



AFCC eNEWS

MONTHLY E-NEWSLETTER
VOL. 6 NO. 1
JANUARY 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

The issue of gender gives rise to many difficult questions in family law: Do professionals treat men and women differently? Should young children have a primary residence or should equal parenting time be the norm? Does social science support the case for mothers, fathers, both, or neither? How do gender issues impact same-sex parents? How does the impact of domestic violence differ for men and women? Does a parent's gender make more of a difference if the children are boys, girls, infants, toddlers, or adolescents? Gender seems to be at the heart of many challenges for family law professionals, but what lies beneath the surface?

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Win a Free Conference Registration

Register early to enjoy the reduced early bird registration fee and for the chance to win a free conference registration! The names of registrants whose registration and payment are received or postmarked by Friday, February 18, 2011, will be entered in a drawing for a complimentary Orlando conference registration!

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AFCC President's Message

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

I was driving to court recently for a highly contentious, teenage never-married-parent case when my favorite radio station played, within a short period, two old favorites that seemed highly appropriate to the day: Meat Loaf's 1977 classic, "Paradise By the Dashboard Light" and Bob Seger's memorable 1976 "Night Moves"—both of which still very accurately depict teenage hormonal rages while "tryin' to make drive-in news."

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Member Profile

Allan Barsky, J.D., M.S.W., Ph.D. is a professor in the School of Social Work, Florida Atlantic University at Boca Raton, a State

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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AFCC Regional Training Conference

October 27–29, 2011

of Florida Certified Family Mediator, and a member of the National Association of Social Workers' National Ethics Committee. He will be presenting at the plenary session *Parenting, Separation and Divorce: What's Gender Got to do with it?* in Orlando at the AFCC 48th Annual Conference.

[Read more](#)

AFCC Winners

Free Membership

Steven Friedlander, Ph.D., San Francisco, California, has won a free one year AFCC membership by providing AFCC with his email address. All AFCC members with an email address in the AFCC membership database were included in the annual drawing. Congratulations, Steven!

AFCC Dollars Earned

Did you know that every time someone joins AFCC for the first time and lists your name as the referral source on the membership application, you get 10 AFCC Dollars that are good toward membership dues, publications or registration fees for AFCC conferences and trainings? It is a thank you—for helping to promote and support AFCC by referring friends and colleagues. This year AFCC gave away over 2000 AFCC Dollars, and would like to thank the top promoters in 2010: Leslie Todd, Betsy Thomas, Robin Deutsch, Lorraine Martin, Toby Hollander, R. John Harper, Robert Emery, Gary Debele, Christine Coates, and Debra Carter.

ASK THE EXPERTS

Eight Child Support Questions—Did you know...?

Employers often have questions concerning the income withholding orders they receive that are not being enforced by state child support enforcement agencies. These orders are usually issued by the court, an attorney, or in some cases by the custodial party. The Federal Office of Child Support Enforcement (OCSE) assists employers in finding answers to their questions, including the ones most frequently asked below. The list of questions and answers, along with statutory references when appropriate, may be helpful to assist the judiciary in ensuring prompt payments to families with children.

[Read more](#)

AFCC Trainings

There is still time to register for the upcoming training programs in Tampa, Florida, in February. Make plans now to attend two new programs this June in Chicago.

[More information](#)

Advanced Parenting Coordination Practice: Working with Parents and Children, presented by Joan B. Kelly, Ph.D., February 1-2, 2011 in Tampa, Florida.

Intractable Issues in Child Custody Disputes, presented by Mindy F. Mitnick, Ed.M., M.A., February 3-4, 2011, in Tampa, Florida.

Keeping Parenting Coordinating Cases on Track: Advanced Concepts and Case Management Strategies, presented by Matthew J. Sullivan, Ph.D., June 20-21, 2011, in Chicago,

Hyatt Regency Indianapolis
Indianapolis, Indiana

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

Arizona Chapter Annual Conference

Parenting Harmony: Creating a Symphony of Resources
January 28–30, 2011
Sedona, Arizona
[More information](#)

California Chapter Annual Conference

Times They are a-Changing
February 11–13, 2011
The Mark Hopkins Hotel at
Nob Hill
San Francisco, California
[More information](#)

Missouri Chapter Annual Conference

Working with High Conflict Parents: Approaches for Clients Even a Mother Can't Love
March 3–4, 2011
Sheraton St. Louis City Center
St. Louis, Missouri
[More Information](#)

New York Chapter Upstate Conference

Tempering the Impact of Divorce on Children: The Paradox of Values, Ethics and Practices in Interdisciplinary Work in Broken Families,
April 1–2, 2011
Genesee Grande Hotel
Syracuse, New York
[More information](#)

Massachusetts Chapter Annual Conference

Parental Alienation: Not Just Another Custody Case

Illinois.

Children and Divorce: The Voice of the Child and Interventions When Children Resist Parental Contact, presented by Barbara Jo Fidler, Ph.D., AccFM., June 22-23, 2011, in Chicago, Illinois

Divorce, Custody and Suicide: Protecting Our Clients

By Nancy Rappaport, M.D.

Nancy Rappaport, M.D., is a child psychiatrist and Assistant Professor of Psychiatry at Harvard Medical School. She was four years old when her mother took a fatal overdose after custody of her six children was not returned to her as she had anticipated. Dr. Rappaport and family law attorney William M. Levine presented a workshop on divorce, custody and suicide at the AFCC Child Custody Symposium in Cambridge, Massachusetts and part of that important workshop is presented here.

[Read more](#)

AFCC Chapter Update

AFCC currently has 13 Chapters across the U.S. and in Canada, each promoting AFCC's mission at the local level.

[Read about what some of the chapters are doing](#)

Conferences of Interest

ABA Section of Dispute Resolution

13th Annual Spring Conference
April 13–16, 2011
Sheraton Denver Downtown
Denver, Colorado

[Click here for conference brochure](#)

Association for Conflict Resolution–Family Section

2011: A Family Odyssey!
July 27–30, 2011
Hilton Minneapolis
Minneapolis, Minnesota

To submit a proposal, [click here](#). The proposal deadline is February 11, 2011.

New Research from Resolution Systems Institute (RSI)

Courtesy of Court ADR Connection

Mediation in Illinois' Cook County Circuit Court Child Protection Mediation and Facilitation Program provides the family of children in state custody with the first opportunity to voice their concerns, feel heard and discuss their children's future. This was one of the major findings of an evaluation RSI conducted of the program, which serves Chicago and its surrounding suburbs. The study looked at three areas: program performance, program process, and stakeholder assessment of mediation and understanding of its role and function within the child protection system.

[Read more](#)

[Read the RSI study](#)

April 15, 2011
Regis College, Wellesley
Street
Weston, Massachusetts
[More information](#)

Advanced Parenting Coordination Practice: Working with Parents and Children

Joan B. Kelly, Ph.D.
February 1–2, 2011
Tampa, Florida

Intractable Issues in Child Custody Disputes

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ABOUT AFCC eNEWS

Susan Storcel, J.D., Executive Director of the Cook County Child Protection Mediation and Facilitation Program and AFCC member from Chicago, Illinois, will be presenting a workshop, Growing Pains: Lessons from Developing Child Protection Mediation Programs, with Kelly Browe Olson in Orlando at AFCC's 48th Annual Conference on June 2, 2011.

AFCC Members Who Blog about Family Law

Esther Sha'anán, a family lawyer in Jerusalem
Blog: [The Missing Peace](#)

Annette Burns, a family lawyer in Arizona
Blog: [Hey Annette](#)

Richard Gould-Saltman, a family lawyer in California
Blog: [Family Law Guy](#)

If you are an AFCC member who blogs, please send a link to Leslye Hunter at lhunter@afccnet.org for possible future inclusion. All opinions in these blogs are those of the blogger. The views and opinions expressed in featured blogs do not necessarily represent those of AFCC.

FAMILY LAW IN THE NEWS

U.S. May Up Child Custody Pressure

By David Carry, courtesy of The Associated Press

Japan and India are among America's key allies. Yet to scores of embittered parents across the U.S., they are outlaw states when it comes to the wrenching phenomenon of "international child abduction."

[Read more](#)

Religious Divorce Dispute Leads to Secular Protest

By Mark Oppenheimer, courtesy of the New York Times

Mr. Friedman, an Orthodox Jew, finds himself scrutinized in the Jewish press, condemned by important rabbis, and attacked in a YouTube video showing about 200 people protesting outside his Silver Spring, Md., apartment on Dec. 19. They were angered by Mr. Friedman's refusal to give his wife, Tamar Epstein, 27 a Jewish decree of divorce, know as a get.

[Read more](#)

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

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Leslye Hunter
editor@afccnet.org

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

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Professionals dedicated to improving the lives of children and families through the resolution of family conflict



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Divorce, Custody, and Suicide: Protecting Our Clients

By Nancy Rappaport, M.D.

Together with family law attorney William M. Levine, I recently gave a presentation at the AFCC Symposium on Child Custody Evaluations entitled *Divorce, Custody, and Suicide: Protecting our Clients*. I am a child psychiatrist and Assistant Professor of Psychiatry at Harvard Medical School and I wrote a memoir, *In Her Wake: A Child Psychiatrist Explores the Mystery of Her Mother's Suicide*. This memoir has relevance to custody evaluations, as I, the youngest of six children in 1963, was four years old on the day that my mother was anticipating the court's decision to return custody of her six children to her. Instead, the judge stayed the decision and my mother went home and took a fatal overdose. We know that devastation about a custody decision reflects only the tip of the iceberg, and that there are often many other factors that contribute to suicide. That is why I went back as a child psychiatrist, mother and daughter to sort out what had happened to my mother as best I could. Part of my mission is to reach out to different populations who may have interactions either with parents who are suicidal or children who are suicidal and to provide information that can be life-saving.

Suicide statistics that are relevant in custody situations and an introduction to warning signs about suicide are critical to know as a custody evaluator. Divorced and separated adults, particularly men, are at higher risk of making a suicide attempt than married or single adults. Some of the specific factors for suicidality following marital separation include a past history of mental health problems, a history of suicide attempts, and an internalized shame. Men are at higher risk if they have loss of custody of children and a low level of social support.

During the stressful time of a custody evaluation, if you know your client is going to receive devastating information (for example losing custody of their children) it is important to establish their safety. Asking questions such as "Do you have access to a gun?" is a very important question. The combination of psychic pain, impulsivity, access to lethal means and drug or alcohol use is toxic. Sometimes when parents receive information about a custody decision, they can feel hopeless and have a sense that their relationship with their children is irrevocably damaged. They may look at suicide as a "permanent solution to a temporary problem." If someone is talking about suicide and agitated and not sleeping this is also extremely concerning.

Other aspects that may be evoked during a divorce case are the sense of being a "perceived burden." This can come up with children who may be in a horrific custody battle, they may think that their needs are burdening their parents. Sadly, they may think that there may be less tension and nothing to fight about if they are dead. Also, in cases where fathers lose custody, they may feel disconnected and have a deep sense of incompetence.

Early recognition and treatment of depression and other psychiatric illness is vital—most suicides are impulsive and occur during a short-term crisis, an acute period that can last from one to twenty four hours that may

prompt someone to make a suicide attempt. During the symposium, participants asked for a review of warning signs and lethality factors, but mainly wanted guidance about what to do once you know a client is suicidal, as it is often unclear what steps to take. Often, evaluators are afraid to ask if their client is suicidal because they may feel a responsibility to do something if the client says yes. It is always difficult to know when a patient is in imminent danger, but if they are talking about being suicidal it is prudent to increase the amount of support they have.

Here is a brief summary of factors to assess and ways to help.

Risk Factors:

- Untreated or under-treated mental illness
- Isolation or lack of social support
- Hopelessness
- Impulsivity or aggressiveness
- Unsupported financial/social loss
- Access to lethal means
- Prior suicide attempt

Warning Signs (American Foundation for Suicide Prevention, 2010):

- Observable signs of serious depression:
 - Unrelenting low mood
 - Pessimism
 - Hopelessness
 - Desperation
 - Anxiety, psychic pain and inner tension
 - Withdrawal
 - Sleep problems
- Increased alcohol and/or other drug use
- Recent impulsiveness and taking unnecessary risks
- Threatening suicide or expressing a strong wish to die
- Making a plan:
 - Giving away prized possessions
 - Sudden or impulsive purchase of a firearm
 - Obtaining other means of killing oneself such as poisons or medications
- Unexpected rage or anger

Ways to Help:

- The QPR institute teaches "Question, Persuade, Refer" courses online and in person that offer suicide prevention training to "gatekeepers" – like CPR, QPR is an emergency response to someone in crisis: <http://www.qprinstitute.com/>
- National Suicide Prevention Lifeline: 1-800-273-TALK (8255); more information at <http://www.suicidepreventionlifeline.org/>
- Don't be afraid to ask, "Are you suicidal? Are you telling me you want to kill yourself? Do you have a plan?" —people worry that by asking you may put the idea into someone's head, but it communicates that you care
- Figure out who they are willing to talk to, help them reach out to this person
- Explicitly let them know that they are not alone, that you are by their side, and that it would matter to you if anything happened to them

Nancy Rappaport, M.D., is an Assistant Professor of Psychiatry at Harvard Medical School. She is Director of School Based Programs in Child Psychiatry at the Harvard Teaching Affiliate, Cambridge Health Alliance, with a focus on servicing youths, families and staff in public schools. She is the author of *In Her Wake: A Child Psychiatrist Explores The Mystery of Her Mother's Suicide* (Basic Books, September 2009). For more information visit www.nancyrappaport.com.

To purchase an audio recording of Dr. Rappaport's and Mr. Levine's AFCC presentation from last fall's Ninth Symposium on Child Custody Evaluations in Cambridge, Massachusetts, visit [Digital Conference Providers Inc.](http://www.digitalconferenceproviders.com)

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The study included data from 164 cases referred to mediation, as well as interviews of mediation participants, judges, attorneys and program staff. Participants, particularly family members, have very positive reactions to the program. However, very few are given the opportunity to experience it. Judges and hearing officers see the value in the program, but do not often make referrals to it. The majority of judges and attorneys interviewed believed mediation could occur early on, but almost always referred cases to the program after the disposition hearing (generally two years after the children were brought into the system). This is the paradox of the program. It works well, is well-regarded by almost everyone, and the participant families find it to be a rewarding experience, but it is underutilized.

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[Read the RSI study](#)



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AFCC 48th Annual Conference

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[Register online now](#)

[View the conference program brochure](#)





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President's Message

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



I was driving to court recently for a highly contentious, teenage never-married-parent case when my favorite radio station played, within a short period, two old favorites that seemed highly appropriate to the day: Meat Loaf's 1977 classic, "Paradise By the Dashboard Light" and Bob Seger's memorable 1976 "Night Moves"—both of which still very accurately depict teenage hormonal rages while "tryin' to make drive-in news." I spent the rest of the trip to the courthouse thinking about my prior discussions with healthcare co-workers years ago about how to effectively deal with teen pregnancies:

how to help people in their teens and early twenties realistically prepare to be in relationships, and to become caring and effective parents.

The father in the upcoming court case was still eighteen, and this fight was over the third child he had conceived with three different teenage mothers. There were two previous daughters, and this time the child was a boy, which seemed to make a huge difference to the teen father and to his own mother, who wanted to take the infant in to rear him herself, insisting that the newborn's mother and her extended family members would be bad influences on the child.

My thoughts then went back to my own teenage years, in which I grew up in a very traditional American household: my father commuted to work in a larger city, my mother remained at home and prided herself on producing a large dinner every evening at exactly 6:00 pm, and my older sister regularly complained about having to work instead of becoming happily married. I vaguely knew of two pregnancies in my high school class—both mothers who were popular, high academic achievers—but they quickly vanished to move in with extended family members in other states, and we never saw them again. The fathers both remained in class and enjoyed an aura of mystery and maturity.

It was while I was in seminary in Berkeley, California, that the feminist movement began to take hold in the US; and I still remember the female seminarian classmate who would purposely step on my feet if I ever tried to walk on the traditional curbside next to her on the way to classes. The first issue of *Ms. Magazine* was an eye-opener to me; and when I sent a birthday card to my older, then-married sister that was addressed with the becoming-standard "Ms." prefix on the envelope, she angrily admonished me that she had worked hard to become a wife and wanted to be known as "Mrs."—a stance that eventually changed with the times.

That seminary, considered the most liberal one in the denomination, favored their seminarians using the construct "he or she" in the classroom, rather than just the male pronoun; and soon I began to realize that I was thinking along different lines. As I knew from my English Literature major in college, language does make a significant difference to one's thought processes, and my early-life traditional assumptions began to be challenged fairly regularly.

I see never-married-parents pretty regularly in court. They often seem to possess few communication skills, and their childrearing concepts seem woefully undeveloped. What can family law practitioners, mental health professionals and parenting education providers offer to change these poor parenting skills that seem to be passed on from generation to new generation? Going back to the eighteen-year-old father I was about to see in the hearing, what can courts do to re-focus young parents on what is in their new child's best interests, rather than simply considering their own unrealistic desires?

A large part of this equation is how gender roles and traditions are viewed by different generations and within different cultures. We have a tremendous opportunity to consider this fundamental question in the legal framework during AFCC's 48th Annual Conference, *Research, Policy and Practice in Family Courts: What's Gender got to do with it?* in Orlando, June 1-4, 2011. I hope you will join me there to explore the more subtle nuances of our family law work, and new ways we can come to understand why parents act and react to gender-based differences in the ways they do. Be prepared to think and reconsider long-held beliefs...but, also be prepared to play, since this will be the beginning of summer, and you and your family will be enjoying the Magic Kingdom!

—Bob Smith, AFCC President

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AFCC Member Profile

Allan Barsky, J.D., M.S.W., Ph.D.



What position do you currently hold?

Professor, School of Social Work, Florida Atlantic University at Boca Raton.

What does your current position entail?

As a professor of social work, I am involved in the usual teaching, research, and community service expected of an academic. I particularly enjoy teaching a conflict resolution course, as well as writing books and articles about conflict resolution. My interest in mediation, negotiation, advocacy and other methods of conflict resolution extends to other courses, including professional ethics and social work

practice with individuals, families, and groups. I also serve on the National Association of Social Workers' National Ethics Committee.

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

After two years of undergraduate studies in business, I was accepted into the law program at the University of Toronto in 1981 (wow, I just realized that it was 30 years ago). I took some interest in family law, but at the time, the law school only taught the traditional, adversarial practice. Shortly after graduation, I went to the Wurzweiler School of Social Work in New York where I became involved in mediation—first, community mediation at the Brooklyn Mediation Center and then with a Children's Aid Program. I returned to Toronto where I began working as a family mediator in a provincial court program. In 1990, I started a doctoral program with Dr. Howard Irving as my faculty advisor and mentor. I have Howard to thank for his inspiration and for getting me involved with the Ontario Association for Family Mediation, eventually as its president.

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

In the "olden days" many people fell into family mediation as a second or third career because family mediation and mediation training were not available when they began their careers. Now, there are so many educational and training opportunities in mediation and other forms of family dispute resolution that it is important to explore all different paths to a career in this field. I suggest talking to people who have different backgrounds to see which path—including what knowledge base, skill set, professional values, and credentialing—might work best for you.

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

One of the greatest challenges in family law is how to deal with that small percentage of families who continue to engage in high conflict and lots of involvement with the court system long after their separation or divorce. Various family law professionals with very good intentions have experimented with mediation, custody evaluations, parenting coordination, med-arb and other creative approaches, but we're still not there for many families. In some cases, well-intentioned practitioners may be unintentionally contributing to the children's and family's problems. Perhaps we need "transformation" at a societal level, not just development of new models for helping separating families on a case-by-case basis.

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

I would like to see the United States (federally and state-wise) give same-sex couples the same legal recognition, rights, and obligations as are currently given to different-sex couples who can currently obtain a civil marriage. I would like to see this in less than 10 years. I would also like to see a day when children of same-sex couples are given the same protections—legally and socially—as those given to children of different-sex couples. Many people do not realize how homophobia in family law or among family law practitioners (including judges) can have a negative impact on children.

What aspect of your work do you enjoy the most?

I love the enthusiasm of students and practitioners who are learning new skills, strategies and approaches to conflict resolution. I love their energy, creativity and willingness to take risks.

How did you first learn about AFCC? When was that?

I learned about AFCC when I moved to New York in 1986.

What do you like most about AFCC?

What I appreciate most about AFCC is that little “unsubscribe” link that they put at the bottom of their emails. I pay an annual fee to be a member of AFCC, to receive their emails, to keep up-to-date on the latest happenings, and to find out about upcoming conferences, books, and other resources. So why would AFCC ask me each time if I'd like to unsubscribe? I think it's because AFCC does not take its members for granted. The entire administration and staff is very member-oriented, doing whatever they can to make sure that we are well served in all aspects of the association. I'm not planning on using that unsubscribe link, but it's nice of AFCC to offer.

What is your proudest personal achievement?

My family—my daughter Adelle (7 1/2) and my husband Greg (he asked me not to give his age).

What do you enjoy doing in your free time?

Living in Lauderdale by the Sea, I enjoy watching the sun rise over the ocean, going for a swim, kayaking, dancing at an outdoor concert, or simply walking along the beach with my family.

Tell us something about yourself that your AFCC colleagues don't know or answer a question that you wish I had asked.

Something that most of my AFCC colleagues don't know about me—unless they have sent me an edited revision with red and green mark-ups—is that I am color blind.



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

The issue of gender gives rise to many difficult questions in family law: Do professionals treat men and women differently? Should young children have a primary residence or should equal parenting time be the norm? Does social science support the case for mothers, fathers, both, or neither? How do gender issues impact same-sex parents? How does the impact of domestic violence differ for men and women? Does a parent's gender make more of a difference if the children are boys, girls, infants, toddlers, or adolescents? Gender seems to be at the heart of many challenges for family law professionals, but what lies beneath the surface?

These and many other questions will be addressed in this exciting program, featuring nearly 90 conference sessions to choose from, including two plenary sessions and your choice of six all-day pre-conference institutes. This year's Opening Session—*Gender and Domestic Violence: A Scientific Appraisal* will address the relationship between gender and domestic violence from differing viewpoints on the subject of intimate partner violence while also exploring this research's application for policy and practice. Friday morning's Plenary Session—*Parenting, Separation and Divorce: What's Gender Got to do with it?* will address some of the many challenging questions about the role of gender in contemporary parenting, separation and divorce.

Reserve a Room at the Conference Hotel

The Hilton Orlando Bonnet Creek Resort is a beautiful new resort, surrounded by Disney and 120 acres of wildlife preserves. Hotel guests will enjoy complimentary shuttle service to Disney parks. The AFCC room rate is \$160 per night single or \$180 per night double accommodations. The adjacent Waldorf Astoria Orlando is offering a special AFCC rate of \$210 per night single and \$230 per night double accommodations. **All rooms are subject to availability and early reservations are strongly encouraged to ensure a room at these great rates.**

Make hotel reservations:
[Hilton Orlando Bonnet Creek Resort](#)
[Waldorf Astoria Orlando](#)

Scholarships are Available

Conference scholarships include registration fees for the conference, one full-day pre-conference institute, a ticket to the awards luncheon and annual banquet, networking functions and a certificate of attendance. Conference scholarship recipients are responsible for funding their own travel, lodging, additional meals and other related expenses. A limited number of scholarships will also include a travel stipend of US \$1,000. Preference for these scholarships will be given to applicants with higher travel costs, international applicants and applicants who show financial

need. **The application deadline is March 1, 2011.**
[Online Scholarship Application and Criteria](#)

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AFCC Chapter News

Arizona Chapter

The AFCC Arizona Chapter's Summit Project is very close to completion. The Summit has resulted in a comprehensive report, *Parenting Communication Resources in High-Conflict Cases*, with resources for judges, attorneys, parenting coordinators, mediators, educators and others who work with high-conflict parents. Communication tools offered in the report include the child news report, the exchange of a parenting notebook, the creation of a twelve-month parenting time calendar (and various resources to do this), how to handle scheduling conflicts or the need for flexibility, specific problems concerning education or medical decisions and scheduling, and specific communication methods such as guidelines for texting and email, internet tools and resources.

The brochure for the Arizona Chapter's Annual Conference, *Parenting Harmony: Creating a Symphony of Resources*, in Sedona, January 28–30, 2011, is available on the [chapter website](#). The pre-conference institute features Nancy Olesen, Ph.D. and Margaret Lee, Ph.D, and is titled, *Child Abuse and Domestic Violence*; the plenary session features Jeffrey Zeig, Ph.D. presenting *Emotional Impact: What Attorneys, Psychologists and Behavioral Health Professionals can learn from film makers and social psychologists*. There will be a "town hall" titled, *The Fundamental Right to Parent*, where the conflict between constitutionally protected rights of parents to parent their children and the court's obligation to protect the best interests of children will be discussed.

For more information, visit the chapter's [website](#).

Louisiana Chapter

The AFCC Louisiana Chapter is increasing membership and gaining recognition by state lawmakers and institutions. AFCC-LA Board Member, Hon. Pamela Baker (19th Judicial District Family Court), chairs the Family Court Committee for the Louisiana State Law Institute. This multidisciplinary committee has worked for more than a year researching the feasibility of creating family courts throughout the state. On December 18, 2010, Judge Baker presented the committee's findings at the annual Louisiana State Law Institute meeting. The Institute commended the committee and approved a policy supporting the creation of family courts "where needed and wanted in Louisiana."

The first annual conference was held on January 14, 2011 in Baton Rouge. Dr. Arnie Shienvold presented a six-hour workshop on mediation skills. The conference was held at the LSU Law Center's Mediation Clinic and included the first statewide meeting where hosting area lunch-and-learns throughout Louisiana was discussed.

Massachusetts Chapter

The AFCC Massachusetts Chapter is co-sponsoring the Massachusetts Continuing Legal Education's annual *Sophisticated Issues in Western Massachusetts* training. The program will address the complicated issue of meeting the ethical requirement of zealous representation in the context of the trend toward non-adversarial resolutions of family law disputes. How do lawyers stay within ethical boundaries when employing problem-solving approaches to their domestic cases? What does "zealous representation"

really mean? Is it safe to take into consideration the client's child's interests?

There will be presentations by James DeGiacomo, Esq. and Constance Vecchione, Esq., bar counsel, on the history and definition of zealous representation. Massachusetts Chapter President, David Medoff, Ph.D., will discuss the psychology of a person facing divorce or separation, and how lawyers can be effective with even the angriest client without mirroring the client's behavior. Other AFCC members participating in the training are Hon. Linda Fidnick, Hon. Geoffrey Wilson, Chief Justice Paula Carey, Alexander Jones, Esq., Hon. Anne Geffrion and Hon. Richard Simons.

The Chapter's annual conference *Parental Alienation: Not Just Another Custody Case*, with keynote speaker Richard Warshak, Ph.D., will be in Weston, Massachusetts, on April 15, 2011.

For more information, visit the chapter's [website](#).

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ASK THE EXPERTS

Child Support—Did You Know?

Employers often have questions concerning the income withholding orders they receive that are not being enforced by state child support enforcement agencies. These orders are usually issued by the court, an attorney or in some cases, by the custodial party. The Federal Office of Child Support Enforcement (OCSE) assists employers in finding answers to their questions, including the ones most frequently asked below. The list of questions and answers along with statutory references when appropriate may be helpful to assist the judiciary in ensuring prompt payments to families with children.

1. Are attorneys and courts required to use the Office of Management and Budget (OMB)-approved Income Withholding for Support (IWO) form?

Yes, all entities issuing income withholding orders or notices are required to use the federal form (42 U.S.C. §666 (b) (6) (A) (i) and (ii)) promulgated by the Secretary of Health and Human Services. A fillable PDF version of the IWO may be found on the OCSE website at <http://www.acf.hhs.gov/programs/cse/forms/>.

2. Must all employer-withheld payments be sent by the employer to the state disbursement unit (SDU)?

Yes, child support payments payable by income withholding must be sent by employers to the state's centralized facility for collection and disbursement of child support payments, also known as the state disbursement unit (SDU), for the receipt of child support (42 U.S.C. §666 (b) (5) and (b) (6) (A) (i)). The obligor may be ordered to make direct payments to the obligee; the employer, however, may not be ordered to make payments directly to the obligee.

3. May the amounts ordered for child support payments be expressed as percentages?

No, payment amounts must be expressed as "sums certain." This allows accurate accounting of amounts owed and paid through the SDUs. The OMB-approved IWO form allows only dollar amounts to be entered in the appropriate fields for current support, arrears, etc.

4. How should we handle orders with variable terms or those mandating changes for different time periods or levels of visitation?

Requirements that payment amounts change during the year or as a result of visitation work well when ordering direct payments from the noncustodial parent to the custodial party. However, frequent or manual handling of payroll exceptions each pay period are onerous to employers and should be avoided; the Social Security Act requires that states simplify the income withholding process (42 U.S.C. §666 (b) (6) (B)). Any changes to payment amounts or other terms must be done by issuing an amended IWO to the employer.

5. What does this order say?

Non-standard orders may be difficult to read and understand. Use of the OMB-approved IWO form alleviates this concern since employers are

familiar with the form and understand how to read and apply the information in that format.

6. How important are child support payments to families?

In 2009, the child support enforcement program collected \$24.7 billion that was distributed to families and children.

Urban Institute researcher Elaine Sorensen found that "in 2007, among custodial families who received child support, family earnings accounted for, on average, 43% of total family income, child support accounted for 40% of total family income, and other income accounted for 17%." The U. S. Census Bureau data shows that in 2007 one quarter of single-parent households had family income below the poverty level. The child support enforcement program, along with Earned Income Tax Credits and the Supplemental Nutrition Assistance Program (formerly the Food Stamp program), is a major source of financial stability to families.

7. How important are employers/income withholders in ensuring that payments are withheld from the earnings and income of noncustodial parents and sent to the children and families?

Employers/income withholders remit nearly 70% of all child support payments collected nationally through the SDUs. Within 2 days of receipt from employers, the SDUs send payments to families and children—making it the most efficient method of ensuring speedy payment delivery to families.

8. Where may I obtain more information about the child support program in general and about specific information targeted to the courts?

Information about the child support program may be found by visiting [OCSE's website](#). Court-specific information can be found at <http://www.acf.hhs.gov/programs/cse/courts.html>. The National Electronic Child Support Resource System (NECSRS) is available at <https://ocse.acf.hhs.gov/necsr/> and is an Internet search engine that helps users rapidly access resources from the federal, state and tribal child support programs, state and tribal contacts and includes a glossary of child support related terms.

For more information, please contact Cindy Holdren at cynthia.holdren@acf.hhs.gov or (240) 676-2808.

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