



AFCC NEWS

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Volume 24, Number 3

Summer 2005



Breckenridge Training Conference AFCC First

All systems are go for AFCC's Regional Training Conference, *Reaching the Pinnacle of Practice*. The conference takes place September 22-24, 2005 in Breckenridge, Colorado, and will feature three full days of training.

Training tracks are designed for mediators, custody evaluators, legal professionals and parenting coordinators. Participants can sign up for a full track or mix and match the sessions that are of most interest.

The program begins with pre-conference institutes on Thursday, September 22, and continues with 3-hour sessions on Friday and Saturday, September 23 and 24. Topics include: Testifying in Court; a Research-Based Approach to Evaluating Relocation Cases; Mapping the Negotiation in Collaborative Law; Legal Advocacy Through Technology; Working with Children of Separation and Divorce; Advanced Mediation Institute and others.

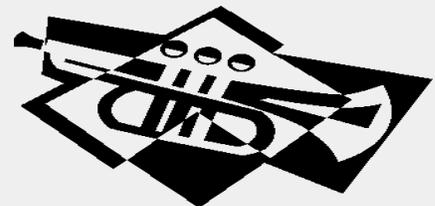
The conference will feature the first-time offering of a three-day parenting coordination training based on the AFCC Parenting Coordination Task Force's new Recommendations

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New Orleans 2006

AFCC 43rd Annual Conference

What happens in New Orleans...
Could only happen in New Orleans!



See the Call for Presenters on page 15

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ASSOCIATION OF FAMILY AND CONCILIATION COURTS

AFCC is an interdisciplinary and international association of professionals dedicated to the resolution of family conflict.

Mission

To improve the lives of children and families through the resolution of family conflict.

Vision

A justice system in which all professionals work collaboratively through education, support and access to services to achieve the best possible outcome for children and families.

Values

- Collaboration and respect among professions and disciplines
- Learning through inquiry, discussion and debate
- Innovation in addressing the needs of families and children in conflict
- Empowering families to resolve conflict and make decisions about their future

All views expressed in the AFCC News are those of individual contributors and do not necessarily reflect the opinions of AFCC.

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AFCC News Advertising

Advertising copy must be camera ready and payment made in U.S. funds.

	AFCC members	Non-member
Full page (7 1/2" x 10")	\$425	\$600
Half page (7 1/2" x 4 7/8")	\$300	\$450
Quarter page (3 5/8" x 4 7/8")	\$150	\$250

President's Message

Hi! I'm Hugh, and this is my story of addiction to AFCC.

My first experiment with AFCC came in about 1984 at a regional conference in Ft. Lauderdale. I was asked to give a plenary talk on our new shared parenting statute in Florida. Intoxicated by my appearance before such an august group of professionals, I stayed and attended several workshops. The session on rituals in marriage separations always stuck in my mind. I learned that many of the seemingly destructive or bizarre behaviors that occur during a divorce are akin to tribal rituals from the early development of societal customs. Examples given were burning the wedding dress by the wife (releasing grief and rage), and the desire of the husband to return to the home under the pretense of seeing that none of his possessions were left there (making peace with the place where good times and bad were shared). These ideas opened a new, exhilarating world for me.

I was hooked.

Oh, yes, I have had my highs and lows since then: there were the annual conferences in Hawaii and New Orleans, and then the long, lonely, stretches where budgets and schedules took away my emotional fixes. But then there was that Academy of Family Mediators conference in 1999 in Chicago, where my Florida colleague, Dr. Greg Firestone, and I had a discussion with Phil Bushard, then AFCC President, about starting a Florida Chapter. Ah, the wonderful rush that comes with heady plans! Within a year our Florida Chapter of AFCC was a reality! A few short years later, the chapter is working on its fifth annual conference and I am drunk with the elixir of the presidency of AFCC.

How did this all occur? Attending meetings nearly every day was a must (we do ours by conference call at either 8:00am or 12:00noon); otherwise I could have slipped at any time down the long slippery slope of backsliding behavior. An addiction is a wonderful thing, if you can control it!

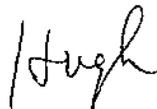
That's my story, and I'm sticking to it!

The future? I believe in that venerable politician, Tip O'Neil of Massachusetts, who said, "All politics are local." All family law is local. That's where all good ideas (and bad) and all innovations must be put in practice or they are meaningless. We must strive in every way possible to find ways to impact local jurisdictions with the cutting edge ideas developed and expounded on at our conferences. This piece of work must be done collaboratively. We must approach the family law system as a group of co-equal professionals working at the local level to improve the lot of the traumatized families working their way through a family law case. How? Mentorship, consultation, local interdisciplinary social and professional groups, brown bag lunches, and using innovations in our everyday practice.

We must become addicted to this process. We need to dedicate ourselves to get started on this path to salvation. A higher power commands it!

And finally, how do you be the best AFCC President possible? Get out of the way of all the great staff and leaders who surround you, and let them do their job!

Yours in AA(FCC)



Hugh



Hon. Hugh Starnes
AFCC President
Fort Myers, Florida

We must strive in every way possible to find ways to impact local jurisdictions with the cutting edge ideas developed and expounded on at our conferences.

MEMBER PROFILE

AFCC President, Judge Hugh Starnes

AFCC President Hugh Starnes is a man of many talents. Most AFCC members may know him as the thoughtful, soft-spoken, quick-witted judge from Florida. But after spending a bit of time with him, it becomes clear that he is a man of many interests and that he pursues them with the same zeal that makes him such a strong leader for AFCC.

A lifetime Floridian, Hugh has spent most of his life in Fort Myers. "I loved sports when I was growing up," Hugh said, "but I was so small that I never did much more than practice with the team. My father was a lawyer and my family also had a cattle ranch, so on weekends I would work on the ranch."

After finishing high school, Hugh was off to the University of Florida in Gainesville, where he earned his political science and law degrees. "Looking back, it is interesting to me that I wrote my senior paper in law school on the importance of non-doctrinal research in the law. I wasn't necessarily thinking about family law at the time, but I was interested in looking at the influence of other professions on the law."

Hugh returned to Fort Myers and joined the National Guard. "This was in 1965, during the Vietnam war, and one of my friends suggested that I should think about joining because my other alternative would be getting drafted. In fact, I got my draft notice just after enlisting." After serving in South Carolina and Oklahoma, it was back to Fort Myers and the family business. Hugh joined his father's law practice and, after 13 years as a lawyer, was appointed in 1978 by Gov. Rueben Askew to fill a vacancy on the bench.

Hugh has been a family court judge since 1985, when he volunteered for the new family law division. This followed his first exposure to AFCC at a 1984 conference in Fort Lauderdale. "AFCC member Shelly Finman introduced me to AFCC, and I was asked to present on our new shared parenting statute at a plenary session at the conference. I have been a member ever since."

For the last twenty years Hugh has spearheaded a collaborative effort in Lee County with lawyers and other professionals to reduce adversarial practice, increase interdisciplinary cooperation and change the culture of the local family law system. This effort ultimately evolved into

AFCC's Florida Chapter. "A Florida Chapter was such a logical idea," Hugh said. "We simply took our Lee County experience to the next level."

Outside of his professional life, Hugh maintains an extraordinarily active life. He and his wife Judy have three grown children, Cindy, Charlie and Sally. There are no grandchildren yet, but Charlie is recently married, Sally is engaged to be married and Hugh is hopeful. Judy owns and operates Janet Marie Studios, a clothing store that makes generous donations to AFCC's Annual Silent Auction. "Originally, my plan was that Judy would not have to work," said Hugh, "and to be honest, I wasn't crazy about it when she started. But looking back, I was able to understand and adjust, and now I am her biggest supporter."

Although both Hugh and Judy work more than full-time, they make plenty of time for their passion of competitive ballroom dancing. "Judy told me that she was going to take private dance lessons and that I could either take lessons too or choose not to," Hugh said. "We took lessons, and then Judy decided she wanted to get into competition. Then Cindy got into it and decided to compete. At first, I wasn't interested in it but eventually Cindy, Judy and my instructor steered me toward competing. We take three lessons a week. Others tell Judy and me that there is something about us and our relationship with each other that makes it so much fun to watch us dance together."

Hugh continues to maintain his cattle ranch located about 45 minutes from his home. "Virtually every weekend I am down at the ranch working out in the sun doing fence work or putting out minerals for the cattle. That's my therapy."

Whether it is cattle ranching, ballroom dancing, wine making or being a family court judge, Hugh projects an enthusiasm and zest for his life and work. AFCC, in particular, is a beneficiary. "My experience with the Florida chapter was and continues to be one of the most exhilarating parts of my professional career," Hugh said.

Members of the AFCC parent organization can look forward to the same strong leadership and direction as he guides the organization in the year to come.

GLOBAL ISSUES

Australian Families in Post-separation Disputes: Comparative Mediation Outcomes

by Jennifer McIntosh, PhD., Director, Children in Focus Research Program, La Trobe University and Caroline Long, Research Manager, La Trobe University, Melbourne, Australia

A study contrasting pathways of adjustment for separated families through two forms of Family Law Mediation is under way in Australia. The *Children in Focus Research Program* is funded by the Australian Attorney General's Department, in a collaboration between Family Transitions, Relationships Australia, and La Trobe University, with support from the Australian Institute for Family Studies. The research into child focused and child inclusive mediation is beginning to highlight key areas of progress and differences between the two groups.

While much is now understood about the psychological ramifications of post separation conflict to date, there has been a paucity of Australian data on the well-being of children in the face of their parents' post separation conflict. Equally, knowledge about the connection between forms of Family Law intervention and impacts on well-being for all family members is lacking. The current study was designed to provide some of this data, and to explore outcomes for families who encounter specialised mediation interventions specifically designed to augment parental attunement to the needs of their children within the dispute resolution process. Of interest are both the primary impacts of these interventions and their cumulative secondary impacts on the adjustment of children and parents to conflictual separation.

The Study

The first treatment group (75 child focused mediation cases) was recruited from separated couples presenting with parenting related matters to Relationships Australia mediation services across a six month period in three cities: Adelaide, Melbourne and Canberra. This group participated in Child Focused Mediation, an approach to mediation that actively re-focuses parents on the needs of their children, but does not, at any stage, include direct consultation with the children.

The second treatment group (75 child inclusive mediation cases) was recruited six months later across the same sites. The same mediation teams were intensively trained in a particular approach to Child Inclusive Mediation. This is an approach that includes separate consultation for children with a child consultant, and feedback of the children's material carefully incorporated into the ongoing discussion with parents in mediation. Both

mediation approaches were implemented within strictly supervised guidelines.

Across both samples, families were eligible for the study if their dispute included parenting matters, and at least one child in dispute was within the ages of 5-18 years. Voluntary and mandated cases were approached for inclusion in the study, and a broad range of conflict severity was sought. Families in the study are followed up in person at three and 12 months post mediation, using an interview and the same measures they completed at intake. Children were seen in a one-to-one play style interview at intake, with follow-up interviews at three and 12 months post mediation.

Outcome Variables

Outcomes monitored in this study include changes in 1) post separation parental alliance; 2) conflict management; 3) parent-child relationships; 4) living arrangements/management and satisfaction; 5) children's well-being and adjustment; 6) children's self representations of parental conflict; and 7) children's perception of parental availability and alliance.

Findings to date

Interesting findings emerging in the three month follow up data include a clear trend for fathers in the child inclusive mediation group to experience mediation as significantly more supportive and fair than fathers from the child focused group. Of interest, mothers and fathers in the child inclusive mediation group report similar experience and outcomes, whereas mothers and fathers from the child

Interesting findings emerging in the three month follow up data include a clear trend for fathers in the child inclusive mediation group to experience mediation as significantly more supportive and fair than fathers from the child focused group.

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Seattle Conference a Smashing Success

Dynamic—one simple word that can be used to describe every aspect of AFCC's 42nd Annual Conference. From the setting in Seattle, to outstanding pre-conference institutes, plenary sessions and workshops, to the presenters and, most of all, to the mix of over 660 attendees from around the globe, dynamic characterizes them all.

The conference began with a compelling address by keynote speaker Justice Bobbe Bridge of the Washington State Supreme Court.

Three stimulating plenary sessions received rave reviews. Noted researcher Joan Kelly, Ph.D. moderated a panel of experts who discussed the topic *The Politics of Research: The Use, Abuse and Misuse of Social Science Data*. Panelists included Richard Gelles, Ph.D.; Janet Johnston, Ph.D.; and Kyle Pruett, M.D.

Relocation Cases: An International View from the Bench was the second plenary session topic. Hon. Jerilyn Borack moderated the session. Presenters included Hon. Mary Lou Benotto, Hon. Peter Boshier, Hon. Diana Bryant and Hon. W. Dennis Duggan.

The final plenary session, *Shattering the Myths: What the Research Shows about Lawyer Negotiations*, was

presented by Professor Andrea Schneider, J.D., along with discussant R. John Harper, LL.B. and moderator Hon. Linda Dessau.

Conference attendees chose from over 50 workshops, yet still managed to experience Seattle. From the conference's headquarters at the Sheraton Seattle, downtown Seattle was just outside the door. Mariners baseball, outstanding shopping and a view from the Space Needle were just some of the activities enjoyed by participants.

Added into the mix of plenary sessions, workshops, and Seattle atmosphere were the conference presenters and participants. After all the learning and networking, attendees were able to take this mix back home to improve their work—the best dynamic of all.

Audio Cassettes and Audio CDs are available from AFCC's 42nd Annual Conference and may be purchased individually or as a complete conference set. Order online at: <http://www.aven.com/conf.cfm/cid/817> or call AVEN at 1-800-810-TAPE (8273).

AFCC Annual Awards Presented

AFCC members were honored for their accomplishments at the Annual Awards Luncheon at AFCC's 42nd Annual Conference in Seattle.

Distinguished Service Award

Kathryn Kuehnle, Ph.D., Indian Shores, Florida

Dr. Kathryn Kuehnle was honored with AFCC's Distinguished Service Award. She is a frequent presenter at AFCC conferences and a member of the AFCC Child Custody Evaluation Standards Task Force. Dr. Kuehnle is a nationally known forensic expert who provides evaluation in cases of alleged child abuse, treatment to victims of child abuse and expert consultation to attorneys, other professionals and the Court.

Stanley Cohen Distinguished Research Award

Janet A. Walker, Ph.D., Newcastle upon Tyne, United Kingdom

Dr. Janet Walker was presented with the Stanley Cohen Distinguished Research Award. Dr. Walker, a member of the AFCC Board of Directors, has served for many years as Director at the Newcastle Centre for Family Studies and as Professor of Family Policy, both at the University of Newcastle upon Tyne. She has authored an impressive list of research projects and publications relating to family courts and the impact of divorce on children. Many of Dr. Walker's publications, research reports and conference papers were instrumental in shaping the passage of

England's Family Law Act of 1996 and have influenced the best practices of family courts throughout the world.

Irwin Cantor Innovative Program Award

Early Neutral Evaluation Program, Hennepin County Family Court Services, Minneapolis, Minnesota

The Irwin Cantor Innovative Program Award was presented to the Early Neutral Evaluation Program in Hennepin County, Minnesota. Early Neutral Evaluation aims to expedite judicial case management, reduce expensive evaluation cases in Court Services, focus necessary evaluations on critical issues, move families through court as quickly and inexpensively as possible and maximize staff efficiency.

President's Award

Andrew Schepard, J.D., Hempstead, New York

AFCC President Leslye Hunter presented the AFCC President's Award to Andrew Schepard, AFCC member from Hempstead, New York. The award is presented for exemplary service to AFCC. Professor Schepard is the Editor of the *Family Court Review* and a Professor at Hofstra University School of Law. He is the Chair of the Family Law Education Reform Project, a frequent conference presenter and served as Reporter for the *Model Standards of Practice for Family and Divorce Mediation*.



Guidelines for Parenting Coordination Approved

The *Guidelines for Parenting Coordination*, produced by the interdisciplinary AFCC Task Force on Parenting Coordination (Task Force), were approved by the Board of Directors of AFCC on May 21, 2005.

The Task Force met regularly for two years and researched, reviewed, discussed and debated all areas of parenting coordination. In early 2005, AFCC posted the product of the Task Force, *Guidelines for Parenting Coordination* (originally called *Model Standards of Practice for Parenting Coordination*) on its Web site, and the Task Force members also widely distributed them for comments. The Task Force received many thoughtful and articulate comments that were carefully considered in making substantive and editorial changes. Now approved by the AFCC Board of Directors, the *Guidelines* are posted on the Standards of Practice page of AFCC's Web site at www.afccnet.org, and include a discussion of qualifications and best practices for parenting coordinators, guidance for training programs and best judicial and program practices.

The members of the AFCC Task Force on Parenting Coordination were: Christine A. Coates, M.Ed., J.D., *Chairperson and Reporter*; Linda Fieldstone, M.Ed., *Secretary*; Barbara Ann Bartlett, J.D.; Robin M. Deutsch, Ph.D.; Billie Lee Dunford-Jackson, J.D.; Philip M. Epstein, Q.C., LSM; Barbara Fidler, Ph.D., C.Psych, Acc.FM.; Jonathan Gould, Ph.D.; Hon. William G. Jones; Joan Kelly, Ph.D.; Matthew J. Sullivan, Ph.D.; and Robert N. Wistner, J.D.

Draft Model Standards Posted for Comment

The AFCC Child Custody Evaluation Standards Task Force completed a draft of the new *Model Standards of Practice for Child Custody Evaluation* for review and comment. You may link to the Draft Model Standards from AFCC's Web site home page at www.afccnet.org.

Breckenridge

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for Comprehensive Training of Parenting Coordinators. Topics will include Family Dynamics, Nuts & Bolts of Parenting Coordination, Domestic Abuse and Parenting Coordination, and Connecting Parenting Coordination and the Courts. Task Force members providing the training include Christie Coates, Barbara Bartlett, Robin Deutsch, Billie Lee Dunford-Jackson, Barbara Fidler, Linda Fieldstone and Matt Sullivan.

From the Denver airport, a 90-minute shuttle through the scenic Rocky Mountains will take you to the Beaver Run Resort. Deluxe Studios, One Bedroom Suites or Colorado Suites are available for only \$119 per night. Many rooms include fireplaces, spa tubs and private balconies. For reservations, call 1-800-525-2250.

Registration rates begin at \$260 for AFCC members. Pre-conference institutes require separate registration. Program information and online registration is available at www.afccnet.org, or contact AFCC at afcc@afccnet.org or 608-664-3750.

What's New from AFCC?

NEW MEMBER BENEFITS IN 2005!

- **Family Court Review archives:** Online access to the entire collection of AFCC's quarterly journal, *Family Court Review*, beginning with the first issue published in 1963.
- **Conference Audio:** Listen to AFCC Annual Conference Plenary Sessions in MP3 format, available in the Member Center of the AFCC Web site.
- **Member Discounts:** AFCC members receive a 15% discount on all AFCC publications and videos, a 20% discount on publications from Blackwell Publishing and a 25% discount with J. M. Craig Press.
- **Online Member Resources:** AFCC members can access selected items from the AFCC Publication Library in electronic format for no charge, including AFCC's newest publication, *Exemplary Family Court Programs and Practices*.

NEW PUBLICATIONS!

- Three special editions of *Essays from the Family Court Review* highlight special topics of interest:
 - Overnights and Young Children
 - Domestic Violence
 - Mediation
- *Exemplary Family Court Programs and Practices*

NEW CONFERENCE AND TRAINING PROGRAMS!

- Bi-annual Regional Training Conference
- Two-day training programs on children and divorce, parenting coordination and child custody evaluation

Reader Response

Editor's Note: This article is a response to Anita Trubitt's article, The Incorporation of Play Therapy Modalities in a Comprehensive Child Custody Evaluation published in AFCC News Spring 2005. Views expressed by authors of submitted articles are those of the authors.

by David Martindale, Ph.D., Morristown, NJ;
Lorraine Martin, MSW, Toronto, ON, Canada; and
William Austin, Ph.D., Steamboat Springs, CO

As representatives of the AFCC's Task Force re-writing the *Model Standards for Child Custody Evaluations*, we (the Task Force Reporter and Task Force Co-chairs, respectively) would like to respond to Trubitt's endorsement of *The Incorporation of Play Therapy Modalities in a Comprehensive Child Custody Evaluation* (2005). In our view, "insights into [the] thoughts, feelings and needs" of children who are participants in custody evaluations cannot be reliably ascertained by means of drawing tasks and play and we discourage the use of such techniques.

At the recently concluded AFCC 42nd Annual Conference in Seattle, Gelles, Johnston, Pruett and Kelly (2005) presented a Plenary Session entitled: "The Politics of Research: The Use, Abuse, and Misuse of Social Science Data." In this session, the presenters and participants addressed the harm that is done when research data are used to persuade rather than to educate. In any context it is inappropriate to describe researchers' work in a manner that can be expected to produce a *misunderstanding* of that work rather than an understanding of it. Trubitt accurately conveys the view of Bow and Quinnell (2002) that more must be done to assess the needs of children and the parent-child dynamics. Trubitt uses the Bow and Quinnell position to suggest that they would look with favor upon her assessment techniques. Trubitt does not report the dismay that Quinnell and Bow had expressed in their earlier article (Quinnell & Bow, 2001) concerning the continued use by mental health professionals of "projective instruments, which generally lack adequate psychometric properties . . ." (p. 500). The editorial view of Quinnell and Bow is clear: In a forensic context, it is inappropriate to utilize instruments for which empirical support is lacking (Bow, 2005, personal communication).

Though it is often said that we don't know what we don't know, some of the most widely discussed research is valuable to the mental health professions because it *does* teach us what we don't know. In particular, our published research has taught us that certain data-gathering and data-analyzing techniques cannot be relied upon to provide information of the type that is required to form opinions that must be expressed with a reasonable degree of professional certainty.

Though most research on the utility of doll play for diagnostic/evaluative purposes has been conducted within

the context of investigations of allegations of child sexual abuse, the message that emerges is that young children do not perceive dolls as symbolic representations of themselves (DeLoache, 1995). In particular, there is no empirical support for Trubitt's assertion that "[w]here [children] put the family doll that represents themselves tells us where they feel most comfortable or safe" (p. 6).

If a mental health professional is to employ a concept in her work, it is incumbent upon her to fully understand the concept. We submit that if one fully understands the concept of projection, one is more likely than not to conclude that neither drawing nor doll play is a "reliable source of information." Even if it had been demonstrated that the dynamic of projection consistently operates as children draw and play with dolls, there would still be no basis for our relying upon it. Trubitt herself has referred to projection as a "source of information about the thoughts, feelings, needs, and wishes of children and their parents" (p. 13). The early proponents of projective techniques (Abt & Bellak, 1950) made it clear that we cannot be certain what is being projected.

To use family drawings as an example, if a child produces a drawing in which she places herself close to her father, this may represent a projection of her perception of her relationship with her father. Unfortunately for the examiner trying to decipher the drawing, it may also represent not a perception, but a wish. The child with a father who is either physically absent or emotionally distant might draw the father close to the child. An older child whose drawing skills are somewhat better might draw himself being cared for by a parent who, in reality, provides deficient care. Thus, there is no basis for Trubitt's assertion that when an examiner employs the *Family as Animals in the Sand* technique, the "sandtray... becomes a 3-dimensional representation of the child's perception of the family..." (p. 6). To further complicate matters, even if we could presume that it is always a perception that is being projected, are we to presume that children's perceptions of family dynamics are accurate (or that if they are inaccurate it does not matter because it is only their perceptions that are of concern to us)?

Richard Dana, who has authored numerous articles on projective testing, sagaciously observed more than three decades ago (Dana, 1966) that interpretations of responses to projective stimuli are vulnerable to *eisegesis* – distortion stemming from projection *by the examiner* (as opposed to the examinee) deriving from the examiner's theoretical biases, emotional investment in certain hypotheses, etc. He has reiterated his position more recently (Dana, 1996, p. 202). Anastasi (1988) also opined that the interpretation of responses to projective stimuli "may reveal more about the theoretical orientation, favorite hypotheses, and

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Reader Response

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personality idiosyncrasies of the examiner than it does about the examinee's personality dynamics" (p. 614).

To her credit, Trubitt endorses "a comprehensive custody evaluation" (p. 13) and it is reasonable to infer that she utilizes many other information gathering methods. However, the inclusion by an evaluator of reliable and valid data would not lessen our concern with regard to use of unreliable and invalid data. When the formulation of an opinion requires the integration of data from different sources, the foundation for the opinion is never strengthened by the addition of unreliable or invalid data any more than a building foundation would be strengthened by the addition of substandard elements. Involving a child in play or in drawing as a means by which to facilitate rapport building is generally accepted. Viewing the play as a "reliable source of information" is not.

At the AFCC conference in Seattle, those in attendance were provided with highlights of the current draft of what will ultimately become the new *Model Standards*. Unless dramatic and unanticipated changes occur, the final document will contain references to the importance of reliability and validity, to the need for evaluators to acknowledge the limitations of their data, and to the obligation of evaluators to differentiate among their observations, inferences, and conclusions. In our view, Trubitt has disregarded issues of inter-judge reliability and temporal stability, has been inattentive to the issue of discriminant validity, has failed to articulate the very dramatic limitations of observational data collected through projective techniques, and has clouded the important distinctions among observations, inferences, and conclusions.

(For a complete list of references, contact David Martindale at David@damartindale.com.)

To Play Or Not To Play A Response to Martindale, Martin and Austin

by Anita Trubitt, LCSW, RPT-S
Honolulu, HI

"You can learn more about a person in an hour of play than in a year of conversation." Plato

What makes AFCC such a dynamic organization is its history of questioning and challenging the ideas of many innovative clinicians. Given the reviewers' critique of my *Practice Tips* (AFCC News Spring 2005), I am clearly in good company.

While we continue to hold opposite positions about many issues, one point of agreement is that our conclusions must be based on a multi-method protocol that gathers data from many sources, because "currently, there is no formula for how to weigh the various components of a child custody evaluation" (Gould and Bell, 2000, AFCC Symposium). Therefore, I strive to be redundant, and until there is reliable evidence to justify the inclusion or exclusion of *any* method, I include play therapy because it stands the test of my clinical training and experience. If references are made to it in my final report, they describe behavior, not interpretation or prediction. But if we "throw out the baby with the bath water," we also throw away the potential richness of children's thoughts, feelings and perceptions that are rarely expressed in their words.

Play therapy techniques for the child interview are described by Stahl in *Conducting Child Custody Evaluations* (1994). Schutz *et al.* include a structured format for

parent-child observation that includes free play and a cooperative play task in *Solomon's Sword* (1987).

My protocol is comprehensive, carefully described to parents, structured and internally consistent in its application. The following example demonstrates how interviews with children occur within the context of their play.

An overweight nine-year-old girl blurted out that she wanted to live with her father. Her reason: "my dad lets me eat whatever I want and my mom makes me eat all my vegetables." In her Kinetic Family Drawing, she and her mother, drawn first and second, were similarly rendered. Her father was drawn last, after her brother, much smaller, tilted and floating, a red slash for a mouth and eyes without pupils. She and her brother reported hearing their parents fight, and using family dolls, he enacted a vicious attack on the mother by the father in the dollhouse activity during his interview. The Build-A-House was a collaborative effort with Mother and children, while Father, in the same activity, argued with the girl so insistently that she built a room for herself outside the house. Mother alleged spouse abuse and a police report confirmed it. It was the convergence of *all* the data that guided my recommendations to the court.

Rather than dismiss the vital "humanizing" contribution of play therapy data in this daunting work, I propose that open discussion begin. Our first effort might be a survey of play therapy techniques in current use, how and why they are administered and how they contribute to the final product. I welcome the response of my colleagues at trubitt@hawaii.rr.com.

RESOURCE DEVELOPMENT UPDATE

AFCC Awards Innovation Mini-Grant, Conference Scholarships

AFCC's Resource Development Committee awarded its first \$5,000 Innovation Mini-Grant to *It's Not Your Fault!*, a collaborative effort of Voices for Children, the Contemporary Art Center and the University of New Orleans Counselor Education Department. This year's award was sponsored by the Harbinger Foundation and Hon. John and Joan VanDuzer.

It's Not Your Fault! is designed for children ages 5-16, and will offer an educational creative art experience that provides children a new voice in expressing their thoughts and feelings, a peer support group and professional

counseling. The program will be unique in its use of performing and visual arts to assist children in their family transition.

The Resource Development Committee also granted eight scholarships to the 42nd Annual Conference in Seattle. Six scholarship winners received a waiver of conference registration fees and two international scholarship recipients (for those outside of North America) received a registration fee waiver and \$1,000 travel stipend.

AFCC Thanks Contributors

AFCC's Annual Appeal for 2004-05 raised more than \$16,000 to support the AFCC Innovation Mini-Grant and Scholarship Programs. These programs are sustained entirely by AFCC member contributions, so the generosity of the following contributors is especially appreciated.

Key Club (\$5,000+)

John and Joan VanDuzer
and the Harbinger Foundation

Diamond (\$1,000-\$4,999)

Charlie & Barb Asher
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Eric Dean
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Seventh Annual Silent Auction is a Success

AFCC's Seventh Annual Silent Auction at the Sheraton Seattle on May 20, 2005 was a resounding success. Almost \$9,000 was raised for AFCC special projects, including the new AFCC Parenting Coordination Guidelines, AFCC Model Standards for Child Custody Evaluation and the Family Law Education Reform Project.

Featured items at this year's auction included Starwood Points, hotel accommodations from the Capital Hilton, Sheraton New Orleans and Beaver Run Resort, extraordinarily

fine beverages, original artwork and glass art, lobster dinners and steaks, autographed books and sports memorabilia, DVDs and videos, and many one-of-a-kind items.

AFCC would like to thank the volunteers who worked on the Silent Auction: John Harper, Dick Altman, and their assistants Mary Ferriter, Perri Mayes, Emile Kruzick and Chris DeFavero. A special thanks to Starwood Resorts and to all of those who solicited and contributed to this year's event.

Organizations:

Starwood Resorts
AFCC
AFCC Arizona Chapter
AFCC California Chapter
AFCC Florida Chapter
AFCC Massachusetts Chapter
AFCC Missouri Chapter
AFCC New Jersey Chapter
AFCC New York Chapter
AFCC Texas Chapter
ABA Section of Dispute Resolution
American Girl, Middleton, WI
Association for Conflict Resolution
Beaver Run Resort, Breckenridge, CO
Blackwell Publishing, Malden, MA
Capital Hilton, Washington, DC
Guilford Publishing
H&H Jobbing Company
Hamilton Superior Court of Justice Judges
Institute for Advanced Dispute Resolution
Janet Marie Studios, Fort Myers, FL
Mediate.com
Norwich Bookstore, Norwich, VT

Sheraton New Orleans
Stay at Home and Learn
Quick Quality Press, Madison, WI
Wegner LLP Consultants, Madison, WI

Individuals:

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Andrea Anderly
Wendy Bryans
Phil Bushard
Linda Cavallero
Barbara Chasnoff
Christie Coates
George Czutrin
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Leanne Schlegel
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Barry and Arline Rotman
Peter Salem
Richard Salem
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Jan Shaw
Robert Smith
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Hugh and Judy Starnes
Betsy Thomas
Janet Walker

Global Issues

Continued from page 5

focused group report significantly different experiences, with these fathers feeling the process to be profoundly unfair, unsupportive and less productive than their former wives reported. Hypotheses are currently being explored in the child inclusive model around the "level playing field" that this approach seems to create, particularly by removing from the mediation process mother as "gate-keeper" of the children's needs and views.

With 680 variables on each family, at three time intervals, there is an enormous amount of data to be sifted

through yet! Over the next year, full analyses will be conducted, exploring both repeated measures and qualitative data for parents and children in the two groups, up to 12 months post mediation. Findings will roll out throughout 2005-2006.

Information on the study and research measures are detailed in *Child-focused and child-inclusive mediation: A comparative study of outcomes* (Journal of Family Studies, 10, no. 1, McIntosh, Long & Moloney) and *Current findings on Australian children in post-separation disputes: Outer conflict, inner discord* (Journal of Family Studies, 11, no. 1, McIntosh & Long)

AFCC Board of Directors for 2005-2006

AFCC is pleased to welcome two new members of the Board of Directors, with terms beginning July 1, 2005: Annette Burns, Phoenix, Arizona and Emile Kruzick, Orangeville, Ontario, Canada.

AFCC thanks the members who have completed their service on the Board of Directors: Fred Mitchell, Tucson, Arizona and Ross Goodwin, Quebec, Canada.

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AFCC Committee Chairs

Contact information is on AFCC's
Web site at www.afccnet.org.

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Miami, FL

Resource Development Committee

Hon. Arline Rotman (ret.), Chair
Norwich, VT

AFCC Chapter News

Florida Chapter Update

by **Linda Fieldstone, M.Ed.**, Miami, FL

The Florida Chapter of AFCC is very excited about its Fifth Annual Conference, *Resolving Family Conflict: Innovations, Initiatives & Advanced Skills*, to take place at the Tampa Airport Marriott Hotel on October 28-29, 2005. Florida Supreme Court Chief Justice Barbara Pariente will be the keynote speaker for the conference and will address the concept of the Unified Family Court and her vision of the domestic relations courts of the future. Additionally, the special challenges in assisting non-traditional families will be explored with the help of Justice Harvey Brownstone, who will be bringing his inspiration and sensitivity down from Toronto, Canada. Other exciting programs feature mediation, parenting coordination, domestic violence, family law bounds of advocacy, dependency issues, collaborative law, mental health, financial issues and more. For more information contact Deborah Day, Psy.D. at dday234@aol.com.

The Florida Bar recently asked the FLAFCC Parenting Coordination Task Force to reconvene a collaborative multi-disciplinary group to develop and modify language for a Parenting Coordination statute for the next legislative session. A PC Statute was introduced in the 2004 legislative session and was unanimously adopted by the Senate and passed the House by a two-third's majority only to be vetoed by Governor Jeb Bush. While initially disappointing, the parenting coordination profession in Florida has continued to gain strength and momentum and the chapter has continued the lead in bringing together groups with diverse and, often, competing interests to participate in this process, working toward a more successful legislative process.

The Florida Organizational Collaboration Initiative has been developing key principles and will be meeting in the fall for a retreat to discuss further how to work collaboratively to best assist the families served. Members are excited about the growth of the chapter and the passion members bring to making changes in the Family Courts and serving clients and families more effectively. Chapter members wish to congratulate FLAFCC Past-President Hugh Starnes for his position leading AFCC!

Texas Passes Parent Coordinator Statute

by **Judge Leta Parks**, Houston, Texas

On June 17, 2005, Texas became the fifth state to have a specific parent statute that authorizes family court judges to appoint mental health professionals as parent coordinators in high conflict cases. The statute, which also requires

parents to file a detailed parenting plan in every divorce case, was the product of a collaborative effort between AFCC members, Texas legislators and advocates for victims of domestic violence.

Members of the AFCC Texas chapter proposed language for a bill to be introduced to the Texas legislature in Spring 2004. The language of the bill was discussed in the Board of Directors meeting and debated again at the chapter's statewide annual conference in November. There was spirited discussion in both sessions; however, compromise was reached and language that the majority of AFCC members could support was introduced to the legislature.

Significant areas of debate focused on credentialing of parent coordinators and confidentiality of their work with the parents. The Texas statute requires parent coordinators to have a minimum of a bachelor's degree in education, psychology, counseling or social work plus a minimum of 16 hours parent coordination training. A masters' degree in a mental health discipline with an emphasis on children's issues does not require parent coordination training. All parent coordinators are required to complete at least eight hours of family violence dynamics training. The statute clearly contemplates mental health rather than legal professionals fulfilling the role as parent coordinator. This is not to say that a lawyer who also has the additional training would not qualify.

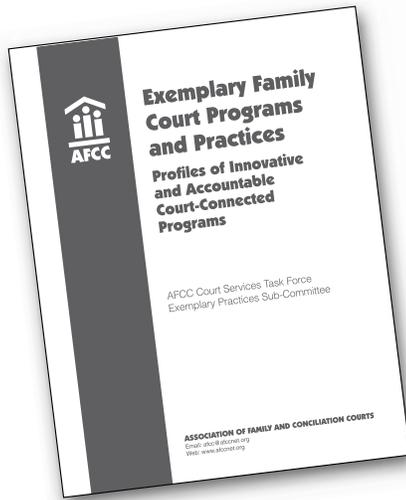
The Texas statute reflects a desire to keep parent coordinators from becoming tools of litigation. Therefore all communication between the parent coordinator and the parents is privileged and the parent coordinator is required to file a report with the court only indicating whether the parent coordination is working and should continue. Only the judge can remove the parent coordinator on the request or agreement of the parties or on its own motion.

To read the statute, go to the Texas Chapter Web site at www.texasafcc.org/standards.html and click on New Parent Coordination Legislation.

AFCC Member News

- AFCC Board member Eileen Pruett moved from the Dispute Resolution Section at the Supreme Court in Columbus, Ohio and has taken a leadership position at the Franklin County Municipal Court.
- AFCC member **Elayne Greenberg** was named one of the Best Lawyers in New York in Domestic Alternative Dispute Resolution by *Best Lawyer in America* (2005).

New AFCC Publications Available!

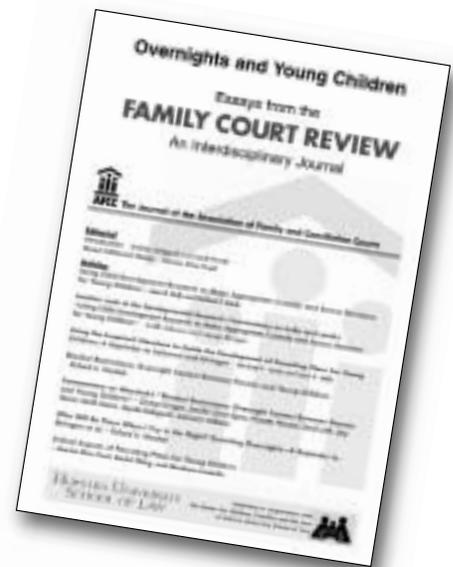


Exemplary Family Court Programs and Practices

Exemplary Family Court Programs and Practices profiles nearly 70 court-related programs including Dispute Resolution, Access to Justice, Parenting Plan Services and Children Services. This 170-page book is a must-have for courts, private agencies and others looking for innovative, effective and creative ways to serve families. Price: \$25 for non-members, \$21.25 for AFCC members.

Overnights and Young Children: Essays from the Family Court Review

This collection of essays previously published in the *Family Court Review* examines the long-standing debate on overnights and young children. Includes articles from Joan Kelly and Michael Lamb, Richard Warshak, Judith Solomon and Marsha Kline Pruett. Price: \$20 for non-members, \$17 for AFCC members.



Domestic Violence: Essays from the Family Court Review

This volume features Clare Dalton with a response from Janet Johnston, and examines issues including Domestic Violence and Child Protection, Partner Violence and Risk Assessment, Domestic Violence and Gay and Lesbian Victims and Teen Dating Violence. Price: \$20 for non-members, \$17 for AFCC members.

COMING SOON! Mediation: Essays from the Family Court Review.

AFCC Members Receive a 15% Discount on Publications and Videos

To order online go to www.afccnet.org and then to the Shopping Center. Or contact AFCC at (608) 664-3750 or afcc3@afccnet.org and ask for a publication order form.

C A L L F O R P R E S E N T E R S

A F C C 4 3 ^{R D} A N N U A L C O N F E R E N C E

New Orleans

May 31-June 3, 2006
Sheraton New Orleans

Juggling Conflicts, Crises and Clients in Family Court:

The Big (Not So) Easy



Professionals who work with families in conflict are constantly juggling numerous responsibilities. Effectively serving clients, courts and the professional community can be difficult, exhausting, dangerous, and lead to professional burnout. Join AFCC and explore how to successfully juggle our significant professional challenges while productively managing their impact on our lives.

Preliminary Topics:

- Child Custody Evaluation
- Involving Children in Mediation
- Family Violence
- Child Support
- Innovations in Court Services
- Mediation
- Personal Safety and Security
- Research
- Managing a Multidisciplinary Practice
- Relocation
- Parenting Coordination
- Legal Representation of Children
- Vicarious Trauma
- Collaborative Divorce
- Ethical Issues for Professionals
- Hybrid and Dual Role Processes
- Alienated Children
- Negotiation for Lawyers
- Dealing with Difficult People
- Dependency Mediation
- Innovations in Practice

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 the following information: (1) an abstract of no more than 200 words describing your proposed workshop; (2) a one-page outline of your proposed workshop; (3) three learning objectives that will be addressed by your proposed workshop; (4) resumes and complete contact information for all proposed presenters; (5) the name of the person who will be coordinating your workshop; and (6) contact information for two professional references. **Maximum of four presenters per workshop.**

Please note that the deadline for proposals is October 10, 2005. AFCC is unable to guarantee consideration of incomplete proposals or those submitted after the deadline. AFCC offers a reduced registration fee for conference presenters. AFCC is unable to reimburse travel and related expenses. *Electronic submissions via email are preferred;* however you may also send your proposal to AFCC, Conference Proposal, 6525 Grand Teton Plaza, Madison, WI 53719-1085. Phone: (608) 664-3750; Fax: (608) 664-3751; Email: afcc3@afccnet.org (Word or WordPerfect attachments only please).



Upcoming AFCC Conferences and Trainings

AFCC Regional Training Conference

September 22-24, 2005
Beaver Run Resort
Breckenridge, Colorado
www.afccnet.org

Texas AFCC Chapter Conference

September 30-October 1, 2005
Houston, Texas
www.texasafcc.org

Florida AFCC Annual Chapter Conference

October 29-30, 2005
Tampa, Florida
www.flafcc.org

Parenting Coordination: Working with High Conflict Families

Presenter: *Christine A. Coates, M.Ed., J.D.*
December 5-6, 2005
University of Baltimore
Baltimore, Maryland
www.afccnet.org

Working with Children of Separation and Divorce: Fostering Healthy Family Transitions

Presenter: *Risa J. Garon, LCSW-C, BCD, CFLE*
December 7-8, 2005
University of Baltimore
Baltimore, Maryland
www.afccnet.org

Arizona AFCC Annual Chapter Conference

February 3-5, 2006
Sedona, Arizona
www.azafcc.org

Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Presenter: *Joan B. Kelly, Ph.D.*
February 7-8, 2006
Loyola University New Orleans
New Orleans, Louisiana
www.afccnet.org

Working with Children of Separation and Divorce: What They Know, What They Want, What You Can Do

Presenter: *Mindy F. Mitnick, Ed.M., M.A.*
February 9-10, 2006
Loyola University New Orleans
New Orleans, Louisiana
www.afccnet.org

California AFCC Annual Chapter Conference

February 10-12, 2006
Los Angeles, California
www.afcc-cal.org

AFCC 43rd Annual Conference

May 31-June 3, 2006
Sheraton New Orleans
New Orleans, Louisiana
www.afccnet.org

AFCC 44th Annual Conference

May 30-June 2, 2007
Capital Hilton
Washington, D.C.
www.afccnet.org

