sessions as necessary. Because Pennsylvania law treats custody separately from other divorce issues (such as child support), the mediation is confined to parenting and visitation matters. Community Dispute Settlement is a private, nonprofit agency which requests a small donation for services but does not refuse anyone for inability to pay.

The mediators are a group of 20 volunteers who have considerable experience in general mediation, and have completed 22 hours of specialized training in custody mediation. Since the expected clientele group will contain significant numbers of minority and low-income clients, a large component of the training focused on increasing mediator awareness and sensitivity toward these issues. An important goal of the program has been to have mediator teams with a male-female balance, although this may be problematic as only 15% of the trained group are men.

The program's effectiveness will be researched during the initial three years of the project. Currently there are only a few isolated custody mediation programs in Pennsylvania and it is hoped that such research might provide the impetus for passage of legislation creating custody mediation statewide.

### PLAN AHEAD

# **AFCC Annual Meeting**

May 6-9, 1992 • San Diego

Hilton Beach and Tennis Resort

"The Family Court of the Future"

Contact: Murray Bloom, 1501 6th Avenue, San Diego, CA 92101, (619) 557-2125

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# **Member News**

Hon. Betty Barteau, AFCC Past President and Appellate Judge in Indiana will be serving as chairperson of the National Judicial College's standing committees on faculty selection and retention and nominations. Professor J. Eric Smithburn, Notre Dame, was selected chair-elect of the NJC Faculty Council.

Phil Bushard, formerly a supervisor at the Conciliation Court in Maricopa County, AZ has been named the Director of the Washoe Family Court Services, Reno, NV. Phil has been serving as Acting Director since last Fall.

Rebecca Greenlee, former Director of the Rock County, WI Family Mediation Services and co-editor of AFCC's Newsletter, has taken a position as an attorney with Legal Action of Wisconsin. Peter Salem, producer and director of AFCC's video "It's Still Your Choice," has been named Director.

Gary Kretchmer, Director, Johnson County, KS Domestic Relations Department, recently returned from three weeks in Germany. Gary was invited by AFCC member **Roland Proksch** to participate in two mediation training programs in Nurenberg. Training participants included judges and mental health professionals. Gary also recently served as a trainer for the first 40 hour mediation training program sponsored by the Kansas Bar Association.

John Kydd, AFCC Secretary and Seattle attorney, and his wife Marianne recently became parents of a baby boy, Sean Keenan. Word has it that Sean has already made his first motion and filed his first objection. John has recently been observed working late into the night changing his briefs. We hope this new event does not hamper John's minute-taking abilities. What do you call a baby Kydd?

**Richard McConomy**, AFCC Board member from Montreal, has been elected chairperson of the Family Law Section of the Canadian Bar Association. Rich will be presiding officer at the FLS's meeting in Charlottetowne, PEI October, 1991.

**Charles Pelton,** AFCC family physician member from Aberdeen, SD recently received his law degree cum laude from the correspondence law program offered by LaSalle University of St. Louis, MO. Dr. Pelton is the only family physician in South Dakota to have earned both a Doctor of Medicine and a Juris Doctorate and the only clinical family physician in the US certified in family therapy and general psychotherapy with a law degree who specializes in Family Psychosocial Health Care. Congratulations!

Hon. Susan Snow, Associate Judge and Hon. Monica Reynolds, Judge of the Cook County Circuit Court were featured on the cover of the Sunday supplement of the Chicago Tribune Magazine and in the lead article on women judges. Judges Snow and Reynolds are two of 53 women to serve on the bench of 385 Circuit Court Judges in Cook County.

# Attorneys Report Satisfaction With Mediation Results

A survey of attorneys whose clients participated in mediation with Palm Beach, Florida Circuit Court's Family Mediation Services demonstrated that attorneys are satisfied with the results of the program. Last year Family Court Services mailed 490 questionnaires to lawyers who either attended mandatory mediation conferences with their clients or whose clients had attended alone. More than one-third responded to the survey designed to elicit information about attorneys' perceptions of family mediation—does it work and how can it be improved?

### Findings

 Sixty percent of attorneys who attended mediation conferences believed that mediation helped to lower hostility levels between divorcing spouses.

• Sixty-three percent of those who attended believe that mediation helped spouses to better communicate about their children during and after the divorce.

 Majorities of attending and non-attending attorneys found mediation helpful in resolving shared parenting, visitation and residential issues.

• Most attending and non-attending attorneys believe mediation is helpful in resolving child support issues.

 Attorneys were less likely to believe mediation could be helpful in resolving alimony issues, but still close to half of attorneys surveyed believe it could be helpful in resolving these issues.

• Eighty percent of attending and 69 percent of non-attending attorneys found mediators to be cooperative toward attorneys.

 Most attorneys took the mediation process seriously and spent time preparing clients for mediation.

• Timing of the mediation referral was the most commonly held concern: the survey indicated attorneys felt mediators would be most productive after some discovery had taken place rather than before temporary relief.

Reported by Leslie Ratliff, Director of Mediation Services for Palm Beach County, in *Florida Dispute Resolution Center Newsletter*, Winter 1990.

### FAMILY MEDIATION TRAINING

Mediate divorce and other family matters. Expand your practice! Increase your income!

### GARY J. KIRKPATRICK has mediated for more than 10 years. Founding Editor of "Mediation News." Author and lecturer.

**Basic:** 

July 18-21, 1991, Austin, Tx August 15-18, 1991, Dallas, Tx. October 10-13,1991, San Antonio November 14-17,1991, Oklahoma City February 20-23, 1992, Dallas March 12-15, 1992, Houston

Advanced: August 23-25, 1991, Houston, Tx.

**ANTHONY PICCHIONI, Ph.D.** a Professor in private practice. He has published books and articles on counseling.

May 7-10, 1992, Austin June 11-14, 1992, Dallas June, 18-21, 1992, Boston July, 9-12, 1992, New Orleans July 23-26, 1992, San Diego July 30-Aug 3, 1992, Nassau

October 25-27, 1991, Dallas, Tx.

Mediation 3503 Fairmount, Dallas, Texas 75219 (214) 528-2830 1-800-888-8609 \* Approved By Academy Family Mediators.

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## Do We Understand Each Other? The Use of Court Interpreters

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### AWARD WINNING VIDEO

From the Library of the Association of Family and Conciliation Courts

**IT'S STILL YOUR CHOIC** 



was awarded the Exceptional Program Achievement Award by the Wisconsin State Bar Association.

### IT'S STILL YOUR CHOICE provides an introduction to the

separation and divorce process and demonstrates how mediation can help family members resolve disputes in a cooperative way.

A number of court services and private practitioners use this video as a part of an orientation program for couples having disputes over plans for the children.

The video includes

- INTERVIEWS . . . judges, mediators, mental health professionals and family members who have been involved in divorce and custody disputes share their experiences and expertise.
- ROLE PLAYS . . . brief segments depict both positive and problematic parenting and the roles of attorneys and mediators in the settlement of issues related to the children.

Send orders and payment to: AFCC 329 W. Wilson St. Madison, WI 53703 (608) 251-4001

copies of IT'S STILL YOUR CHOICE @ \$125 each plus \$4.50 shipping and handling. Please send me\_ Foreign postage will be separately billed.

Planning logother for your children's future mell not be may be a strong and an analysis of the set of the set

H's Still Your Choice presents parents with information and options for resolving disagreements and making H's Still Your Choice Presents parents with information and options about arrangements for the children after decisions about avangements for the children separation or divorce.

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# **Upcoming Events**

August 17-20, 1991 Chicago, IL September 21-24, 1991 Ann Arbor, MI October 7-11, 1991 Cincinnati, OH **Divorce Mediation Training** Carl Schneider and Zena Zumeta **Contact: Divorce Mediation Institute** 804 Clairemont Avenue Decatur, GA 30030 1-800-852-1432 August 18-21, 1991 Dallas, TX October 10–13, 1991 San Antonio, TX November 14–17, 1991 Oklahoma City **Divorce Mediation Training** Gary Kirkpatrick and Anthony Picchioni Contact: Mediation 3503 Fairmount Dallas, TX 75219 1-800-888-8609 September 4-7, 1991-Albuquerque, NM **AFCC Southwest Regional** and Midyear Board Meeting Contact: Debra Miller Court Clinic 415 Tijeras, Northwest Room G-03 Albuquerque, NM 87103 (505) 841-7409

September 27–28 & Nov. 1–2, 1991 or October 30–Nov. 2, 1991 **Divorce Mediation Training** Contact: Kenneth Neumann Center for Family and Divorce Mediation Suite 2–N 315 Central Park West New York, NY 10025

Association of Family and Conciliation Courts 329 W. Wilson Street Madison, WI 53703 October 31-November 2, 1991 **AFCC Northwest Regional Conference** Contact: Gerald Lecovin #300-896 Cambie Street Vancouver, BC V6B 2P6 Canada (604) 687-1721 or Jane Grafton 3262 W. 1st Street Vancouver, BC V6K 1H5 (604) 733-3760 December 4-7, 1991 "Family Advocacy: From the Home to the Hill" National Association for Family-Based Services Contact: Missouri Institute of Mental Health Continuing Education Program 5247 Fyler-"'L" Bldg. St. Louis, MO 63139-1494 (314) 644-8803 March 29-April 3, 1992-Jersualem

Interdisciplinary Approaches to Divorce Contact: Israel Association for Marital and Family Therapy P.O. Box 29313 61292 Tel Aviv, Israel FAX: 972-3-660604

May 6–9, 1992—San Diego **1992 AFCC Annual Conference** Contact: Murray Bloom 1501 6th Avenue San Diego, CA 92101 (619) 557-2125 October 21–24, 1992—Lubbock, TX AFCC Southcentral Regional Conference Contact: Gene Valentini P.O. Box 3730 Lubbock, TX 79452 (806) 762-8721

Fall 1992—Minneapolis area AFCC North Central Regional Conference Contact: Hon. Mary Winter County Government Bldg. Rm. 559 Minneapolis, MN 55487 (612) 348-7782

May 1993—New Orleans **1993 AFCC Annual Conference** Contact: Tim Salius Family Division Superior Court 28 Grand Street Hartford, CT 06106 (203) 566-7973

Fall 1993—Hamilton, Ont. AFCC Northcentral Regional Conference Contact: Gerald McNeilly Unified Family Court 55 Main Street West Hamilton, Ont CANADA L8P 1H4 (416) 525-1550

May 1994—Maui, Hawaii **1994 AFCC Annual Conference** Contact: Hon. Douglas McNish 2145 Main Street Wailuku, HI 96793 (808) 572-9642

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