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AFCC eNEWS

BI-MONTHLY E-NEWSLETTER
VOL. 2 NO. 2
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44th Annual Conference - Capital Hilton Sold Out Alternate Hotel Reservations

The Capital Hilton is sold out on several nights during AFCC's 44th Annual Conference, May 30-June 2, 2007 in Washington, D.C. Prior to booking alternate hotel reservations, please check with the Capital Hilton for cancellations by calling (800) 445-8667 or (202) 393-1000. AFCC has made arrangements for alternate accommodations at the Hilton Garden Inn Downtown and the Hilton Washington Embassy Row at a special rate of \$175 per night. Please identify yourself with AFCC to receive the special group rate. For more information, please follow the link below to the AFCC Conferences page and click "Alternate Hotel Reservations."

[More information...](#)

Columbus Regional Training Conference Call for Presenters Deadline Approaching

The Call for Presenters deadline for AFCC's Regional Training Conference, September 27-29, 2007 in Columbus, Ohio is almost here. If you are interested in participating as a presenter, please submit a proposal before April 23, 2007. The conference is cosponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ) and will showcase three full days of program tracks designed for judges, mediators, custody evaluators, lawyers and parenting coordinators.

[Call for Presenters \(PDF\)](#)

AFCC Chicago Trainings in June

AFCC is offering two outstanding training programs for professionals who work with high conflict families. The program takes place at the Loyola Law Center in Chicago, Illinois. Joan B. Kelly, Ph.D., will present *Parenting Coordination: Helping High Conflict Parents Resolve Disputes*, June 18-19, 2007 and Christine A. Coates, M.Ed., J.D. will present *Advanced Issues for Family Mediators: Beyond the Forty-Hour Training*, June 20-21, 2007. Each training program is eligible for 12 CE hours for psychologists and both trainings are pending approval by the Illinois MCLE Board for 12 CLE credits. AFCC members receive a \$65 discount per training.

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AFCC Board of Directors



AFCC Regional Training Conference

Applications for High Conflict Families, Domestic Violence and Alienation

September 27-29, 2007
Hyatt Regency Columbus
Columbus, Ohio

[Call for Presenters \(PDF\)](#)

AFCC NEWS SPOTLIGHT

Member Profile

AFCC Member, Joan B. Kelly, Ph.D.

The *AFCC eNEWS* now offers a featured article from AFCC's quarterly print newsletter, the *AFCC NEWS*. This issue features a member profile of longtime AFCC member and popular presenter from Corte Madera, California, Joan B. Kelly, Ph.D.

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The AFCC Nominating Committee hereby provides notice to the membership that the following members have been nominated to serve a three-year term on the Board of Directors beginning July 1, 2007:

[View nominations...](#)

CAADRS Offers Sample ADR Rules Online

One of the most important tasks a court must undertake in the creation of an ADR program is to write rules for it that are clear, unambiguous and thorough. To help courts with this process, the Center for Analysis of Alternative Dispute Resolution Systems (CAADRS) with the support of a JAMS Foundation grant, has identified good rules governing ADR programs in the courts. The rules come from state and federal courts for programs for civil, family, child dependency, probate, bankruptcy, and appellate cases. They cover mediation, arbitration, early neutral evaluation, summary jury trials, and other processes. The rules are to be used as samples only and can be accessed on the CAADRS Web site by clicking the link below.

[More information...](#)

RESEARCH UPDATE

Parents Affected By Divorce

Courtesy of J.M. Craig Press, Inc.

There is ample data to support the conclusion that divorce has adverse effects on adults. The next generation of research will examine these effects in more detail. This is one of the first articles we have seen that does so. The authors hypothesized that while divorce harms parental psychological well being, the ill effects may be greater when they have young children. Interviews were conducted with nearly 5,000 married couples; they were interviewed a second time, and some had divorced. For all participants, the authors measured psychological well-being in a variety of ways, economic resources, and the ages of the children.

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FEATURED ARTICLES

Negotiating Custody with High Conflict Couples

by Anita Vestal and Linda Munro, courtesy of Mediate.com

Divorce litigation, especially when there is contested custody, is rarely a straightforward negotiation process. Issues of divorce and custody can be negotiated out of court when certain conditions are present to move the couple to resolution of the issues. Mediated settlements are increasingly popular with both divorcing spouses and the judicial system. However, couples who cannot communicate with one another, and who have engaged in behavior that is threatening, coercive, manipulative and deceptive are usually not in a position to negotiate a settlement with each other. This essay suggests a model that allows a couple to attempt to negotiate a custody agreement taking into consideration the needs of the children and spouses for safety, expediency and firmness in the decision-making process.

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MARK YOUR CALENDAR

AFCC 44th Annual Conference

Children of Separation and Divorce: The Politics of Policy, Practice and Parenting

May 30-June 2, 2007

Capital Hilton
Washington, D.C.

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AFCC Regional Training Conference

Applications for High Conflict Families, Domestic Violence and Alienation

September 27-29, 2007

Hyatt Regency Columbus
Columbus, Ohio

[Call for Presenters \(PDF\)](#)

AFCC Trainings

Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Joan B. Kelly, Ph.D.

June 18-19, 2007

Chicago, Illinois

[Training Brochure \(PDF\)](#)

Advanced Issues for Family Mediators: Beyond the Forty-Hour Training

Christine Coates, M.Ed., J.D.

June 20-21, 2007

Chicago, Illinois

[Training Brochure \(PDF\)](#)

AFCC Chapters

Texas Chapter Annual Conference

Child custody and Mental Health Professionals - Social Sciences on the Witness Stand

October 5-6, 2007

Doubletree Hotel
Austin, Texas

www.texasafcc.org

Florida Chapter Annual Conference

Moving from Conflict to Harmony: A Medley of Opportunity

Should Single Parents Stay That Way?

by Amy Lunday, Johns Hopkins University, Baltimore, Maryland

In an age when cohabitation and divorce are common, single parents concerned about the developmental health of their children may want to choose new partners slowly and deliberately, new research from the Johns Hopkins University suggests. The reason for taking your time? The more transitions children go through in their living situation, the more likely they are to act out, Johns Hopkins sociologists Paula Fomby and Andrew Cherlin report. They also found that the effect of family upheaval on children varies by race.

[Read more...](#)

INTERNATIONAL NEWS

Drops from Down Under

by Hon. Graham Mullane, New South Wales, Australia

This issue of *Drops from Down Under* features an update on the Australian Family Law Act, which is designed to encourage shared care of children by their separated parents. Additional topics include the court ruling of a father inflicting physical discipline on his son, relocation proceedings and Hague Convention applications, customary law in the Australian Aboriginal communities, same-sex couples, gaol sentences and more.

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Report from England and Wales

by James Pirrie, London, England and Andrew Greensmith, Preston, England

Size-wise, England and Wales is a bit smaller than Oregon, except one third of our area is Scotland, which is a quite different jurisdiction, thus, we end up being quite a lot smaller than Oregon. However, in terms of population we are at 55 million, more numerous even than California.

Having spent a few centuries shamelessly exporting anything and everything to countries that may not have wanted to hear from us (and quite a few that were very sure indeed that they did not), we are now perhaps two decades into a more receptive mode—at least so far as our family law industry is concerned. Since the mid-80s, our heroes have, by and large, been your heroes: on our bookshelves will be the same names as on yours: Ahrons, Benjamin, Haynes, Kelly, Meyer, Mnookin, Monk and Whitney. We have borrowed as shamelessly for our ADR movement as our marketing industry had done before us.

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ABOUT AFCC eNEWS

AFCC eNEWS is a bi-monthly e-newsletter published by the Association of Family and Conciliation Courts (AFCC). *AFCC eNEWS* provides professionals with time sensitive and up-to-date topics including case law updates, research innovations and international news.
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AFCC Board of Directors

The AFCC Nominating Committee hereby provides notice to the membership that the following members have been nominated to serve a three-year term on the Board of Directors beginning July 1, 2007:

- Ms. Annette Burns
- Dr. Robin Deutsch
- Ms. Dianna Gould-Saltman
- Justice Graham Mullane
- Dr. Marsha Kline Pruett
- Dr. Philip Stahl

The following members of the Board of Directors have been nominated to serve as Officers for 2007-08:

- President: Hon. William C. Fee
- President Elect: Dr. Robin Deutsch
- Vice President: Hon. Emile Kruzick
- Secretary: Ms. Linda Fieldstone
- Treasurer: Mr. Robert Smith
- Past President: Ms. Mary Ferriter

The AFCC Nominating Committee is chaired by Hon. Hugh Starnes. Members are Hon. George Czutrin, Cori Erickson, Forrest Mosten and Andrew Schepard.



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Member Profile

AFCC Member, Joan B. Kelly, Ph.D.
 Corte Madera, California

Joan B. Kelly, AFCC member from Corte Madera, California is a clinical psychologist with more than 35 years of research, practice and teaching experience. Dr. Kelly received her Ph.D. from Yale University and is a longtime AFCC member and presenter. In the last year, she has presented two-day Parenting Coordination training programs for AFCC in Tampa and Chicago, with upcoming programs in New Orleans and Chicago. Dr. Kelly also served as the featured presenter for the AFCC Chapter conferences in Texas and California. Dr. Kelly is presenting a pre-conference institute, Judicial Officers Institute: Domestic Violence and Differentiation, at AFCC's 44th Annual Conference on Wednesday, May 30, 2007 in Washington, D.C.

What are the biggest changes in our field that you have observed since you began your career?

I think the two most significant (and related) changes in the past three and half decades were the recognition that the adversarial system was inappropriate for many separating families and the emergence and implementation of alternative interventions, such as mediation, divorce education, and judicial settlement programs, which would better serve parents and their children. This was a tectonic shift. The other important change has been the acceptance of the value of interdisciplinary training, conferences, and partnerships among those working with separated and divorcing families. Sharing information and perspectives, and working together to improve services for children and parents, has helped advance the field. I give AFCC a lot of credit for fostering the interdisciplinary spirit. Alas, there are still jurisdictions in the U.S. and abroad where lawyers, judges and mental health professionals do not speak to or learn from each other.

What are some of the major differences throughout your career in our field?

Actually, some of the biggest differences exist within our fifty States and are reflected abroad as well. Variations in the support for stridently adversarial family law practice, the use of mediation, the value placed on parent education programs, types of parenting plans, the extent to which fathers have opportunities to parent after divorce, and empirical knowledge of research on children and divorce are common here and abroad. Change has been slow and embraced more readily in some jurisdictions where judicial leadership was apparent.

What keeps you involved with AFCC?

From the very beginning—and I was there at the beginning—AFCC has been so much fun! The learning and the presenting, the wonderful friends made, the journal, the support of divorce-related and mediation research, and the contributions of AFCC to the advancement of the field—all have held my interest over the years more than any other organization.

What trends do you anticipate in the future?

Based on the amazing changes over the past 35 years, it is hard to predict with much confidence. I do think that there will be continued innovation in developing group and individual interventions for chronic high-conflict

parents, and more acceptance and standardization of practice with the parenting coordination intervention. I anticipate, and hope, that the child custody field will work out standards and best practices for focused evaluations on particular issues, and save the full-fledged custody evaluations for more complex problems. Since resources will continue to shrink, I think overall there will be fewer child custody evaluations, and fewer parents that can afford them privately. I expect to see the adoption of more triage programs focused on getting parents to the most appropriate intervention early in the process and hope to see empirical research on the effectiveness of such efforts.

You have been a mediator, forensic psychologist, researcher, therapist, teacher, author, and parenting coordinator. What aspect of your work have you enjoyed the most?

I've enjoyed them all! I have particularly liked doing these roles simultaneously. Each contributed in unique ways to my professional life and enriched the others. My life has been often stressful and full of deadlines, but never boring. Other than the isolation of research and writing, all have involved fascinating and intense interactions with adults and children that needed assistance with their distressing issues and helped me learn.

What type of trends in post-separation and divorce parenting do you anticipate in the future?

I think the trends will depend on how effectively we communicate the empirical research on these topics. We've identified what factors create more risk for children and what things increase the possibility of children coping with their parents' separation and divorce without longer-term damaging effects. Quality, type and amount of parenting from both parents is so important, the importance of encapsulating parent conflict, listening to the views of children—these are but a few of the things that need to be communicated. Given that 35 years ago, and again more recently, a number of research projects reported how dissatisfied the majority of children were with traditional visiting plans of every other weekend, and how they wanted more time with their dads, it is astonishing how some jurisdictions still cling to older ways of thinking. I would hope that parenting plans of the future would reflect the diverse needs of families, and that we would see a range of living arrangements, from limited contact where appropriate to more expanded access, to fully shared physical custody. I hope the trend of arbitrarily dividing legal custody does not continue, but instead that we provide more resources to assist parents in reducing their conflict.

What type of activities or hobbies do you enjoy?

I am an active Board member of the Merola Opera Program, a training program for young singers under the umbrella of the San Francisco Opera Center. I love to cook, golf, garden and travel, and music remains an important constant in my life.

What is your proudest personal achievement?

I have been so fortunate to combine such an interesting career with my family life—39 years of marriage to a supportive husband, and two wonderful adult children have brought great joy and love.

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Parents Affected By Divorce

Courtesy of J.M. Craig Press, Inc.

Williams, K. and Dunne-Bryant, A. [2006]. Divorce and Adult Psychological Well-Being: Clarifying the Role of Gender and Child Age. *Journal of Marriage and Family*, 68, 1178-1196.

There is ample data to support the conclusion that divorce has adverse effects on adults [See Digests: 1, 3; 4, 3; 5, 1; 6, 2 & 6; and 7, 2.] The next generation of research will examine these effects in more detail. This is one of the first articles we have seen that does so.

The authors hypothesized that while divorce harms parental psychological well being, the ill effects may be greater when they have young children. Interviews were conducted with nearly 5, 000 married couples; they were interviewed a second time, and some had divorced. For all participants, the authors measured psychological well-being in a variety of ways, economic resources, and the ages of the children.

The authors found:

- Divorce was associated with more symptoms of depression among women than men when the couple had no children.
- Depression was greater for both men and women if they had pre-school aged children.
- Men were more likely to abuse alcohol after divorce whether they had children or not. This was not the case for women who had no children, but it was for those who did have them.
- When asked about their over-all well being post-divorce, the authors reported an interesting finding. The women reported a greater sense of well being when they had no children, whereas the men reported a greater sense of well being when they had children.

When asked about their over-all well being post-divorce, the authors reported an interesting finding. The women reported a greater sense of well being when they had no children, whereas the men reported a greater sense of well being when they had children.

Critical Analysis

This is one of the first studies we have seen that looks at the effect of divorce on parents on a more specific level. It is valuable to the extent that it will stimulate more research in this area. In terms of limitations, the data used by the authors are at least fifteen years old. Therefore, we can't know if their results would hold up today. Second, some of the questions used with participants were very transparent; hence the veracity of the responses cannot be assured. Finally, there was no comparison with divorcing couples who had older children. Therefore, we cannot know if having older children exerted a more beneficial or adverse impact on the parents.

Recommendations

One of the more troubling findings of the article is that parents with young children were more likely to abuse alcohol after divorcing. We do not know

if this was a temporary condition or not, but CCEs are wise to be alert for this phenomenon when a parent has a history of abusing alcohol prior to divorce.

We also wonder why women who had no children reported greater well being as did men with children. Such findings leave much room for speculation and further research.

For this as well as other valuable research visit J.M. Craig Press online at www.jmcraig.com or call (877) 960-1474. **AFCC members receive a 25% discount on all J.M. Craig Products.**

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Report from England and Wales

by James Pirrie, London, England and Andrew Greensmith, Preston, England

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Having spent a few centuries shamelessly exporting anything and everything to countries that may not have wanted to hear from us (and quite a few that were very sure indeed that they did not), we are now perhaps two decades into a more receptive mode—at least so far as our family law industry is concerned. Since the mid-80s, our heroes have, by and large, been your heroes: on our bookshelves will be the same names as on yours: Ahrons, Benjamin, Haynes, Kelly, Meyer, Mnookin, Monk and Whitney. We have borrowed as shamelessly for our ADR movement as our marketing industry had done before us.

In 2003, we first welcomed California's inspirational ambassador of collaborative law, Pauline Tesler. And since that first visit, 725 collaborative lawyers have been trained and there are 300 more waiting. We are now developing trainings for other professionals, to reach out towards the possibilities of the "full team" model. Meanwhile, England has operated as a gateway to Scotland and Ireland, and in March 2007, we joined our Austrian colleagues at the first European Collaborative Conference in Vienna.

The same month, Christina McGhee was over, training in her infectious brand of parent education. Perhaps because parent education is not compulsory and is so new for us, we have been far more excited by what it appears to offer, than is the case in the United States. We see a new keeper at the gate, as the non-law professionals present information to groups of separating couples about the decisions they face and the process options that they must choose between so as to address them. More importantly, they are oriented around a set of child focused values that far better enable progress to be made as those clients then come to engage with the law professionals for that part of the agenda, whether in traditional process or through ADR.

So are we any more than just the 51st state, a watery distance away, with different accents and worse teeth? We talk frequently about avoiding reinventing the wheel as a marvelous justification to justify our popping over Viking-like to pillage the best of American thought. Have we anything different to contribute?

Starting in 1981, the practice of our law took a radical turn towards the positive and we are not aware that it has been spontaneously copied anywhere else. One London solicitor gathered around him a group of influential and like-minded professionals and out of that was born the Solicitors Family Law Association (SFLA). Renamed "Resolution" in 2004 and now, in its 25th year, it numbers almost 5,000 members. It is respected by the judiciary, listened to by Government and is treated by the media as an authority on family law related matters.

The cornerstone of its success was a [code of conduct](#) that applied to the way the professionals would assist their clients and conduct themselves in their cases. In short, we would focus upon children and upon achieving constructive outcomes through agreement.

In the collaborative model, the ground-rules are signed up to by the clients and their professional advisors. The Code would apply only to the professionals. However, because it was originally adopted by many of the leading lawyers, SFLA became *the* club to which to belong. Lawyers were expected to abide by the code and complaints were threatened against those who fell short of the requirements. Over the following years, the conciliatory way became the norm and some of the more formal and confrontational forms of process now come across as ludicrous. Because of the support offered by the judiciary, there is now little practical advantage to be gained by adopting a "War of the Roses" or "Implacable Hostility" method of serving our clients.

Yes, of course the conflicted approach is still alive and kicking-out. It is particularly visible in some of our highest profile cases in our news. However, increasingly these cases are an unfortunately visible rump of something from a different era, rather than representative of the norms that are more commonly adopted.

In 1981, the association saw one of its roles as educating its members. The appetite for precedents and training opened the door not only to spreading the word, but also to sales of publications which enhanced membership revenue and which permitted Resolution in 2006, for example, to:

- Take an active part in law reform, e.g. over child support laws
- Run its well-attended national and ADR conferences in March and June
- Advance the public debate about whether to permit media access to our family courts (currently prohibited)
- Publish a guide to conducting family law cases and precedents dealing with cohabitation
- Make a DVD to train professionals in managing conflicted clients
- Carry out basic training in mediation and collaborative law as well as host tours from foreign trainers, e.g. in narrative mediation
- Create a code for conducting round table meetings
- Conduct numerous trainings in all aspects of family law and related matters

The strength of the model, though is not just about the code, is about the orientation of the association. When we are asked why we exist, it is about serving the people our members serve. It is that which gives us the moral authority that we have and to which others respond.

So whilst a great deal of the vegetation in our garden may be foreign imports, we are different and it is growing well, because of the soil in which it grows. Fortunately, 25 years ago, someone started to prepare it well.

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Drops from Down Under

by Hon. Graham Mullane, New South Wales, Australia

This issue of *Drops from Down Under* features an update on the Australian Family Law Act, which is designed to encourage shared care of children by their separated parents. Additional topics include the court ruling of a father inflicting physical discipline on his son, relocation proceedings and Hague Convention applications, customary law in the Australian Aboriginal communities, same-sex couples, gaol sentences and more.

Shared Care in Australia – Boom or Bust?

It is only nine months since amendments to the Australian Family Law Act designed to encourage shared care of children by their separated parents. There is precious little feedback from the courts, except that more men are asking in court for equal time with their children, such as a week at a time. Additionally, more fathers are proposing to take on the role of primary carer.

However, such trends were already underway before the changes to the Act took effect on July 1, 2006. Recent figures from the Child Support Agency show fathers were the primary carers in 21% of new cases registered in the first half of 2006. That compares with only 18% of new cases in 2002. Almost 3/4 of new male primary carers in the 2006 figures had sole care of the children and the rest had them or at least 220 nights annually. Also, the proportion of non-custodial parents (mostly fathers) who care for children more than 30% of nights has more than doubled since 1999 to 9.5%.

Some lawyers report that more fathers are having their children more than 110 nights per year (which qualifies them for a reduction in Child Support payable to the other parent). It is likely that the trends will be even more pronounced once the outcomes of proceedings of July 1, 2006 are taken into account.

Dr. Bruce Smythe of the Australian National University and the Institute of Family Studies (who presented last year at the AFCC 43rd Annual Conference in Tampa Bay) has been tracking post separation care arrangements from 2003-2005. He has discovered that shared care is much less stable than arrangements with weekly or fortnightly contact and is the arrangement most likely to change over time and least likely to last.

Discipline and Leather Belts

In Western Australia a Family Court Judge made news by restraining the father of a ten year old boy from inflicting "any physical discipline" on the boy. The father had argued he was entitled to discipline the boy however he considered appropriate and the Court should not interfere.

The parents have been separated several years and the boy has lived with his mother and had regular weekend stays with his father. When the mother learned the father had been hitting the boy with a leather belt when he misbehaved, she applied for and obtained an interim injunction restraining the father from physically disciplining the boy. The father wrote to her and said he would continue to use physical punishments for misbehavior, including the belt. He told the mother, "If you were any sort

of a mother you would support me by telling (the boy) to behave properly.”

There was evidence at the final hearing that the father’s punishments had also included putting a piece of soap in the boy’s mouth for ten minutes, and pushing the boy around while holding him firmly by the shoulders. A counselor who interviewed the boy reported that the father’s punishments had led to the boy being fearful of his father and wanting to spend less time with him.

In his ruling the Judge said that it was obvious the father could repair his strained relationship with his son by refraining from physical discipline.

He said, “I doubt there would be a Judge in Australia who would endorse the use of a belt or any other similar object to discipline a young child.”

The decision prompted a statement by the Western Australian Attorney-General, who said parents who use belts or wooden spoons are out of step with prevailing community attitudes and “anything that leaves bruising or discoloration is going too far.”

Meanwhile, in New Zealand there have recently been demonstrations in opposition to proposed “anti-smacking” legislation.

Mobility, Migration and Kidnapping of Children

With increases in mobility and migration, the Family Court has experienced increases in relocation proceedings, Hague Convention applications, and “child snatching.” In the last six years more than 500 children have been removed from Australia to Hague Convention countries.

However, there has also been an increase in removal of children to other countries and the complexities of these situations were highlighted in the Australian media recently. The Havach children were taken by their father illegally from Australia to Lebanon. This year, with the assistance of several men, the mother managed to locate the children and successfully retrieve them and remove them from Lebanon.

Customary Law and Underage Sex

In the last 12 months, there has been consternation about child sexual abuse and violence in Aboriginal communities, particularly in the Northern Territory and Central Australia. Aboriginal men convicted of unlawful sex with girls under 16 have relied on customary law to seek reduced sentences. Often the girls are “promised wives.”

When a 50 year old was convicted of having unlawful sex with his 15 year old bride-to-be, he acknowledged he knew he was breaking the law, but relied on the customary law regarding “promised wives.”

The prosecution appealed the 24 hour prison sentence and the Court of Appeal increased the sentence to 12 months, suspended after 1 month. He appealed to the High Court arguing that men like him who live in remote and traditional Aboriginal communities where arranged marriages, often with girls under 16, are the cultural norm. Adding, the Court of Appeal should not have increased the penalty without giving a warning to such communities to stop their traditional marriage practices. The High Court dismissed his appeal.

Dr. Ken Brown in an article published in the March 2007 edition of *Alternative Law Journal*, discusses some of the cases and the problem of undue weight being given to claims by defendants seeking to justify their actions by reference to cultural factors and traditional beliefs. He argues that in the 21st Century the protection of human rights of women and children under international conventions should carry more weight than claims of middle aged men about acting in accordance with culture and traditional beliefs.

Fertility Treatment, Artificial Insemination and Surrogate Parenting

In Australia, fertility treatment, artificial insemination and surrogate parenting issues are covered by State and Territory laws and include discrepancies, especially as to the conditions in which access is provided to same-sex couples to such services. This has resulted in some same-sex couples going interstate to access services.

Recently the Federal Attorney-General has been urging the States to adopt nationally consistent surrogacy legislation. He is also proposing the establishment of registers for sperm donors so that children conceived with donor sperm could trace their ancestry.

Exclusive Brethren – Gaol Sentences for Denying Children Contact

In a hearing in Hobart in February a Family Court Judge imposed gaol sentences of four months on a mother, her son and her son-in-law and suspended the sentences on the condition that for 12 months they comply with orders for two children to have contact with their father and the son and son-in-law to not attend any changeover.

The three people sentenced are members of the Exclusive Brethren, as are the children. The father has left the sect and under its rules, the members are required to completely separate from him.

When the Judge made the contact orders he warned the mother and other members of the Exclusive Brethren not to contravene the orders and that separation of the children from their father "was at the higher end of emotional abuse." The mother testified that if the law of the land conflicted with God's Law, she would ignore it.

The breach of the contact orders occurred two or three weeks later. The son and son-in-law were found to have aided and abetted the mother. In the contravention proceedings the mother admitted that members of the Exclusive Brethren had deposited more than \$50,000 into a bank account for her legal costs.

In addition to the suspended sentence, the mother was ordered to pay all of the husband's legal costs and also the costs of the Independent Lawyer for the Children.

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