

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

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Congress on Parent Education Programs Next on AFCC Horizon

A FCC is gearing up for the First International Congress on Parent Education Programs, September 29–October 1, 1994 at the Hyatt Regency in Chicago, IL. Interest in the Congress has been widespread with dozens of telephone calls coming in to AFCC's Madison office.

The speaker at the Friday luncheon will be Isolina Ricci, author of **Mom's House**, **Dad's House** (see interview on page 5 of this issue). Representatives from over thirty parent education programs from across the United States and Canada will be on hand to conduct workshops and facilitate discussions on a wide variety of topics ranging from the "how to's" of starting a program to policy and procedural issues.

Participants will have plenty of time to network with others during the conference.

For those interested in getting to know Chicago, Friday evening will feature optional group outings to some of Chicago's tastiest restaurants. For those who prefer a good laugh, a dinner/show package is planned to the famous **Second City Improvisational** **Club**, home to Bill Murray, Jim Belushi, Mike Nichols and Shelly Long.

The Hyatt Regency Hotel is located on Wacker Drive, just a short distance from the Art Institute, the Field Museum of Natural History, the Shedd Aquarium and Michigan Avenue's Magnificent Mile.

For more information on the **First International Congress on Parent Education Programs**, contact AFCC, 329 W. Wilson St., Madison, WI 53703, (608) 251-4001, FAX (608) 251-2231.

Parent Education Programs in the 90's: Addressing the Needs of Divorcing Families

Submitted by Susan Steinman, D.S.W. Director of Divorce Services, Children's Hospital Guidance Centers Columbus, OH

D ivorce has become a public health issue. It now constitutes a major stress in the lives of 40% of American children. The disruption which occurs in most divorcing families threatens the child rearing function of the family and puts children at risk for developing long-term emotional, social and academic problems. Over the past two decades, professional attention to children of divorce, the clinical and research data and the availability of divorce-specific services has increased significantly.

Unfortunately, the benefit of our professional development probably reaches a minority of the divorcing population. Most parents do not take advantage of services because of cost, time and cultural attitudes about counseling. The court is the only gateway through which divorcing families must pass.

Increasingly, judges are asserting that the court is not an appropriate arena for solving child-related problems and are attempting to divert parents away from litigation. State legislatures continue to grapple with family law reform. The joint custody and mediation movements over the past fifteen years have helped to lessen the adversary nature of divorce.

Important progress has been made. New laws have created a more constructive social model of divorce and are influencing judicial decisions in a positive direction. Mediation and counseling services are increasingly available. Unfortunately, significant gaps remain. Judicial orders alone cannot impart parenting information and skills nor create a better post-divorce family environment. Most divorcing parents do not participate in mediation or counseling on a voluntary basis.

Parent education programs have the potential for filling some of these gaps. The concept of education for divorcing parents is not new. Historically, education and support groups have been offered by mental health agencies, serving an important need for parents inclined to seek outside resources. Progressive domestic relations courts have offered orientation programs using video and/or live presentations to familiarize parents with the court process and the needs of adults and children experiencing separation and divorce. What is new, however, is the brand of educational programming which has emerged. The new brand of parent education programs are more ambitious than those of the past. Parent education programs of the 90's have several distinguishing characteristics. They are: (1) frequently court mandated; (2) designed to influence cognition and behavior; (3) designed to move parents away from the courtroom and toward problem-solving resources; and (4) designed to prevent long term problems through early intervention.

Mandatory Programs

The court mandate to attend parent education programs is important for two reasons. First, it allows professionals to reach an enormous cross-section of parents who would not otherwise be exposed to parent education. Beyond that, the mandate also makes a strong social policy statement that children's needs are better served through parental education and cooperative problem-solving than a courtroom battle.

Cognition and Behavior

Whereas early education programs often focused on divorce adjustment, modern programs are designed to impart information and specific skills and to motivate parents to alter their behavior in a constructive (continued on page 4)



President's Message

by Hon. Douglas McNish Maui, Hawaii

Editor's Note: Judge McNish coordinated AFCC's 1994 Annual Conference in Maui this May.

Before launching into my year as Presi-dent, I have paused to reflect on AFCC's 31st Annual Conference in Maui. The conference was successful beyond our most optimistic hope. As conference coordinator, and one who likes to maintain control of details. I learned an invaluable lesson from the experience. Details must be delegated in such an undertaking. Friends that I didn't know I had took on many of the details, contributing to the success of the conference. I have been truly enriched by the realization that there are so many wonderful people willing to unselfishly come together to save a misguided conference planner from self-induced, but certain disaster. I know it will be far easier for me to

let go of those details in the future. Thank you all.

As I contemplate the upcoming year for AFCC, I marvel at the tremendous growth of the organization in the last twelve months. Sparked by the funding from the Hewlett Foundation, the dedicated work of our Madison office, and the efforts of Tim Salius and Bob Tompkins, AFCC's Professional Development and Technical Assistance (PD & TA) Committee is on the way to a very productive year.

Two new programs are set for the fall: the **First International Congress on Parent Education Programs** (September 29– October 1, in Chicago, IL) and the **First International Symposium on Child Cus-tody Evaluations** (November 5–7, in Tucson, AZ).

If the interest in parent education programs at the recent annual conference in Maui is any indication, AFCC's **Congress on Parent Education Programs** promises to be a smashing success. Most successful parent education programs involve the participation of the bench, the bar and mental health professionals. As an interdisciplinary association, AFCC is uniquely positioned to convene this program.

The **First International Symposium on Child Custody Evaluations** also promises to be an exciting venture. Drawing from the vast expertise of our membership, and the Custody Evaluation and PD & TA Committees, we are developing an integrated curriculum with a marvelous array of interactive workshops and plenary offerings.

In the year ahead AFCC will continue to emphasize PD & TA activities and look to create new programs that serve the needs of the professional community. At the same time, the growth of the association requires that we take stock of our development. As the membership and activities of the association increase, we need to continually assess whether the programs are accomplishing our desired outcomes, whether our organization is financially positioned to continue them and whether they serve our mission.

To make these assessments, the association must become more knowledgebased in its decision-making and develop new ways to obtain information from the membership. The Executive Committee is presently exploring several ways, including contracting with an outside consultant, to help meet the needs of our increasing membership and improve our decisionmaking process.

I am looking forward to what I believe will be a challenging and interesting year as your President and I welcome all of AFCC's new members.

MEMBER PROFILE AFCC President Hon. Douglas McNish

While growing up in Portland, OR, AFCC President Hon. Douglas McNish wasn't quite sure what he would do when he grew up, but he always knew where he wanted to be. "Hawaii had this magical quality," Judge McNish said. "People would return from vacation there with fascinating stories. I think that living in Hawaii was more important than what I did. I decided that I'd go there and something would happen." Those familiar with Judge McNish's work know that things don't just happen. Rather, he makes things happen, as evidenced by his efforts in hosting AFCC's 31st Annual Conference this Spring.

Judge McNish's quiet, thoughtful demeanor belies an adventurous spirit and a passion for public service. After earning his B.A. and J.D. at Willamette University in Salem, OR, Judge McNish went to Peru to serve in the Peace Corps. After helping to organize a cotton cooperative, Judge McNish helped to build a new school to replace the chicken coop which was then being used to hold classes.

After completing his work in Peru, Judge McNish travelled throughout South America, eventually hitching a ride on a military plane headed for Logo, Argentina. The plane made a crash landing at the Rio Gallegos airport (everyone survived), stranding the passengers for four days in the small village. Judge McNish created opportunity out of adversity by getting to know his future wife, Gail, who then joined him floating down the Amazon River.

Upon returning to Maui, Judge McNish clerked for a Circuit Court Judge and spent several years in the private practice of law. Appointed to the bench as a Hawaii District Court Judge in 1984, he volunteered to organize the family court. He never left and in October Judge McNish will celebrate ten years in family court.

Judge McNish has spearheaded many reforms, including an innovative and comprehensive response to incidents involving domestic violence, scheduling procedures in juvenile matters and a mandatory parent education program. In 1992, the Maui Court was recognized for it's "State of the Art Program Manual" on domestic violence policies and procedures. The parent education program, which Judge McNish initiated in 1988, is closest to his heart. "I like it because it's preventative, it appeals to the decency in people and it focuses on what people can do to make things better," he said.

Judge McNish, his wife Gail, and their sons Zach, 16, and Tyler, 13, have a home nestled into the side of a mountain overlooking Maui. While the McNish family enjoys the island they call home, they clearly have not overcome the travel bug which bit them while exploring South America twenty years ago. More recent adventures have included hiking in the Austrian and Swiss Alps, a whitewater river trip in Idaho's Salmon River and a house exchange in which the McNish's Maui abode was traded for a 14th Century castle in Italy.

Wherever he travels, Judge McNish always returns to Maui and to AFCC, which provides an important component of his professional development. "Everyone always listens to a judge and you lose the ability to have an equal relationship with others," Judge McNish said. "AFCC provides the type of relationship I am looking to have with other professionals. Mental health professionals and lawyers will talk to me like an equal and we struggle with the same problems from different perspectives. But the commitment to the interdisciplinary approach is the same. It's the real world."

AFCC Basks in Maui Success

From E Ho'oponopono I Ka'Eha, to Congresswoman Patricia Schroeder, to nearly 600 participants, AFCC's 1994 Annual Conference in Maui, Hawaii was something different...and something special.

Rep. Schroeder, in her speech on the American family, detailed some of the recent gains for families that have come out of Washington, D.C. while asserting that Congress simply needs to do much more to match the family support offered by other industrialized nations. Rep. Schroeder suggested that many in the Congress simply don't understand the problem, noting that

AFCC Elects New Officers, Board Members

The following Board and Executive Committee members were elected at AFCC's 31st Annual Conference.

1994-95 Executive Committee

- President: Hon. Douglas McNish, Maui, HI
- President Elect: Mr. John Kydd, Seattle, WA
- Vice President: Ms. Linda Hahn, Dallas, TX
- Vice President: Hon. Alastair Nicholson, Melbourne, Australia
- Vice President: Ms. Christine Coates, Boulder, CO
- Treasurer: Dr. Philip Bushard, Reno, NV
- Secretary: Ms. Lorraine Martin, Toronto, ONT

New members of the AFCC Board of Directors are:

Ms. Frances Bernfeld, Tucson, AZ Dr. Carol Browne, Sydney, Australia Hon. William Fee, Angola, IN Ms. Beth Kerns, South Bend, IN Dr. Margaret Little, Los Angeles, CA Ms. LaDeana Morgan,

Las Vegas, NV.

Hon. Arline Rotman, Worcester, MA

Special Thanks

AFCC wishes to extend a special thanks to former Executive Committee Members Mr. Gerald Lecovin and Mr. Joel Shawn. Jerry has completed his term on the Executive Committee and Joel has resigned from the position of Vice-President.

Both Jerry and Joel have been instrumental in helping AFCC meet the challenges of growth and change without losing sight of the mission of the association. For their dedicated service, their vision and leadership, AFCC thanks Jerry Lecovin and Joel Shawn. while 90 percent of Congress' families "...look like a Norman Rockwell painting," only 10 percent of American families actually fit that profile.

Other conference highlights included the many and varied plenary sessions and workshops on topics including parent education programs, alternative hearing formats, parental abduction and innovative guardian ad litem programs.

The 1994 AFCC Banquet brought conference participants to the Maui Tropical Plantation where a buffet of Hawaiian delicacies was preceded by tours of the plantation, a traditional torch lighting ceremony

AFCC Recognizes Contributions at Maui Awards Banquet

The outstanding efforts of AFCC members and staff were recognized at the 1994 AFCC Awards Banquet at the 31st Annual Conference.

□ AFCC President's Award

AFCC President, Bob Tompkins, presented The President's Award to Victoria Metz, AFCC Office Manager. Victoria, who is known to many AFCC members as a helpful voice on the other end of the phone, was recognized for her extraordinary behind the scenes work and her ongoing contributions to the association. Congratulations, Victoria!

Meyer Elkin Essay Contest Winner

Alison Taylor and Harriet Bing shared the 1994 Meyer Elkin Essay Contest Award for their article, *Settlement by Evaluation and Arbitration: A New Approach for Custody/ Visitation Disputes.* The article describes a pilot project at the Clackamas County (OR) Family Court Service which combines the evaluation and arbitration processes by employing an interdisciplinary panel of arbiand the unearthing of the roast pig.

Very special thanks go to AFCC President and Conference Coordinator, Hon. Doug McNish; his staff members, Bonnie Brooks, Pauline Martins, Delores Lamoureux; and the dedicated volunteer



Patricia Schroeder

staff of the Queen Liliuokalani Children's Center, all of whom went above and beyond the call of duty to make the 1994 Annual Conference something we won't soon forget.

trators. Dr. Stanley Cohen, former Family and Conciliation Courts Review editor, accepted the award for Ms. Taylor and Ms. Bing, and reminded those in attendance of Meyer Elkin's impact on AFCC. The award winning article will be published in an upcoming issue of the Family and Conciliation Courts Review.

Irwin Cantor Innovative Program Award

The inaugural winner of AFCC's Irwin Cantor Innovative Program Award was Los Angeles County's Pre-Contempt/Contemnors Group Diversion Counseling Award. The program was designed to help high conflict parents who are chronically in violation of custody and visitation court orders. The program has been remarkably successful, according to AFCC Awards Committee Chair, Hugh McIsaac. AFCC recognizes the efforts of Sherrie Kibler, Ernie Sanchez and Maxine Baker-Jackson, from the Los Angeles Conciliation Court, for this achievement.

News From the *Family and Conciliation Courts Review*

A FCC's Journal, *Family and Conciliation Courts Review*, has announced the themes for the 1995 Meyer Elkin Essay Contest and the Law School Essay Contest. Entries may address any of the following themes:

Court Reform: 20th Century Family Law

- □ Gender Issues in Family Law
- □ Interface Between Juvenile and Family Law

The Meyer Elkin Essay Award will be presented at AFCC's Annual Meeting in Montreal, May 17-20, 1995. The winning article will be published in the *Review* and the winner will receive a \$250 cash prize and award certificate. Entries must be received by March 15, 1995. The Law School Essay Contest is open to all students attending law school in the United States, Canada, Great Britain, Australia and New Zealand. Entries should be no longer than 30 typewritten doublespaced pages and postmarked no later than May 15, 1995. Winning essay(s) will be published in the *Review* and winner(s) will receive a \$300 honorarium and certificate.

Emphasis issues of the *Review* will include Language, Court Reform and Family Law in the Third Millennium. Submission of essays for either contest or articles for the *Review* may be sent to: Hugh McIsaac, Editor, FCCR, Family Services, Multnomah County Circuit Court, 1021 SW 4th Ave. Room 350, Portland, OR 97204.

Divorce Education in the 90's

(continued from page 1)

direction. It is not uncommon to find programs offering segments on managing conflict, positive parenting skills, etc. Role plays, written exercises and workbooks help to augment this educational approach.

From Adversaries to Problem-Solvers

One of the intentional "side-effects" of teaching parents about the damaging effects of litigation and the availability of alternative intervention through this new type of parent education program is to influence the legal path they take. Parent education programs provide information which helps to influence decision-making, as well as the actual parent-child and co-parental interaction, for a vast number of divorcing families.

Early Intervention

Mental health professionals who work with divorcing families increasingly agree that early intervention is important. If intervention is delayed until families are deeply entrenched in litigation, and symptoms in their children are serious enough to prompt a mental health referral several years after separation, the family dysfunction can be very difficult to repair. Many parent education programs require (or encourage) early participation to avoid this problem.

Program Development

The popularity of parent education programs has been increasing and the proliferation rapid. Domestic relations judges, community professionals and court staff who are considering a court-mandated parent education program should consider several issues in developing such a program. While available space prohibits a full discussion of these issues here, the following considerations should be fully explored:

1) The Mandate

While essential if we subscribe to a public health model, mandating attendance may raise fiscal, legal and political concerns for courts. Observing the experience of programs already in operation is important in considering this issue.

2) The Model

The format, design and size of parent education programs will vary according to the characteristics of the parent population and the style of the providers. The pros and cons of models ranging from large, noninteractive seminars to small discussion groups need to be reviewed.

3) The Content

The type of information presented and the assumptions and philosophy underlying the content need to be carefully considered and based upon the goals of the program. Because this type of program is really "psycho-educational" in nature, anticipating the psychological effects of the information presented to the parents is crucial.

4) Educational Strategies and Tools

A major challenge in developing an effective parent education program is deciding how to communicate to a very broad crosssection of parents. Selecting ways to present information that will be meaningful and useful to parents who cannot read, as well as to psychology professors at the University is challenging. Providers need to consider advantages and disadvantages of using lecture, role play, video, group discussions, written materials and other didactic tools as techniques to influence parents on a cognitive, emotional and behavioral level.

5) Professional Support and Coordination

Unlike voluntary programs where providers must rely on the support of referral sources and engage in public relations efforts to attract participants, court-mandated programs have a captive audience. Yet, it remains important to educate judges, lawyers, mediators and court staff about the program so that parents can be positively prepared. It is also important for counselors, mediators and lawyers to be aware of what their clients have experienced in the parent education program.

The Importance of Evaluation

Court-mandated parent education programs are in their infancy. While the potential benefits seem quite promising, we need to learn about many dimensions. What are parents' initial reactions and evaluation of the program? What, if any, are the actual benefits of the program and for which parents? Do the benefits last or change over time? Which models work best and for whom?

These and many other questions need to be posed and data needs to be gathered over time. The **First International Congress on Parent Education Programs**, planned by The Association of Family and Conciliation Courts for September 29–October 1, 1994, will be the first major conference devoted to the discussion of these issues and a step in our professional efforts to serve the needs of children of divorce.

Susan Steinman, D.S.W., will be a presenter at AFCC's **First International Congress on Parent Education Programs**, September 29–October 1, 1994 at the Hyatt Regency, Chicago, IL. For additional information on the **Congress**, contact AFCC, 329 W. Wilson St., Madison, WI 53703; (608) 251-4001, FAX (608) 251-2231.

New Videos Available for Parent Education Programs

The Association of Family and Conciliation Courts is pleased to announce the following additions to the AFCC Video Library:

□ Children: The Experts on Divorce This video was developed to help parents understand what children think about divorce and what children need from their parents during and after separation. The video focuses on the separation and divorce experience as described by children. Production was supported by The Children's Trust Fund and NuSkin International, Inc. The video was written and produced by Elizabeth Hickey, Director of the Mediation and Divorce Center, Salt Lake City, Utah.

□ Children in the Middle (2nd edition) This video is designed to promote stimulating discussion among viewers. Role plays depict four typical post-separation disputes and demonstrate both destructive and constructive parent-child interaction. The second edition of this popular video suggests points at which to stop the tape and provides questions for discussion. The tape was written and produced by Professors Jack Arbuthnot and Donald Gordon, Divorce Education Project, Ohio University.

The videotapes are now available for purchase from AFCC for \$125.00 each. For further information contact AFCC, 329 W. Wilson St., Madison, WI 53703, (608) 251-4001, FAX (608) 251-2231.



THE SUPERVISED VISITATION NETWORK

is an international association of agencies and individuals involved with supervised visitation oor "access" services. SVN members include direct service providers, judges, attorneys, mediators, guardians, and other agencies and individuals who refer clients for services. SVN convenes annual membership conferences. For information on services or membership contact

Gail Beauregard, Resource Mgr. Supervised Visitation Network Office 347 E. Speedway Blvd. Tucson, AZ. 85705 Phone: 602-792-1785

Conversation Corner: Dr. Isolina Ricci



Dr. Isolina Ricci, a pioneer in the field of divorce, custody, and mediation, has been working with families for over 25 years. A featured presenter at AFCC's upcoming **First International Congress on Parent Education Programs**, Dr. Ricci is the lineter and Administra

first Statewide Coordinator and Administrator of the California Statewide Office of Family Court Services and Mediation Programs for the Judicial Council of California. She designed and taught some of the first divorce education programs beginning in the early 1970's and began training professionals in mediation and parent education shortly thereafter. Dr. Ricci maintained a mediation and counseling practice and authored Mom's House, Dad's House while completing her M.A. and Ph.D. and raising her five children, Cynthia, Eric, Beth, Andrew and Amy. Dr. Ricci earned an interdisciplinary doctorate from Stanford University, was formerly a member of the clinical staff of Family Services and founded the New Family Center. She consults throughout the US and abroad.

AFCC: Mom's House, Dad's House is nearly 15 years old, yet it remains recommended reading for parents, mediators and family court counselors. To what do you attribute such staying power?

Isolina Ricci: The book is based on my educational and clinical work with more than 1500 mothers and fathers in the 1970's who were members of seminars, classes, workshops and were my clients. And were they articulate! They wanted to get through divorce and custody issues with a renewed sense of dignity, purpose and mastery. The staying power of Mom's House, Dad's House is based as much on the good sense of the people I was able to observe, work with, be challenged by, as it is on my ability to understand what worked for the long run. Separation and divorce can be an overwhelming experience coupled with an avalanche of critical decision making. I wanted to reduce the readers' anxieties with sound information, but also to encourage them to regain mastery over their lives. The book filled a commitment I made to put it all in an easy to use form. My favorite quote came from a mother who said, "Your book is my friend." That touches me very deeply. It is what I had hoped to accomplish.

AFCC: If you were writing Mom's House, Dad's House today, is there anything you would change? **IR:** The concepts are grounded in common experiences. From that perspective, I believe them to be durable. For the 90's, I would include an additional chapter on how to get along with the other parent after separation—more examples on "retreating from negative intimacy" and how the "business-like-working-relationship" between separated or divorced parents can work. The stereotypical "custody battle" is not necessary. The children and the parents need to get on with their lives and leave the acrimony behind.

For several years readers seemed to gloss over the concepts related to working together and co-parenting. At first they referred more often to the emotions of divorce (where I expanded on the work of others), and my concepts about two homes for a child regardless of how the time was divided between the parents. Readers also focused on the new positive terminology such as "parenting agreements" and words to replace the terms "custody," and "visitation." People also referred to "blame games," the "hostility junkies," the long-distance parenting process, and surviving the holidays. In the last five or six years, people are referring to the "retreat from negative intimacy," how to develop a business-like working relationship as parents, and developing their own parenting agreement either alone or with a mediator. It's satisfying to see these concepts used so broadly but also to see the growing awareness that parents have an obligation to do their best to build this relationship for the sake of their child. What is still unacknowledged in Mom's House, Dad's House? The "open family" concept has not received much attention-extending parenting to include other family and friends and developing neighborhood networks.

AFCC: Looking back, what has created the biggest impact on the family court in California?

IR: I would say the biggest impact has been the joint custody and mandatory child custody mediation laws which went into effect in 1980 and 1981. Speaking from my own experience, when the old norm was sole custody for Mom with visitation to Dad, it set up a polarization that often led to the "insider"/"outsider" situation. These two laws attempted to address this by saying that a child has the right to a close and continuing contact with both parents and that parents must use mediation if they are in dispute over custody or visitation. Mandatory child custody mediation has dramatically reduced litigation in custody matters and has encouraged other forms of non-litigious dispute resolution. There is a clear expectation that the parents are responsible for working out how they will continue parenting the children now that they no longer live together. There is no easy handoff of the dispute to attorneys or judges. The resolution of the dispute and the children's well being are the responsibility of the parents. If they do end up in court, it will only be after mediation and/or settlement conferences have not resolved the matter. Today, a substantial number of California parents share the upbringing of the children. This does not mean equal time, but there is a significant amount of time with each parent. In some ways the actual overnights spent with each parent may not be all that different from 15 years ago-but the clear expectation is that the child owns the right to have a relationship with each parent. I believe children have benefitted as a result of these two laws.

AFCC: Parent and divorce education programs seem to be comparatively simple to implement and so powerful. Why has it taken this long to get to what seems like such an obvious idea?

IR: Divorce education programs are not new, of course. The more recent mainstreaming may be because the courts now see that education is a critical component to informed negotiations, to the best interests of children and to successful family reorganization. The court historically had expected the community to fill that educational gap. Also, in the last ten years or so, there has been an explosion of self-help books, support groups, and a fresher look at the efficacy of adult education. There seems to be a rising willingness for people to take responsibility for their own health and well-being and a lessening dependence (at least not without question) on the experts. A good educational program will provide a forum for people to appreciate one anothers' wisdom and allow an opportunity to make personal contact with others who are undergoing similar experiences.

Underlying it all is the power of the group dynamic during a time of crisis. People are often willing to think about ideas or changes they would not have previously considered. When parents are offered tools to help re-order their lives and ways to resume normal functioning, they can more effectively restructure their daily lives and give their children a sense of security and protection. It is also important that people meet others in the same boat. Today's pressures associated with work and caring for a family make it difficult to meet others under the best of circumstances, let alone during the crisis of separation and divorce. Yet, it is the support of others and the sharing that I believe helps the family to transition successfully and provides a buffer for the children.

Looking Ahead to 1995

Local Committee Begins Work on 1995 Annual Conference in Montreal

Even before the 1994 Annual Conference had ended, members of the local committee for the 1995 Annual Conference in Montreal, Canada were already planning for next Spring. The local committee co-chairs are Justice Pierette Sevigny and Attorney Richard McConomy. The conference will take place at Le Centre Sheraton in downtown Montreal, May 17–20, 1995. The theme of the conference will be **Gender Issues in Family Law.** AFCC is exploring linking up with associations from Canada and Europe to give the 1995 Annual Conference a truly international flavor.

If you are interested in presenting at the conference, send a one page proposal and resume to AFCC, 329 W. Wilson St., Madison, WI 53703; (608) 251-4001, FAX (608) 251-2231.

If you would like to get involved with the efforts of the local planning committee, contact Richard McConomy, 1253 McGill College, Suite 550, Montreal, Quebec, H3B 2Y5; (514) 875-5311.

After Montreal... Post Conference Travel Opportunities Abound

If you are making your plans for travel in 1995, consider an AFCC post conference trip. Although the planning is in the preliminary stages, mark your calendar for one of three exciting travel opportunities next May.

Budapest

AFCC will join the International Union of Family Organizations (IUFO) in **Budapest** for the annual IUFO conference. Also on the preliminary agenda are Vienna and Prague. For information, contact AFCC's IUFO Liaison, Byrnece Gluckstern, 1050 S. Monaco, #16, Denver, CO 80224, (303) 730-7227.

France

If you can't stand the thought of brushing up on your French for only a brief stay in Montreal, a trip through **France** might be just the ticket. Join AFCC Montreal Local Committee Co-Chairs, Hon. Pierette Sevigny and Attorney Richard McConomy on this excursion. For information contact Richard McConomy, 1253 McGill College, Suite 550, Montreal, Quebec, Canada H3B 2Y5 (514) 875-5311.

🗆 Quebec

For those who must get back to the office, a brief, two-day visit to **Quebec City** will offer all the romance and ambiance of a trip to France without crossing the Atlantic. A three hour train trip will have you and your AFCC colleagues in Quebec City in no time. For information contact AFCC, 329 W. Wilson St., Madison, WI 53703, (608) 251-4001, FAX (608) 251-2231.

NW Regional Planning Underway

Planning has begun for AFCC's 1995 Regional Conference and AFCC Board Meeting in the Columbia Gorge, OR, November 3–6, 1995. The conference will take place at the Skamania Lodge, in the middle of the Columbia Gorge, three miles north of the Bridge of the Gods. The conference theme is **Family Law in the Third Millennium.** For further information contact Hugh McIsaac, Family Services, Multnomah County, 1021 S.W. 4th Ave., Room 350, Portland, OR, 97204, (503) 248-3189.



CHILDREN: The Experts on Divorce

Children: The Experts on Divorce provides *the most compelling information* for separating and divorcing parents: children's fears, concerns and hopes for the future, as described by children who have experienced the pain of separation and divorce.

Written and produced by Elizabeth Hickey, MSW, Director of the Mediation and Divorce Center, Salt Lake City, Utah.

Price: \$125.00

To order contact: AFCC

329 W. Wilson Street Madison, WI 53703 (608) 251-4001, FAX (608) 251-2231

Children: The Experts on Divorce was made possible by support from The Children's Trust Fund and NuSkin International

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War and P.E.A.C.E. A Model Statute for Parent Education Programs

Professor Andrew Schepard of Hofstra University School of Law, has drafted a model statute and court rules for parent education programs in response to the growing number of states and courts interested in establishing education programs for divorcing parents. The model statue appears in Professor Schepard's article, War and P.E.A.C.E.: A Preliminary Report and a Model Statute on an Interdisciplinary Educational Program for Divorcing and Separating Parents. The article appears in the University of Michigan Journal of Law Reform (Fall, 1993).

P.E.A.C.E. (Parent Education and Custody Effectiveness) is based at Hofstra University and offered throughout New York State. P.E.A.C.E. is presented in local communities by an interdisciplinary committee of volunteer judges, lawyers, court administrators, mental health professionals and educators. All P.E.A.C.E. presenters follow a statewide curriculum which addresses the legal process of divorce and separation, as well as the emotional and financial issues

What's New(s) at the Academy

Submitted by Linda Wilkerson Executive Director Academy of Family Mediators

t has been over one year since the Academy of Family Mediators (AFM) made the transition to a new Executive Director and a new home in Minneapolis, MN. In that time, AFM's activities have continued to reflect both the growth and direction of the field of family mediation.

As the field of family mediation grows, so grows the Academy. AFM now has 2,500 members throughout the United States, Canada and 13 foreign countries. A recent survey of AFM members indicated strong support for the development of a voluntary certification program for family mediators. The Academy has therefore committed itself to developing a reliable and valid means to measure mediator competency. AFM anticipates that the examination will be both knowledge and performance based and will utilize short video-based situational judgement tests. AFM has worked with AFCC and Family Mediation Canada this past year on various proposals to fund the development of such an examination.

In these past 12 months, the Academy's Task Force on Domestic Abuse has made great strides toward completing a policy statement on guidelines for screening for domestic abuse and procedures for those cases that are mediated. If you are interested in receiving a copy of the draft policy statement, please contact the AFM office.

For additional information, contact the Academy of Family Mediators, 1500 South Highway 100, Suite 355, Golden Valley, MN 55416. (612) 525-8670, FAX (612) 525-8725.

facing divorcing and separating parents. Funding for curriculum development and the pilot project was provided by the State Justice Institute, Washington, D.C.

Professor Andrew Schepard will be an opening night presenter at AFCC's First International Congress on Parent Education Programs, September 29-October 1, 1994 in Chicago, IL. For additional information on P.E.A.C.E. contact Professor Schepard at Hofstra University School of Law, 121 Hofstra University, Hempstead, NY 11550-1090. Telephone (516) 463-5890; FAX (516) 560-7676.

AAA School for Dispute Resolution

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40-Hour Divorce Mediation Training September 14-18 (Atlanta) November 5-13 (Atlanta) December 7-11 (Atlanta)

Advanced Divorce Mediation Training July 16 & 17 (Atlanta) November 19 & 20 (Atlanta)

Understanding Emotions and Conflict Management in ADR July 23 or October 1 (Atlanta) For more information: Contact Brian Winn at 404/325-0540 American Arbitration Association School for Dispute Resolution 1975 Century Blvd., Suite 1 Atlanta GA 30345

The AFCC Newsletter is a publication of the Association of Family and Conciliation Courts. The **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.

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Member News

Michael Belsky, AFCC member from Ashland, Oregon, recently provided a mediation training for the Psychology Department at the University of Guanajuato in Leon, Mexico. This was the first exposure to mediation for faculty and students of the university.

John Kydd, AFCC President Elect, and his wife Marianne recently welcomed Ryan Frederick Bede Kydd, the newest Kydd kid. Ryan weighed in at nine pounds, five ounces on April 27, 1994. Ryan, along with older siblings Sean and Galen, blesses Marianne and John with three children under the age of three. John says he hopes to emerge from dirty diapers duty sometime in the future.

John Lande, AFCC member from Madison, Wisconsin was awarded a dissertation fellowship by the Program on Negotiation at Harvard Law School. John, who is combining his law degree with a Ph.D. in Sociology from the University of Wisconsin, will relocate to the Boston area to complete his research on attitudes on the use alternative dispute resolution in complex corporate disputes.

Hugh McIsaac, Editor of the Family and Conciliation Courts Review, will receive the award for Distinguished Contributions to

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the Field of Mediation from the Academy of Family Mediators. Hugh has been recognized for his personal, professional and intellectual commitment to mediation services for the resolution of family disputes. Congratulations, Hugh!

AFCC, friends and colleagues of **Hon. Betty Vitousek**, Honolulu, HI, wish to extend our sympathies on the loss of her husband Roy who passed away earlier this spring. Judge Vitousek is former presiding Family Court Judge for the State of Hawaii and an AFCC Past President.

Hon. Susan Snow, AFCC Past-President, has picked up her gavel and moved to the suburbs as part of a pilot project to provide full divorce services at a suburban Cook County (Bridgeview, IL) courthouse. Judge Snow notes that the project will allow her to "do everything" from pre-trial through postdecree and to implement innovative hearing formats. Judge Snow was welcomed with open arms by the local media (see cartoon), not to mention the community. Her new address: Circuit Court of Cook County; 10220 S. 76th St., Bridgeview, IL, 60455; (708) 974-6311, FAX (708) 974-6836.

Phil Stahl, AFCC Board Member from Dublin, CA, recently completed his second book, Conducting Child Custody Evaluations. The book presents practical guidelines for completing evaluations, and will be published by Sage Publications, Inc. Judith Stimson, AFCC member from Indianapolis, IN, has opened her own firm, Judith N. Stimson & Associates. Her new address: Bank One Center/Tower, 1111 Monument Circle, Suite 3300, Indianapolis, IN 46202-5133, (317) 638-0800, FAX (317) 638-0300.

Susan Zaidel, AFCC member from Haifa, Israel, has accomplished two firsts for mediation in Israel. Her book, Divorce With Respect, was published in Hebrew and is the first. Hebrew language book about divorce mediation to appear in Israel. Susan will also be teaching the first course on mediation at an Israeli law school at Haifa University. She is looking to hear from AFCC members who teach in law schools about their curriculum and experiences.



Hon. Susan Snow. Reprinted from *The Reporter Newspaper*, May 12, 1994, with permission.

APPLICATIONS BEING SOUGHT FOR EDITOR-IN-CHIEF, MEDIATION QUARTERLY The Academy of Family Mediators is now accepting applications for the position of Editor of our peer review journal, Mediation Quarterly. Applicants should have extensive editing experience and a broad understanding of mediation, including family, community, civil, labor and farm mediation, in addition to a knowledge of psychology, therapy, law, economics, communication theory, statistics, legislation and the publication process from beginning to end. Term: The position of Editor-in-Chief is for a period of four years beginning July, 1995, although we would like the transition to begin as early as January 1, 1995. Duties of Editor: The Editor is responsible for +Soliciting and reviewing manuscripts +Advising and working with contributors and potential contributors to ensure high standards of quality of each manuscript +Editing each manuscript as needed and +Assembling an Editorial Board to advise him/her on editorial policy and content of the Journal. The Editor of Mediation Quarterly receives an honorarium and expenses. Please send a letter stating your qualifications and experience and a copy of your resume to: **Editorial Search Committee** Academy of Family Mediators 1500 South Highway 100, Suite 355 Golden Valley, MN 55416

Deadline for applications: September 15, 1994

8

Mediation in Adult Guardianship Cases

Submitted by Laurie Lisi The Center for Social Gerontology Ann Arbor, MI

A fter his mother's death, a son petitions for guardianship of his 86 year old father, claiming the father cannot handle his own finances and is endangering his health by failing to seek medical care. Both his father and his younger brother oppose the petition, asserting that there is no need for a guardian, and that if it were necessary, the father would prefer the younger son to be appointed. The older son rejects this proposal, saying that his younger brother is irresponsible and will misuse the father's assets.

Since 1992, The Center for Social Gerontology (TCSG) in Ann Arbor, MI has been mediating guardianship conflicts such as that described above. (The term "guardianship" is used generically here to refer to court appointment of a person to handle the personal and/or financial affairs of an adult, or respondent, who has been determined to be incapacitated.) Petitions for guardianship often lead to, or arise out of, disputes among family members, or between the elderly or disabled person and the person requesting guardianship.

Those subject to guardianship often lose the right to decide where to live, to handle finances, to make decisions about medical care, and, in some states, to vote or to marry. These losses can be particularly disturbing because the process by which guardianship is imposed may involve little independent investigation or consideration of alternatives to guardianship. Moreover, respondents generally have little or no role in a process which will determine their future.

TCSG offers mediation of guardianship conflict so that the respondent may play an active role in the decision making process. Mediation may lead to solutions that better meet the needs of all parties, often ensuring that the respondent retains as much control over basic life decisions as is possible and appropriate. Mediation offers an opportunity to help preserve important family relationships, thereby enhancing the family's ability to cope with the situation. Mediators also provide information about alternatives to guardianship and other available services.

The project design requires the respondent to be accompanied to mediation by an advocate or representative (often a court appointed Guardian ad Litem) to help offset any potential power imbalance. If the respondent has an attorney, the attorney serves as the advocate. The representative/advocate plays an important role in mediation, supporting the respondent to the extent necessary, and ensuring that an agreement is in the best interest of the respondent. If the respondent appears too incapacitated to understand the mediation process, or if there are allegations of financial, emotional or physical abuse, the case is screened out of mediation.

Mediated agreements typically address matters such as housing, payment of bills, decision making, use of guardianship alternatives, provision of respite services for caregivers, caregiver pay and community activities for the respondent.

The TCSG mediation project handled 24 cases between 1992 and 1994, of which approximately 75% involved new petitions for guardianship. Most others involved a dispute about the handling of affairs by already appointed guardians. Agreements were reached in 71% of the cases. Follow-up surveys indicate 80% of the parties prefer mediation to court proceedings.

The project was conducted in cooperation with the Probate Court in Washtenaw County, MI and with the support of the National Institute for Dispute Resolution and the Ann Arbor Area Community Foundation. For further information contact: Laurie Lisi or Penny Hommel, The Center for Social Gerontology, 2307 Shelby Ave., Ann Arbor, MI 48103-3895, Phone (313) 665-1126.

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Family Violence: Process & Assessment Considerations
Alternative Lifestyle Issues
The Lawyer-Evaluator
Relationship
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Discount Travel, contact: Burkhalter Travel (800) 556-9286.



For further information contact: AFCC 329 W. Wilson Street Madison, WI 53703 (608) 251-4001 FAX (608) 251-2231

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UPCOMING EVENTS

August 4–7, 1994—San Diego, CA October 8–9, 1994—Dallas, TX November 19–20, 1994—San Antonio, TX 40-Hour Family Mediation Program Contact: Gary J. Kirkpatrick (214) 328-9396 or 1-800-888-8609

August 12–14 & 19–20, 1994—Portland, OR Family & Divorce Mediation Contact: Jim Melamed (503) 345-1456

August 15–19, 1994—East Lansing, MI September 23–27, 1994—Beaufort, SC October 17–21, 1994—Cincinnati, OH Mediation Training & Consultation Institute Basic Divorce Mediation Training Contact: Zena D. Zumeta, J.D. (800) 535-1155 or (313) 663-1155

September 16, 1994—Corte Madera, CA 6-hour Child Development/Parenting Issues for Mediator Northern California Mediation Center Contact: Joan B. Kelly, Ph.D. (415) 927-1422

September 17, 1994—Corte Madera, CA Fundamentals of Family Law for Mediators Northern California Mediation Center Contact: Joan B. Kelley, Ph.D. (415) 927-1422

September 22–25, 1994 October 13–16, 1994 November 10–13, 1994 December 8–11, 1994 January 12–15, 1995 February 16–19, 1995 Location: San Francisco, CA Contact: John Lemmon, Ph.D. (510) 547-8089

September 29–30, 1994—Beaufort, SC October 6–7, 1994—Chicago, IL Mediation Training & Consultation Institute Advanced Mediation Training Contact: Zena D. Zumeta, J.D. (800) 535-1155 or (313) 663-1155

September 29–October 1, 1994—Chicago, IL AFCC First International Congress on Parent Education Programs Hyatt Regency Contact: AFCC (608) 251-4001

October 19–23, 1994—Corte Madera, CA February 8–12, 1995—Corte Madera, CA 36-Hour Divorce Mediation Training Northern California Mediation Center Contact: Joan B. Kelley, Ph.D. (415) 927-1422

November 3–5, 1994—Tucson, AZ AFCC Southwest Regional Conference Arizona Chapter Meeting & AFCC Board Meeting Westward Look Resort Contact: Frances Bernfeld (602) 740-5590 November 3–7, 1994—Allentown, PA Basic Divorce Mediation Training Contact: Carl D. Schneider, Ph.D. (800) 639-6039

November 5–7, 1994—Tucson, AZ First International Symposium on Child Custody Evaluations Contact: AFCC (608) 251-4001

November 16–18, 1994—Madison, WI Emerging Issues in Mediation Wisconsin Association of Mediators & University of Wisconsin Contact: Jim Campbell (800) 442-7107 or (608) 262-7942

May, 17–20, 1995—Montreal, Canada AFCC Annual Conference Contact: AFCC (608) 251-4001

November 4–6, 1995— Columbia Gorge, OR AFCC Northwest Regional Conference Contact: Hugh McIsaac (503) 248-3189

May 1996—San Antonio, TX AFCC Annual Conference Contact: AFCC (608) 251-4001

Fall 1996—Cambridge, MA AFCC Northeast Regional Conference Contact: AFCC (608) 251-4001

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