

AFCC NEWSLETTER



VOLUME 18, NUMBER 2

An interdisciplinary association of professionals who work with families, courts and communities

SPRING 1999

Vancouver Youth Forum and Festival in the Park Gain Community Support

AFCC's 36th Annual Conference, *Families, Courts and Communities: Collaboration for the 21st Century*, will focus on the growing trend of collaboration between courts, government and private agencies, private practitioners and the children and families in the communities we serve. In collaboration with our host community of Vancouver, AFCC will sponsor two important events designed to join conference delegates and Vancouver families.

The Youth Forum will take place from 1:00pm–3:15pm on Friday, June 4, as AFCC hosts more than 250 youth from Vancouver area schools. The keynote speakers will be two young men with international reputations as child advocates. Jonah Edelman is Executive Director of *Stand for Children*, Washington, D.C. Craig Kielburger of *Free the Children*, is a Thornhill, Ontario youth whose organization works against child labor around the world.

The Youth Forum will also include the following workshops:

- Conflict Management, presented by the *British Columbia Mediation Development Association*
- Youth Leadership, presented by *Free the Children*
- Total Respect of Others, presented by *Community Justice Branch, Ministry of British Columbia Attorney General*
- Taking Care of Ourselves: Taking Care of Others, presented by *Community Justice Branch, Ministry of British Columbia Attorney General*

AFCC is also inviting children of conference attendees to participate in the Youth Forum sessions at no charge.

Closing Ceremony: Festival in the Park

The Festival in the Park will take place Saturday, June 5, from 10:00am–12:00 noon at the Malkin Bowl in Stanley Park, next door to the Westin Bayshore. The

Festival program will feature World Rhythm Music which is based on the African tradition of bringing villagers together via music, song and dance. The Festival program also includes a local children's choir, brief presentations by Craig Kielburger and Jonah Edelman and other local dignitaries. Local community organizations will have display booths on site.

Local response to the Festival and Youth Forum has been extraordinary. AFCC would like to thank the British Columbia Teachers Federation, VanCity Credit Union and Legal Services of British Columbia for grants to help finance the programs. AFCC would also like to thank Stand for Children, Free the Children, Theatre Under the Stars, the City of Vancouver Parks Department, the Mediation Development Association of British Columbia and World Rhythm Circle for additional support. A very special thanks goes to Cheryl Cooper, event planner, and Evelyn Neaman, British Columbia Law Courts Education Society, for their extraordinary work on this project.

Child Protection and Dependency Mediation Colloquium Makes a Splash in Southern California

Participants from 38 states and two Canadian provinces traveled to Irvine, California April 16–17, 1999 for AFCC's First International Child Protection and Dependency Mediation Colloquium. The Irvine Colloquium was the first of two to be sponsored by AFCC in 1999. The second will take place September 16–18, 1999 in Columbus, Ohio.

The Colloquium provided an opportunity for experienced mediators and program administrators to share information about their programs with many mediators, administrators, human service and child protection workers, lawyers, judges and others who are new to the field of child protection mediation.

Plenary sessions featured a showcase of child protection and dependency mediation programs and examined the most recent research findings on dependency mediation. Plenary presenters included Steve Baron, Assistant Director, Santa Clara County Family Court Services; Dr. Gregory Firestone, Director, University of South Florida Mediation Institute; Professor John Lande, University of Arkansas at Little Rock Law School; Megan Orlando, Director, Los Angeles County Juvenile Dependency Mediation Program; Eileen Pruett, Coordinator of ADR Programs, The Supreme Court of Ohio; Dr. Nancy Thoennes, Center for Policy Research; Hon. Michael Nash, Los Angeles Superior

Court and Shirley Rhodus, Colorado Springs Department of Human Services.

Colloquium institutes and workshops covered a wide variety of issues, ranging from an introduction to the mediation process to advanced and ethical issues in child protection and dependency mediation.

Hon. Leonard P. Edwards' inspiring luncheon address provided participants with an understanding of how the practice of dependency mediation developed and with numerous ideas for the future of programs. Christie Coats, AFCC President, presented Judge Edwards with a Special Commendation for his extraordinary contributions to

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PRESIDENT'S MESSAGE



Christie Coates, Boulder, Colorado

As I write my final President's Message it is not quite two weeks since the tragic shootings at the Columbine School in Littleton, Colorado. I am still grieving, although a family vacation last week left little time for media coverage and provided a respite from the sadness. It also provided me with some time to quietly reflect on the violence that so shocked Colorado and the world on April 20, 1999. Since my heart and mind are focused on these recent events, I feel compelled to share some of my thoughts here.

We all experience events of this nature differently. We find individual ways of coping with, reacting to, and reconciling the trauma. Collectively, our hearts go out to the families of the slain and injured young people, including the families of the two young killers and to the many other victims of the events.

AFCC members work with families and young people in crisis every day and deal with violence, conflict and pain as the common course of events. We often feel weary in our spirits from the effects of our work at the end of each day. But we vow that the next morning will bring renewed enthusiasm, creativity and commitment to our interactions with our clients or the system. However, the magnitude of the Columbine School tragedy has dramatically riveted our attention to problems of violence and children. At the Second World Congress on Family Law and the Rights of Children and Youth in 1997, I was particularly impacted by a discussion about children in a violent world. International speakers told of the horrors of children being killed in wars in which they were drafted to fight or in which they were innocent victims. American speakers discussed the many children whose homes, neighborhoods and schools are constant combat zones. But children's issues have not been popular causes as Jonah Edelman, Marian Wright Edelman and Peter Edelman reminded us in their inspiring Meyer Elkin Lecture at our 1998 Annual Conference in Washington D.C. The Edelman's passionately urged us to become more involved in working for children's rights and for children's causes.

All of a sudden, everyone seems to be discussing the importance of committing resources and energy to children's issues. But why should it take a horrible tragedy to wake us up to the needs of children and to the effects of a violent culture? Will Columbine inspire true momentum for changing paradigms and the dedication of needed resources to the problems that exist or will the public's attention be redirected to the next "cause of the week?"

In 1983 as a new family lawyer I quickly came to the conclusion that our method of handling families in the courts, particularly in divorce cases, was harmful. Each family was funneled into an adversarial system which heightened the anger, pain and recrimination. I began to dream of a family court system which expected cooperation from its clients and directed everyone down a path of services which encouraged and allowed collaboration and respect. Only a very few families would need the detour down an adversarial road. In my 16 years as a lawyer, and now as a full-time dispute resolution professional, I have seen many changes in the systemic handling of family cases and in the culture and mindset of the professionals involved. AFCC has been at the forefront of this movement and has held high the bright torch of hope and change in family courts.

We will continue this tradition of family and child advocacy at our 36th Annual Conference June 2-5, 1999 in Vancouver, British Columbia. Not only will the focus be on improving family courts, but a highlight of the conference will be a new and very special event which we have been planning for the past year: a festival for children and families in Stanley Park. Event co-sponsors and supporting organizations include Free the Children, Stand For Children, the British Columbia Law Courts Education Society, the British Columbia Teacher's Federation, VanCity Credit Union, Legal Services of British Columbia and many others. The participatory event will feature a children's choir, World Rhythm Music.

We have invited families from the Vancouver community to share this event with the AFCC international community to heighten awareness of the needs of children and to engage participants in becoming child advocates in their own spheres of influence. I am personally looking forward to this life-affirming event that will take us out of the confines of our hotel to join with members of the community in celebrating children and recommitting ourselves to making our world a more welcoming and safe place in which children can grow, learn and thrive.

Child and family advocates will be important voices as the healing continues from the tragedy in Littleton, Colorado. There is no one answer to the problems that have been highlighted but in our various forums we will need to forthrightly reaffirm our truths, dreams and values. I truly believe that many voices, many hands and many hearts committed to children can make change happen.

Development Committee Sponsors Silent Auction

AFCC's Development Committee is pleased to announce that it will sponsor a Silent Auction as the grand finale of AFCC's 35th Anniversary Campaign of 1998-99. The auction will take place Friday, June 4, at the AFCC Annual Conference in Vancouver, immediately prior to and during the AFCC Banquet. Development Committee Chair R. John Harper is busy securing donations and making plans for the big event. A grand prize of a weekend for two, including airline tickets and hotel accommodations, will be raffled off at the conclusion of the banquet. The grand prize has been generously donated by Burkhalter Travel and Starwood Resorts. All proceeds from the auction and raffle will go toward AFCC's **Kids Count Club**. Auction Donations include:

- ★ A weekend for two at the Westin Bayshore in Vancouver, BC (may not be used over AFCC conference dates). *Donated by the Westin Bayshore.*
 - ★ A poster from the hit movie "The American President" autographed by director Rob Reiner. *Donated by David Rotman.*
 - ★ An original script from the movie "When Harry Met Sally" autographed by both director Rob Reiner and star Billy Crystal. *Donated by David Rotman.*
 - ★ Baseballs autographed by Ken Griffey, Jr., Barry Bonds and Ralph Kiner. *Donated by AFCC.*
 - ★ Hockey pucks autographed by Stan Mikita and Mike Bossey. *Donated by AFCC.*
 - ★ Conference registrations for AFCC's next three conferences in Columbus, Ohio, Newport Beach, California and New Orleans, Louisiana. *Donated by AFCC.*
 - ★ Two tickets to Knotts Berry Farm Amusement Park in Buena Park, California. *Donated by Jan Shaw.*
 - ★ Weekend package for two at the El Dorado Hotel and Casino in Reno, Nevada. *Donated by Phil Bushard.*
 - ★ Choice of either a Vancouver Mountain and Sea Tour or a Victoria Excursion Tour for two. *Donated by Gray Line Vancouver.*
 - ★ Two hand blown glass decorative bowls. Creation of independent artist Michele MacFarlane. *Donated by Michele MacFarlane.*
 - ★ Original monotype painting of Sonoma Wine Country, by Judy Theo Lehner, Sonoma County, California artist. *Donated by Larry and Judy Lehner.*
 - ★ A complete set of audio tapes from AFCC's 36th Annual Conference. *Donated by Sound of Knowledge.*
 - ★ Gift Pack of Ontario Ice Wines. *Donated by Harper Jaskot.*
 - ★ Samantha Doll from the American Girl Collection. *Donated by the Pleasant Company.*
 - ★ Two nights at the Adams Mark Hotel for AFCC's Second Child Protection and Dependency Mediation Colloquium. *Donated by the Adams Mark Hotel.*
 - ★ Tickets to a Columbus Crew vs. D.C. United Major League Soccer Game (Sept. 15, 1999) and two Columbus Sweatshirts. *Donated by the Greater Columbus Convention and Visitors Bureau.*
 - ★ Gift Pack from The Ohio State University. *Donated by Denise McColley.*
 - ★ \$50 Gift Certificate from Chapters bookstore in Vancouver. *Donated by Chapters.*
 - ★ One registration for AFCC Arizona Chapter Conference in Sedona, Arizona, February 4-6, 2000. *Donated by Russ Schoeneman.*
 - ★ Custody Evaluation Training Package. Includes two autographed books and complimentary registration for two days of workshops or custody evaluation training (to be scheduled in 2000). *Donated by Philip Stahl.*
 - ★ Dinner and drinks for two in Columbus during the Second Child Protection and Dependency Mediation Colloquium. *Donated by C. Eileen Pruett.*
 - ★ One complete "Children in the Middle" Children's Divorce Education Program. *Donated by the Center for Divorce Education.*
 - ★ Square Rigger Laptop Attache. *Donated by Lands End*
 - ★ Weekend for two at the Newport Beach Marriott Hotel and Tennis Club (may not be used over AFCC conference dates). *Donated by Marriott.*
 - ★ A family weekend at a Muskoka Ontario district lakefront cottage. Sleeps up to 10. *Donated by Hon. John and Joan VanDuzer*
 - ★ Authentic New England Braided Rug. *Donated by Hon. Arline and Barry Rotman*
 - ★ Choice of Saturday dinner or Sunday brunch for two at Pete Fountain's jazz club, Kabby's, in New Orleans. *Donated by Hilton Hotels Worldwide.*
 - ★ A basket from the International Children's Art Museum. *Donated by the International Children's Art Museum.*
 - ★ Special Edition Michael Jordan Wristwatch. *Anonymous donor.*
 - ★ Official White House and United State Senate Golf Balls. *Anonymous donor.*
 - ★ Autographed copy of *My American Journey*, by Gen. Colin Powell. *Anonymous donor.*
 - ★ One year membership in the Academy of Family Mediators and choice of an AFM videotape. *Donated by Academy of Family Mediators.*
 - ★ "Reach for the Stars" Necktie by designer Martin Wong. *Anonymous Donor.*
- ... and much, much more!**

Eileen Pruett, Supreme Court of Ohio



Eileen Pruett

Since 1992, AFCC Board Member Eileen Pruett has served as Coordinator of Dispute Resolution Programs for the Supreme Court of Ohio. She provides technical assistance, training and consultation to Ohio's 88 counties in all areas of dispute resolution. Prior to working for the Supreme Court, Ms. Pruett worked as Director of the Intake and Night Prosecutor Program for the Columbus City Attorney where she trained and supervised intake and mediation staff for a program that conducted nearly 5,000 mediation cases annually. Ms. Pruett graduated from The Ohio State University College of Law and holds a double major in Psychology and English from Indiana University. She lives in Columbus with her husband David and daughter Lindsey, age 9.

AFCC: Ohio has a reputation for being in the forefront when it comes to the institutionalization of alternative dispute resolution programs. Why do you think that is?

Eileen Pruett: I think there are several reasons. First, there has been significant leadership in all branches of government to support the growth of dispute resolution. This is especially true in the court system where Chief Justice Thomas J. Moyer has supported energetic exploration of ways in which dispute resolution might best be institutionalized. He has also provided financial support for pilot, demonstration and now institutionalization project start-up. The leadership of the Supreme Court Committee on Dispute Resolution and the Ohio Commission on Dispute Resolution and Conflict Management has also been important in promoting not only expansion of programs, but also the change in culture that is needed for dispute resolution efforts to take hold. The list of committee and commission members, supporters, chairs of local bar committees and state bar committee chairs reads like a who's who in the legal education, court, community, corporate and law practice sectors.

AFCC: Describe the growth of ADR programs in Ohio in your seven years on the job.

EP: When I started out there were approximately ten court-run mediation programs in Ohio. We now have 98 different court-managed programs. There has been enormous growth in the staff mediator positions at all court levels and Chief Justice Moyer has set a goal of having a court staffed mediation program in every county in Ohio by the year 2005. The court has supported growth in our office as well. We have four full-time staff now and expect to add two more this year. I am particularly pleased that we have a pilot mediation program here at the Supreme Court. Our mediator has successfully mediated some tax appeals cases and cases that come to the Supreme Court as an original action, such as public records requests. I am also very proud of our efforts in child protection and adult guardianship mediation. These are tough areas and several courts have taken on the challenge of providing high quality services to families. I expect each of these areas to be of greater importance in the future.

AFCC: How do you maintain quality control with so much activity?

EP: We have a court rule that specifies training and qualifications for court-connected mediation programs in domestic relations and juvenile cases involving parenting issues. In all other areas we rely on guidelines developed through pilot projects. For example, we find that sixteen hours of training with some follow-up is generally adequate for small claims court volunteer mediators. For child protection cases we require that the mediator have a minimum of 40 hours of training and extensive experience mediating family cases. For our civil programs we have had success with training experienced litigators to mediate and with educating experienced mediators about litigation. We also encourage the trial courts to use a mentoring and peer review system. We are also working on a data base that will allow court programs to examine exit survey data to answer critical questions about quality.

AFCC: What is the greatest challenge in helping to implement mediation and other ADR programs, both on a statewide basis and in individual communities?

EP: It really comes down to two key issues. First, developing and maintaining adequate funding and staffing to ensure quality programs that meet the needs of citizens. Second, developing ways to monitor for quality that provide an accurate assessment but do not impose an undue burden on the local court staff.

AFCC: Broad mandates requiring parties to mediate seems to have been the most successful way of increasing the use of mediation throughout the United States.

Ohio has a reputation for relying heavily on a voluntary model. How have you made that work?

EP: We are totally voluntary in that there has been no legislative mandate, as in Florida or Minnesota, that every court must offer mediation. We are promoting a collaborative process and it just doesn't make sense to beat judges over the head with it and impose mediation as another unfunded mandate. In regard to voluntary vs. mandated participation by litigants, research shows that the quality of outcomes and voluntariness of agreements are not negatively impacted by requiring participation in mediation. Based on that data, local courts have increased the number of mediation programs in which the parties and their attorneys are mandated to appear. All of our civil mediation programs at the trial court level and in four intermediate appellate courts mandate that parties and attorneys come to mediation. Very few attorneys and litigants ask to be excused when mediation is offered as a court service without an additional fee. Among court staffed mediation programs, 19 domestic relations courts and ten juvenile courts require parents to attempt mediation unless they are screened out in an assessment process.

AFCC: You have worked with a variety of types of ADR programs from family to civil to juvenile. In which area have you had your greatest challenges?

EP: The biggest challenge has been in seeking cultural and practical change in the use of mediation in family courts. About 60,000 divorces were filed in Ohio in 1997. Our juvenile courts also deal with the issues of unmarried parents. The change in culture and practice that is required to eliminate the "win at all costs" approach to family conflict is huge. All branches of government are examining ways to resolve conflicts, especially family conflicts, in more civil ways. But I worry that changes in the law or court structure are too slow to meet the pressing needs of families facing the trauma of divorce. Widespread acceptance of parent education programs that alert couples to the damage they can do to their children during and after the divorce may help. But mediation of parenting agreements is more complex, takes more time, involves more sessions, more parties and is harder to budget into the case plan and court system than civil mediation which can usually be effective in one session. Obviously, the huge investment in court time and energy is worthwhile. The challenge remains one of obtaining a buy-in at all levels and structuring programs so that we can get the services to the parties at a low or no cost and make sure that good parenting agreements are implemented.

AFCC MEMBER PROFILE

Dick Altman, Hicksville, Ohio



Dick Altman

At first, AFCC member Dick Altman comes across as a quiet, congenial, small town lawyer who would just as soon relax and talk about little league baseball, hunting and fishing than the rigors of family law. After scratching the surface, however, it becomes clear that this lawyer-turned-mediator takes both his work and his play very seriously.

Dick was born and raised in Hicksville, a small town in northwest Ohio. After graduating from high school, he attended the University of Toledo, where he was Summa Cum Laude, was a member of the Phi Kappa Phi and Phi Eta Sigma Honor Societies and was Valedictorian of his class.

Dick continued his education at the University of Toledo Law School and continued to pile up impressive academic credentials.

As recipient of Rotary International's Paul Harris Graduate Fellowship, he spent a year studying at the University of Sydney Law School in Australia. He was also listed in Who's Who Among American Law Students and was Valedictorian of his class.

Following law school, Dick took a position as a law clerk and married his fiancé Sandy. Dick and Sandy met three years earlier when he hired her as a lifeguard while he was managing the community pool in Hicksville. (Dick is careful to note that he didn't ask Sandy out until she no longer worked for him.)

After two years in private practice, Dick went to work as an Assistant Prosecutor in both the Fulton and Defiance County Prosecutor's office, "because I had visions of doing the right thing," he said. A few years and two children later, Dick found himself back in private practice, ultimately becoming a partner in the firm of Clemens, Korhn, Liming, Altman and Warncke.

After another ten years in private practice, Dick decided he'd had enough. "I wanted to try to help people resolve their problems rather than litigate them," he said. "[AFCC Vice President] Denise McColley created my interest in mediation a few years ago. I then attended an AFCC mediation training program so when a job opened up as coordinator of a multi-county mediation service it seemed the time was right.

"We mediate any non-criminal dispute—divorce, civil, juvenile—so there is a lot

of diversity. The program is presently funded by the Ohio Supreme Court so it is free to users. It's not a mandatory program but mediation has become very popular. Attorneys are initiating the process. I have even had people stop me on the street to request mediation."

Outside of his work life, Dick has a second job just keeping up with his family. He and Sandy have two children, Katie age 13, and Michael, age 11. Sandy, a physical therapist by profession, owns a store called Earth Adventures and teaches rock climbing, high adventure camping, whitewater canoeing, backpacking and scuba diving.

Dick volunteers for the local little league, Boy Scouts, runs the girls softball association and coaches the varsity girls softball team. In addition, Dick and his partner recently opened a hunting and fishing lodge called Fins and Feathers of Northwest Ohio which keeps him quite busy. "I've been hunting and fishing since I was a kid," Dick said. "The lodge is something I really enjoy."

Dick has been an AFCC member for just over a year, although he attended his first conference in Toledo back in 1993. It is the conferences that first attracted Dick to AFCC. "The conference programs are terrific. They are varied and have presenters with such a wide variety of backgrounds." This year Dick will make his first presentation for AFCC at the 36th Annual Conference in Vancouver. Given his record of achievement, the presentation will probably be the first of many.



www.afccnet.org is the address for AFCC's new web site which debuted in early May. Visitors to the AFCC site will be able to:

- Learn about AFCC
- Become a member of AFCC on-line
- Shop for pamphlets, videos and publications
- Learn about conferences
- Register for conferences on-line
- Submit proposals for conferences
- Find out about discount travel to AFCC conferences
- Send e-mails to AFCC Executive Committee, Board Members and Staff
- Link to the web site of the *Family and Conciliation Courts Review*.

AFCC is in the process of further developing the site, including adding links to other sites. We are especially interested in learning about web sites that provide information on research related to the interests of AFCC members. If you know of a site with which we should be linked, please let us know by e-mail at:

<afcc@afccnet.org>

See you in cyberspace!

Report from the Massachusetts

by Hon. Arline Rotman,
Suffolk County Probate and Family Court, Boston, MA and
Mary Ferriter, J.D., M.P.A.,
Massachusetts Probate and Family Court, Boston, MA

How often have phrases such as "there shall be weekly visitation supervised by the paternal grandmother" or "visits shall take place at the Supervised Visitation Center" been inserted into court orders whether by agreement of the parties or order of the court? Without further definition or court inquiries these agreements may create more problems than they attempt to solve.

Appropriately structured court orders for supervision during parent-child contact can provide for the physical and/or psychological safety of children while preserving the parent-child relationship. However, too little attention has been given to critical issues such as the reasons for supervision, the qualifications of the supervisor and the expectations of all parties including the courts.

Massachusetts Task Force

In response to this situation, the Massachusetts Probate and Family Court created a Supervised Visitation Task Force which has developed comprehensive guidelines for supervised visitation. Chief Justice Sean Dunphy appointed the multi-disciplinary task force upon a request by the Supervised Visitation Network following the publication of its standards and guidelines in the *Family and Conciliation Courts Review* (January 1998, Vol. 36, No. 1). The initial charge of the task force was to establish a protocol for the court when ordering visits to be supervised by a visitation center. Concern was raised that courts often did not adequately understand the function of the centers, therefore, inappropriate requests were being made for the centers to do evaluations and make recommendations about the need for supervised visits or the quality of the parent-child relationship.

The task force is composed of judges, a court administrator, access supervisors, mental health supervisors from outside the court, a domestic violence specialist and other court services personnel. At the earliest meetings there was uniform agreement that supervised visitation as currently used created significant problems. For example, in an effort to reach agreement, parties often agree to visitation supervised by a relative. It is not unusual for the courts to accept this agreement even when the relative has no idea that he or she has been identified as the supervisor. This relative may not know what it means to supervise contact, and in fact, may be a wholly unsuitable choice for that particular case. The problem is further compounded by the large number of unrepresented litigants who do not know how to get back to court when the agreed upon visits do not work.

The task force worked for more than a year to address the entire range of supervised visitation cases. It produced a comprehensive protocol for supervised visitation along with accompanying documents intended to guide courts and the parties through this difficult but incredibly important aspect of parent-child contact. The documents include: (1) a template for temporary orders for supervised visitation; (2) a temporary order form for a visitation assessment; (2) a supervised visitation stipulation form; (3) a stipulation form for the appointment of a supervisor; (4) a form for the appointment of a visitation supervisor; (5) a supervised visitation pamphlet for non-professional supervisors; (6) a supervised visitation log; (7) and a supervised visitation risk assessment.

Within the protocol, a model procedure identifies and defines the various types of providers, including: non-professional, professional, experienced professional and therapeutic professional. A procedure is established so that all providers must be approved by the court, must accept their appointment and must understand that they are accountable to the court. It is anticipated that meetings will be held throughout the state to allow for statewide approval of visitation centers and any other professional supervisors wishing court appointments. Individual non-professional supervisors will be interviewed at the local

Qualifications for Supervised Visitation

Supervisor Qualifications

All Supervisors

- I. All supervisors are subject to the following standards relating to supervised visitation:
 - A. Every supervisor must be capable of objective observation and reporting.
 - B. All providers must maintain a neutral role. Supervisors must not take sides over another. Any discussion between a provider and the parties must be for providing for the safety of the children.

Non-professional supervisors

- II. The non-professional supervisor, unless otherwise ordered by the court must meet the following criteria:
 - A. Be 21 years of age or older;
 - B. Have experience with children;
 - C. Not be financially dependent upon the person being supervised;
 - D. Not be an employee of the person being supervised;
 - E. Not be in an intimate relationship with the person being supervised;
 - F. If transporting the child, have proof of automobile insurance and driver's license by law;
 - G. Be able to speak the language of the party being supervised;
 - H. Be willing to accept the appointment as supervisor and to follow the court's supervised visitation.

Professional Supervisors

- III. Professional supervisors, in addition to the above requirements, must:
 - A. Have no current or past court order in which the provider is named as a respondent;
 - B. Be able to speak the language of the party being supervised or 18;
 - C. Know the child abuse reporting laws;
 - D. Maintain record-keeping procedures;
 - E. Be trained in performing the functions of supervised visitation including: supervising the child for the visit, providing security, recording observations of visits;
 - F. Understand the developmental needs of children;
 - G. Know the legal responsibilities and obligations of a provider;
 - H. Understand the confidentiality and privilege statutes;
 - I. Have specific knowledge of issues relating to substance abuse;
 - J. Accept the appointment as a supervisor of visitation and to follow the court's supervised visitation.

Experienced Professional Supervisors

- IV. For a provider to be considered an experienced professional supervisor, in addition to the listed above, a minimum of two years experience providing supervised visitation to risk.

Therapeutic Supervisors

- V. Additional requirements for therapeutic supervisors include:
 - A. Be licensed as a mental health provider and have appropriate training;
 - B. Accept the appointment as a supervisor of visitation and to follow the court's supervised visitation.

Supervised Visitation Task Force

Visitation Providers

to their ability to intervene and maintain neutrality.
and effective intervention.

refuse to discuss the merits of the case or agree with one party
parties should be for the purposes of arranging visitation and

by the court or stipulated by the parties and approved by the

ed;

ervised;

a valid drivers license as well as access to a car seat, if required

and of the child; and,

there to and be able to follow the court order regarding super-

nts must also:

a person being supervised;

d and of the child, or provide a neutral interpreter over the age

, including at a minimum: intake screening for violence, prepar-
ations, terminating visits, reporting to the Court and supervis-

se, child abuse, sexual abuse and domestic violence; and,
there to and have the ability to follow the court order regarding

supervisor, the provider must have, in addition to the qualifications
ervised visitation services and a specialized knowledge relevant

clinical training; and,

willing to follow the court order regarding therapeutic visitation.

court level by family service workers. To assist in that task, minimum qualifications have been set out for each type of provider (see accompanying box).

All supervisors must agree to a criminal records check. Criteria for rejecting a candidate for supervision include: (1) a civil or criminal restraining order within the last five years for a non-professional supervisor and within the last ten years for a professional supervisor; (2) a conviction for operating under the influence of drugs or alcohol within the last five years; or (3) a record of conviction for child molestation, child abuse or other crimes against a person.

In addition to determining the minimum requirements for supervisors, a procedure has been set out to bring cases back to court in a timely fashion. A form for ordering supervised visitation has been developed which addresses such issues as the reason for supervision, assigning responsibility for payment when a cost for services will be involved, and most importantly, a review date for the parties to return to court.

Supervised visitation is not intended to be a permanent solution to a family's crisis but rather, in most instances, it is an interim measure to provide a child with safe access to a parent while assessments, counseling or other ancillary services are being accessed. In most instances, a family should be able to move to less restrictive and then unsupervised contact within a reasonable time frame. In other cases, the court may find that continuation of the parent-child relationship is not in the child's best interest.

Risk Assessment

Recognizing that decisions about supervised visitation often need to be made before all the relevant evidence has been assembled, a risk assessment guide was developed to aid the decision maker in determining when and what kind of safeguards should be in place to protect children during parent-child contact. The guide addresses the most common types of cases presented to the court that would suggest need for supervision. These situations include credible allegations of sexual abuse, partner abuse, physical abuse or neglect of a child, substance abuse, mental illness, abduction, lack of parenting skills or parental absence. Questions about the allegations as well as inquiries about each of the parties and the child(ren) are suggested to help assess the seriousness of the situation. Although it is recognized that there can be no clear cut answers, it is hoped that this guided thinking will provide focus for these often difficult decisions.

Conclusion

Family court professionals are often presented with the difficult task of weighing the risk of harm to a child of continued contact under less than optimum circumstances against the harm that would come from eliminating parent-child contact. Professional supervision is often not a realistic option. In cases where no supervisor is available, the court must determine whether to risk unsupervised visits or to totally eliminate contact between the parent and child.

There are no easy answers but it is important to note that the need for supervised visitation services is being recognized. Centers are being funded with grants from the Office of Violence Against Women and Office of Child Support Enforcement. The number of centers is increasing and the body of research in the field is growing. Collaborative efforts, such as that of the Massachusetts Supervised Visitation Task Force, will provide greater opportunities for communities to develop more effective means of bringing together courts, community agencies and families to address the needs of children.

Hon. Arline Rotman and Mary Ferriter will present a workshop on the work of the Massachusetts Supervised Visitation Task Force at AFCC's 36th Annual Conference, June 2-5, 1999 in Vancouver, British Columbia. For further information, contact Hon. Arline Rotman Suffolk County Probate and Family Court, 24 Chardon St. Boston, MA 02114

Association of Family and Conciliation Courts

AFCC Southwest Regional and California Chapter Conference
Marriott Hotel and Tennis Club, Newport Beach, California
November 4-6, 1999

**AFCC +Y2K:
Getting the Bugs Out
of Family Law**

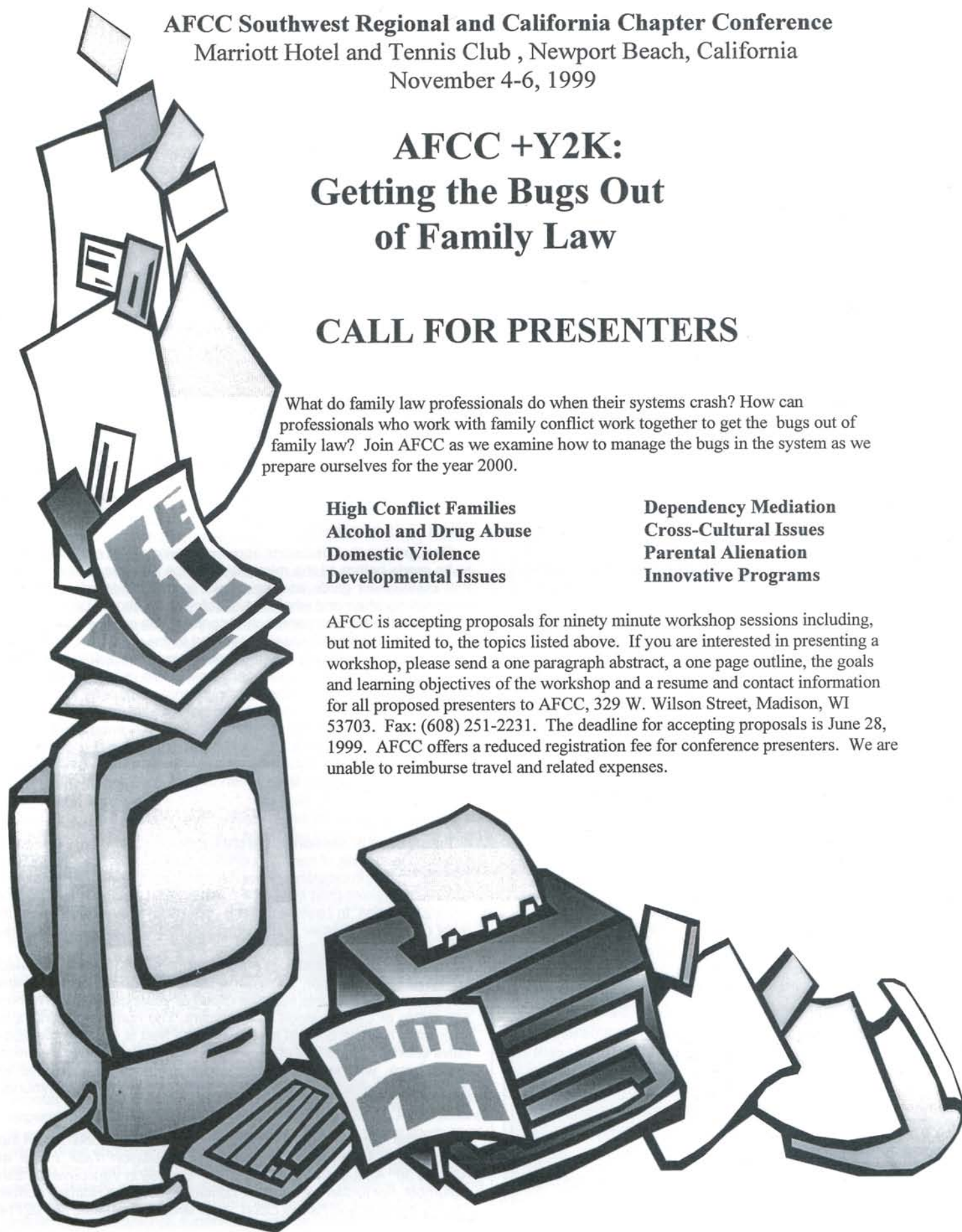
CALL FOR PRESENTERS

What do family law professionals do when their systems crash? How can professionals who work with family conflict work together to get the bugs out of family law? Join AFCC as we examine how to manage the bugs in the system as we prepare ourselves for the year 2000.

**High Conflict Families
Alcohol and Drug Abuse
Domestic Violence
Developmental Issues**

**Dependency Mediation
Cross-Cultural Issues
Parental Alienation
Innovative Programs**

AFCC is accepting proposals for ninety minute workshop sessions including, but not limited to, the topics listed above. If you are interested in presenting a workshop, please send a one paragraph abstract, a one page outline, the goals and learning objectives of the workshop and a resume and contact information for all proposed presenters to AFCC, 329 W. Wilson Street, Madison, WI 53703. Fax: (608) 251-2231. The deadline for accepting proposals is June 28, 1999. AFCC offers a reduced registration fee for conference presenters. We are unable to reimburse travel and related expenses.



Member News

Christie Coates, AFCC President, was awarded the Community Service Award for 1999 by the Boulder Interdisciplinary Committee on Child Custody. Ms. Coates was recognized for her contributions to children in the Boulder Community. The award included a \$250 honorarium. Ms. Coates will donate half to CASA of Boulder and half to AFCC's Kids Count Club.

AFCC members **Amity Pierce Buxton, Robin Deutsch,** and **Judith Wallerstein** are contributors to the new book, *The Scientific Basis of Child Custody Decisions*, published by John Wiley & Sons.

Donald S. Moir, former AFCC President from Vancouver, British Columbia, has written a chapter entitled, "A New Class of Disadvantaged Children: Reflections on 'Easy' Divorce," for the C.D. Howe Institute's new book, *It Takes Two*.

A. Rodney Nurse, AFCC member from Orinda, California, is author of the new book *Family Assessment*, published by John Wiley & Sons.

Nancy Palmer, AFCC member from Orlando, Florida, recently traveled to Sophia, Bulgaria, Bratislava and Slovakia to meet government representatives of Eastern European countries to consult on mediation and developing mediation programs. Ms. Palmer was selected by the American Bar Association Central and Eastern European Law Initiative Program.

Hon. Arline Rotman, AFCC Vice President from Massachusetts, has relocated to Suffolk County Probate and Family Court. Judge Rotman may now be contacted at Suffolk County Probate and Family Court, 24 Chardon St., Boston, MA 02114. Phone: (617) 788-8342; Fax: (617) 788-8952. E-mail <arliner@aol.com>

Hon. R. James Williams, AFCC member from Dartmouth, Nova Scotia was appointed to a newly created position as judge of the Supreme Court of Nova Scotia, Family Division. Justice Williams is a former member of the AFCC Board of Directors and Executive Committee and has served since 1987 as a Provincial Family Court Judge in Nova Scotia.



Mark Your Calendar for Columbus

Second International Child Protection and Dependency Mediation Colloquium

A FCC's Second International Child Protection and Dependency Mediation Colloquium takes place September 16-18, 1999 in Columbus, Ohio at the Adam's Mark Hotel. The Colloquium will build on the success of the First International Colloquium held in April 1999 in Irvine, California.

If you have an interest in the rapidly growing field of child protection and dependency mediation, this is a program you will not want to miss. For further information, contact AFCC at 329 W. Wilson St., Madison, WI 53703. Phone: (608) 251-4001; Fax: (608) 251-2231; E-mail <afcc@afccnet.org>



New Videos Available

A FCC members John Lande and Laurie Sadler have produced a new videotape called "Dependency Mediation: The Children are Why We're Here." The video is designed as an orientation for family members and other participants in child protection and dependency mediation. The ten-minute video provides an overview of the mediation process from a variety of perspectives and may be used in group or individual orientations. The University of Arkansas at Little Rock School of Law is making the video available on a complimentary basis. For further information contact:

Steve Varady
Mediation Program
School of Law
University of Arkansas at Little Rock
1201 McAlmont
Little Rock, AR 72202-5142
P: (501) 324-9917
F: (501) 324-9911



The Office of the Clerk of Court of Maricopa County is pleased to announce the availability of a new videotape, "Family Ties & Knots: Children of Divorce." The sixteen-minute educational video introduces separating and divorcing parents to the needs of their children. It is available through the Maricopa County Clerk of Courts for \$12. Please contact:

Kat Cooper
Clerk of the Superior Court
Family Support Center/Second Floor
201 W. Jefferson St.
Phoenix, AZ 85003

Child Protection and Dependency Mediation Colloquium Continued from page 1

the development of the child protection and dependency mediation field.

The Colloquium ended with an opportunity for participation in facilitated discussion groups. Discussion topics included program development, funding, orientation and educational programs and training, education and qualifications. Participants then

gathered for a Town Hall Meeting in which they identified the critical issues for the future of the field.

AFCC wishes to acknowledge the important contributions of the following people, without whom the colloquium would not have been possible: Jan Shaw and Megan Orlando, California Co-Chairs, Christie

Coates, Phil Bushard, Michele MacFarlane, Yvonne Vessell and members of the California Juvenile Dependency Mediation Association. Special thanks to Hon. Leonard Edwards, Chris Bailey and the National Council of Juvenile and Family Court Judges for their support of the Colloquium.

Department of Health and Human Services Launches "Be Their Dad" Campaign

The Department of Health and Human Services launched a new, nationwide public service campaign challenging fathers to remain emotionally and financially connected to their children even if they do not live with them. The campaign's tag line is, "They're your kids. Be their dad." The ads were unveiled by Deputy Secretary Kevin Thurm at a Fatherhood Summit in Chicago, IL in April.

The new public service announcements were developed in a unique public-private partnership of HHS' Administration on Children and Families; the states of Ohio, Illinois, Indiana and Maryland; the Advertising Council; and the advertising agency of Ogilvy and Mather. The ads will air nationwide through the Office of National Drug Control Policy's (ONDCP) advertising campaign. This campaign requires a 100 percent public service "match" by the networks and local stations and the new public service announcements are included in the list of spots that stations can count toward the match. Ads are also being distributed by the Advertising Council.

"While many noncustodial fathers eagerly support their children, too many choose not to be a part of their child's life financially or emotionally," said HHS Secretary Donna E. Shalala. "Without the involvement of both parents, too many children don't get the

chance they need and deserve to reach their full potential."

Deputy Secretary Thurm, who leads the HHS fatherhood initiative, said, "Fathers need to understand that even if they do not live with their children, their influence is profound. This creative and powerful campaign challenges fathers everywhere to reach into their hearts, not just their wallets."

In 1995, President Clinton directed all federal agencies to ensure that federal programs and policies strengthen the role of fathers in families. HHS has begun a number of activities that recognize and support the important role of fathers. The federal child support enforcement program provides \$10 million in state grants annually to fund access and visitation programs and it has also funded eight state demonstration projects to develop and implement responsible fatherhood projects. The Head Start and Early Head Start programs also support fathers' involvement in the early learning and social development of their children. All these activities are guided by the principles that all fathers can be important contributors to the well-being of their children and that parents are partners in raising their children, even when they do not live in the same household.

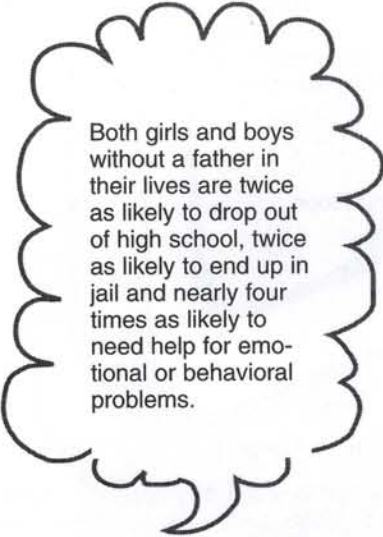
This public service campaign stresses the importance of fathers by showing the

consequences for children when fathers do not have a positive role in their children's lives. "With the new welfare reform law, we have the tools we need to find and make non-custodial parents pay child support," said Olivia Golden, HHS Assistant Secretary for Children and Families. "Now we're launching a nationwide campaign to tell fathers that they can make a difference for the better in their children's lives even if they don't live with them."

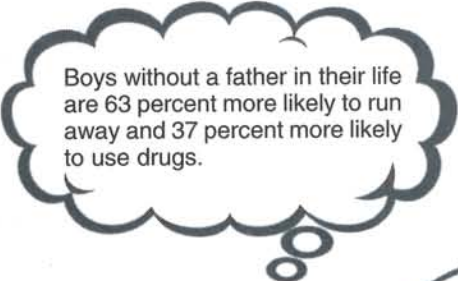
Since taking office, the Clinton Administration has made child support enforcement a high priority, resulting in a record \$14.4 billion in estimated collections for fiscal year 1998, an 80 percent increase from 1992. Paternity establishment rose to nearly 1.3 million in 1997, an increase of more than 250 percent, from 516,000 in 1992. The child support enforcement measures included in the new welfare reform law are projected to substantially increase collections.

The Parental Responsibility Public Service Announcements will be sent to more than 1,800 television stations, 8,000 radio stations and 15,000 print publications throughout the United States. For copies of the PSAs, contact Ken Ulmer of the Advertising Council at (212) 984-1919.

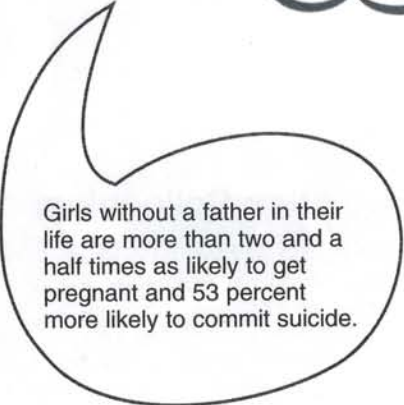
Did you know??




Both girls and boys without a father in their lives are twice as likely to drop out of high school, twice as likely to end up in jail and nearly four times as likely to need help for emotional or behavioral problems.



Boys without a father in their life are 63 percent more likely to run away and 37 percent more likely to use drugs.



Girls without a father in their life are more than two and a half times as likely to get pregnant and 53 percent more likely to commit suicide.



More than a quarter of American children—nearly 17 million—do not live with their father.

Source: U.S. Department of Health and Human Services

UPCOMING EVENTS

June 2-5, 1999
Vancouver, British Columbia
AFCC 36th Annual Conference
Contact: AFCC
(608) 251-4001 or www.afccnet.org

June 11-13 & 18-19, 1999
Terre Haute, IN
Mediation Training
Contact: Robert D. Benjamin
(314) 721-4333

June 14-18, 1999—Boulder, CO
Divorce and Child Custody Mediation
Contact: CDR Associates
(303) 442-7367

June 18-19, 1999—Los Angeles, CA
Operating a Profitable Mediation Practice
Mosten Mediation Training
Contact: (310) 473-7611

June 21-25, 1999—Boulder, CO
The Mediation Process
Contact: CDR Associates
(303) 442-7367

June 21-25, 1999—Lancaster, PA
Divorce Mediation Training
Contact: Zena Zumeta
(734) 663-1155

June 22-26, 1999—Corte Madera, CA
Divorce Mediation and Conflict Resolution
Contact: Joan B. Kelly, Ph.D.
(415) 927-1422

June 23-27, 1999—St. Louis, MO
Mediation Training
Contact: Robert D. Benjamin
(314) 721-4333

July 6-10, 1999—Chicago, IL
Academy of Family Mediators
Annual Conference
Contact: AFM
(781) 674-2663

July 12-16, 1999—Chicago, IL
Mediation Training
Contact: Zena Zumeta
(734) 663-1155

August 2-6, 1999—Ann Arbor, MI
Divorce Mediation Training
Contact: Zena Zumeta
(734) 663-1155

Sept. 16-18, 1999—Columbus, OH
Child Protection and
Dependency Mediation Colloquium
Contact: AFCC
(608) 251-4001 or www.afccnet.org

September 23-25, 1999—Baltimore, MD
Society of Professionals in Dispute
Resolution Conference
Annual Conference
Contact: SPIDR
(202) 667-9700

Oct. 19-23, 1999—Corte Madera, CA
Divorce Mediation and Conflict Resolution
Contact: Joan B. Kelly, Ph.D.
(415) 927-1422

October 20-24, 1999—Toronto, ON
Family Mediation Canada
Annual Conference
Contact: Family Mediation Canada
(519) 585-3118

October 25-29, 1999—Boulder, CO
Divorce and Child Custody Mediation
Contact: CDR Associates
(303) 442-7367

October 29-31
& November 19-21—New York, NY
Basic Divorce Mediation
Contact: Kenneth Neumann
(212) 799-4302

October 29-31
& November 19-21—New York, NY
Basic Divorce Mediation
Contact: Nancy Hawn
(609) 429-8088

November 4-6, 1999
Newport Beach, CA
AFCC Southwest Regional and
California Chapter Conference
Marriott Newport Beach Hotel
and Tennis Club
Contact: AFCC
(608) 251-4001 or www.afccnet.org

November 4, 1999—Corte Madera, CA
Child Development Research
and Concept:
Developing Effective Parenting Plans
Contact: Joan B. Kelly, Ph.D.
(415) 927-1422

Dec. 13-16, 1999—Jerusalem, Israel
International Psychoanalytic
Association Conference
Contact: ISAS
E-mail: isas@netvision.net.il



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John Helie and Jim Melamed, Co-Directors

(541) 302 6254

Coming Soon From AFCC

September 16–18, 1999



Child Protection and Dependency Mediation Colloquium
Columbus, OH
Contact: AFCC at (608) 251-4001

November 4–6, 1999



**AFCC Southwest Regional Conference and
California Chapter Conference**
Marriott Hotel and Tennis Club, Newport Beach, CA
Contact: AFCC at (608) 251-4001

May 31–June 3, 2000



AFCC 37th Annual Conference
Hilton Riverside, New Orleans, LA
Contact: AFCC at (608) 251-4001

Fall 2000



**Fourth International Congress on Parent Education Programs
Fourth International Symposium on Child Custody Evaluations**
Charleston, SC
Contact: AFCC at (608) 251-4001.

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