

# AFCC NEWSLETTER



VOLUME 18

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

NUMBER 1

## 36th Annual Conference Highlights Families, Courts and Collaboration

AFCC's 36th Annual Conference, *Families, Courts and Communities: Collaboration for the 21st Century* will feature nearly fifty pre-conference institutes, workshops and plenary sessions on dispute resolution, family law reform, ethical issues for professionals and collaborative efforts of communities around the globe. This year's conference also includes many new special events and social activities (please see related story on page 3).

The conference will take place June 2-5, 1999 at the Westin Bayshore, a waterfront hotel next door to 1000-acre Stanley Park. Bicycling, jogging, fishing trips and harbor cruises are at your doorstep as the Westin offers mountain, city and harbor views, all from the heart of downtown Vancouver.

The conference opens on Wednesday evening with an international look at collaboration between families, courts and communities. Family law reform in Canada, England, Australia and the United States will be the topic discussed by presenters Senator Landon Pearson, Co-chair, Joint Committee on Child Custody and Access, Ottawa, Ontario; Mike McCurley, J.D., Past President, American Academy of Matrimonial Lawyers, Dallas, Texas; Hon. Alastair Nicholson, Chief Justice, Family Court of Australia; and Dr. Janet Walker, University of Newcastle Upon Tyne, Newcastle, England.

Conference presenters also include Craig Kielburger, Free the Children, Thornhill, Ontario; Jonah Edelman, Executive Director, Stand for Children, Washington, D.C.; Hon. Bryan Williams, Chief Justice, Supreme Court of British Columbia; Svend Robinson, Member of Canadian Parliament; Hon. Wallace Oppal, Supreme Court of British Columbia; Janet Johnston, Ph.D., Co-author, *In the Name of the Child*; Joan Kelly, Ph.D., Co-author, *Surviving the Breakup*; Philip Stahl, Ph.D., Author, *Complex Issues in Child Custody Evaluations*; and Sally Pope, M.Ed., J.D., President, Academy of Family Mediators.

Pre-conference institutes take place on Wednesday, June 2, 1999 from 9:00am-5:00pm and include:

- *Working with High Conflict Families*, featuring Janet Johnston, Ph.D., Pamela Ludolph, Ph.D., Maxine Baker Jackson and E. Robert Lacrosse, Ph.D.
- *Advanced Mediation Practice: Overcoming the Obstacles*, featuring Joan Kelly, Ph.D., Judith Ryan, LL.B., John Wade, LL.M. and Shashi Assanand.
- *Advanced Applications in Child Custody Evaluation*, featuring Philip Stahl, Ph.D., S. Margaret Lee, Ph.D., Jonathan Gould, Ph.D., Pratibha Reebye, M.D. and Mindy Mitnik, Ed.M., M.A.
- *Child Protection and Dependency Mediation*, featuring Steve Baron, M.A., Nancy Thoennes, Ph.D., Deborah Lynn Zutter and Anita Stuckey.
- *Settlement Conferences for Judicial Officers*, featuring Hon. Linda Dessau, Hon. Fred Newton and Hon. Marina Paperny.
- *Collaborative Initiatives to Support Families*, featuring Jane Grafton, David Manville, M.S.W., Michael Piraino, J.D. and Tom Surh, J.D.
- *A Developmental Approach to Parenting Plans for Judges, Lawyers and Mental Health Professionals*, featuring Risa Garon, LCSW-C, Larry Fong, Ph.D., Gina DeLeonardis, LCSW-C and Antonieta Xavier.

Conference workshops will examine a broad range of issues including mediation, custody evaluations, parent education, unified family courts, collaborative law, parental alienation and permanency planning in abuse and neglect matters. Numerous examples of collaborative efforts to improve court and community services will also be highlighted.

### Court Directors and Supervisors Roundtable Returns

AFCC's 36th Annual Conference marks the return of the Court Directors and Supervisors Roundtable. This facilitated discussion session is designed for supervisory staff of family court services and related agencies and provides an opportunity to consult with colleagues about the challenges of managing a family court agency. Topics will include performance standards, quality control, working with bureaucracy, funding, recruitment and retention and reporting issues. The session will be co-chaired by AFCC President Elect Phil Bushard, DPA and AFCC Board Member David Hodges.

## AFCC Set to Launch First International Child Protection and Dependency Mediation Colloquium

AFCC proudly presents the First International Child Protection and Dependency Mediation Colloquium, April 16-17, 1999 at the Hyatt Regency in Irvine, California. The Colloquium is being held in response to the enormous growth in programs that are now mediating issues of child abuse, neglect and permanency planning.

The Colloquium is designed for mediators, judges, court and human services administrators, lawyers, child protection workers and supervisors, CASA volunteers

and others working on issues related to child protection and dependency. The two-day event will feature two pre-conference institutes, eight workshops, two plenary sessions and facilitated discussion groups to allow for a full exploration of important professional issues.

The Colloquium program begins the morning of April 16 with two Pre-Colloquium Institutes. *Developing a Program: Nuts and Bolts From Those Who Have Done It Well*

*Continued on page 9*





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## PRESIDENT'S MESSAGE



Christie Coates, Boulder, Colorado

As AFCC President I am extremely fortunate to have the responsibility of representing the association at meetings and conferences around the country. I meet wonderful, interesting people while at the same time learning about new ideas and programs. I don't know about you, but most of my normal day is spent "doing." I stay so busy with the daily business of running my practice and working with clients that I rarely have time to think about what I'm "doing" or how I could "do" my work better. Over the years I've found that when I attend conferences, I have the opportunity to sit in the audience and listen, absorb and think about the ideas that are being presented. Meeting the presenters and chatting between sessions with colleagues also sparks my neurons and ideas begin popping around in my brain. I get inspired.

One of my most recent "brain recharges" occurred at the Arizona AFCC Chapter Conference in Prescott, Arizona. The conference featured Constance Ahrons, Ph.D., author of *The Good Divorce*, a book I recommend for all AFCC members. I appreciate Dr. Ahrons' research and her model for helping divorcing families work through the process to become "cooperative colleagues" instead of "fiery foes." She articulately advocates the need for society to redefine its perceptions and language of divorce. She encourages us to use our creativity and energy to help both our clients and our professional colleagues to find better, non-adversarial ways of divorcing, rather than spending time passing judgment against people for divorcing. Dr. Ahrons' thought-provoking comments reaffirmed for me how AFCC and its members have been leaders for more than thirty-five years in promoting better ways of providing services to families going through the legal system. The Arizona AFCC Chapter, our chapters in California, Kansas and Massachusetts, and our soon-to-be New Jersey Chapter, are wonderful examples of the synergy that is created locally by people with a vision, mission and talent.

In addition to putting on an outstanding conference, the Arizona Chapter served as gracious hosts to the AFCC Executive Committee for our mid-year meeting. The Arizona Chapter Program Committee thoughtfully included all of the Executive Committee members on the program. On behalf of the AFCC Executive Committee I would like to thank the members of the Arizona Chapter for their hospitality.

The Executive Committee's agenda included adopting updated policies for chapter development to help professionals in other states form their own chapters and spread the AFCC message. We also discussed the needs of our AFCC members, such as continuing to provide high quality publications, conferences and other services, while keeping membership dues and conferences affordable.

As an acknowledged leader in the field of dispute resolution, AFCC receives an increasing number of requests for information from courts, professionals, members of the public, the press and other organizations. Our influence is constantly expanding, yet there remain many professionals who have not heard of us or who do not see any relevance to what AFCC does. As we spread the word about AFCC, we have all had occasion to explain the name "Association of Family and Conciliation Courts" to prospective members. In doing so, we point out that AFCC has become much more than an association of courts. AFCC is also an organization composed of individual practitioners from many different disciplines; practitioners who care about and work with families.

The Executive Committee began the tentative exploration of changing the name to something more descriptive of our identity while still maintaining the acronym "AFCC." It feels heretical as well as a little sad to even suggest changing our name, however, most of our states do not have conciliation courts. Many states do not have family courts. Some members feel strongly that a name change is needed. Please see the article on page four and let us know what you think. No decisions have been made. We are simply in the information gathering stage.

My experience as AFCC President has convinced me that by banding together in local, state, national and international organizations, we can magnify our positive impact on the development of our fields of endeavor. Our agenda is a formidable one. A significant commitment is required if we are to continue to improve our work and, in turn, improve the lives of the families we serve. That commitment may be demonstrated by working locally with your colleagues, joining an AFCC committee, sharing new ideas through conference presentations, the *AFCC Newsletter* or the *Family and Conciliation Courts Review* or making a contribution to AFCC's **Kids Count Club**. For AFCC to reach its potential we must all stand up and be counted.



# AFCC Collaborates with Vancouver Community for 36th Annual Conference

**F**amilies, Courts and Communities: Collaboration for the 21st Century, is the theme of AFCC's 36th Annual Conference, June 2-5, 1999 at the Westin Bayshore Hotel in Vancouver, British Columbia. True to the spirit of the conference theme, AFCC has launched a full-scale collaboration with Vancouver area members to make this year's conference a very special event.

Several exciting new events mark the 1999 conference agenda, including Grand Rounds, a Youth Forum and a special Closing Ceremony to be held in Stanley Park's Theatre Under the Stars, adjacent to the Westin Bayshore. In addition, AFCC's usual selection of pre-conference institutes, workshops and plenary sessions will feature an outstanding array of presenters (see related story on page one).

**AFCC Grand Rounds** offer an opportunity for conference attendees to participate in facilitated discussions on selected topics. Participants will discuss: (1) Supervised Visitation; (2) Culture and Conflicting Values;

(3) Services for Multicultural and Immigrant Communities; (4) Standards for Mediation in Cases Involving Domestic Abuse; (5) Unrepresented Litigants; and (6) Never-Married Parents. Grand Rounds are informal discussion groups and participants are invited to drop in, contribute to the discussion or just sit back and listen. This is a wonderful opportunity to discuss challenging issues and to network with colleagues who have similar professional interests.

The **Youth Forum** will take place on Friday afternoon as AFCC plays host to more than two hundred children from Vancouver area schools. Jonah Edelman, Stand for Children, Washington, D.C., and Craig Kielburger, Free the Children, Thornhill, Ontario, will kick off the sessions and youth participants will then choose from workshops on conflict management, peer relationships and youth leadership. The Youth Forum is open at no charge to children accompanying their parents to the AFCC conference.

AFCC's **Closing Ceremony** will take place Saturday morning in Stanley Park, as members of the Vancouver community join AFCC for a true collaborative effort. Closing Ceremony co-sponsors include international organizations such as Stand for Children and Free the Children as well as the British Columbia Law Courts Education Society. A Vancouver youth choir is already rehearsing for the big event. The Closing Ceremony will be a fun and relaxing way for AFCC members to celebrate our work together. In case of rain, the event will be held indoors.

Additional conference activities will include the AFCC Fun Run/Walk, International Dinner, Taste of the Town and tour and travel opportunities including an Alaskan Cruise, tours of Victoria, British Columbia and rail tours of the Canadian Rocky Mountains. For more information on the conference contact AFCC, 329 W. Wilson St., Madison, WI 53703, Phone: (608) 251-4001; Fax: (608) 251-2231; E-mail: <afcc@afccnet.org> •

## New Publication from AFCC!

### Child Protection and Dependency Mediation Program Profiles

More than 30 Child Protection and Dependency Mediation Programs are profiled in this new publication. Information includes mediation qualifications, participants, session length, funding sources and more.

|   | Price  | Quantity                        | Total |
|---|--------|---------------------------------|-------|
| Child Protection and Dependency Mediation Program Profiles  | \$9.00 | _____                           | _____ |
| <b>Shipping &amp; Handling—U.S. Only</b><br>(S&H will be billed separately for Canadian and foreign orders) |        | Subtotal                        | _____ |
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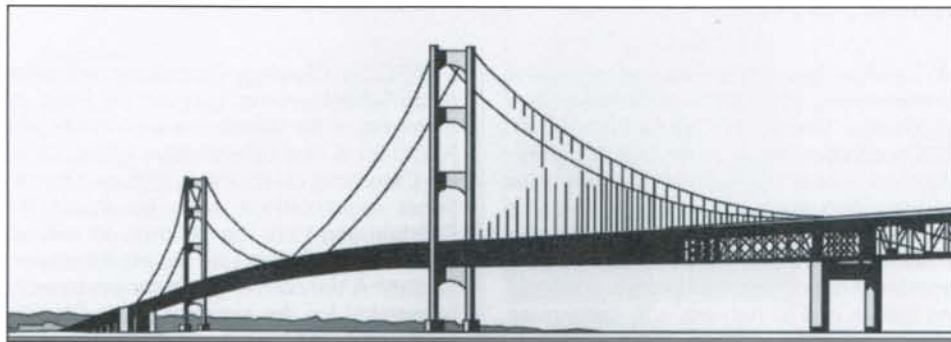
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## SPOTLIGHT SERIES

# Law Courts Education Society of British Columbia: Building Bridges Between Courts and Communities



*"Citizens must be given the information they need in a meaningful form so that they can gain access to the justice system."*—Report of Ted Hughes, former Deputy Attorney General of British Columbia

In recent years courts throughout the world have begun to shift from the traditional "one size fits all" orientation to more user-friendly approaches. Increasing numbers of unrepresented litigants and confusion about how the courts work have prompted support for helping citizens navigate the often turbulent waters of the legal system. Unified family courts, parent education programs and programs providing legal assistance for unrepresented parents are just a few of these initiatives.

While this consumer oriented approach is new in many jurisdictions, one innovative program, the Law Courts Education Society, has been improving access to the justice system in British Columbia for two decades. The program provides public legal education to children, youth and adults throughout British Columbia with the goal of increasing public understanding of the court system and criminal and civil trial procedures.

The program began in 1979 and grew out of a three-year project using the recently completed facilities of Vancouver's Law Courts complex for students and the general public. Subsequently, funding from the British Columbia Ministry of the Attorney General was provided for continued public legal education.

In 1988, a special Law Reform Committee created by the Ministry published a report recommending changes to the BC justice system. Shortly thereafter, the Ministry of the Attorney General and the judiciary created the Law Courts Education Society to formalize their partnership and expand the provision of law courts education throughout British Columbia. The Canadian Bar Association is a founding partner of the Society.

The Law Courts Education Society provides province-wide legal education to schools, community groups, immigrant, minority and First Nations organizations and to the general public. Programs focus on the operation of the British Columbia court system. The Society also provides programming to assist court personnel to understand the legal education needs of British Columbians and to involve them directly in the delivery of legal education programs to the public. It operates one provincial and five regional offices. In the past six years more than 250,000 individuals have been involved in Society programs.

The Law Courts Education Society provides a wide range of services and materials including:

- Booklets, leaflets, wall charts, mock trial kits, and videos on the British Columbia court system for schools and the general public.
- Professional development workshops for schools, immigrant and First Nations service providers.
- Programs in partnership with immigrant service agencies and teachers of English as a second language. These programs include youth law camps on the court system, court visits, justice system simulations and mock trials.
- Multilingual educational materials on British Columbia's court system are available in Chinese, Spanish, Vietnamese, French, Punjabi, Polish, Persian, Arabic and Korean.
- Programs for First Nations Communities including youth and adult law camps; workshops, career and job shadowing

programs, elementary school curriculum, First Nations Journeys of Justice, based on First Nations traditions and stories to introduce students to concepts of justice from both First Nations and mainstream perspectives.

In addition, the Law Courts Education Society has completed research on a number of topics including (1) the attitudes immigrant communities have toward the Canadian justice system; (2) ethno-cultural perspectives on domestic violence and the courts; (3) the effects of legal education on students' attitudes towards the legal system; and (4) the experiences of urban First Nations and Chinese community members in being court witnesses.

The Law Courts Education Society was awarded the Justice Achievement Award from the National Association of Court Management in both 1993 and 1995.

*Evelyn Neaman, M.A., Provincial Program Coordinator for the Law Courts Education Society, will be presenting a workshop on "Parent Education Programs for Culturally Diverse Communities" at AFCC's 36th Annual Conference, June 2-5, 1999 in Vancouver, British Columbia.*

## What's in a Name? AFCC Wants to Know What You Think!

The AFCC Executive Committee is considering changing the name of the association to reflect the growth of the membership beyond court personnel. AFCC would like to maintain the brand name, "AFCC," while eliminating the term "conciliation courts," which is not a universally used term. The AFCC Executive Committee has come up with a few possibilities and would like your help in brainstorming potential new names.

Association of Families, Courts  
and Communities

Association for Families and  
Children in Court

Association of Family Courts for Children

Association for the Family Court Community

If you submit a name that is ultimately adopted you will receive a \$50 gift certificate good toward AFCC publications or videotapes. In the event of identical entries, the first submission received will be declared the winner.

Send your submission to AFCC, 329 W. Wilson St., Madison, WI 53703. Fax: (608) 251-2231; E-mail: <afcc@afccnet.org>



## MEMBER PROFILE

# Jane Grafton Surrey, British Columbia

It was more than two decades ago that AFCC member Jane Grafton first volunteered her services for an AFCC conference. "In 1978 it was a joint conference with the Canadian Bar Association Family Law Subsection," Jane recalled. "The next time AFCC came to Vancouver it was 1985 and we had a wonderful planning committee. In those days the entire conference was run locally. Don Moir was AFCC President at the time, Madame Justice Carol Huddart was the program chair, former AFCC President Jerry Lecovin was on the committee and I coordinated the logistics."

As AFCC returns to Vancouver for its 36th Annual Conference this June, one need not look far from the center of activity to find Jane, who is serving as coordinator of the local committee. In addition to her duties overseeing supervised visitation services for Fraserside Community Services and her numerous community and family commitments, Jane's AFCC activities keep her extremely busy.

Jane was born in Vancouver but soon moved to Kamloops, a small town in interior British Columbia. "I was an adopted child," Jane said. "My parents told me I was special because they were able to pick me out." At age 15 Jane was accepted into the prestigious Elgar Choir in Vancouver and she moved there and enrolled in Crofton House boarding school. According to Jane, "My parents were worried that I wouldn't grow up to be a 'proper young lady' in Kamloops so the school and choir were perfect. The choir master was very strict. Our uniforms included long navy blue skirts, black stockings and navy bloomers so that nobody could look up our skirts when we were on stage. We were often mistaken for novice nuns!"

Jane sang with the choir for four years, performing throughout Canada and twice touring Europe. In 1961 the choir was the first musical organization to be allowed into Russia to perform. Jane then went to Mount Royal College in Calgary where she studied voice. Following graduation she returned to Vancouver and continued to study voice while working at the Canadian

Arthritis Society, beginning as a receptionist and eventually working in public relations. At the same time she met Gary, her first husband, on a blind date and was married a year later.

Jane and Gary settled in Vancouver. Jane went to work for a law firm until her daughters Jennifer and Sarah were born. "I loved being a stay-at-home mother," she said. "My house wasn't always the tidiest, but I had so much fun!" In 1971, Jane and Gary sold the house, packed their bags and boarded a ship to Australia. They lived in Australia for five years before Gary suffered permanent head injuries in a car accident. "About six months after the accident I decided to bring the kids back to Vancouver for Christmas," Jane said. "I decided that I needed to take care of the girls and that we should return to Canada to be near family. I returned to Australia to bring Gary back, but there were many complications and it took quite awhile to work things out. So I commuted back and forth to Australia for about two years. I finally was able to bring Gary home where he was placed into an extended care hospital."

Jane subsequently renewed an old acquaintance with a judge named David Hart. "That turned into romance," Jane said, "And we have been together since." David returned to private practice and Jane went to work as his legal assistant and coordinator of family law retreats. Then a serendipitous event occurred. As Jane tells it:

"I was sitting in the Courthouse mind-ing my own business, waiting for David. Two lawyers were sitting nearby arguing about who would 'do' a visit. The mother's friends were not acceptable to him and the father's friends were not acceptable to her. I sat quietly trying to ignore the discussion. All of a sudden there was silence. I looked up and both lawyers were staring my way. They said in unison, 'YOU!' You could 'do' the visit. I looked over my shoulder and quickly realized that they were pointing at me."

After speaking with some lawyers, judges, counselors and psychologists, Jane took stock of the situation and decided that there was a void to be filled and she would try to help. That first visit grew into an agency that has now been in existence for 18 years. Jane supervises visits related to divorce, separation and child protection matters.

Jane's experience in supervised visitation led her to become a member of the first Board of Directors of the Supervised Visitation Network (SVN), formed in 1992. She subsequently served as SVN President and is now involved in a movement to develop an international organization dedicated to supervised visitation.

Jane's life outside of work is extremely active. She has served as co-founder of the British Columbia Head Injury Association, Board member and President of the Vancouver Ballet Society, member of the Mayor's Council for the Arts and the Board of the Endeavor Society, an association of arts and health science organizations. Jane is currently on the Board of the Neurological Foundation. She also enjoys ballet, theatre and her newest hobby, scuba diving.

Jane's daughters are now grown and Jane claims to be waiting patiently for grandchildren. Sarah is "the world's greatest nanny" and is getting married in August "to a wonderful young man who can fix things around the house," said Jane, noting that neither she nor David are particularly handy. Jennifer recently quit her job as a staff trainer for Canadian Pacific Hotels to hit the road as a singer in a "Legends of Rock and Roll" tour. Jane said, "I am very proud of her and I am also very nervous."

As she prepares for this spring's Annual Conference Jane is looking forward to her third opportunity to serve as host to AFCC. "I just love the opportunity to meet people from so many different places and professions," she said. "Seeing such a diverse group meld together and learn from one another is very exciting."





# Canadian Senate and House of Commons Joint Co

A FCC members from New Brunswick to British Columbia were among more than 500 witnesses who testified before the Joint Committee on Child Custody and Access as the Committee examined reforms to Canada's Federal Divorce Act.

The Committee was composed of members of Canada's Senate and House of Commons and was co-chaired by Hon. Landon Pearson, Senate, and Roger Gallaway, House of Commons. Senator Pearson will be a featured presenter at AFCC's 36th Annual Conference, June 2-5, 1999 in Vancouver, BC (see related stories on pages one and three). Fifty five meetings were held in cities across Canada over a twelve-month period. The Committee examined issues related to custody and access after separation and divorce with a special emphasis on the needs and best interests of children.

Witnesses included lawyers, mental health professionals, child protection workers, academics, representatives of interest groups and individuals who shared their stories about custody and access with the Committee. Among the AFCC members providing information: Rhonda Freeman, Toronto, Ontario; Barbara Gibson, Rothesay, New Brunswick; Orysia Kostiuik, Winnipeg, Manitoba; Lorraine Martin, Toronto, Ontario; and Katherine McNeil, Vancouver, British Columbia.

The Committee issued a report entitled "For the Sake of the Children" in December 1998. The report addresses a wide variety of topics including: (1) The Divorcing Family; (2) Improving Outcomes for Children; (3) Models from Other Jurisdictions; (4) Federal and Provincial Government Roles; (5) Complications of High Conflict Divorces; (6) Aboriginal Concerns; and (7) Sexual Orientation, Religious and Ethno-Cultural Minorities, and Canadians Living Abroad.

The report contains nearly fifty recommendations including changes in statutory language, mandatory education programs for divorcing parents and the expansion of unified family courts. The committee recommended that:

1. The *Divorce Act* should be amended to include a Preamble alluding to the relevant principles of the *United Nations Convention on the Rights of the Child*.
2. The *Divorce Act* should be amended to add a Preamble containing the principle that divorced parents and their children are entitled to a close and continuous relationship with one another.
3. It is in the best interest of children to have the opportunity to be heard when parenting decisions affecting them are being made.
4. Children of divorce should have the opportunity to express their views to a skilled professional, whose duty it would be to make those views known to any

professional making or facilitating a shared parenting determination.

5. Courts should have the authority to appoint an interested third party, such as a member of the child's extended family, to support and represent a child experiencing difficulties during parental separation or divorce.
6. The terms "custody and access" should be replaced in the *Divorce Act* with the term "shared parenting," which shall be taken to include all the meanings, rights, obligations and common-law and statutory interpretations embodied previously in the terms "custody and access."
7. The "tender years doctrine" should be rejected as a guide to decision making about parenting.
8. Both parents of a child should receive information and records regarding the child's development and social activities, such as school records, medical records and other relevant information. The obligation to provide such information should extend to schools, doctors, hospitals and others generating such information or records, as well as to both parents, unless ordered otherwise by a court.
9. All parents seeking parenting orders, unless there is agreement between them on the terms of such an order, should be required to participate in an education program to help them become aware of the post-separation reaction of parents and children, a child's developmental needs at different ages, the benefits of co-operative parenting after divorce, parental rights and responsibilities and the availability and benefits of mediation and other forms of dispute resolution, provided such programs are available. A certificate of attendance at such a post-separation education program would be required before the parents would be able to proceed with their application for a parenting order. Parents should not be required to attend sessions together.
10. Divorcing parents should be encouraged to develop, on their own, with the help of a trained mediator or through some form of alternative dispute resolution, a parenting plan setting out details about each parent's responsibilities for residence, care, decision making and financial security for the children, together with the dispute resolution process to be used by the parties. Parenting plans must also require the parents to share health, educational and other information related to the child's development and social activities. All parenting orders should be in the form of parenting plans.
11. The relationships of grandparents, siblings and other extended family

members with children should be recognized as significant. Provisions for maintaining and fostering such relationships, where they are in the best interests of those children, should be included in parenting plans.

12. The *Divorce Act* should require that parties applying to a court for a parenting order must file a proposed parenting plan with the court.
13. Divorcing parents should be encouraged to attend at least one mediation session to help them develop a parenting plan for their children. Recognizing the impact of family violence on children, mediation and other non-litigation methods of decision making should be structured to screen for and identify family violence. Where there is a proven history of violence by one parent toward the other or toward the children, alternative forms of dispute resolution should be used to develop parenting plans only when the safety of the person who has been the victim of violence is assured and where the risk of violence has passed. The resulting parenting plan must focus on parental responsibilities for the children and contain measures to ensure safety and security for parents and children.
14. Shared parenting determinations should be made on the basis of "best interests of the child." The criteria for determining best interests should include:
  - a) The relative strength, nature and stability of the relationship between the child and each person entitled to or claiming a parenting order in relation to the child;
  - b) The relative strength, nature and stability of the relationship between the child and other members of the child's family who reside with the child, and persons involved in the care and upbringing of the child;
  - c) The views of the child, where such views can reasonably be ascertained;
  - d) The ability and willingness of each applicant to provide the child with guidance and education, the necessities of life and any special needs of the child;
  - e) The child's cultural ties and religious affiliation;
  - f) The importance and benefit to the child of shared parenting, ensuring both parents' active involvement in his or her life after separation;
  - g) The importance of relationships between the child and the child's siblings, grandparents and other extended family members;
  - h) The parenting plans proposed by the parents;



# Committee Issues Report on Child Custody and Access

- i) The ability of the child to adjust to the proposed parenting plans;
  - j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing relationship between the child and the other parent;
  - k) Any proven history of family violence perpetrated by any party applying for a parenting order;
  - l) There shall be no preference in favor of either parent solely on the basis of that parent's gender;
  - m) The willingness shown by each parent to attend the required education session; and
  - n) Any other factor considered by the court to be relevant to a particular shared parenting dispute.
15. The Minister of Justice should undertake a comprehensive review of Federal Child Support Guidelines to reflect gender equality and the child's entitlement to financial support from both parents. Particular attention should be given to the following concerns:
- a) Incorporation into the Child Support Guidelines of new concepts and language proposed by the Committee;
  - b) The impact of the current tax treatment of child support on the adequacy of child support as it is awarded under the Guidelines and on parents' ability to meet other financial obligations, such as to children of second or subsequent relationships;
  - c) The desirability of considering both parents' income, or financial capacity, in determining child support amounts, including the 40% rule for determining whether the parenting arrangement is "shared parenting";
  - d) Recognition of the expenses incurred by support payers while caring for their children;
  - e) Recognition of the additional expenses incurred by a parent following a relocation of the other parent with the children;
  - f) Parental contributions to the financial support of adult children attending post-secondary institutions;
  - g) The ability of parties to contract out of the Federal Child Support Guidelines; and
  - h) The impact of the Guidelines on the income of parties receiving public assistance.
16. The federal government should provide leadership by ensuring that adequate resources are secured for the following initiatives identified by the Committee as critical to the effort to develop a more child-centered approach to family law policies and practices:
- a) Expansion of unified family courts across Canada, including the dedication of ample resources to interventions and programs aimed at ensuring compliance with parenting orders, such as early intervention programs, parenting education, make-up time policies, family and child counseling, and mediation;
  - b) Civil legal aid to ensure that parties to contested parenting applications are not prejudiced by the lack or inadequacy of legal representation;
  - c) A Children's Commissioner, an officer of Parliament reporting to Parliament, who would superintend and promote the welfare and best interests of children under the Divorce Act and in other areas of federal responsibility;
  - d) The provision of legal representation for children when appointed by a judge;
  - e) Parenting education programs;
  - f) Supervised access programs; and
  - g) Enhanced opportunities for professional development for judges, focused on the concept of shared parenting formulated by the Committee, the impact of divorce on children and the importance of maintaining relationships between children and their parents and extended family members.
17. Unified family courts, in addition to their adjudicative function, should include a broad range of non-litigation support services, which might include family and child counseling, public legal education, parenting assessment and mediation services, an office responsible for hearing and supporting children who are experiencing difficulties stemming from parental separation or divorce, and case management services, including monitoring the implementation and enforcement of shared parenting orders.
18. Court orders respecting shared parenting should be more detailed, readable and intelligible to police officers called upon to enforce them.
19. The federal government should extend financial support to programs run by community groups for couples wanting to avoid separation and divorce or seeking to strengthen their marital relationship.
20. The Divorce Act should be amended to require (a) that a parent wishing to relocate with a child, where the distance would necessitate the modification of agreed or court-ordered parenting arrangements, seek judicial permission at least 90 days before the proposed move and (b) that the other parent be given notice at the same time.
21. Provinces and territories and the relevant professional associations should develop accreditation criteria for family mediators and for social workers and psychologists involved in shared parenting assessments.
22. Federal, provincial and territorial governments should work together to encourage the development of effective models for the early identification of high-conflict families seeking divorce. Such families should be steered into a specialized, expedited process and offered services designed to improve outcomes for their children.
23. Professionals who meet with children experiencing parental separation should recognize that a child's wish not to have contact with a parent could reveal a significant problem and should result in the immediate referral of the family for therapeutic intervention.
24. The Divorce Act should be amended to make explicit provision for the granting of supervised parenting orders where necessary to ensure continuing contact between a parent and a child in situations of transition, or where there is clear evidence that the child requires protection.
25. The unilateral removal of a child from the family home without suitable arrangements for contact between the child and the other parent should be recognized as contrary to the best interests of the child, except in an emergency.
26. The federal government should assess the adequacy of the Criminal Code in dealing with false statements in family law matters and develop policies to promote action on clear cases of mischief, obstruction of justice or perjury.
27. The federal government should engage in further consultation with Aboriginal organizations and communities across Canada about issues related to shared parenting that are particular to those communities, with a view to developing a clear plan of action to be implemented in a timely way.
28. Sexual orientation should not be considered a negative factor in the disposition of shared parenting decisions.

*"For the Sake of the Children" is available from Public Works and Government Services Canada—Publishing, Ottawa, Canada K1A 0S9. The entire report is available on line at <<http://www.parl.gc.ca/Info-ComDoc/36/1/SJCA/Studies/Reports/sjcarp02-e.thm>>*



## 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.

**Call for Presenters**

**AFCC**

**Second International**

## **Child Protection and Dependency Mediation Colloquium**

**September 16-18, 1999**

**Adam's Mark Hotel  
Columbus, Ohio**

Join AFCC as we launch an international dialogue on the rapidly growing practice of mediation in child protection and dependency cases. This program is for mediators, judges, case workers, court administrators, lawyers, human service providers, researchers and others.

You are invited to submit a proposal for a 90-minute workshop for AFCC's Second International Child Protection and Dependency Mediation Colloquium. Areas of interest include, but are not limited to:

Research and evaluation  
Innovative Programs  
Professional Development

Advanced Issues  
Best Practices  
Ethical Considerations

Proposals must be received no later than May 21, 1999. Please send a one paragraph abstract, an outline of your proposed workshop and contact information and resumes for all presenters to AFCC, 329 W. Wilson Street, Madison, WI 53703. Phone: (608) 251-4001; Fax: (608) 251-2231; E-mail: <afcc@afccnet.org>

*Presenters receive a reduced registration fee. AFCC is unable to reimburse presenters for travel or lodging expenses.*



# Did you know??

2.3 million marriages and 1.2 divorces occurred in the United States in 1996. That translated into 6,400 marriages and 3,200 divorces 365 days a year.

In 1996 Nevada led all states in marriage, on a per capita basis, with 88 marriages for every 1,000 people. Hawaii came in a distant second at 15.8 per 1,000.

15 percent of all Americans ages 35-44 have never been married.

35 percent of all Americans ages 25-34 have never been married.

Nevada's divorce rate in 1996 was 8.1 per 1,000, about 21 percent higher than Wyoming, New Mexico and Oklahoma, which finished in a three-way tie for second place.

The median age of Americans at the time of their first marriage in 1998 was 25.0 years for women and 26.7 years for men. In 1947 the median age was 20.4 years for women and 22.7 years

Source: U.S. Census Bureau

## First International Child Protection and Dependency Mediation Colloquium

*Continued from page 1*

include an intensive look at the critical issues that must be addressed when developing a child protection mediation program. The second institute, *Mediating Multi-Party Disputes: Building Your Skills*, is designed for those interested in enhancing their group facilitation skills.

Plenary sessions will examine program models and the role of research and evaluation. Featured speakers include 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-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; Jan Shaw, Director, Orange County Mediation and Investigative Services; and Dr. Nancy Thoennes, Center for Policy Research. Hon. Leonard Edwards of San Jose, CA will deliver the luncheon address.

The Colloquium will close with facilitated discussion groups followed by a Town Hall Meeting at which participants will have the

opportunity to identify and discuss the critical issues facing the development of child protection and dependency mediation in the next century.

The Hyatt Regency Irvine is offering a special conference rate of \$99 per night, single or double room. For reservations, please contact the Hyatt at (800) 223-1234 or (949) 975-1234. For further information about the Colloquium, contact AFCC, 329 W. Wilson St., Madison, WI 53703; Phone: (608) 251-4001; Fax: (608) 251-2231; E-mail: <afcc@afccnet.org>



## Canadian Judicial Council to Fund Judicial Delegates to AFCC Conference

The Canadian Judicial Council has passed a resolution authorizing and funding the attendance of sixty federally appointed judges for AFCC's 36th Annual Conference, *Families, Courts and Communities: Collaboration for the 21st Century*.

Judges with an interest in family law should contact their Province's Chief Justice. Special thanks to AFCC Secretary Hon. George Czutrin and Jeannie Thomas, Executive Director of the Canadian Judicial Council, for their work in facilitating approval of this funding.

## New on the Bookshelf

*Divorced Dads: Shattering the Myth* by Sanford Braver, Ph.D. with Diane O'Connell. Published by Tarcher Putnam.

*How to Avoid the Divorce from Hell and Dance Together at Your Daughter's Wedding*, by M. Sue Talia. Published by Nexus Publishing Company

*Mediating Child Custody Disputes* (revised edition), by Donald T. Saposnek. Published by Jossey-Bass.

*The Dollars and Sense of Divorce*, by Judith Driles, Ph.D., Edwin C. Schilling, III J.D., CFP and Carol Ann Wilson, CFP, CDP.

*The Top-Secret Journal of Fiaona Claire Jardin*, by Robin Cruise. Published by Harcourt Brace & Company.

*Voices of Children*, by Dr. David Royko. Published by Golden Books.



## AFCC Member News

**Magistrate Denise McColley**, AFCC Vice President has been appointed by Ohio Supreme Court Chief Justice Thomas Moyer to a Task Force on Family Law and Children. The Task force will submit a report to the general assembly on creating more civilized and constructive processes for post-separation and divorce parenting.

**David Royko**, Director of Cook County Marriage and Family Counseling Service, has completed work on his book *Voices of Children*. Published by Golden Books, *Voices of Children* contains excerpts of interviews with children sharing their memories and experiences.



## Save \$ on Air Fare

You can save up to 10% off of the lowest available coach fares to AFCC conferences simply by booking your ticket with Burkhalter Travel, AFCC's official travel agent. Discounts are available for AFCC members and others traveling to AFCC conference destinations.

For fare and ticketing information for the 36th Annual Conference, June 2-5, 1999 in Vancouver, BC, please contact Pat Williams at Burkhalter Travel at (800) 556-9286 or (608) 833-6968.



## 1999 Award Nominations

The AFCC Awards Committee continues to seek nominees for awards to be presented at the 36th AFCC Annual Conference in Vancouver, British Columbia, June 2-5, 1999



**Distinguished Service Award:** Presented in recognition of outstanding contribution to the field of family and divorce.

**Stanley Cohen Research Award:** Recognizing innovative and outstanding research in the area of family courts and family law.

**Irwin Cantor Innovative Program Award:** Presented to an innovative program serving the family court community.

If you would like to nominate someone for one of the above awards, send a fax or e-mail of no more than two hundred 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 include a brief statement as to why you believe the nominee to be a good candidate for the award.

The deadline for nominations is April 20, 1999. Please forward your nomination to:

Linda Hahn, Chair  
AFCC Awards Committee  
Fax: (214) 653-6034  
E-mail: <lhahn@admin.dallas.use.com>

## Coming Soon to Your Mailbox

The AFCC Executive Committee has completed a thorough review of the association's by-laws and has recommended several changes. The proposed revisions will be mailed to all current AFCC members and voted on at the Annual Membership Meeting, Saturday, June 5, 1999 at the Westin Bayshore Hotel in Vancouver, British Columbia.





## UPCOMING EVENTS

**April 9, 1999**

Basics of Family Law  
Contact: Mosten Mediation Training  
(310) 473-7611

**April 12-16, 1999**

The Mediation Process  
Contact: CDR Associates  
(303) 442-7367

**April 14-18, 1999—Pittsburgh, PA**

Basic Mediation Training  
Contact: Robert D. Benjamin  
(314) 721-4333

**April 16-17, 1999—Irvine, CA**  
*Child Protection and Dependency  
Mediation Colloquium*

Contact: AFCC  
(608) 251-4001

**April 23, 1999—San Ramon, CA**

Risk Management and Ethics in Family Law  
& Alienation and Alignment of Children  
in High-Conflict Divorce  
Contact: Philip M. Stahl, Ph.D.  
(925) 828-7660 Ext. 1

**April 24, 1999—San Ramon, CA**

Domestic Violence Issues in Family Law  
& Testifying in Court  
Contact: Philip M. Stahl, Ph.D.  
(925) 828-7660 Ext. 1

**April 25-26, 1999—Ann Arbor, MI**

Adult Guardianship Mediation Training  
Contact: Center for Social Gerontology  
(734) 665-1126

**April 28-May 2, 1999—St. Louis, MO**

Basic Mediation Training  
Contact: Robert D. Benjamin  
(314) 721-4333

**April 29-30, 1999—Egg Harbor, WI**

Wisconsin Interprofessional Committee  
on Divorce  
Contact: Ginny Gigot  
(920) 235-4910

**April 29-May 2, 1999—Boston, MA**

ABA Section of Dispute Resolution  
Annual Conference  
Contact: Linda Baron  
(202) 662-1687

**May 7-8, 1999**

Conducting Child Custody Evaluations:  
Basics to Advanced  
Contact: Philip M. Stahl, Ph.D.  
(925) 828-7660 Ext. 1

**May 7-8, 1999—St. Louis, MO**

Advanced Mediation Training  
Contact: Robert D. Benjamin  
(314) 721-4333

**May 12-16, 1999**

Mediation Training and Resources  
Contact: James C. Melamed  
(541) 345-1456

**May 13-15, 21-22, 1999**

Basic Divorce Mediation Training  
Mosten Mediation Training  
Contact: (310) 473-7611

**June 2-5, 1999—**

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

**June 11-13 & 18-19, 1999—Terre Haute, IN**

Basic Mediation Training  
Contact: Robert D. Benjamin  
(314) 721-4333

**June 14-18, 1999**

Divorce and Child Custody Mediation  
Contact: CDR Associates  
(303) 442-7367

**June 18-19, 1999**

Operating a Profitable Mediation Practice  
Mosten Mediation Training  
Contact: (310) 473-7611

**June 21-25, 1999—Lancaster, PA**

Basic Mediation Training  
Contact: Zena Zumeta  
(734) 663-1155

**July 6-10, 1999—Chicago, IL**

Academy of Family Mediators  
Annual Conference  
Contact: AFM  
(781) 674-2663

**September 16-18, 1999—Columbus, OH**

*Child Protection and Dependency  
Mediation Colloquium*  
Contact: AFCC  
(608) 251-4001

### APPEARING IN VEGAS

**MAY 7, 1999**

**Donald T. Saposnek, Ph.D.**

**"Children In Divorce: Current  
Research, Ages/Stages, and  
Interviewing Techniques"**

**SEPTEMBER 24, 1999**

**Chip Rose, J.D.**

**"Conceptualizing The Process –  
Strategies for Successful Mediation"**

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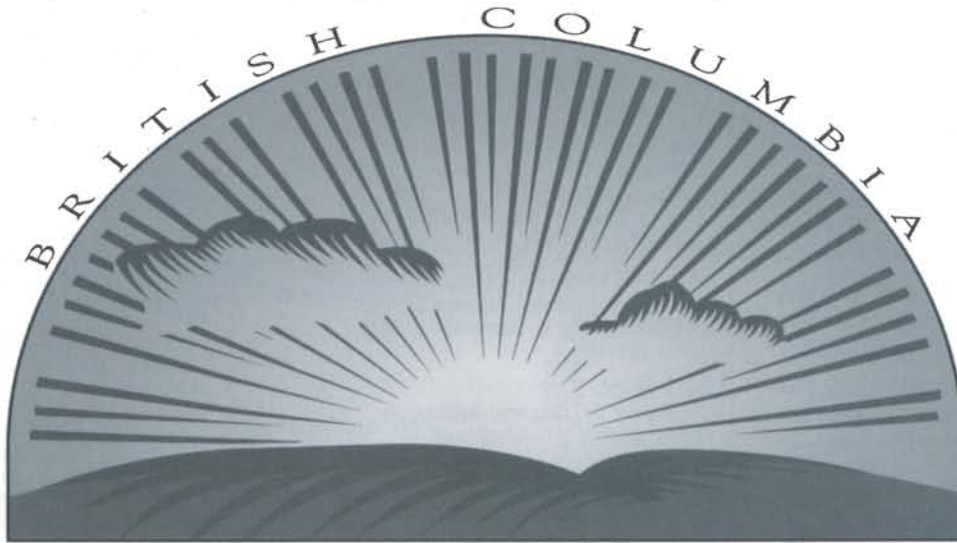
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