



# NEWSLETTER

## Association of Family and Conciliation Courts

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

Volume 17, Number 1  
Winter 1998



**Marian Wright Edelman**  
President and Founder  
Children's Defense Fund

**May 27-30, 1998**

### Marian Wright Edelman Leads Star Spangled AFCC Conference Program

**M**arian Wright Edelman, Founder and President of the Children's Defense Fund, will highlight AFCC's 35th Annual Conference, **Examining the Partnership Between Policy and Practice**, May 27-30, 1998 at the Capital Hilton in Washington, D.C.

Ms. Edelman will be joined by her husband Peter B. Edelman and their son Jonah Edelman. The Edelmanns will deliver the inaugural Meyer Elkin Address and accept the Meyer Elkin Award at the plenary session on Thursday, May 28, 1998. Peter B. Edelman is a professor at Georgetown University Law School and served as Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services and as an aide to the late Senator Robert F. Kennedy. Jonah Edelman is a former Rhodes Scholar and serves as Executive Director of Stand For Children. The Edelmanns' remarks will be published in a future edition of AFCC's quarterly journal, the *Family and Conciliation Courts Review*.

Joining the Edelman family as plenary speakers will be leading commentators on family, children and divorce issues. The conference will open Wednesday evening with "Marriage, Separation and Divorce: Back to the Future?" featuring Barbara Dafoe Whitehead, author, *Dan Quayle Was Right*; Isolina Ricci, author *Mom's House, Dad's House*; and David Popenoe, author, *Life Without Father*. This session will be moderated by Fred Barnes, Executive Editor of The Weekly Standard and a regular panelist on the popular political news program The McLaughlin Group.

AFCC's Awards Luncheon will treat participants to a luncheon address by author Judith Viorst entitled, "For Peace of Mind Resign as General Manager of the Universe." Ms. Viorst has written numerous books of poetry and prose including *Necessary Losses*, *Imperfect Control* and fourteen books for children including *Alexander and the Terrible Horrible*, *No Good, Very Bad Day*.

Friday's plenary session takes an inside-the-beltway-look at "The Impact of Policy on Children and Parents" with Bonnie Campbell, Director, Office of Violence Against Women, U.S. Department of Justice; Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention; and Wade Horn, President, National Fatherhood Initiative.

AFCC's 35th Annual Conference will also feature a special guest speaker for Saturday's closing session, six pre-conference institutes, 32 workshops and four extended workshops.

The conference will truly be an international event with speakers from Australia, Canada, England, India, Japan, Korea, New Zealand, Scotland, South Africa and the United States.

Pre-Conference Institutes will include:

- Parental Access Programs
- Child Protection Mediation:  
The Basics and Beyond
- Mediation Styles: Does One Size Fit All?
- Establishing a Unified Family Court
- From Infants to Adolescents:  
A Developmental Approach to Parenting Plans
- Advanced Applications in  
Custody Evaluations

#### Banquet to Feature The Capitol Steps

This year's Annual Banquet will feature political satirists extraordinaire, **The Capitol Steps**. These former congressional staffers poke fun at political figures and current events by adapting their lyrics to popular songs. This performance is included in the conference registration rate and is one event you won't want to miss!

#### International Dinner

AFCC's International Committee invites you to join them for a special event on Thursday evening, May 28, 1998. Join friends and colleagues from around the globe for dinner and a special guest speaker. See the conference brochure for details and registration information.

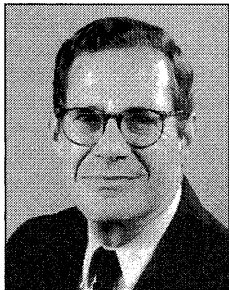
#### Child Protection Mediation Roundtable

AFCC's Mediation Committee will sponsor a special roundtable discussion on Dependency and Child Protection Mediation. If you are involved in such a program or interested in finding out more about this emerging practice, join AFCC's Mediation Committee on Friday, May 30, 1998 at 12:00 noon.

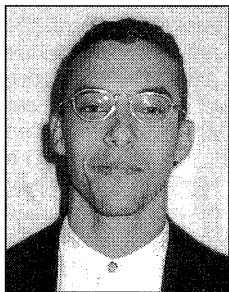
For further information about AFCC's 35th Annual Conference, contact AFCC, 329 W. Wilson Street, Madison, WI 53703. Phone (608) 251-4001; Fax: (608) 251-2231; E-mail <afcc@afccnet.org>



**Judith Viorst**  
Author  
*Necessary Losses*



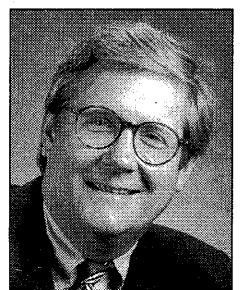
**Peter B. Edelman**  
Professor of Law  
Georgetown University  
Law Center



**Jonah Edelman**  
Executive Director  
Stand For Children



**Barbara Dafoe Whitehead, Ph.D.**  
Author  
*"Dan Quayle Was Right"*



**Fred Barnes**  
Executive Editor  
*The Weekly Standard*



**Isolina Ricci, Ph.D.**  
Author  
*Mom's House, Dad's House*



**David Popenoe, Ph.D.**  
Author  
*Life Without Father*



## AFCC EXECUTIVE COMMITTEE

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Melbourne, Australia

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## AFCC NEWSLETTER

Vol. 17, No.1

### AFCC Newsletter Editor

Peter Salem

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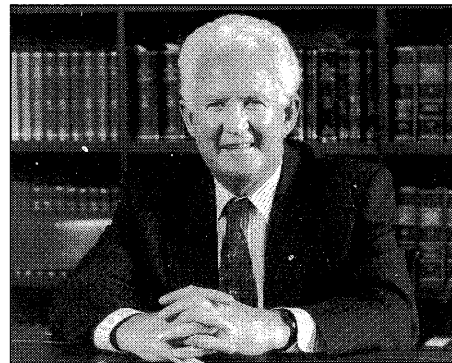
The AFCC Newsletter is a publication of the Association of Family and Conciliation Courts. The Newsletter is published four times a year. Deadlines for news items and advertising are March 1, June 1, September 1, and December 1. Advertising copy must be camera ready and payment made in U.S. funds.

### Advertising Rates:

Full page (7 1/2" x 10") .....\$400  
Half page (7 1/2" x 4 7/8") ...\$300  
Quarter page (3 5/8" x 4 7/8") \$175

## PRESIDENT'S MESSAGE

By Hon. Alastair Nicholson  
Melbourne, Australia



One of the more interesting developments in the family law area is the renewed interest in Unified Family Courts, an area in which many AFCC members have long been among the leaders. As part of this movement, the American Bar Association is holding a conference entitled the *ABA Leadership Summit on Unified Family Courts* in Philadelphia from May 14-16, 1998. AFCC will be serving as a cosponsor. I have accepted an invitation to speak at the opening plenary session. AFCC speakers will also include Hon. Patrick Mahony, Family Court of New Zealand; Mr. Robert Tompkins, Connecticut Superior Court; Hon. Robert Page, Camden, New Jersey; and Professor Andrew Schepard, Hofstra School of Law and Editor of the *Family and Conciliation Courts Review*.

AFCC representatives at the *ABA Summit* will be joined by other leading international jurists, court administrators and scholars in presenting a special Pre-Conference Institute at AFCC's 35th Annual Conference, **Examining the Partnership Between Policy and Practice**, May 27-30, 1998 in Washington, D.C. "Establishing a Unified Family Court" will be presented on Wednesday, May 27, 9:00am-5:00pm. We have assembled an extraordinary international faculty which collectively brings decades of experience in implementing, managing and studying Unified Family Courts. I would encourage everyone with an interest in this topic to take advantage of this rare opportunity.

It is unfortunate that the move toward Unified Family Courts has met so many obstacles over the years. The advantages are manifest and include the development of much greater expertise, continuity of approach and the ability to confront all of the issues facing a particular family in a comprehensive fashion. Judges can be chosen for their suitability for the family jurisdiction and counseling and other services can be integrated into the Court structure and the whole can operate more as a team. Also, in the Unified Family Court the number of families requiring a litigated solution is likely to be less than it is at present.

Despite these advantages and the example of the success of such a system, legislators have been extremely reluctant to move in this direction. All too often this

inertia has been exacerbated by the conservatism of many "mainstream" lawyers and judges toward family law, which, despite its relevance to so many people, is regarded by such individuals as something of a Cinderella of the law.

Internationally there are also examples of Unified Family Courts. In my own country, Australia, we have had a Family Court operating as a Federal Court since 1976, exercising a national jurisdiction over divorce and matrimonial causes and child custody disputes. A similar Court is in existence in New Zealand. Singapore, Fiji and South Africa are currently considering a move in this direction.

One of the great advantages of the Australian Court has been the incorporation within its structure of in-house counseling and mediation services, although this is currently under threat from Government. It is pleasing to see the issue of Unified Family Courts back on the agenda of public discussion.

A second headline issue relates to policy efforts regarding marriage, separation and divorce. AFCC will address this topic at the opening session of the Annual Conference as commentators Barbara Dafoe Whitehead, David Popenoe, Isolina Ricci and Fred Barnes discuss "Marriage, Separation and Divorce: Back to the Future?" The Louisiana experiment with "Covenant Marriage" is an example of such reform. It is beginning to attract national attention. Having practiced law in both fault and no-fault jurisdictions, I regard a move back in the direction of fault as disastrous and a negation of what family law should be about. The move seems to be attractive to those who believe that no-fault divorce has been a cause of family breakdown in our communities. This is truly a case of "shooting the messenger."

For those who advocate this view, an examination of family breakdown in countries like Ireland is instructive. Ireland has only recently permitted divorce. Family disputes have been one of the fastest growth areas in the law in Ireland. This trend was manifest long before Ireland permitted divorce. It is of interest to note that a report commissioned by the Irish Government recommended setting up a

CONTINUED ON PAGE 6

## MEMBER PROFILE

### Risa Garon, Columbia, Maryland



**A**s Executive Director of Children of Separation and Divorce Center, Inc. (COSD), Maryland AFCC member Risa Garon stays quite busy. She oversees two centers, more than 25 therapists and numerous clinical and educational programs. Risa also teaches at the University of Maryland School of Social Work, serves on task forces and advocacy boards too numerous to list and, along with the COSD staff, she recently completed the publication, *Attorneys Representing Children: Guidelines for Interviewing and Assessing Children and Parents Experiencing Separation and Divorce*.

This multitasking lifestyle isn't new to Risa who has been taking on life's challenges since she was in high school. "I grew up in Queens, and Long Island, New York in the 1960's. I always heard and read about people living in poverty and one day I just got fed up and decided to try to do something. So I got on the telephone and called the local settlement houses. Pretty soon, my friends and I started a citywide program called the Pied Piper Program where we would go to different settlement houses, meet the kids in the area and play games, etc. It was basically a neighborhood friendship program."

Risa maintained her community involvement while a student at Cornell University but her rebellious nature almost kept her out of college. "My co-editor of the high school newspaper and I published an editorial without clearing it with the advisor. I can't even remember the subject but I think we

knew we wouldn't get permission to run it. I was almost expelled and they would have withdrawn my college acceptance."

Risa was permitted to graduate and went on to major in psychology at Cornell where she also met Howard Garon, an electrical engineering major and now her husband of 28 years. After graduation, Risa and Howard moved to Maryland where Risa earned her M.Ed. at the University of Maryland and worked as a school counselor. In 1972, Risa and Howard's daughter Stephanie was born, followed by their son Michael in 1975. After a short time working at home, Risa accepted a position as a consultant on school desegregation for the Prince George's County Schools. Risa was confident that she could balance mothering and work outside the home, but everyone was not quite so sure. "My mother called me the day before I started work to make sure I had remembered child care for Stephanie," she recalled.

Risa proved so adept at balancing career and family that she eventually returned to school to earn her master's degree in Social Work at Catholic University. She also began working with the Family Life Center in Columbia which led to the development of a Children of Separation and Divorce Department. In 1991 COSD left the Family Life Center and became an independent nonprofit center. "We provide comprehensive services, conduct training and do advocacy work," Risa said. "We don't use a traditional mental health center approach. The two centers are like social laboratories. We learn from our clients and that learning drives the programs we develop." Risa proudly points to the family environment between the center's staff and notes that everyone who started with COSD in 1991 is still there today.

In addition to her work with COSD, Risa is particularly committed to her work as Co-Chair of Maryland's Advocacy Board for Children of Divorce and her participation in the Montgomery County Divorce Roundtable. "Like AFCC, both are interdisciplinary endeavors," she notes. "The two advocacy boards sponsored training programs for attorneys appointed to represent children. Judges and attorneys throughout the state now want to bring the training to their county. That's exciting to me."

Risa places a premium on spending time with her family even if it means putting them to work. "All three have volunteered for COSD. Howard developed our database and the kids have edited publications and worked on fund raisers. I think it is important for them to have the experience. Volunteer work helps them to develop a sense of empathy."

Although her career keeps her busy, Risa does have a life outside of COSD. "I love spending time with family and friends," she said. "I like downhill and cross country skiing and aerobic workouts. Howard and I recently went to the state of Washington. We climbed Twin Peaks and some water falls and I thought, 'this is what life is about.' It's those moments of connectedness and being part of nature."

Regardless of whether she is climbing water falls, spending time with family or working on another new project, for Risa it all comes back to children. "I care deeply about children and it hurts me when I see them hurting. I really fell into this work, but now that I'm here I won't leave until I feel that our mission is accomplished. Groups like AFCC and the Advocacy Board for Children of Divorce are planting the seeds for the changes that are necessary to accomplish our mission of helping children."

### AFCC Chapters Host President and Executive Director

**A**FFC President, Chief Justice Alastair Nicholson, and Ann Milne, AFCC Executive Director, met with the leadership of AFCC chapters in Massachusetts, Arizona and California this January in an effort to determine how AFCC can support chapter activities and encourage the growth and development of new and existing AFCC chapters.

Each chapter convened its elected officers and Board members for the meetings, which are expected to enhance communication between the chapters and the international organization. One immediate result of these discussions will be a reception hosted by AFCC for chapter members during the 35th Annual Conference in Washington, DC, May 27-30, 1998. AFCC's strategic planning and future fundraising efforts will include exploration of establishing a sustaining fund to provide support for chapter activities.

Chapter Committee Co-Chairs, Hon. Arline Rotman and Clarence Cramer, are coordinating efforts to update materials for establishing new chapters. If you are interested in establishing a chapter in your state, contact the AFCC at (608) 251-4001; Fax (608) 251-2231; E-mail <afcc@afccnet.org>

### AFCC to Cosponsor ABA Summit on Unified Family Courts

**A**FFC will serve as a cosponsor for the American Bar Association's Summit on Unified Family Courts, May 14-16, 1998 in Philadelphia, PA. The conference, funded by the U.S. Department of Justice, will bring together family law professionals selected by the Chief Justice of each state.

Hon. Alastair Nicholson, AFCC President and Chief Justice of the Family Court of Australia, will represent AFCC as a participant in the opening plenary session. Hon. Patrick Mahony, AFCC Board Member and Principal Family Court Judge, Family Court of New Zealand, will also participate as a plenary speaker. Robert Tompkins, AFCC Former President, and Hon. Robert Page, AFCC Board member, will also present at the conference. Andrew Schepard, Editor of the *Family and Conciliation Courts Review*, will serve as Reporter and will provide closing remarks for the conference.

For further information on the ABA Summit on Unified Family Courts, contact the American Bar Association Steering Committee on the Unmet Legal Needs of Children at (202) 662-1675.

## AFCC Member News

**Hon. Betty Barteau**, Former AFCC President from Indianapolis, Indiana, is leaving her seat on the Indiana Court of Appeals to accept a position in Moscow, Russia. Through the National Judicial College, Judge Barteau will serve as Chief of Party of the Russia Judicial Reform Project. She will establish a Judicial Training Institute to be run and taught by Russian judges. As of April 1, 1998, Judge Barteau can be reached at:

Chief of Party Betty Barteau  
c/o Russian Judicial Reform Project  
133 20th St., N.W., Suite 600  
Washington, D.C. 20036  
Attn: MEB  
E-mail: [bbarteau@glasnet.ru](mailto:bbarteau@glasnet.ru)

**Rod Burr**, AFCC member from Adelaide Australia, has been named to serve as a Judge of the Family Court of Australia. Mr. Burr served on the Executive Committee of the Second World Congress on Family Law and the Rights of Children and Youth and was Co-Chair of the First World Congress.

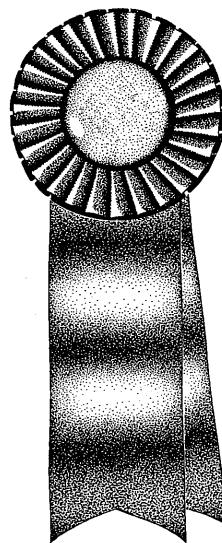
**John Lande**, AFCC member since 1983, will begin a new position as director of the Mediation Program at the University of Arkansas at Little Rock School of Law. Dr. Lande will leave his present position as a faculty member in the Department of Dispute Resolution at Nova Southeastern University to make the move to Little Rock.

**Isolina Ricci**, AFCC member from San Francisco, was the recipient of the 1997 Distinguished Mediator Award, given by the Academy of Family Mediators to honor those who have made an exceptional impact on the mediation community. A leader in the field of divorce and child custody issues, Dr. Ricci serves as Director of the Statewide Office of Family Court Services, Judicial Council of California. The second edition of her widely acclaimed book *Mom's House, Dad's House*, was recently published by Simon & Schuster and is already in its second printing. Dr. Ricci will be a plenary presenter at AFCC's 35th Annual Conference in Washington, D.C.

**Focus on Children**, the Circuit Court of Cook County's educational program, has been selected by the Group Psychotherapy Foundation for their 1998 Aaron Stein Memorial Award. This national award recognizes the value of applied group psychology principles in both traditional and nontraditional settings. AFCC Former President Hon. Susan Snow was the catalyst for the development of Focus on Children. The program is facilitated by the Cook County Marriage and Family Counseling Service.

## What Are You Doing?

AFCC wants to know! Did you write a book, start a new job, give birth to a child, receive an award, get married? Do you have some other news to share with the membership? If so, pass it along to Member News, c/o AFCC, 329 W. Wilson St., Madison, WI 53703.



## Awards Committee Seeks Nominations

The Association of Family and Conciliation Courts Awards Committee is seeking nominations for the following awards to be presented at the AFCC Awards Luncheon at the 35th Annual Conference in Washington, D.C., May 28, 1998.

- **AFCC Distinguished Service Award**, presented in recognition of significant contributions to the domestic relations field.
- **Stanley Cohen Distinguished Research Award**, recognizing outstanding research contributions.
- **Irwin Cantor Innovative Program Award**, presented to an innovative program designed to improve the lives of children and families.

If you would like to nominate someone for one of the awards above, send a fax or e-mail of no more than 200 words to Linda Hahn, Chair, AFCC Awards Committee. Please specify the award for which you are submitting a nomination. Include your name, address and telephone number along with the same information for the nominee. Please write a brief statement as to why you believe the nominee to be a good candidate for the award.

Forward your nomination to:

Linda Hahn, Chair  
AFCC Awards Committee  
Fax: (214) 653-6034  
E-mail: [lhahn@admin.dallas.usa.com](mailto:lhahn@admin.dallas.usa.com)

## Task Force to Chart AFCC's Path in Cyberspace

AFCC is forming a Technology Task Force to examine issues related to the development of AFCC on-line services. The Task Force will be chaired by AFCC Vice President Phil Bushard, Director of the Family Mediation Program, Reno, NV. If you have any suggestions or would like to contribute to the work of the Technology Task Force, please contact Phil Bushard, Technology Task Force Chair, at [pbushard@mail.co.washoe.nv.us](mailto:pbushard@mail.co.washoe.nv.us) or call (702) 328-3556.



## AFCC California Chapter Sets Conference Dates

AFCC's California Chapter will hold its Annual Meeting on January 24-25, 1999 at the Sonoma Mission Inn in Sonoma, California. The California Chapter will also cosponsor AFCC's Southwest Regional Conference November 4-6, 1999 in Newport Beach, California. Check future editions of the *AFCC Newsletter* for further details on both conferences.



## AFCC Annual Conference is a Family Affair

For evidence that AFCC's focus is on the family, one need look no further than the brochure for the 35th Annual Conference in Washington, D.C. This year's program features three husband-wife combinations, with one couple even bringing their son in on the action.

The Edelman family will present at the Thursday morning plenary session. Marian Wright Edelman, Founder and President of the Children's Defense Fund, her husband Peter Edelman, Georgetown Law Professor, and their son Jonah Edelman, Executive Director of Stand For Children, will give the inaugural Meyer Elkin Address.

Shay Bilchik, Administrator of the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice will present at the Friday morning plenary session. Susan Bilchik, Shay's wife, will be a presenter at Wednesday's Pre-Conference Institute, "From Infants to Adolescents: A Developmental Approach to Parenting Plans."

The third family presentation team consists of Sherrol Cassidy, a California lawyer and her husband, Matthew Sullivan, a psychologist. Both practice in Palo Alto, although they originally met in Washington, D.C.

AFCC is pleased to support family unity by offering these families the opportunity to present together at our annual conference. If you are interested in having your spouse, significant other, children or other family members come along, please consider doing so. AFCC offers a spouse/guest registration rate which includes plenary sessions, the Reception, Awards Luncheon, Annual Banquet and the AFCC Hospitality Suite all for only \$150.

For more information, contact AFCC, 329 W. Wilson St. Madison, WI 53703. Phone: (608) 251-4001; Fax: (608) 251-2231; E-mail: <afcc@afccnet.org>

## Notice of Bylaw Changes

AFCC members will be voting on the following Bylaw changes at the annual membership meeting scheduled for Saturday, May 30, 1998 at 8:30 am.

### 3.2 Membership

Membership is open to all interested persons [insert: in all countries]

### 3.5 Classes of Membership

(6) Associate [delete this category and reference to it]

(7) Affiliate. An institution or association, [delete: in a country other than in North America] may, upon application and approval by the Board of Directors, become an affiliate.

### 6.1 Executive Committee

[insert: 6.4 Vacancies may be filled by appointment by the Executive Committee until the next annual meeting.]

### 13.3 Nominating Committee

13.4 [delete: 7. When otherwise appropriate the person who hosts a conference should be considered for nomination as a vice-president to serve while such conference is being organized.]

[delete: 8. The nomination to the Board of directors, of one or more associate members from each country.]

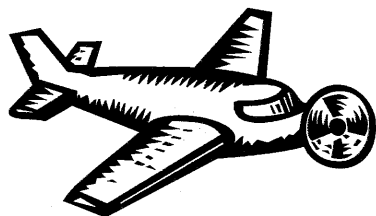
[renumber: 9. to 7]

### 17.1 Conferences

[insert: 17.2 Conferences and educational events may be held to serve the needs of a particular region or special purposes and interests.]

### 19.1 Regional Conferences [delete]

19.2 [renumber: 17.3]



## FOR GLOBETROTTERS...

Melborne, Australia

### AFCC President to Give Keynote Address at 4th National Mediation Conference

Hon. Alastair Nicholson, AFCC President and Chief Justice of the Family Court of Australia, will give the keynote address at the 4th National Mediation Conference April 4-8, 1998 in Melbourne, Australia. Joining Justice Nicholson on the program will be Hon. Daryl Williams, Attorney General of Australia, Dr. Robert Emery, University of Virginia; Dr. Joseph Folger, co-author, *The Promise of Mediation*, and Dr. Peter Adler of the Hawaii Justice Foundation.

For further information contact:

4th National Mediation Conference Secretariat  
Post Office Box 1127  
Sandringham, Victoria 3191  
Australia  
Phone: 61-3-9521-8881  
Fax: 61-3-9521-8889  
E-mail: conforg@ozemail.com.au

Oxford, England

### ICMIR International Conference

The International Commission on Marriage & Interpersonal Relations, a co-sponsor with AFCC of the Second World Congress on Family Law and the Rights of Children and Youth, will be holding its international conference June 28-July 1, 1998 at St. Catherine's College, Oxford, England. The conference is entitled, *Men and Women in Relationships: Vive La Difference?* Professor Janet Walker, University of Newcastle, will present the conference's keynote address and will be joined by presenters from Belgium, Finland, France, India, Poland, Russia, the United Kingdom and the United States.

For further information please contact

Gerlind Richards  
ICMIR  
4 Barnfield Wood Close  
Bekenhams  
Kent BR3 6SY  
England  
Phone: 44-181-650-7418  
Fax: 44-181-313-3

# Guidelines for Dependency/Child Protection Mediation Programs

by Gregory Firestone, Ph.D., Director, University of South Florida Mediation Institute, Tampa, Florida



Gregory Firestone

In recent years there has been tremendous growth in the use of mediation in disputes involving dependency and child protection matters. Interest in dependency and child protection mediation is extremely strong, as evidenced by the attendance of more than one

hundred participants at AFCC's recent Pre-Conference Institute in Boston.

AFCC is committed to the informed development of dependency/child protection mediation programs. Toward that end, AFCC will sponsor a Pre-Conference Institute and workshop on the topic at the 35th Annual Conference, May 27-30, 1998 in Washington, D.C. The AFCC Mediation Committee will hold a special Child Protection Mediation Roundtable at the Annual Conference. The Mediation Committee is also compiling information for a Directory of Dependency/Child Protection Mediation to facilitate networking and sharing of information.

As the number of programs increases, opportunities to share information become more important. Those considering starting a program might consider the following guidelines.

■ In order to implement a dependency mediation program, it is critical to have significant judicial support as well as the active involvement of all interested professionals including guardians ad litem, CASA

volunteers, child protection agencies, prosecutors, defense counsel, etc.

■ Mediators must be highly trained in both the substance and technique of dependency mediation. This is an area of mediation that requires additional training and experience beyond the basic family mediation training.

■ Mandatory referral of most dependency cases to mediation can be helpful in resolving a wide range of dependency disputes at all stages in the dependency process. Some cases which are inappropriate for mediation include situations where domestic violence would compromise the mediation process or the psychological incapacity of a parent would limit meaningful participation. However, the vast majority of cases are suitable for mediation.

■ While most cases may be appropriate for mediation, the presence of children at mediation is generally not in the child's best interest. The age and maturity of the child, the child's desire to participate in mediation, the extent to which the child's participation would directly benefit the child or the resulting agreement and the possible harm the child might experience in mediation would be factors to consider.

■ Mediation should be confidential with the exception of new allegations of child abuse and neglect. It is important that all parties are appropriately informed of the extent to which mediation is confidential and the extent to which there may be exceptions to confidentiality.

■ The presence of existing statutory or regulatory time standards for the resolution of child abuse and neglect cases should be adhered to when scheduling child protection mediation conferences.

■ Courts should review mediated agreements and make a determination that all parties understand the agreement, that all parties to the agreement voluntarily

agree to the terms of the agreement and understand the consequences of failure to perform, that all parties have been advised of their right to counsel (if legally required), and that the agreement would appear to serve the best interests of the child.

■ Parents should be expected to directly participate in the mediation session in order to increase the exchange of information among all the parties, improve the quality of the agreement by enabling the parents to have direct input into the agreement, reinforce the parent's important role by allowing direct parental input into the decision-making process, increase the parent's sense of ownership of and compliance with the resulting agreement, reduce conflict between the parents and other involved professionals and reduce the likelihood of further litigation.

■ Mediation should not proceed in the absence of legal counsel, a guardian ad litem or CASA volunteer to represent the child.

These general guidelines are intended as a starting point for those interested in pursuing a dependency/child protection mediation program. For further information see the special issue of the *Family and Conciliation Courts Review* (April 1997) on dependency/child protection mediation as well as "Alternative to Litigation in Child Abuse and Neglect Cases" by Hon. Leonard P. Edwards and Steven Baron, in the July 1995 issue of the *Family and Conciliation Courts Review*

Gregory Firestone, Ph.D., will be a presenter at the Pre-Conference Institute, "Child Protection Mediation: The Basics and Beyond" at the AFCC Annual Conference in Washington, D.C. For information on the conference or to order the April 1997 issue of the *Family and Conciliation Courts Review*, contact AFCC. Phone: (608) 251-4001. Fax: (608) 251-2231. E-mail: <afcc@afccnet.org>

## Presidents Message

Continued from page 2

family court in Ireland several years before divorce was introduced because of the explosion in litigation related to family breakdown.

One of the factors that appears to have given some impetus to the move in favor of the reintroduction of fault into divorce is recent research findings presented by Dr. Judith Wallerstein at the last World Congress as to the ill effects on children of

divorce and family breakdown. There are differing views about Dr. Wallerstein's conclusions, but without entering into this dispute, I would be doubtful if she intended that her research should be used in this way. My own impression was that she was calling attention to what she saw as a problem resulting from divorce and family breakdown rather than suggesting a return to old and failed solutions.

Interdisciplinary discourse on policy issues such as the Unified Family Court and family law reform is critical to the healthy development of our professional practices. I can think of no better city in the United States than Washington, D.C. to convene an international delegation to further such discussions. I invite you to join us in this worthwhile endeavor.

## SPOTLIGHT SERIES

# Custody Mediation for Never-Married Parents

by Mary A. Malloy, J.D., Executive Director, Juvenile Court Custody Mediation Project of the Cuyahoga County Bar Association, Cleveland, Ohio

Child custody disputes between never-married parents present courts with a unique constellation of problems and opportunities. The child in these cases is often an infant. A grandparent may be involved as a minor parent's guardian or as an independent party seeking custody for economic or safety reasons. Paternity may not yet be legally established. The child's surname may be in dispute. The father may have never even seen his child. For older children, uncertain parentage and custody can delay school admission and interfere with consent to medical treatment.

Yet for all these problems, mediation between never-married parents has great rewards. In the vast majority of these cases, children are introduced (or reintroduced) to an absent parent within a week after the very first mediation session and ongoing compliance is the norm.

## Background

Cuyahoga County is the largest county in Ohio, with a population of 1.4 million. It comprises the City of Cleveland and 56 surrounding municipalities, cities and townships.

There are approximately 7,000 out-of-wedlock births in Cuyahoga County each year. The Juvenile Division of the Court of Common Pleas, called the Juvenile Court, has jurisdiction over custody disputes involving these children.

In 1995, the Cuyahoga County Bar Association and the Juvenile Court formulated plans to establish a mediation program for the speedy and non-adversarial handling of these disputes. Two local foundations, the

Cleveland Foundation and the Gund Foundation, provided start-up funding to train mediators and to develop programs. The Cuyahoga County Bar Association took on the task of administering the program as a public service project.

## Objectives

The Custody Mediation Project initially focused on developing three things: 1) a mediation model which would enable a largely uneducated client population to make good decisions about the care of children; 2) legally sufficient and easy-to-read documents for use by parents, mediators, and judges; and 3) a professional mediator pool and an intelligent case management process which could move a large volume of cases smoothly through the court.

All of these things were developed within two years after start-up. In 1997, more than 700 cases involving 1,000 children were referred to the Cuyahoga County Bar Association Juvenile Court Custody Mediation Project. The program produces complete resolution in 67% of its cases and 78% of the cases overall have significant positive outcomes.

## Mediators

Under Ohio Supreme Court Rules, courts may refer custody and visitation cases to mediators who are experienced working with families and who have taken a total of 56 hours of Ohio Supreme Court sanctioned mediation training, including 40 hours of specialized family mediation training. The Custody Mediation Project sponsors such training as needed and holds monthly in-service classes for mediators covering a wide range of topics from "Overcoming Client Objections" to "Perfecting a Parenting Plan." The Project has staged two full-day Continuing Legal Education courses for attorneys and mediators focusing on custody

jurisdiction and on the role of the court-appointed guardian ad litem in mediation.

Committed and energetic people from both the legal and therapeutic community, as well as experienced parents from the community-at-large, act as mediators. Mediators initiate client contact, schedule and conduct mediation sessions and prepare parenting plans. Mediators are private contractors, paid directly by the court on a case-by-case basis.

## Organizational Structure

The Cuyahoga County Bar Association provides development, administration, mediator supervision and legal consultation. Mediation sessions are held in a secured Juvenile Court facility where participants pass through a metal detection device upon entry. Mediators schedule sessions at the convenience of the participants during regular court hours, in the evening and on weekends.

An Advisory Board consisting of members of the Bar Association, the Court and the community-at-large, oversees the mission and direction of the Custody Mediation Project.

## Other Dimensions

The Project has developed a parent education curriculum for parties to custody and visitation disputes based on mediators' experiences with these families. The Project has also developed a mediation process for certain neglect and dependency cases within the Juvenile Court.

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Mary Malloy will be a presenter at AFCC's 35th Annual Conference in Washington, D.C., May 27-30, 1998. For further information, contact her at the Juvenile Court Custody Mediation Project of Cuyahoga County Bar Association, 1910 Carnegie Avenue, Cleveland, OH 44115 Phone: (216) 348-4265.

# Arizona Chapter Conference Addresses Critical Issues

by Fred Mitchell, Ph.D., Treasurer, AFCC Arizona Chapter, Tucson, Arizona

The AFCC Arizona Chapter combined the expertise of AFCC's interdisciplinary membership, a beautiful Prescott, Arizona setting and the challenge of creating healthy futures for families of separation and divorce to attract more than 140 participants to the AFCC Arizona Chapter Conference, February 13-15, 1998.

The conference, entitled, *DIVORCE: Understanding the Challenges, Creating the Solutions*, combined the expertise of judges, attorneys, mediators, evaluators and family court services professionals and offered an outstanding program which included Christie Coates, AFCC President Elect, mediator Dr. John Haynes and Dr. Philip Stahl, Chair of AFCC's Custody Evaluation Committee.

The conference opened with a family mediation role play conducted by renowned mediator John Haynes. A panel of expert analysts and commentators included Christie Coates, Philip Stahl and Hon. Sherry Hutt, Domestic Relations Judge from Phoenix.

Conference workshops focused on some of the most salient

issues in creating successful futures for families of divorce. Topics included: writing effective parenting plans, custody evaluations, dealing with drug impaired parenting, crafting age appropriate access plans, resolving high conflict cases, post-dissolution disputes, assessing and adjudicating allegations of child sexual abuse and interviewing children. Each session was facilitated by a multi-disciplinary panel. Other conference highlights included:

- A humorous and inspirational luncheon address by Christie Coates
- A mock trial in which the mediation case from the opening conference session was presented to, and ruled on, by a panel of three Arizona Domestic Relations Judges.

The conference built on the momentum created at the 1997 Arizona Chapter Conference in Sedona by generating increasing interest and resolve among family court professionals to work even more closely together to bring focused and effective services to families in the greatest need. Arizona Chapter members anticipate that the momentum will continue into 1999 and beyond.

# Mediation With Latinos: Selected Results of a Survey

by David Gooden, ACSW, CISW, Mediator, Family Center of the Conciliation Court, Tucson, Arizona,  
and Alminta Galván, MA, MS, Mediator, Family Center of the Conciliation Court, Tucson, Arizona

**A**t the Second World Congress on Family Law and the Rights of Children and Youth, the AFCC Diversity Task Force presented a series of recommendations that included networking and exchange of information related to cultural diversity. In response to these recommendations, the Family Center of the Conciliation Court in Tucson decided to examine ways to improve child custody mediation services for Latino clients, who make up approximately one-third of our clients.

We sent questionnaires to 44 family courts throughout the United States in the summer of 1997 asking mediators for input on how we could improve our child custody mediation services with Latino clients. While a full discussion of survey results cannot be presented here, this article summarizes responses to two key questions:

1. In your mediation work with Latino clients, are there some methods you have found particularly helpful and other methods you would not recommend?
2. Have you noticed any particular differences between the way you work in mediation with Anglo/European American clients and Latino clients?

This summary is divided into responses from three groups of mediators. The first group is comprised of fifty mediators who work with Latinos but are neither Spanish speaking nor Latino. The second group includes responses from six bilingual non-Latino mediators. The third group provides information from nine bilingual Latino mediators. The results are preliminary in nature and not intended as a representative sample.

## Group One: Non-Latino, Non-Spanish Speaking Mediators

The most commonly cited observation made by mediators who are not Latino and do not speak Spanish are, not surprisingly, language related concerns. Respondents noted that interpreters help clients feel more comfortable but also require modification of the mediation process. For example, more time is needed for mediation sessions. It is also necessary to make frequent checks to determine if the clients understand the process and to ensure that mediators and clients share a common understanding of the issues and outcomes. Group one respondents recommended using court interpreters to ensure impartiality rather

than friends or acquaintances of the clients.

The next most commonly referenced issue related to extended family. Respondents suggested involving members of the extended family in the mediation, especially if it is determined that the decision maker is an extended family member. The family's role in pride, shame and self-definition of the clients, as well as child care, was emphasized.

Several respondents recommended caucusing more with Latino clients, especially in the beginning stages of mediation, both to address domestic violence issues and provide an opportunity for ventilating.

The traditional roles of mothers and fathers were noted by several mediators with the mother in the role of child expert and the father as provider characterized by paternal dominance and maternal passivity. Two specific recommendations were made: (1) be certain to assist the mother to bring out her issues; and (2) focus earlier than usual on the time sharing plan for the children, as both parents may assume that they will spend a majority of time with the children.

Finally, respondents noted that acculturation is an important factor. This was viewed as closely related to traditional cultural expectations. The longer the residence in the U.S. the more acculturated clients are likely to be.

## Group Two: Bilingual Non-Latino Mediators

Bilingual non-Latino mediators also cited language concerns. Specifically, this group recommended that agencies translate agency material, provide interpretation services and make extra efforts to ensure that clients understand the process.

Group two respondents noted that it is important to avoid generalizations and that individual differences such as the clients' educational level, socioeconomic status, country of origin and language are important factors in determining how to work with clients. Respondents also observed that Latinos experience greater levels of anxiety in mediation which lead to greater application of counseling skills.

## Group Three: Bilingual Latino Mediators

The responses of bilingual Latino mediators focused on the initial phase of mediation. These mediators recommended using formal language when making introductions and showing traditional forms of respect by using Mr., Mrs., Señor, Señora,

and Usted with elders, parents and guardians. Group three mediators emphasized carefully checking pronunciation of names and correcting court records for any mistakes that might be related to the use of double last names. Bilingual Latino mediators noted that the initial phase of mediation provides the opportunity to establish comfort, trust and respect, as does the "platica," a short, informal conversation about the weather, life or other unrelated subjects.

Group three mediators suggested using the initial phase not only to join with the client but to make an assessment of acculturation. Respondents noted that the level of acculturation helps inform them how closely traditional roles are followed and how much anxiety/vulnerability the clients are experiencing in regard to court and mediation.

Group three respondents also cautioned mediators to be aware of traditional roles, noting the tendency for fathers to be more receptive to leaving the primary caretaking of the children to the mother.

Bilingual Latino mediators pointed out that traditional Latino cultures may encourage a lengthier dependency on parents by children. They are expected to respect their parents and may not complain to or about parents, elders, or other family members, especially in front of non-relatives. There may be stress within Latino families when a child is more acculturated than the parents.

Group three mediators reported that they were authoritative, directive and provided more educational information (regarding the process, the agency, court and legal process/procedures and the effects of parental separation on children) to clients than when working with Anglos. This was particularly the case with Latino clients who are rural in origin.

## Conclusion

This article presents a summary of responses. These responses should serve as guidelines and a starting point for a better understanding of Latino clients. It is important to note that each community is unique and we must understand the history and experiences of Latinos in our own community if we are to provide the most effective services.

*To request a complete copy of the survey results, contact David Gooden and Alminta Galván at the Family Center of the Conciliation Court, Great American Tower, 32 N. Stone, Suite 1704, Tucson, AZ 85701.*



# AFCC to Publish Dependency/Child Protection Mediation Directory

The AFCC Mediation Committee is collecting information to publish an international directory of Dependency/Child Protection Mediation Programs. If you are involved in such a program and would like to be included, please complete the information below and return to:

Jan Shaw,  
Orange County Superior Court  
AFCC Mediation Committee Chair  
P.O. Box 14169  
Orange, CA 92863-1569  
Phone: (714) 935-6459  
Fax: (714) 935-6545  
E-mail: jshaw@superior.co.orange.ca.us

## Program Contact:

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State/Province/Country \_\_\_\_\_  
Zip Code/Postal Code \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_  
Fax Number (\_\_\_\_) \_\_\_\_\_  
E-mail Address \_\_\_\_\_

## 1. Stage(s) a Case May be Mediated (check all that apply):

- ☐ Prefiling ☐ Dispositional  
☐ Jurisdictional ☐ Post Dispositional  
☐ Other (please specify) \_\_\_\_\_

## 2. Mediation is: ☐ Mandatory ☐ Voluntary

## 3. Participants (check all that apply):

- ☐ Mother ☐ Attorney for Father  
☐ Father ☐ Attorney for Social Worker  
☐ Social Worker ☐ Attorney for Minor(s)  
☐ Minor(s) ☐ One Mediator  
☐ Foster Parent ☐ Two Mediators  
☐ Attorney for Mother ☐ CASA  
☐ Other (please specify) \_\_\_\_\_

## 4. Issues that May be Mediated (check all that apply):

- ☐ Counseling for Minor ☐ Supervised Visitation  
☐ Counseling for Parent(s) ☐ Drug Testing  
☐ Drug Counseling for Parent(s) ☐ Family Counseling  
☐ Alcohol Counseling for Parent(s) ☐ Parenting Classes  
☐ Visitation  
☐ Other \_\_\_\_\_  
☐ Other \_\_\_\_\_  
☐ Other \_\_\_\_\_

5. Percentage of Mediation Cases in which Parents Participate: \_\_\_\_\_ %  
(Please provide your best estimate)

6. Percentage of Mediation Cases in which Child(ren) Participate: \_\_\_\_\_ %  
(Please provide your best estimate)

## 7. Qualifications for Mediation Position:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 8. Mediators are Court Employees: ☐ Yes ☐ No (Skip to #9)

Number of full-time: \_\_\_\_\_ Number of part-time: \_\_\_\_\_

Average hours per week: \_\_\_\_\_

## 9. Mediators Contract with the Court: ☐ Yes ☐ No (Skip to #10)

Number of full-time: \_\_\_\_\_ Number of part-time: \_\_\_\_\_

Average hours per week: \_\_\_\_\_

Average Number of Cases Mediated Per Month: \_\_\_\_\_

## 10. Typical Length of Mediation Session:

- ☐ 1 hour ☐ 2 hours ☐ 3 hours ☐ 4 hours  
☐ 1½ hours ☐ 2½ hours ☐ 3½ hours ☐ More than 4 hours

More than one mediation session occurs in selected cases: ☐ Yes ☐ No

## 11. Funding Source(s) (check all that apply):

- ☐ Court Budget  
☐ Fee(s) Specify: \_\_\_\_\_  
☐ Grant(s) Specify: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

## 12. Date Program Established: \_\_\_\_\_

## 13. Written Information Available Upon Request:

- Research/Program Evaluation: ☐ Yes ☐ No ☐ In Progress  
Rules of Court: ☐ Yes ☐ No ☐ In Progress  
Program Policies: ☐ Yes ☐ No ☐ In Progress  
Client Orientation: ☐ Yes ☐ No ☐ In Progress

## 14. Please use the space below to provide any additional information:

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15. \_\_\_\_\_ / \_\_\_\_\_  
Name of Person Completing this Form Date

Telephone Number: (\_\_\_\_) \_\_\_\_\_

Thank you for taking your time to provide the requested information.

Please return to: Jan Shaw  
Orange County Superior Court  
AFCC Mediation Committee, Chair  
P.O. Box 14169  
Orange, CA 92863-1569  
(714) 935-6459 Phone (714) 935-6545 Fax  
E-mail: jshaw@superior.co.orange.ca.us

# Upcoming Events

**April 23-24, 1998—Madison, WI**  
 Wisconsin Interprofessional Committee  
 on Divorce Annual Conference  
 Contact: Ginny Gigot  
 (920) 235-4910

**May 12-16, 1998—Los Angeles, CA**  
 Divorce Mediation Training  
 Contact: Family Mediation Training  
 (310) 441-1454

**May 13-17, 1998—Eugene, OR**  
 Divorce Mediation Training  
 Contact: The Mediation Center  
 (800) 532-4733

**May 27-30, 1998—Washington, D.C.**  
 AFCC 35th Annual Conference  
*Examining the Partnership  
 Between Policy and Practice*  
 Contact: AFCC  
 (608) 251-4001

**June 2-6, 1998—Corte Madera, CA**  
 Divorce Mediation and Conflict Resolution  
 Contact: Northern California  
 Mediation Center  
 (415) 927-1422

**June 12-14, 1998—New York, NY**  
 Divorce Mediation Training  
 Contact: Center for Family & Divorce  
 Mediation (800) 613-4867

**June 15-19, 1998—Boulder, CO**  
 Divorce and Child Custody  
 Mediation Training  
 Contact: CDR Associates  
 (303) 442-7367

**June 15-19, 1998—Lancaster, PA**  
 Mediation Training  
 Contact: Mediation Training  
 & Consultation Institute  
 (800) 535-1155

**June 18-19, 1998—Las Vegas, NV**  
 Child Custody Evaluation Training  
 Contact: Alternative Solutions  
 (702) 646-2645

**June 28-July 1, 1998—Oxford, England**  
 International Commission on  
 Marriage and Interpersonal  
 Relations Annual Conference  
 Contact: Gerlind Richards  
 Fax: 44 181 313 3247

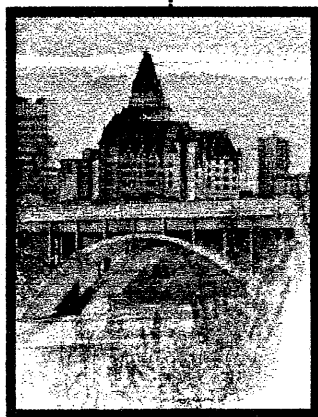
**July 7-11, 1998—San Francisco, CA**  
 Academy of Family Mediators  
 Annual Conference  
 Contact: AFM  
 (617) 674-2663

**October 28-31, 1998—  
 Saskatoon, Saskatchewan**  
 Family Mediation Canada  
 Annual Conference  
 Contact: FMC  
 (519) 836-7750

**October 29-31, 1998—Orlando, FL**  
 AFCC Southeast Regional Conference  
*The Family Dispute Resolution  
 Continuum: Mediation and Beyond*  
 Contact: AFCC  
 (608) 251-4001

**January 24-25, 1999—Sonoma, CA**  
 AFCC California Chapter Conference  
 Contact: Christopher Emley  
 (415) 392-1991

**May 1999—Vancouver, British Columbia**  
 AFCC 36th Annual Conference  
 Contact: AFCC  
 (608) 251-4001



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A conference brochure will be available in June 1998.

## Arizona Chapter Elects 1998-99 Officers

The AFCC Arizona Chapter has elected the following officers for 1998-99:

### President

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Tucson, AZ

### President Elect

Hon. Fred Newton  
Flagstaff, AZ

### Past President

Dr. Marlene Joy  
Scottsdale, AZ

### Vice President

Rose Weston, CISW  
Bisbee, AZ

### Secretary

Sidney Buckman  
Flagstaff, AZ

### Treasurer

Dr. Frederic F. Mitchell  
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Members of the Arizona Chapter Board of Directors are:

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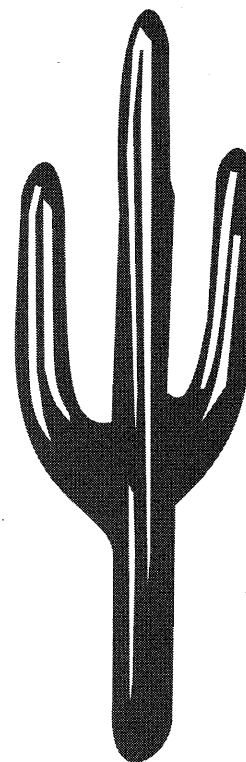
Jimmie Woods, Globe

For further information about the AFCC Arizona Chapter, write to:

AZ-AFCC

P.O. Box 2485

Tucson, AZ 85702-2485



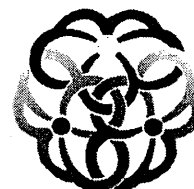
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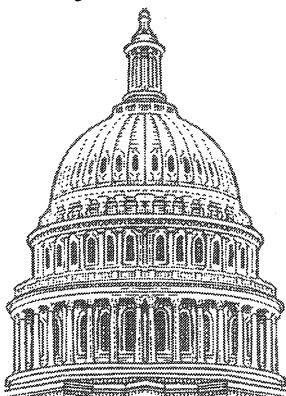
### **Interested in Presenting a Workshop?**

AFCC is accepting proposals for ninety minute workshop sessions including, but not limited to, the topics listed above. Please send a one paragraph description, a one page outline, a resumé and contact information for all presenters to AFCC, 329 W. Wilson St., Madison, WI 53703. The deadline for accepting proposals is June 1, 1998. AFCC offers a reduced registration fee for presenters. We are unable to reimburse travel and related expenses.

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and Conciliation Courts**  
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May 27-30, 1998**



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***Details Inside!***