



AFCC eNEWS

MONTHLY E-NEWSLETTER
VOL. 6 NO. 4
APRIL 2011

AFCC 48th Annual Conference

*Research, Policy and Practice in Family Courts:
What's Gender Got to do with it?*

June 1–4, 2011

Hilton Orlando Bonnet Creek Resort
Orlando, Florida

Register by May 6 and Save!

Registration rates increase after Friday, May 6, 2011. To take advantage of the lower rate, be sure your registration and payment are received or postmarked by Friday, May 6, 2011.

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Instead of conference attendance taking time away from your family, bring them with you! Combine your professional development with a family vacation. The Hilton Bonnet Creek is surrounded on three sides by the Disney World Resort and hotel guests receive complimentary private shuttle service to and from the Disney Theme Parks, including: Magic Kingdom® Park, Epcot®, Disney's Animal Kingdom®, Disney's Hollywood Studios®, and Downtown Disney®.

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UPCOMING CONFERENCES



AFCC 48th Annual Conference

Research, Policy and Practice in Family Courts: What's Gender Got to do with it?

June 1–4, 2011

Hilton Orlando Bonnet Creek Resort
Orlando, Florida

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Dr. Debra Carter and the National Cooperative Parenting Center

Local Sponsors

The Silver Psychology Center

Barbara F. Steinberg, Ph.D.

Hotel Room Block to be Released April 29

The AFCC room block is 95% sold and the non-reserved rooms in the AFCC room block will be released for general sale on Friday, April 29, 2011. Reserve your hotel room now as rooms are subject to availability. The Hilton Orlando Bonnet Creek Resort is offering special rates of \$160/night for single or \$180/night for double occupancy. The adjacent Waldorf Astoria Orlando is offering special rates of \$210/night single or \$230/night double occupancy.

[Click here for hotel reservations](#)

AFCC Thanks Scholarship Fund Contributors

Thanks to the generosity of members, AFCC is able to offer scholarships to our conferences each year. This year, we found that travel costs were the most prohibitive factor for scholarship recipients. In response, we hope to be able to offer additional travel stipends in the future in order to help offset this cost. If you would like to be part of the generous group of contributors who help make these scholarships possible, please make a tax deductible contribution to the AFCC Scholarship Fund today.

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[Click here for a list of contributors](#)

AFCC President's Message

By Robert M. Smith, J.D., M.Div., Windsor, Colorado

Just after I became the 47th President of AFCC at the annual conference in Denver last June, I began thinking about the huge legacy of the strong leadership that AFCC has enjoyed over the years. A friend came up to me at that point, probably realized why I had such a deer-in-the-headlights look about me, and pointed out that there would be great help and support from Executive Director Peter Salem, AFCC staff, and board members—and, besides, the year would scream by pretty quickly.

[Read more](#)

Member Profile

Hon. Sandy Karlan is the Administrative Judge, Family Division, 11th Judicial Circuit in Miami-Dade County, Florida, and Vice President of the Florida Chapter of AFCC. She will present a workshop, with Miguel Firpi and Helenann Shapiro, *Marital Infidelity: Conceptual and Practical Aspects of Managing Effects on Children and Co-Parenting*, at the AFCC 48th Annual Conference in Orlando.

[Read an interview with Judge Karlan](#)

[Read why Judge Karlan still believes in love](#)

Family Court Review April 2011

September 15–17, 2011
Westin Philadelphia
Philadelphia, Pennsylvania
[More information](#)

AFCC Regional Training Conference

Working with High Conflict and Violent Families: A Race with No Winners

October 27–29, 2011
Hyatt Regency Indianapolis
Indianapolis, Indiana

[Call for Presenters](#)

[Submit a proposal](#)

AFCC 49th Annual Conference

June 6–9, 2012
Hyatt Regency Chicago
Chicago, Illinois

AFCC 50th Annual Conference

May 29–June 1, 2013
J.W. Marriott Los Angeles at L.A. Live
Los Angeles, California

AFCC CHAPTER CONFERENCES

Washington Chapter Conference

Divorce Minefields and Milestones: Interdisciplinary Resources and Roads to Resolution

October 21, 2011
Holiday Inn, SeaTac
International Airport
Seattle, Washington

[More information](#)

AFCC TRAININGS

Keeping Parenting Coordinating Cases on Track: Advanced Concepts and Case Management Strategies

Matthew J. Sullivan, Ph.D.

June 20–21, 2011
Chicago, Illinois

[Training brochure](#)

[Online registration](#)

Children and Divorce: The Voice of the Child and

This special issue is guest-edited by Forrest "Woody" Mosten and is the first *FCR* issue to focus on collaborative law. Woody has brought together some great contributors for this issue, which is available digitally to AFCC members through the Member Center of the website. Print copies are on their way to members.

[Read the April 2011 *FCR*](#)

[Click here for the table of contents](#)

ASK THE EXPERTS

Ten of the Toughest Challenges in Parenting Coordination Work

By Christine Coates, M.Ed., J.D., Robin Deutsch, Ph.D. and Matthew Sullivan, Ph.D.

Three experienced and well-known parenting coordinators will present a three-hour workshop, *When the Process Gets Derailed: Advanced Challenges for Parenting Coordinators*, in Orlando at the AFCC 48th Annual Conference. They have written about ten of the toughest challenges that parenting coordinators face.

[Read more](#)

New AFCC Pamphlet on Parenting Coordination

AFCC is pleased to announce a helpful new addition to the AFCC pamphlet collection. The pamphlet titled, *Understanding the Parenting Coordination Process*, will help your clients do just that, by answering frequently asked questions about the parenting coordination process: when it is most appropriate, how it works, who parenting coordinators are and why parents use the process.

[Click here to view the full text of the pamphlet](#)

[Click here to order this and other AFCC pamphlets](#)

AFCC Member News

Patti Cross, Toronto, Ontario, Canada, has been recognized for assisting the judiciary in establishing Canada's first Integrated Domestic Violence Court, which is set to be launched on June 10, 2011. It is a two-year pilot project initiative, modeled after courts in England and the United States. She is the immediate past president of the AFCC Ontario Chapter and is the next Chapter Council Liaison to the AFCC Board of Directors.

Susan Hanks, Rocklin, California, retired in December 2010 after more than eight years of service as Bureau Chief of Families and Children's Services in the Superior Court of California, County of Alameda. She was a participant in the Wingspread Conference on Domestic Violence and Family Courts and a member of the AFCC Brief Focused Assessment Task Force. She is returning to private practice where she will provide consultation, training, mediation and evaluation services to family courts throughout California.

John Lande, Columbia, Missouri, wrote a new book, *Lawyering with Planned Early Negotiation: How You Can Get Results for Clients and Make Money*, published by the American Bar Association. Planned Early Negotiation (PEN) is a new approach to negotiation that "focuses on building good professional relationships with clients and opposing lawyers to help clients

Interventions When Children Resist Parental Contact

Barbara Jo Fidler, Ph.D., AccFM

June 22–23, 2011
Chicago, Illinois

[Training brochure](#)

[Online registration](#)

EARN AFCC DOLLARS

Each time a colleague joins AFCC as a first-time member and names you as the referral source on the membership application, you earn ten AFCC dollars to spend on conference registrations, membership renewals and publications. For more information, please contact AFCC at afcc@afccnet.org or (608) 664-3750.

DONATE TO THE AFCC SCHOLARSHIP FUND

The Scholarship Fund provides scholarships to cover the cost of conference registration and a limited number of travel stipends.

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ABOUT AFCC eNEWS

AFCC eNEWS is a 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 practice tips, research innovations and

more efficiently," says Lande. He is the Isidor Loeb Professor at the Missouri University School of Law and was a member of the steering committee of the AFCC Family Law Education Reform Project.

New Zealand Launches New Family Court Caseflow Management Practice Note

Peter Boshier, Principal Family Court Judge of New Zealand, and a member of the AFCC Board of Directors, announced the launch of the revised *Family Court Caseflow Practice Note*, a landmark event for their court. "Many changes in family law have occurred (in New Zealand) since the first comprehensive *Family Court Caseflow Practice Note* was published in 1998. The revised *Practice Note* is designed to update that document in light of a number of legislative and practice changes that have taken place since that time... the purpose of this (document) is to outline best practice and to give a clear sense of direction as to how the Family Court seeks to resolve its streams of work."

[Read the Note](#)

AFCC Regional Training Conference Call for Presenters

Working with High Conflict and Violent Families:

A Race with No Winners

October 27–29, 2011

Hyatt Regency Indianapolis

Indianapolis, Indiana

AFCC is seeking proposals for three-hour training workshops. This conference will feature specialized tracks for judges, mediators, legal professionals, custody evaluators and parenting coordinators. Proposals must be received by May 16, 2011, for consideration.

[Click here to view the call for presenters](#)

[Click here to submit a proposal](#)

Membership Notice of AFCC Board Nominations

The AFCC Nominating Committee will nominate members to the Board of Directors at the Annual Conference on June 4, 2011.

[Read about the nominees](#)

international news. Readers are welcome to forward this e-newsletter to interested colleagues.

[AFCC eNEWS archive](#)

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AFCC welcomes your comments, questions or feedback. Please email the editor by [clicking here](#).

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President's Message

by Robert M. Smith, J.D., M.Div., Windsor, Colorado



Just after I became the 47th President of AFCC at the annual conference in Denver last June, I began thinking about the huge legacy of the strong leadership that AFCC has enjoyed over the years. A friend came up to me at that point, probably realized why I had such a deer-in-the-headlights look about me, and pointed out that there would be great help and support from Executive Director Peter Salem, AFCC staff, and board members—and, besides, the year would scream by pretty quickly.

My friend turned out to be very correct; and after having the opportunity to visit AFCC chapter conferences in Toronto, Sedona, San Francisco and St. Louis, I can say with great certainty that AFCC is vibrant, quickly growing, and strongly succeeding in its mission to improve the lives of children and families through the resolution of family conflict.

Though this has been a time of reduced budgets and significant belt-tightening throughout much of the world, AFCC membership has actually grown to its highest level—over 4,000 members in some 24 countries. The 47th Annual Conference in Denver, which focused upon alienation issues, drew over a thousand participants; and the Child Custody Symposium in Cambridge drew more than 400 professionals from all sectors of family law. We are fortunate our financial health is solid.

One aspect of AFCC that is particularly gratifying to me is the wide range of collaborative efforts we share with other professional organizations that serve families. We have participated in program endeavors with the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project; cooperated with the conference presentations of the National Association of Counsel for Children, the American Bar Association Section of Dispute Resolution, and the Association for Conflict Resolution; and advised the Uniform Laws Commission drafting committee that is studying deployed military personnel custody issues. One of the newest AFCC collaborations involves a joint conference with the American Academy of Matrimonial Lawyers on child custody issues, to be held in Philadelphia this September.

This significant growth didn't just happen, and we didn't simply stumble upon these beneficial collaborative efforts. Much of it came from the initiative and participation of many AFCC board members. The AFCC Board of Directors is comprised of 19 members from Canada, the United States, Australia and New Zealand, who give their significant energy and expertise—not only during the two yearly Board meetings, but also throughout the year—in guiding the resolution of developing issues, participating in collaborative efforts, and serving on AFCC committees.

Much of the growth and stature AFCC now enjoys in the international community also has come from Peter Salem, who has split his time between the AFCC home office in Madison, Wisconsin, and Tempe, Arizona,

this year as a William T. Grant Foundation Distinguished Fellow. Peter's executive ability, mediation background and significant contacts in the field of family law have served AFCC well this year, and I have greatly appreciated his thoughtful viewpoints and his unerring ability to keep all of the juggled balls from dropping. And I also stand in awe of the amount of incredibly high quality of work that the seven other AFCC staff members (Leslye Hunter, Candace Walker, Chris Shanahan, Dawn Holmes, Nola Risse-Connolly, Erin Sommerfeld and Jessica Schwager) accomplish each day, and particularly their work during our conferences. I have had the opportunity to attend the conferences of many of our collaborative agencies, and each time I am quietly proud of the high level of organization, foresight and downright friendliness our AFCC staff members demonstrate at each of our conferences.

Speaking of conferences, in just two more months the AFCC 48th Annual Conference will be held in Orlando, focusing on gender issues in family law; and Linda Fieldstone, of Miami, will take the reins to lead AFCC into another year of growth and significant achievements. For some members who want to be at that conference to learn, the economy has had a harsh impact on their practices, courts and service agencies. I hope you will join me in donating what amount you are able to give to the AFCC Scholarship Fund, which has enabled a number of financially strapped members each year to attend our conferences and to bring what they've learned back to their communities to serve children and families. Donating is easy, just [click here](#).

It's been a fun ride these past ten months, and I've thoroughly enjoyed the opportunity to meet and get to know great numbers of AFCC members. This is a tremendous organization, and Linda, Peter, the staff and the board will continue the strong legacy beyond Orlando. Be sure to bring your Mickey ears to the conference! See you in Orlando!

– Bob Smith
AFCC President

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AFCC Member Profile

Hon. Sandy Karlan, Miami, Florida

Hon. Sandy Karlan is the Administrative Judge, Family Division, 11th Judicial Circuit in Miami-Dade County, Florida, and Vice President of the Florida Chapter of AFCC. She will present a workshop, with Miguel Firpi and Helenann Shapiro, Marital Infidelity: Conceptual and Practical Aspects of Managing Effects on Children and Co-Parenting, at the AFCC 48th Annual Conference in Orlando.



What does your current position entail?

In this position I am responsible for the operation and administration of the Family Division, which includes 15 judges, 8 general magistrates, 3 hearing officers (exclusively assigned to child support both IV-D and non IV-D). Our Family Division includes all domestic relations matters such as dissolution, paternity, adoption, domestic violence, time sharing and parenting plans and child support. I work with the Administrative Office of the Courts in coordinating the mediation work that relates to family, overseeing the Self-Help Division designed to assist pro se litigants and working

with our Family Court Services Unit that is directed by Linda Fieldstone (AFCC President Elect).

We are so fortunate, as a circuit, to have the Family Court Services Division; because of the tremendous assistance that the group provides to the judges in managing the complexities of high conflict family cases, as well as the support and service that they provide to the pro se litigants.

In addition to my administrative duties, I preside over these same family division cases. I am also specially assigned as one of three judges in the circuit to a specialized division called the Complex Litigation Division in which we hear cases regarding families who have two or more family cases in the courts, one of which must be a dependency case. Most of the time the families we see in this special division have an abuse or neglect case, a domestic violence case and/or a dissolution or paternity case. This division was created in response to the Florida Supreme Court opinion adopting the Model Family Court and directing circuits to establish operating divisions to accomplish the goals of the model family court. *In re Report of the Family Court Steering Committee, 794 So.2d 518* (Fla.2001).

Some of those goals were to have a differentiated case intake process; case management (both procedural and substantive); coordination of related cases, referral to community services for families in distress, including the expanded use of alternative dispute resolution methods; and a community counsel or Family Law Advisory Group to assist the courts in transitioning to and accomplishing this expanded role. The opinion also suggested that the concepts of therapeutic jurisprudence be applied in family cases so that they should focus less on the adversarial nature and more on the collaborative or cooperative process.

How did you become interested in the field of separation and divorce?

My mother, Muriel E. Richter, graduated from Brooklyn Law School in 1931 and practiced matrimonial law in New York City, in private practice, for thirty years. As a pioneer in her field, she and her female colleagues were instrumental in developing the New York Women's Bar Association and she was active in National Association of Women Lawyers. In my household there was a great deal of conversation about family law and families. For example, there were not domestic violence shelters or courts in those years, so I recall my mother bringing home a separated woman and her children on an emergency basis until they could obtain safety. So you might say I inherited the interest by exposure and osmosis!

What advice would you give to someone entering the field now?

I would tell them that they are about to embark on the greatest intellectual and human adventure of their lives. Not only will they be intellectually challenged, but they will also be exposed to the most intimate details of people's lives at a time when they are the most vulnerable. It will require great compassion, understanding, thoughtfulness, integrity and hard work for them to succeed. Most importantly, it is a privilege to practice law and a real opportunity to practice family law in which a lawyer can have a significant impact on people's lives that will continue after the court proceedings. The stakes in family law (in the broadest sense of family law) are so much higher than any other area because of the children and the need for people to meet their family obligations and, as such, a family lawyer must bring her/his full attention to all matters.

What are the greatest challenges you see in the field now?

There are several challenges in the field at this time. First, so many people's personal family problems are affected by the economy, which puts extraordinary pressure on relationships. My observation is that there is an increase in domestic violence incidents and more allegations of child abuse; both of these result in an increased need for social services at a time when there are major cutbacks in the availability of such services. Additionally, parties appear more reluctant to settle matters because they don't have the funds to make a financial break so they fight over the division of children. It's as if they feel they can't lose everything so they stop thinking of the children's well being and think of their own needs. Because families seek their solution in family court, and because the courts are not designed to solve all social problems, it falls to the judge to try to resolve a matter that is really outside of the original purview of judges and courts.

Additionally, with the increased diversity across our nation, courts must be prepared with interpreters who can assist parties, particularly pro se litigants, in family cases. Cultural competency is also a natural outgrowth of increased diversity in the population. By that I mean an understanding of the litigants' cultural background and training in order to enable them to understand our court processes including mediation, parenting coordination, evaluations to develop parenting plans, etc. So many of these concepts are new to our courts as well as new to parties who many come from other countries.

What would you like to see happen in the field ten years from now?

I would like to see the family court divided into sections. In one section, there would be significant case management by the judge in which the family members would be referred to social services as appropriate. There would be (at the courthouse or a satellite facility) onsite counseling, psychological or psychosocial evaluations, crisis counseling, co-parenting and parenting classes, etc. The non-judicial case management would be primarily procedural for those parties with agreements. As part of this, those families who needed only financial dissolution would be able to move quickly through the process to mediation and trial. Judges who have an affinity for the non-legal or more therapeutic aspects of the resolution of family cases could choose to hear those cases and manage them. It would be a type of high-conflict family division within the comprehensive family division. All families would need to try to resolve children's issues through alternative dispute resolution means and only then could have the legal issues tried by the court.

What aspect of your work do you enjoy the most?

I love hearing the cases involving families with complex issues. In fact it would be fair to say I love my time in court the best. I enjoy writing legal opinions and researching the law but I most enjoy interacting with the lawyers and the parties. I also love working on projects designed to

improve our family court system and the natural camaraderie that develops when people have shared goals.

How did you first learn about AFCC?

I was appointed to the Florida Supreme Court Family Court Steering Committee with such luminaries as Judge Ray McNeal and Judge Hugh Starnes. It was during my service on this Supreme Court Committee that I learned about AFCC. It sounded as if it was dedicated to the same principals that we were exploring on our committee. I had the opportunity to attend my first AFCC conference in 1999 in Vancouver.

What do you like most about AFCC?

I was absolutely awestruck by what I observed in Vancouver. I was so impressed by the variety of workshops, originality of thinking, and the fact that there was a worldwide interest and movement to make family courts more effective. Nothing has changed; AFCC continues to be on the cutting edge of addressing the significant issues regarding the family court's ability to address society's issues.

What is your proudest professional achievement?

Professionally there are several achievements of which I am proud:

- a. Being a good lawyer and becoming a judge;
- b. Being a significant force in the creation of the Florida Supreme Court Gender Bias Commission in 1987, which was responsible for significant changes in our legal community as a result of bringing to light the discrepancies between how men and women were treated in the court system as parties, witnesses and attorneys. Its report was issued in 1990.
- c. Being part of the Florida Supreme Court Family Court Steering Committee that drafted the model family court that was adopted, in large part, in 2001 and is referenced above;
- d. Chairing the Florida Bar Committee on the Legal Needs of Children which was created in 1999 and issued its report in 2002. That report addressed the needs of children in all divisions of our Court and addressed the need for lawyers for children, confidentiality rights of children as well as numerous other aspects of children's legal needs and rights. These substantial recommendations are still being incorporated into our system of jurisprudence and are the subject of a standing committee of The Florida Bar.

What do you enjoy doing in your free time?

I love to spend time with my husband (see the [article](#) I wrote about our marriage ten years ago which is still true today), working out in the gym, ballroom dancing and reading.

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At the AFCC membership meeting on June 4, 2011, the following individuals will be nominated to the Board of Directors for a three-year term beginning July 1, 2011 and concluding June 30, 2013:

Chief Justice Diana Bryant, Melbourne, Australia
Grace Hawkins, Tucson, Arizona
Richard Altman, Napoleon, Ohio
Hon. Peter Boshier, Wellington, New Zealand
Linda Fieldstone, Miami, Florida
Arnold Shienvold, Harrisburg, Pennsylvania

Wendy Bryans, Ottawa, Ontario, has resigned and Larry Swall, Liberty, Missouri, will be nominated to complete her term (2009-2012).

The Board of Directors Executive Committee is elected by the Board of Directors. For information purposes, the following individuals have been nominated for positions on the Executive Committee:

President: Linda Fieldstone, Miami, Florida
President Elect: Arnold Shienvold, Harrisburg, Pennsylvania
Vice President: Nancy Ver Steegh, St. Paul, Minnesota
Secretary: Richard Altman, Napoleon, Ohio
Treasurer: Annette Burns, Phoenix, Arizona
Past President: Robert Smith, Windsor, Colorado



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Ten of the Toughest Challenges in Parenting Coordination Work

By Christine Coates, M.Ed., J.D., Robin Deutsch, Ph.D. and Matthew Sullivan, Ph.D.

1. Fees, please!

Never commence work on a case until you have retainers in the bank. Never continue to work on a case when one or both parents have exhausted that retainer. Have an office policy that demands that the retainer is refreshed when it falls below four hours of your hourly rate. If you cannot adhere to these rules, you should probably not do PC work. We are there to help our clients with boundaries and need to model how to do that.

2. One parent who continually violates custody orders, agreements between the parents, and PC rules and directives during the process

When both parents are non-compliant, PC is not a process that will serve that case, and chaos and anarchy will reign. When only one parent is non-compliant, the work is challenging as the PC's sanctions and decisions are one-sided (leading to a perception by the offending parent that you are biased), and the other parent is often frustrated that you allow their co-parent to get away with the breaking rules that the non-offending parent is following.

3. Having a parent file a complaint with your professional licensing board/professional organization while you are still active in their case

Can you continue to act in an objective, unbiased manner in the PC role? If not, you must withdraw from the case. If you think you can, consider how the reviewing agency will view the fact that you are now in multiple roles—PC and subject of professional review.

4. Not having the support of the judiciary

Not infrequently, clients object to a PC's recommendations and decisions or make grievances to the judicial officer who is involved in the case. Knowledgeable and supportive judges are able to keep parents from undermining the process and the authority of the PC. Make it a point to reach out to judicial officers in your jurisdiction and educate them about the nature of PC work. This will help reduce the likelihood of being undermined.

5. Having an attorney who is not collaborative

The first place an unhappy client voices concerns is to the attorney. Thinking of attorneys as part of your "collaborative team" means educating them about the process and informing them prior to contact from their client when you know the client is becoming hostile. This is an effective way to keep the client in the process.

6. Dealing with a "true" domestic violence case

The [AFCC Guidelines for Parenting Coordination](#) take great care to urge caution in taking on domestic violence cases where intimidation, power and control continue to be evident post-separation. The engagement between perpetrator and victim in a less-formal alternative dispute resolution

process, such as parenting coordination, can actually facilitate ongoing domestic violence in such cases.

7. The helping hand strikes again

PCs occasionally need to address problems created when a child's therapist has been procedurally biased (only dealing with one parent and the child) or who is completely aligned with one parent in the case. These therapists can be part of the problem and should be confronted with their biases and possibly asked to end their roles. The new [AFCC Guidelines for Court-Involved Therapy](#) can be a useful tool in confronting therapists with such problematic professional conduct.

8. One parent is uninvolved

In most jurisdictions, and in most private consent agreements, the PC cannot force or mandate participation in the PC process. Often the PC feels pulled by the participating parent who is raising real concerns but cannot get any communication going. It is tempting for the PC to rule without the input of the uninvolved parent. If one parent refuses to participate, the PC should resign and/or the other parent can seek assistance from the court.

9. The antisocial parent

This parent will often not comply (unless it benefits his or her agenda), will recount an event with a spin that makes him or her look good, will deny what others have observed, will have no remorse, and will present themselves as charming until challenged. Managing this person requires clear limits and expectations, and clear sanctions for noncompliance.

10. Balancing the work load

Do not have too many active cases at a time as individual case demands can vary significantly over time. Before accepting a case, inquire into the immediate needs of the parents. If you have a lot on your plate already, regretfully decline the case. You'll be glad you did. Self-care is very important to avoid burnout and to be an effective PC.



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