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AFCC eNEWS

MONTHLY E-NEWSLETTER
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JULY 2009

AFCC Conference in Reno

Make plans now to attend AFCC's Regional Training Conference, *Interventions for Family Conflict: Stacking the Odds in Favor of Children*, November 5-7, 2009. The conference will be held at the Peppermill Resort Spa Casino in Reno, Nevada. Take advantage of the special AFCC room rate of just \$99 per night for a single or double room. This three day training conference is comprised of professional tracks for judges, lawyers, mediators, parenting coordinators and custody evaluators, as well as opportunities for continuing education and ethics programs for legal and mental health professionals.

[Click here for the conference brochure...](#)

Arizona Statute Restricts Psychology Board Complaints

The Arizona legislature recently passed legislation that provides that licensing board complaints made against psychologists who are judicially appointed in forensic matters must now be reviewed by the appointing judges. A finding of substantial basis regarding allegations of misconduct must be made before such matters will be reviewed by the state licensing board. This bill was the third attempt made over the past seven years, and this version took two years to be developed and approved.

[Read the statute here...](#)

Denver Call for Presenters

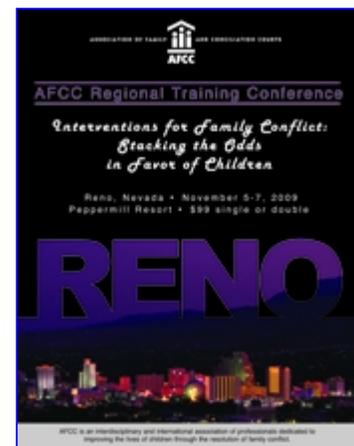
AFCC's 47th Annual Conference, *Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict*, will take place June 2-5, 2010 at the Sheraton Denver. If you have an interesting workshop idea that you would like to be considered, please submit a proposal prior to October 5, 2009.

[Click here to view Call for Presenters...](#)

[Click here to submit a workshop proposal...](#)

Advanced Parenting Coordination Training

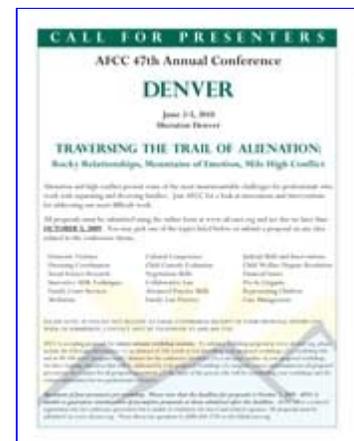
AFCC, in collaboration with the AFCC Missouri Chapter and the University of Missouri at Kansas City School of Law, will be offering *Attachment, Alienation and Access: Advanced Interventions for Parenting Coordinators* on September 30-October 1, 2009. Arnold Shienvold, Ph.D. will focus on how to work effectively with the most challenging clients and issues, including those with personality disorders and attachment



UPCOMING CONFERENCES

AFCC Regional Training Conference

Interventions for Family Conflict: Stacking the Odds in Favor of Children
November 5-7, 2009
Peppermill Resort
Reno, Nevada



AFCC 47th Annual

problems.
[Read more...](#)

UCLA Adopted by ULC

On Wednesday, July 15, 2009, at its meeting in Santa Fe, the Uniform Law Commission voted unanimously to adopt the Uniform Collaborative Law Act. The Act is the first national legislation to recognize collaborative law as an alternative dispute resolution process.

[Read more about the process...](#)

ASK THE EXPERTS

Top Ten Ways to Assess "Is Collaborative Practice Right for Me?"

by Nancy Cameron, BFA, LL.B.

Nancy Cameron, AFCC Member from Vancouver, British Columbia and the President of the International Academy of Collaborative Professionals (IACP), explains how to help your clients assess if collaborative practice is the best fit for them.

[Read more...](#)

RESEARCH UPDATE

Childhood Maltreatment Predicts Abuse Perpetration

Courtesy of J.M. Craig Press, Inc.

Many efforts have been made to categorize abusive men based on their behavior in order to develop appropriate treatment strategies for them. More recent work has focused on the backgrounds of these men and how their childhood experiences of mistreatment may foster their own abusive behavior. This study falls within this emerging line of work and provides us with additional and useful information.

[Read more...](#)

FEATURED WEB SITES

Changeville

An innovative, free interactive Web site for children ages 6 to 11 whose parents are separating or divorcing has been launched by the British Columbia's Justice Education Society. It is called *Changeville* and provides a virtual world full of the kind of confidential support, advice and comfort needed by a child experiencing a family breakup.

[Read more...](#)

Online Parenting Education Program

UpToParents.org is a personalized and interactive opportunity for separated and divorced parents to learn more about their children's needs and to unite around meeting those needs. The Web site, created by AFCC members Charlie and Barb Asher, is free and confidential and has won several prestigious awards, including the 2009 AFCC Irwin Cantor Innovative Program Award.

[For more information, click here...](#)

FEATURED ARTICLE

The Mediation Industry, Qualifications & the Mediate.com

Conference

Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict
June 2-5, 2010
Sheraton Denver
Denver, Colorado

AFCC Ninth Symposium on Child Custody Evaluations

October 28-30, 2010
Hyatt Regency Cambridge
Cambridge/Boston
Massachusetts

AFCC 48th Annual Conference

June 1-4, 2011
Hilton Orlando Bonnet
Creek Resort
Orlando, Florida

ASK THE EXPERTS

Do you have a question that you would like answered by an AFCC expert? Let us know and your question could be answered in the next *AFCC eNEWS*.

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ABOUT AFCC eNEWS

AFCC eNEWS is a monthly

Certification Program

by James Melamed, courtesy of Mediate.com

"It is challenging to have any short discussion on mediation qualifications, the mediation industry and new Mediate.com Certification Program, but I will try," says Jim.

[Read more...](#)

FEATURED BLOG

Georgia Family Law Blog

Divorce Attorneys Using Social Media to Find Evidence

Social networking sites "can be evidentiary gold mines" said a recent article in *Time* magazine. Read more about this phenomenon in The Georgia Family Law blog by clicking below

[Read more...](#)

Explore this topic further with Annette Burns and Edith Croxen, who are presenting *Family Law on Facebook: Ethics, Discovery and the Challenges of Practicing in an Electronic Age* at the AFCC Regional Training Conference in Reno.

[Click here for the conference brochure...](#)

INTERNATIONAL NEWS

Divorcing Couples Face Compulsory "Cooling Off" Period under Tory Government

Courtesy of *Telegraph.co.uk*

Couples would be forced to undergo a compulsory three month "cooling off" period before being allowed to divorce, under a radical overhaul of family law proposed by an influential Conservative think tank.

[Read more...](#)

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 practice tips, research innovations and international news.

[AFCC eNEWS archive...](#)

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Childhood Maltreatment Predicts Abuse Perpetration

Courtesy of J.M. Craig Press, Inc.

Taft, C. T., Schumm, J. A., Marshall, A. D., Panuzio, J., and Holtzworth-Munroe, A. [2008]. Family-Of-Origin Maltreatment, Post Traumatic Stress Disorder Symptoms, Social Information Processing Deficits, and Relationship Abuse Perpetration. Journal of Abnormal Psychology, 117, 637-646.

Many efforts have been made to categorize abusive men based on their behavior in order to develop appropriate treatment strategies for them. More recent work has focused on the backgrounds of these men and how their childhood experiences of mistreatment may foster their own abusive behavior. This study falls within this emerging line of work and provides us with additional and useful information.

The authors studied 164 men and their partners who were in their early 30s; seventy-five percent were Caucasian. Each one was given a large number of questionnaires and checklists. They were then given 10 vignettes about problematic marital situations and asked what they would do in each one.

The authors found that:

- Parental rejection was the only factor that was significantly related to both psychological and physical abuse among the men.
- Parental rejection was also the most highly associated with symptoms of PTSD and distorted perceptions of the marital relationship.
- PTSD symptoms appeared to lead to their distorted perceptions. These distortions lead to the perpetration of abuse.

The authors concluded that "experiences of psychological abuse and neglect were strong predictors of trauma symptoms and abuse perpetration in adulthood than was the experience of childhood physical abuse . . . suggesting that psychological abuse exposure is a relatively stronger predictor of PTSD symptoms than is physical abuse victimization" [p. 644].

Critical Analysis

The major strength of this study is that the authors examined the developmental and historical roots of abuse and found fascinating results. A second strength is that the authors' conclusions are supported by a wealth of data and analyzed in a very sophisticated manner. In terms of limitations, much of the information the authors collected was retrospective in nature, and there is no way to know for a certainty if what the participants reported was true.

Recommendations

Much research has shown that witnessing parental abuse can be as harmful as experiencing it oneself. A problem with this study is that the authors did not report on those who only witnessed abuse. In fairness, the authors may not have included such persons in their sample in order to provide clearer results. While this is understandable, it leaves us wondering if they would have found the same results for those who only witnessed parental abuse.

The diagnosis of PTSD has been very controversial since its inception. At first, the diagnostic criteria were very broad and too many persons were included. Later, the diagnostic criteria were changed such that only persons who experienced or witnessed life-threatening events were included. There is now great debate about whether or not that standard is too stringent. We do not know what criteria the authors of this study used. We know only that they were looking at the symptoms of PTSD. Therefore, readers should be cautious when interpreting these findings. The authors were describing symptoms rather than trying to determine if the participants actually met the criteria for a PTSD diagnosis. At this time, having such symptoms only does not qualify a person for a PTSD diagnosis. Therefore, when persons exhibit such symptoms, they may or may not have PTSD. If they do not, other diagnoses may be appropriate.

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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Top Ten Ways to Assess "Is Collaborative Practice Right for Me?"

By Nancy Cameron, Q.C.

1. I want a confidential, private process.

Collaborative Practice includes a commitment not only to confidentiality, but also to resolving matters outside of a contested court setting. This commitment ensures privacy, since it does not create documents that are filed in court (except the final, uncontested divorce filing). Unlike court-based processes, where financial statements, tax returns, and affidavits are routinely filed in court even if the parties do not end up in a (very public) trial, Collaborative Practice allows participants to engage in private negotiations.

2. I want to be involved in the negotiations, with the support of my own lawyer.

Collaborative Practice is a client-centered dispute resolution model. This means that one needs to be willing to engage personally in the negotiations – to articulate one's needs, interests and desires, to engage in the conversations necessary for negotiation, to brainstorm possible solutions or to listen to one's partner and understand his or her needs. This can be daunting work at a time when communication with the other participant may be difficult, and where conflict-laden, entrenched communication patterns come to the fore. Collaborative Practice lawyers are trained to support you in your negotiations and to give legal advice within the collaborative process in a manner that informs clients but does not derail negotiations. They work to assist their clients in evaluating possible solutions, taking into account: their client's needs, the children's needs, feasibility, the law and analyzing both the benefits and risks of agreeing to proposed settlements.

3. I want to have input into, and some control over, the process.

Since Collaborative Practice is a client-centered process, the process can be modified to meet the needs of clients. The disqualification agreement, the agreement that neither lawyer (nor any other collaborative professionals retained) will act for the clients in the event either party begins a contested court proceeding, is the core, non-negotiable, process component of Collaborative Practice. Within this boundary, the process can be tailored to meet individual needs. It can involve a coordinated team of mental health professionals to work with communication and parenting plans, a child specialist to make certain that the voice of the child is heard, and a neutral financial specialist to assist in compiling and understanding financial information, tax consequences and future projections.

4. I want to have input into, and control over, the outcome.

As a voluntary process, no agreement is concluded unless and until the parties are in agreement with the settlement. No one will impose a settlement on you. The advantage of this is that you have the opportunity to craft a settlement that meets your needs. The disadvantage of this is that you will not have a resolution unless it meets the needs of both you and your spouse, and you are both prepared to enter into the agreement. Research across North America indicates that approximately 95% of cases that are begun in the court system settle without a trial. Given this level of

non-trial settlements, it makes sense to choose a process that is built on moving towards resolution, as opposed to moving towards trial.

5. I want non-adversarial advocacy support.

Collaborative lawyers are trained in interest-based negotiation, in working in a team setting with the other lawyer (and any other collaborative professionals) and at the same time supporting you as your advocate. Unlike traditional litigation lawyers, collaborative lawyers commit to negotiating in an environment that is respectful of both parties, that does not employ litigation strategies, and that works towards creating a safe negotiation environment for both people involved.

6. If other professionals are involved (mental health professionals, financial professionals) I want them to work as a coordinated team with the lawyers, and I want there to be a free sharing of information between professionals.

Collaborative Practice is the only dispute-resolution process where all professionals have been trained in the same model of resolving disputes, and all commit to the same principles. This involves an open sharing of information between professionals, so that the professionals are all working together to the same end – a resolution that works for both parties. Although it is not unusual for people to work with both mental health professionals and financial professionals as they go through separation and divorce, this coordination of services is unique to Collaborative Practice. We believe that the open sharing of relevant information between professionals and the careful coordination of their involvement increases the likelihood of client success.

7. I believe my partner and I have a good chance of resolving matters outside of a courtroom, and we are both willing to commit our resources and efforts to an out-of-court settlement.

If you are not successful in reaching a resolution through Collaborative Practice and decide to start a contested court proceeding, then both you and your partner must engage new lawyers. This obviously will mean incurring additional legal fees. Current research indicates that approximately 90% of collaborative cases result in a settlement. It is important, when meeting with your lawyer, to discuss factors that are likely to increase or decrease your chance for success. What does conflict look like between you and your spouse? Do you have concerns about disclosure? How does your collaborative lawyer suggest dealing with these concerns? Is it important for you to continue to have an on-going relationship with your partner?

8. I believe my partner and I continue to have enough trust to be able to engage in good-faith negotiations and full disclosure.

It is sometimes difficult to assess trust at the end of a relationship, especially when the deep trust necessary to preserve a healthy, intimate relationship may have been broken. If you have a profound distrust of your partner, then collaborative practice may not be the right choice for you. Do you have enough trust to be able to negotiate in good faith? What support might you need in order to do this? Do you have trust that all necessary disclosures will be made? Are you trusting enough to make these necessary disclosures yourself? If trust is an issue, be certain that you talk to your lawyer about this. Collaborative Practice has the advantage of being able to work with a team of trained professionals to assist in trust building. However, profound distrust may be an indicator that collaborative process is not the right process for you.

9. I am willing and able to take my partner's needs and interests into account in developing process and outcome, and believe he or she will do the same.

Collaborative process can be hard work. It requires insight at a time when one may feel particularly vulnerable. It requires give and take at a time when some people feel they have given all they can. It requires listening at a time when you might not want to listen. It requires articulating your fears and understanding your partner's fears. It means that both people must work together to create a negotiation pace that works for both of them. And finally it requires the ability say, "this is a resolution that I can adopt," and commit to signing a final agreement.

10. I want a process that can incorporate the specific needs of our children, and works to improve communication between the parents.

For many parents, this is the number one reason for choosing Collaborative Practice. If you have children, what kind of a co-parenting relationship do you want to build? As you navigate into a two-household family, how important is it for you to create an environment for your children where

they can continue to cherish their relationship with both parents, and know that their parents have done everything possible to take the children's particular needs into account? If you believe that the end of a marriage does not have to mean the end of a family, talk to a collaborative practitioner about whether or not Collaborative Practice is the right choice for you.

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Arizona Statute Restricts Psychology Board Complaints

The exact language of the relevant portion of the bill (HB 2206) that was enacted and signed by the Governor effective September 30, 2009:

The board shall not consider a complaint against a judicially appointed psychologist arising out of a court ordered evaluation, treatment or psychoeducation of a person to present a charge of unprofessional conduct unless the court ordering the evaluation, treatment or psychoeducation has found a substantial basis to refer the complaint for consideration by the board.

